

## Section 12 Signs

### Sign Procedure Overview

#### Signs Requiring Permits

1. Develop Common Signage Plan using allowed sign types
  - a. Review Maximum Square Footage based on zone category.
  - b. Allocate Square Footage among allowed sign types in conformance with Plan.
    1. Have Plan approved by DRB.
    2. Apply for Sign Permits and install signs
2. Have Plan approved by DRB
3. Apply for Sign permit and install signs

#### Signs 12.1 Purpose

The purpose of this section is to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment, and the community's ability to attract sources of economic development and growth; to eliminate physical and visual clutter; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The effect of this section is:

1. To establish a permit system that allows a variety of types of signs on business premises and a limited variety of signs on other premises, subject to this ordinance and its permit procedures;
2. To allow certain small, unobtrusive signs incidental to the principal use of a site without a permit if such signs meet the substantive requirements of this ordinance;
3. To prohibit off-premise advertising signs, except where regulation is controlled by state or federal law;
4. To allow a variety of types of noncommercial signs subject to the same substantive and permit requirements that control on-premise signs;
5. To allow certain types of signs to make minor encroachments of the public right of way, if specially permitted;
6. To prohibit all signs not expressly permitted by this ordinance.

#### Signs 12.2 Definitions and Interpretations

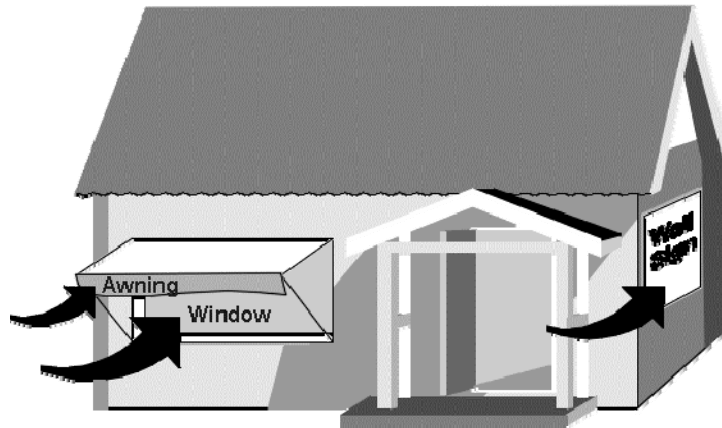
Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed. For the purposes of this ordinance, this definition shall not include "trade dress" i.e.: architectural features identified with a product or business, as a sign. Signs, including various kinds of signs are further defined in the Signs Section of this ordinance.

#### ***Awning Sign:***

A sign which is a part of a fabric or other non-structural awning.



## Signs: Awning, Window, Wall



### ***Banner:***

A lightweight fabric or similar material which is permanently mounted to a pole either enclosed in a frame or mounted to allow movement caused by the atmosphere.

### ***Canopy Roof:***

A permanent, decorative porch or walkway cover other than an awning which is attached to a building or supported by columns extending to the ground.

### ***Changeable Copy Sign:***

Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

### ***Common Signage Plan:***

A plan for all signs associated with a development project. If the project consists of several buildings or businesses which are related in a single development, the signage plan shall include all signs within the development including out parcels. The signage plan elements shall include: colors, dominant lettering style, location, materials, and size.

### ***Construction Sign:***

A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

### ***Door Sign:***

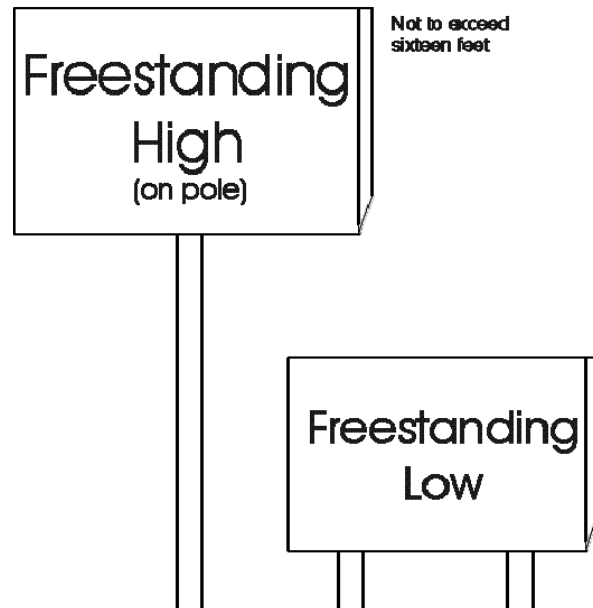
A sign which is attached to, painted on or etched onto or into a door. A sign in a window which is part of a door is a door sign for the purposes of this Section.

