

**PB 17-02  
CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to revise the Signage Ordinance to be in compliance with *Reed v. Town of Gilbert, Arizona* and Chapter 10: Definitions and Measurement to provide consistency between the signage standards and the relevant definitions.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 5. Development Standards, Section 5.12.1. Purpose and Intent is amended by adding the following underlined language and renumbering accordingly:

**5.12.1. Purpose and Intent**

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The purpose of this section is to support and compliment the various land uses allowed in Currituck County by the adoption of regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets, as well as protect the public investment in such streets. The provisions of this section are also intended to:

- A.** Promote the reasonable, orderly, and effective display of signs, displays, and devices;
- B.** Protect the public welfare as well as land values by preserving the aesthetic qualities of the unique natural environment;
- C.** Preserve the county’s environment from excessive and obtrusive signs;
- D.** Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;
- E.** Promote the efficient transfer of general public and commercial identification or information and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs;
- F.** Preserve the environment from excessive and obtrusive signs in support of the county’s resort and tourism industry; and
- G.** Enhance the image, appearance, and economic vitality of the community.
- H.** Allow non-commercial speech anywhere that commercial, advertising or business signs are permitted.

**Item 2:** That Chapter 5. Development Standards, Section 5.12.2 Prohibited Signs is amended by adding the following underlined language and removing the strikethrough language:

**5.12.2 Prohibited Signs**

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The following signs are prohibited:

- A.** Off-premise advertising signs (billboards), including digital billboards, except as otherwise provided by this Ordinance;

- B.** Signs located within the sight distance triangle or public right-of-way (without an approved NCDOT encroachment agreement);
- C.** Signs attached to the structure of a lawfully permitted sign, without a permit, except as otherwise provided by this Ordinance;
- D.** Signs attached to any traffic sign, utility pole, or tree, except as otherwise provided by this Ordinance;
- E.** A sign that by its location, color, illumination, size, shape, nature, or message would obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies;
- F.** Signs that emit a sound, odor, or visible matter such as smoke or vapor;
- G.** Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature;
- H.** Banners, inflatable signs or balloons, flags (except those exempted by this Ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards;
- I.** Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for suspended signs intended for pedestrians and flags as described in this Ordinance;
- J.** Roof signs;
- K.** Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles;
- L.** Internally-illuminated signs (other than window signs) on lots located on the Outer Banks; and
- M.** ~~Portable signs and~~ Mobile marquee signs on lots in the Outer Banks.

**Item 3:** That Chapter 5. Development Standards, Section 5.12.4 Signs Exempted from Sign Permit Requirements is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

#### **5.12.4 Signs Exempted from Sign Permit Requirements**

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~~The signs in Table 5.12.4;~~ The following non-illuminated signs are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.8, Maintenance Standards, and the standards in this ~~sub~~-section.

##### **A.** Non-Commercial Signs

- (1)** One temporary sign may be placed on a property at any time provided the sign does not exceed eight square feet in area and four feet in height.
- (2)** One additional temporary sign may be placed on a property that is actively listed or offered for sale. Such sign shall be removed within five days following the sale date of the property. The sign shall not exceed eight square feet in area and four feet in height.

- (3) One additional temporary sign may be placed on a property where an active, unexpired building permit has been issued by the County. Such sign shall be removed within ten days after the issuance of a certificate of compliance. The sign shall not exceed eight square feet in area and four feet in height.
- (4) Up to three additional temporary signs may be placed on a property for a period of 30 days prior to an election involving candidates or an issue on the ballot of an election. Such signs shall be removed within ten days of the conclusion of the election. Each sign shall not exceed eight square feet in area and four feet in height.
- (5) One additional temporary sign may be placed on a property with road frontage greater than 160 feet and an additional temporary sign may be placed for each additional 100 feet of road frontage provided that each additional sign shall not exceed 32 square feet in area and 10 feet in height; and the signs maintain a minimum spacing of 50 feet.
- (6) One additional sign may be placed on a property with a compliant home occupation. The sign shall not exceed six square feet in area and four feet in height if freestanding or eight feet in height if wall-mounted.
- (7) A property owner may place wall signs on a building such that the signs shall not singularly or collectively exceed 14 square feet in area and 20 feet in height.
- (8) Flags and Banners
  - (a) Up to four flags are permitted per major subdivision, existing PUD or Planned Development entrance. Subdivision flags shall not exceed 24 square feet in area and 20 feet in height.
  - (b) Up to one additional flag and one banner, not to exceed 30 square feet in area or 10 feet in height is permitted at a model home location within a major subdivision, existing PUD or Planned Development.