### ***Freestanding Sign:***

A sign which is not attached to a building and permanently attached to the ground by one or more supports.



## Freestanding High and Low



There are 2 types of freestanding signs:

- low stature freestanding signs [ground signs] - freestanding signs in which the distance from the ground to the highest point of the sign is 5 feet or less.
- high stature freestanding signs - freestanding signs in which the distance from the ground to the highest point of the sign is more than 5 feet.

### ***Historical or Memorial Marker:***

A sign or tablet attached to a building, indicating the date of construction and/or the names of the building or the principals involved in its construction. Also an attached sign on bona fide historic buildings.

### ***Incidental Sign:***

An on premise sign giving information or direction for the convenience and necessity of the public such as "entrance", "exit", "no admittance," "telephone", "parking", etc.

### ***Marquee Sign:***

A sign used to identify a theater or a sign projecting over the entrance to a theater.

### ***Maximum Sign Area:***

The aggregate square footage of sign area on a lot or building. For lots fronting on more than one street, the maximum sign area shall be the allowable sign area for each street frontage. Maximum allowable sign area may not be transferred from one street frontage to another.

### ***Noncommercial Sign:***

A sign which is not an on-premises or off-premises sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

### ***Obsolete Sign:***

A sign relating to or identifying a business or activity which has not been conducted on the premises for 6 months, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

**Off-Premise Sign:**

A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed. The sale of a commodity is considered a minor activity if the commodity advertised is a specific brand or if the advertising content is not directly controlled, or has in the past not been directly controlled by the operator of the on-premises business. These product-oriented signs shall be considered on-premises signs if they comply with on-premise sign requirements.

**On-Premise Sign:**

A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

**Portable Sign:**

Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T-frame signs; menu and sandwich board signs; gas or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.

**Projecting Sign:**

A sign forming an angle with a building which extends from the building and is supported by the building.

**Public Sign:**

A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

**Real Estate Sign:**

A sign advertising the premises for sale, rent or lease.

**Roof Sign:**

A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered a wall signs. Signs on mansard or canopy roofs are considered wall signs.

**Sign Area:**

The sign area is measured by finding the area of an imaginary rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantage point which gives a view of the largest amount of sign area. If 2 identical signs are back to back, and are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

**Sign Height:**

The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as a part of the sign height.

**Suspended Sign:**

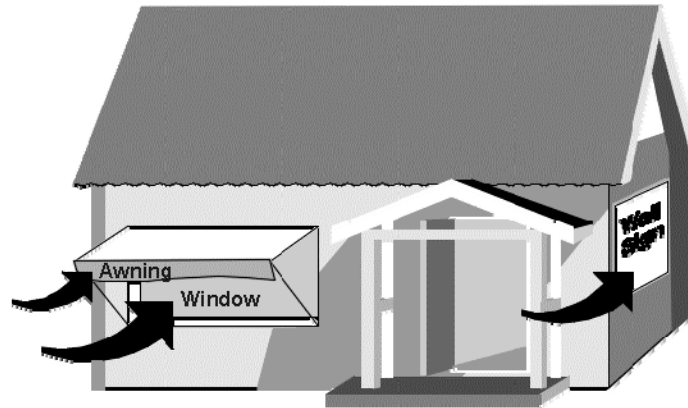
A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

**Temporary Sign:**

Any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.

**Wall Sign:**

Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 12 inches. This definition shall not include free standing walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance, notwithstanding the fact that certain portions of such a sign may project more than 12 inches. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. For signs higher than the roof, see: "Roof Signs".



***Window Sign:***

Any sign which is not a temporary sign and which is attached to, painted on or etched into a window or which is displayed within 12 inches of the window and is legible from outside the window.

**12.3 Signs Permitted in all Zoning Districts Without a Permit**

The following shall be permitted in all zoning districts. No sign permit shall be required.

1. Any federal, state or local traffic control or other public sign.
2. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.
3. Works of art which do not identify a business, product or service.
4. Hand carried noncommercial signs
5. Temporary lighting and displays that are part of customary holiday decorations, provided that they contain no commercial message and are not located in the right-of-way. Displays and lighting associated with Christmas shall not be displayed before November 1, and shall be removed no later than the following January 15th.
6. Any sign not legible either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located. Such sign shall not exceed 6 feet in height if freestanding and 32 square feet in area per side regardless of structural type.
7. Temporary signs placed in or on windows provided such signs in combination with other window signs do not exceed 20 percent of the window area and provided such signs in combination with all other signs on the lot do not exceed the maximum permitted sign area for the lot.
8. Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs. Such signs shall not exceed 3 square feet in area per sign.
9. Home occupations may have a single wall sign not exceeding 3 square feet in area.
10. Flags that meet the definition and standards of Section 8, Performance Standards.
11. Traffic control signs on private property such as "stop", "yield" and similar signs, the face of which meet North Carolina Department of Transportation standards and which contain no logo or commercial message. Such signs shall not exceed 8 square feet per sign.
12. Incidental signs which do not exceed 3 square feet of area per sign. The signs shall not exceed 4 feet in height and shall not contain any logos.
13. *City Jurisdiction:* Yard sale signs which do not exceed 6 square feet in area per sign are limited to 1 per lot and must be removed 1 day after the event.

*County Jurisdiction:* Yard sale signs which do not exceed 6 square feet in area per sign are limited to one per lot and shall be removed 30 days after the event. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

14. Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices provided the display is an integral part of the machine or pump and does not exceed 32 square feet in area per side.
15. *City Jurisdiction:* Construction signs in residential districts which do not exceed 6 square feet in area and 6 feet in height and which are limited to one per lot. The sign must be removed prior to the issuance of a Certificate of Compliance.

*County Jurisdiction:* Construction signs in residential zones which do not exceed 6 square feet in area and 6 feet in height and in nonresidential zones which do not exceed 32 square feet in area and 8 feet in height and which are limited to one per lot. The signs must be removed within 30 days after issuance of a Certificate of Compliance. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

16. *City Jurisdiction:* Real estate signs in residential districts which do not exceed 6 square feet in area and 6 feet in height for freestanding signs and which are limited to one per street frontage and one wall sign per dwelling unit.

*County Jurisdiction:* Real estate signs in residential zones which do not exceed 6 square feet in area and 6 feet in height for freestanding signs and which are limited to one per street frontage and one wall sign per dwelling unit. The signs shall be removed within 30 days after closing. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

17. *City Jurisdiction:* Real estate signs in nonresidential districts which do not exceed 32 square feet in area per sign, and do not exceed 8 feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building facade is permitted if the entire building is for sale or lease. One wall sign per leasable unit is allowed if portions of the building are for sale or lease.

*County Jurisdiction:* Real estate signs in nonresidential zones which do not exceed 32 square feet in area per sign, and do not exceed 8 feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building facade is permitted if the entire building is for sale or lease. The signs shall be removed within 30 days after the closing. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

18. *City Jurisdiction:* Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs. Such signs shall not exceed 6 square feet in area for residential uses in residential districts and 25 square feet in area for nonresidential uses in residential districts and 32 square feet in area for nonresidential districts. Signs shall be limited to one per event. The sign may be erected up to 2 weeks prior to the event and shall be removed within 7 days after the event.

*County Jurisdiction:* On premise announcements by public or nonprofit organizations of fund raising events, special events, or activities of interest to the general public, other than political signs. Such signs shall not exceed 8 square feet in area in residential zones and 32 square feet in area for nonresidential zones. Signs shall be limited to one per event. The sign may be erected up to three weeks prior to the event and shall be removed 30 days after the event. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

19. *City Jurisdiction:*  
Temporary political signs erected in connection with elections or political campaigns provided that:
  - a. Such signs are prohibited on utility poles and may not obstruct drivers' vision clearances at an intersection.
  - b. Such signs shall not be posted earlier than 45 days prior to a primary, general or special election and are to be removed within 12 days after the election.
  - c. Such signs shall not exceed 8 square feet per sign and not exceed 8 feet in height.
  - d. Signs found to be in violation of this Section may be removed by Zoning Enforcement Officers.

*County Jurisdiction:*  
Temporary political signs erected in connections with elections, referenda, or current political events provided that:

- a. No such sign or portion thereof shall be placed in any right of way, nor on utility poles or other objects located within the right of way. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.
- b. Signs on private property are subject to the following limitations: political signs on private property may be

erected no earlier than the last day in which a candidate must file with the State or County Board of Elections; the signs must be removed within 30 days after any primary election day by an unsuccessful primary candidate and within 30 days after any general election day by all other candidates.