**B. On-Premise Signs located in Business and Mixed-Use Zoning Districts**







- (1) Window Signs
  - (a) Window signs shall not exceed 25 percent of the total window area that contains the sign, except that trademark and merchandise displayed for sale shall not be included in the total window sign area.
- (2) Temporary Signs and Flags located on the Mainland
  - (a) Limited to a maximum of two per lot; sign area shall not singularly or collectively exceed 40 square feet; sign height shall not exceed ten feet; signs shall be setback ten feet from side and rear lot lines.
  - (b) Up to five flags are permitted per lot; each flag shall not exceed 20 square feet in area.
- (3) Temporary Signs and Flags located on the Outer Banks
  - (a) Sign type shall be limited to sandwich board signs.
  - (b) Each business unit may have one temporary on-premise sandwich board sign.

- (c) The sign shall not exceed eight square feet in area and four feet in height.
- (d) The sign shall be located on an existing sidewalk or deck and immediately adjacent to the entrance of the business installing the sign.
- (e) The sign shall comply with the outdoor display requirements of Section 4.3.3.P where applicable.
- (f) The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area).
- (g) The sign shall be removed if the business is closed on three or more consecutive days.
- (h) One flag allowed per business. Flag shall be anchored to the wall, deck support post, or railing (if a support post is not available) of the building and shall not exceed 15 square feet in area or 20 feet in height.

**C. Roadside Market Signs**






- (1) May be erected up to 30 days before the seasonal opening of the establishment, and shall be removed within 30 days of the seasonal closing.
- (2) Sign area shall not exceed 32 square feet.
- (3) Sign height shall not exceed ten feet.

**TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS**



SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Contractor Sign		<p>Limited to one sign per lot. Must be removed prior to completion of construction or occupancy of the building or site. May not be installed prior to issuance of a building permit or commencement of work.</p>	<p>Mainland: 32 Outer Banks: 8</p>	<p>Mainland: 10 Outer Banks: 4</p>
Cottage or House Name		<p>Limited to one sign displaying the name of a cottage or house.</p>	<p>12</p>	<p>20</p>
Development Entrance Sign		<p>Limited to a maximum of two signs per entrance on the mainland and one sign per entrance on the Outer Banks.</p>	<p>Mainland: 60 Outer Banks: 48</p>	<p>Mainland: 15 Outer Banks: 6</p>
Directional Sign, Institutional or Historic Property		<p>Up to one off-premise directional sign (arrow type) may be placed at an intersection pointing toward the institutional or historic site. These signs may not be internally illuminated.</p>	<p>8</p>	<p>8</p>
Flag, Commercial		<p>Flags shall be anchored to the wall, deck support post, or railing (if a support post is not available).</p>	<p>Mainland: 5 per lot; 20 Outer Banks: 1 per business; 15</p>	<p>20</p>
Flag, Subdivision		<p>Up to four per major subdivision entrance. Up to one additional model home flag and one 30 square foot banner is allowed at a model home location.</p>	<p>24</p>	<p>20</p>



**TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS**

SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Home Occupation		Limited to one sign per home occupation, and may only include business name, location, telephone number. Sign shall not be illuminated.	6	4
Incidental Sign		Limited to property numbers, post office box numbers, names of occupants of premises, or directions guiding traffic and parking on private property.	4	5
For Rent, Cottage	<p>OH 11</p> 	Limited to one on-premise "For Rent" sign.	2	20
Political Sign		May not be on site more than ten days following the election or conclusion of the campaign.	32	10
Real Estate, Subdivision		Must be located within the boundaries of the subdivision and be spaced at least 500 feet from another prospective development sign. No more than one sign shall be placed within a subdivision on the Outer Banks.	Mainland: 75 Outer Banks: 32	Mainland: 10 Outer Banks: 6
Real Estate, Commercial		Up to one on-premise, free-standing "For Sale" sign per lot.	32	8

**TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS**

SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Real Estate, Residential lot		Up to one on-premise, free-standing "For Sale" sign per lot.	8	4
Roadside Market Sign		May be erected up to 30 days before the seasonal opening of the establishment; and shall be removed within 30 days of the seasonal closing.	32	10
Sandwich/Tent Sign	 <p>(delete photo)</p>	Allowed only in the Outer Banks. Each business unit may have one temporary double-sided on-premise sign, provided: 1. The sign shall be located on an existing sidewalk or deck, and immediately adjacent to the entrance of the business installing the sign and comply with the outdoor display requirements of Section 4.3.3.P where applicable; 2. The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area). 3. The sign shall be removed if the business is closed on 3 or more consecutive days.	8	4
Temporary Sign (On Premise)		Limited to a maximum of two per lot on the mainland; prohibited on the Outer Banks. Must be 10 feet from side or rear lot lines and outside sight triangles.	Up to 40 total	10
Window Signs		Shall not exceed 25 percent of the total window pane area that contains the sign; except that trademark and merchandise displayed for sale shall not be included in the total window sign area.		

**Item 4:** That Chapter 5. Development Standards, Section 5.12.6 Specific Sign Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

**5.12.6 Specific Sign Standards**

The following signs are permitted with a valid sign permit (see Section 2.4.10):

**A. Freestanding Signs**

Freestanding signs for on properties with approved non-residential Agricultural, Commercial or Industrial uses shall comply with the standards in Table 5.12.6.A, Freestanding Signs:

<b>TABLE 5.12.6.A: FREESTANDING SIGNS [1]</b>		
<b>STANDARD</b>	<b>ON MAINLAND [2]</b>	<b>ON OUTER BANKS</b>
Maximum Number	1 per frontage of 500 feet or less; Up to 2 for frontages over 500feet	1 per lot
Minimum Spacing	100 feet between signs serving same development or approved access points	
Maximum Area [3]	128 square feet for frontages of 160 square feet or less; 160 square feet for frontages over 160 feet	48 square feet
Minimum Setback (from ROW)	10 feet for signs taller than 10 feet	
Maximum Height	20 feet	8 feet

NOTES:

[1] Freestanding signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**B. Institutional Signs**

(1) Schools, religious institutions, and other public uses Institutional signs located in Business and Mixed-Use Zoning districts shall comply with the standards of Table 5.12.6.A. Institutional signs located in Residential and Special Base Zoning districts shall be limited to may include one freestanding on-premise sign not exceeding 48 square feet in area or 8 feet above natural grade.

(2) Up to one off-premise directional sign (arrow type) with a maximum sign area of 8 square feet and a maximum height of 8 feet may be placed at an intersection within one mile of the property. These signs shall not be internally illuminated.

**C. Message Board Signs**

Message board signs shall comply with the following standards:

- (1) Electronically-controlled signs are prohibited in the Outer Banks.
- (2) No more than 50 percent of a sign's maximum area can be occupied by a message board, reader board, or electronically controlled message sign.
- (3) Except for time and temperature signs, the message shall remain stationary for at least five seconds.

**D. Off-Premise Directional Signs**

**(1) Applicability**

The standards in this section shall apply to businesses existing prior to January 1, 2013 located in a Business and Mixed-Use Zoning District adjoining the Currituck Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

**(2) Prohibited**



Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations; and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street.

**(3) General**

- (a) Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.
- (b) Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.
- (c) Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.
- (d) A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.
- (e) Off-premise directional signs shall not exceed 64 square feet in area and 15 feet in height.
- (f) Off-premise directional signs shall not be located within the sight triangle.
- (g) Off-premise directional signs shall not contain an electronic message board.

**E. Pennant, and Streamer and Banner Signs**

- ~~(1) A sign permit (see Section 2.4.10) for the pennants, streamers, is required, at no cost, in order to establish the start/finish date of the display.~~
- (2) Pennant, and Streamer and Banner signs are prohibited on the Outer Banks.
- (3) Pennant, and Streamer and Banner signs shall not be attached to a street sign or telephone pole and shall not encroach into the street right-of-way.
- (4) Pennant, and Streamer and Banner signs are only permitted for maximum of 30 days for each of the following events:
  - (a) Grand openings;
  - (b) Seasonal openings (for those businesses who are closed during one or more seasons); or
  - (c) Going out of business.

**F. Shopping Center Signs**

Signs associated with a shopping center shall comply with the requirements in Table 5.12.6.F, Shopping Center Signs:

**TABLE 5.12.6.F: SHOPPING CENTER SIGNS [1]**

STANDARD	ON MAINLAND [2]		OUTER BANKS
	Freestanding Signs	Freestanding Signs- Outparcels	Freestanding Signs
Maximum Number	1 per street frontage; up to 2 for frontages over 500 feet		
Minimum Spacing	100 feet between signs serving same development or approved access points		
Maximum Area [3]	3 to 10 establishments: 200 square feet; More than 10 establishments: 300 square feet	64 square feet	80 square feet; 24 square feet for secondary road frontages; 32 square feet for outparcels
Minimum Setback (from ROW)	10 feet for signs taller than +0 <u>12</u> feet		
Maximum Height	25 feet	10 feet	12 feet Outparcel: 6 feet

NOTES:

[1] Shopping center signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**G. Special Event Signs**

A special event sign is for identifying a special event ~~or other noncommercial event~~, on or off premise, and may be approved as part of a temporary use permit (see Section 2.4.11), subject to the following standards:

~~(1) The following shall be allowed on the mainland:~~

~~Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or  
Up to 60 signs, each with a maximum area of 6 square feet;~~

**(21)** Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed ~~on the Outer Banks;~~

**(32)** On the mainland, such signs may be erected up to 17 days before the event, and shall be removed within 8 days after the event;

**(43)** On the Outer Banks, such signs may be erected up to ~~three~~ seven days before the event and shall be removed within two days after the event.

**H. Wall Signs**

Wall signs shall comply with the following standards:

**(1)** Wall signs shall be anchored directly to the wall, to the maximum extent practicable, and shall not be painted on a wall's surface.

**(2)** Wall signs shall not project or be offset more than 12 inches from the wall it is mounted to.

**(3)** Walls signs shall not extend above the roof line.

**(4)** Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or an entrance. In no instance shall a wall sign directly face adjacent a single-family dwelling located within a residential zoning district.

- (5) Maximum wall sign area shall be in accordance with Table 5.12.6.G-H, Wall Sign Area:

TABLE 5.12.6.G H: WALL SIGN AREA		
LOCATION	MAXIMUM SIGN AREA SIZE	
	SHOPPING CENTERS	ALL OTHER NONRESIDENTIAL USES
Mainland Currituck County, including Knotts Island and Gibbs Woods	20 percent of the wall area <u>to which the sign is fastened</u> , not to exceed 400 square feet	
Outer Banks	32 square feet per <u>wall of a business or business unit</u> ; 54 square feet for businesses over 5,000 square feet in area.	

**I. Development Entrance Signs**

Development Entrance Signs shall comply with the requirements in Table 5.12.6.I, Development Entrance Signs

TABLE 5.12.6.I : DEVELOPMENT ENTRANCE SIGNS [1]		
STANDARD	ON MAINLAND [2]	OUTER BANKS
<u>Maximum Number</u>	<u>2 per entrance</u>	<u>1 per entrance</u>
<u>Maximum Area [3]</u>	<u>60 square feet</u>	<u>48 square feet</u>
<u>Minimum Setback (from ROW)</u>	<u>10 feet for signs taller than 10 feet</u>	
<u>Maximum Height</u>	<u>15 feet</u>	<u>6 feet</u>

**NOTES:**

[1] Development entrance signs shall be landscaped in accordance with Section 5.12.7

[2] Includes Knotts Island and Gibbs Woods

[3] Per individual sign

**Item 5:** That Chapter 5. Development Standards, Section 5.12.8 Maintenance Standards is amended by adding the following underlined language, removing the strikethrough language, and renumbering accordingly:

**5.12.8. Maintenance Standards**

**A. Sign Permit Required**

- (1) Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, illuminate, or replace any sign, without first having obtained a sign permit in accordance with Section 2.4.10.
- (2) No use shall arbitrarily attach a sign to the structure of a lawfully permitted sign without prior approval of a sign permit in accordance with Section 2.4.10.

**B. Indemnification**

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify Currituck County, its officers, agents, and employees against any and all claims of negligence resulting from such work.

**C. Properly Secured**

- (1) All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
- (2) All signs shall be adequately secured and stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (3) Flags shall be attached to a singular pole or building and shall have no other means of support (i.e., be free-flying).

**D. Illumination**

- (1) Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.
- (2) A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
- (3) Sign lighting shall not exceed 15 foot-candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.
- (4) Sign lighting shall be full cut-off.

**E. Durable Materials**

- (1) All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if, in the opinion of the Planning Director, the sign does not meet the spirit of this Ordinance.
- (2) Except for awnings, signs constructed with fabric, cardboard, or paper are prohibited.
- (3) Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
- (4) Flags that are shredded, torn, tattered, or frayed must be replaced or removed upon written notification from the Planning Director.

**F. Clearing of Vegetation**

No person shall, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the NCDOT;
- (2) On land that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or



- (3) In any area where trees or shrubs are required to be preserved, subject to the standards in this Ordinance or a prior development approval.
- (4) The area within ten feet in all directions of any part of a sign shall be kept clear of all debris.

**G. Discontinuance**

- (1) A sign ~~that includes a reference to a~~ located on the property of a closed establishment shall remove ~~the sign copy reference to the closed establishment~~ within 30 days of the date of business closure. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.
- (2) If the message portion of a conforming sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.
- (3) Signs unlawfully placed in any street right-of-way or on any public land, including signs affixed to street and traffic signs or public utility poles, may be removed by the Planning Director without notice in accordance with Section 9.6.I.H, Removal of Signs from Street Right-of-Way.

**Item 6:** That Chapter 10. Definitions and Measurement, Section 10.5 Definitions is amended by adding the following underlined language and removing the strikethrough language:

**10.5 DEFINITIONS**

**SIGN, AWNING**

Any message printed on an awning.

**SIGN, BANNER**

A sign constructed of plastic or fabric of any kind that is attached to supports, a framework or a flat surface.

~~**SIGN, COMMUNITY EVENT**~~

~~A temporary sign announcing a specific occurrence taking place within the overlay district.~~

**SIGN, COMMUNITY IDENTIFICATION DEVELOPMENT ENTRANCE**

A freestanding sign located at the entrance of a designated residential ~~area~~ identifying the name of the community.

**SIGN, CONTRACTOR**

~~A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.~~

## **SIGN, COTTAGE**

~~A sign placed on a dwelling displaying the name of the house or cottage.~~

## **SIGN, DIRECTIONAL**

~~An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic.~~

## **SIGN, FLAG OR FEATHERFLAG**

~~Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device for the purpose of advertisement.~~

## **SIGN, FREESTANDING**

~~A permanent sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.~~

## **SIGN, GOVERNMENTAL**

~~A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.~~

## **SIGN, INFLATABLE**

~~Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.~~

## **SIGN, INSTITUTIONAL**

~~A free-standing sign located on property that contains a use classified as an Institutional Use in Table 4.1.1.~~

## **SIGN, LANDSCAPING**

~~A sign placed on the lawn of a residential or commercial property advertising the company that landscapes and maintains the property.~~

## **SIGN, MOBILE MARQUEE**

~~Any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign.~~

## **SIGN, NONCONFORMING**

~~Any sign that does not meet one or more of the requirements of this Ordinance as of the effective date of this Ordinance.~~

## **SIGN, OFF PREMISE**

~~A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this article. Billboards are examples of off-premises signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the Federal, State, County government or their public agencies.~~

## **SIGN, OFF PREMISE DIRECTIONAL**

~~An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located.~~

## **SIGN, ON PREMISE**

~~A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product,~~

accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premises signs may exist or otherwise be subject to the requirements of this article regarding such signs. Ground signs and directional signs are examples of on-premises signs.

### **SIGN, OPEN HOUSE**

~~A sign placed along the highway pointing toward a model home or a home that is for sale or placed in front of the home for sale and open for public viewing.~~

### **SIGN, PENNANT OR STREAMER**

Any lightweight plastic, fabric or other material, suspended from a rope, wire, or string, or supported by a pole usually in series designed to move in the wind.

### **SIGN, POLITICAL**

~~A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.~~

### **SIGN, PORTABLE**

~~A sign that is not permanent, affixed to a building, structure, or the ground (e.g., sandwich/tent signs):~~

### **SIGN, REAL ESTATE**

~~A sign placed on a property for sale, identifying the real estate company or agent and a phone number.~~

### **SIGN, RENTAL**

~~A sign placed on a residentially zoned building that is in a rental program offered by a rental company or private owner.~~

### **SIGN, ROADSIDE MARKET**

A temporary sign located on property of approved roadside markets.

### **SIGN, ROOF**

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

### **SIGN, SANDWICH BOARD /TENT**

A temporary sign regulated by season consisting of two sign faces placed together at an angle of ninety (90) degrees or less to form an "A" shape which tapers from a wide base to a narrow top.

### **SIGN, SUSPENDED**

A sign hanging down from a marquee, awning, or porch that would exist without the sign.

### **SIGN, SECURITY**

~~A sign placed on the lawn of a residential or commercial property advertising the company that provides security services for the property.~~

### **SIGN, TEMPORARY**

A sign not permanently mounted to a building or into the ground. To be deemed permanently mounted, a sign must be (a) attached or secured by bolting, welding, molding, nailing, concrete or similar mechanisms; and (b) made of materials enabling the sign to maintain its structural

~~integrity and the clarity of its graphics through the passage of time and weather. or advertising display designed or intended to be displayed for a short period of time.~~

## **SIGN, WALL**

A sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Railing, suspended and awning signs are also included in this definition.

## **SIGN, WINDOW**

Any sign attached to the window glass of a commercial building.

### **Item 7: Statement of Consistency and Reasonableness**

The requested text amendment is consistent with the 2006 Land Use Plan because:

- It includes standards to enhance community appearance and create a quality business image by regulating sign quantity, area, height, lighting and maintenance. (LUP POLICY CA4)
- It recognizes and protects the community image benefits of the Major Highway Corridors thorough continuing to incorporate sign number, area and height restrictions. (LUP POLICY CA1)
- It continues to prevent the placement of additional Billboards. (LUP POLICY CA5)

The request is reasonable and in the public interest because:

- It implements changes to unconstitutional ordinance provisions to comply with the Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*.
- The proposed changes extend the protection of The First Amendment of the United States Constitution.

**Item 8:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.



**Item 9:** This ordinance amendment shall be in effect from and after the 15th day of May, 2017.

*Bobby [Signature]*

Board of Commissioners' Chairman

Attest:

*Leeann Walton [Signature]*

Leeann Walton  
Clerk to the Board

DATE ADOPTED: 5/15/17

MOTION TO ADOPT BY COMMISSIONER: Deaumont

SECONDED BY COMMISSIONER: Gilbert

VOTE: 7 AYES 0 NAYS

PLANNING BOARD DATE: April 11, 2017

PLANNING BOARD RECOMMENDATION: Approval

VOTE: 5 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 5/3/17 & 5/7/17

BOARD OF COMMISSIONERS PUBLIC HEARING: May 15, 2017

BOARD OF COMMISSIONERS ACTION: Approved

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 5/16/17

AMENDMENT NUMBER: 34