- c. Such signs shall not exceed 8 square feet per sign and not exceed 6 feet in height.
  - d. Signs located in the public right of way or on other public property which are found to be in violation of this Section may be removed by Zoning Enforcement Officers.
20. Attached or free standing historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material. Freestanding signs shall not exceed 18 sq. ft. in area. Signs attached to buildings shall not exceed 6 sq. ft. in area.
21. Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs. Such signs shall not be greater than 8 feet in height.
22. *City Jurisdiction:* Banners provided they are either solely decorative or are noncommercial and do not display a logo, message, statement, or expression relating to commercial interests. Such banners shall not be included in the computation of total sign area on a property. Banners which display a logo, message, statement, or expression relating to commercial interests are considered signs which require a sign permit by this ordinance and shall conform to the requirements for suspended signs, projecting signs or freestanding signs, depending on the method of installation and support. Banners are permitted in all districts subject to the following regulations:
- a. Each banner shall be at least 6 square feet in area but less than 36 square feet in area and all banners on the same lot shall be consistent in terms of colors and materials used.
  - b. Each banner shall be individually attached to a pole, mast arm or other structure.
  - c. An overall signage plan shall be approved when multiple banners are placed on a lot.
  - d. All banners shall be maintained in good condition.
- County Jurisdiction:* Banners provided they are decorative and conform to the standards listed below. Banners which contain a message or logo are considered signs which require a sign permit by this ordinance and shall conform to the requirements for suspended signs, projecting signs or freestanding signs, depending on the method of installation and support. For the purposes of this regulation, banners as defined in Section 12.2 are decorative and shall not be included in the computation of total sign area on a property. Banners are permitted in all districts subject to the following regulations:
- a. Each banner shall be at least 6 square feet in area but less than 36 square feet in area and all banners on the same lot shall be consistent in terms of colors and materials used.
  - b. Each banner shall be individually attached to a pole, mast arm or other structure.
  - c. An overall signage plan shall be approved when multiple banners are placed on a lot.
  - d. All banners shall be maintained in good condition.
23. Commercial signs within City or County stadiums.
24. *City Jurisdiction:* Directional signs for the sale or rent of residential property:
- a. The signs shall not be placed in the right-of-way and shall be maintained in a good condition.
  - b. The signs contain only directional information [eg: directional arrows, "left 100 yards", "2nd right", etc.] and "home for rent", "open house", "new home(s) for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.
  - c. The signs are temporary signs on white background, unlit, and limited to 2 square feet per side for a single user or 4 square feet per side when shared by multiple projects. The sign message may be placed on each side of the sign. The signs shall not exceed 4 feet in height and shall not obstruct vision clearances.
  - d. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per project [or per property when a single dwelling is for sale or rent]. Signs shall be placed no farther than 2 road miles from the project or property for which directions are given.
  - e. Up to 2 directional signs are allowed at intersections. However, each user is allowed only 1 sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds 2, all directional signs may be removed by a Zoning Enforcement Officer.
  - f. Signs for properties for sale shall be removed when a contract is closed on the final property.
  - g. To encourage assistance in compliance with these requirements, the Zoning Enforcement Officers may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions. Signs in

violation of these requirements may be removed.

*County Jurisdiction:* Directional signs for the sale or rent of residential property:

- a. The signs shall not be placed in the right of way and shall be maintained in good condition.
- b. The signs contain only directional information [eg: directional arrows, "left 100 yards", "2nd right, etc.] and "home for rent", "open house", "new home(s) for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.
- c. The signs are temporary signs on white background, unlit, and limited to 2 square feet per side for a single user or 4 square feet per side when shared by multiple projects. The sign message may be placed on each side of the sign. The signs shall not exceed 4 feet in height and shall not obstruct vision clearances.
- d. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per project [or per property when a single dwelling is for sale or rent.] Signs shall be placed no farther than 2 road miles from the project or property for which directions are given.
- e. Up to 2 directional signs are allowed at intersections. However, each user is allowed only 1 sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds 2, all directional signs will be removed by a Zoning Enforcement Officer.
- f. Signs for properties for sale shall be removed when a contract is closed on the final property.
- g. To encourage assistance in compliance with these requirements, the Zoning Enforcement Officers may notify the board of Realtors or the Home Builders Association regarding violations of these provisions. Signs in violation of these requirements may be removed.
- h. Signs shall be located so as to not impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

25. *City Jurisdiction:*

Signs on farms subject to the following requirements:

- a. The sign serves to advertise the sale of products which for the most part are grown or produced on the premises. The signs shall be removed during seasons when sales have ceased.
- b. The farm is at least 5 acres in size and is registered with the U.S. Department of Agriculture's Farm Service Agency [FSA].
- c. The signs shall be set back at least 10 feet from the right of way and at least 50 feet from the intersections so that they do not interfere with vision clearances on roads.
- d. The signs shall not be lighted.
- e. The signs shall not exceed 16 square feet in area per side and 8 feet in height. The number of signs shall not exceed a ratio of 1 sign per 1000 feet of road frontage of farm property. If more than one sign is allowed, the signs shall be at least 500 feet apart. If the farm property fronts on more than one road, each frontage shall be considered separately.
- f. The signs shall comply with all other applicable provisions of the zoning ordinance.
- g. Agricultural properties that wish to apply for permanent signs may do so by permit under the provisions of 12.8.3, but in that event, additional unpermitted signs shall not be allowed.

*County Jurisdiction:*

Signs on bona fide farms in the county's jurisdiction advertising products grown on the farm.

26. *Signs for Open Lot Sales:* Signs for outdoor sales of commodities such as, but not limited to, vehicles, storage buildings, canopies for vehicles, manufactured homes, and carports are subject to the following:

- a. Signs shall be limited in copy to the price of the item, with or without additional text reading the year of manufacture, size, financing terms, *etc.*
- b. Signs shall be white background with black lettering.
- c. Signs shall be made of durable, weatherproof material and shall be firmly attached to the item. Signs which flutter or are otherwise activated by the wind are not allowed.
- d. There shall be a maximum of 5 such signs on each property, with a maximum size of each sign not to exceed 1 square foot.

#### **12.4 Signs Permitted in Public Rights-of-Ways Without a Permit**

The following signs shall be allowed within public rights-of-way. No sign permit shall be required.

1. Public signs erected by the city, county, state or federal government.
2. Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
3. *City Jurisdiction:* Signs erected pursuant to a permit for temporary use issued by the Inspections Department



Director subject to such ordinances or regulations which may apply.

4. Awning, projecting, and suspended signs projecting over a public right-of-way which are in conformity with regulations found elsewhere in this Section.
5. Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat.
6. *City Jurisdiction*: Moveable signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the NC, GC and CBD Districts, provided that all the following criteria are met:
  - a. the area consists of one or more contiguous blocks where at least 75% of the blockface contains buildings which abut the street sidewalk, and at least 50% of the buildings have space at the street level which consists of retail stores, shops and restaurants. Also, the sidewalk in the area must be wide enough to allow for at least 6 feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
  - b. a plan for sidewalk signage is submitted for the review and approval of the Development Review Board by a merchants association or community development organization representing the merchants of the area. Such plan shall indicate at a minimum what the merchants have agreed to in terms of a common approach to sign type and design, size, location on the sidewalk and the method of indemnification for public liability from injury or property damage caused by such signs. When the area is located in a historic district overlay zone, the plan shall be reviewed by the Historic Preservation Commission, and their comments shall be forwarded to the Development Review Board prior to any action being taken on the plan. The Development Review Board may disapprove the plan if it finds that it does not represent a common agreement among the merchants in the area, that safety and liability issues are not adequately addressed, that the location of such proposed signs poses conflicts with service delivery or pedestrian movement, or that the elements of consistency concerning proposed signs have not been completely addressed.
  - c. any signage allowed under such a plan shall not exceed 2.5 feet in width or 30% of the sidewalk width, whichever is less, and that the height of any such sign shall not exceed 4 feet in height. There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street. The sign itself shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk. Signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than 6 feet. Upon approval of this plan, all signs located on the sidewalk in the area must conform with the plan. The plan is valid for a period of five years from the date of Development Review Board approval, and may be re-approved by DRB upon receipt of a new application which documents continued compliance with all conditions in this section, including those conditions which qualify the area for such signage.
  - d. a license agreement (in the City) or an encroachment agreement (outside the City) allowing for such signs on the public right-of-way. As part of the license or encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Engineering Department for sidewalks in the City, or the County Attorney and NCDOT for sidewalks outside the City, which protects the City, County or State from any liability resulting from injury or property damage caused by any such sign.
  - e. each sidewalk sign permitted under this section shall be maintained in good condition, shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

*County Jurisdiction*: Moveable menu-board signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the NC, GC and CBD Districts, provided that all the following criteria are met:

- a. the area consists of one or more contiguous blocks where at least 75% of the block face contains buildings which abut the street sidewalk, and at least 50% of the buildings have space at the street level which consists of retail stores, shops and restaurants. Also, the sidewalk in the area must be wide enough to allow for at least 6 feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
- b. a plan for sidewalk signs is submitted for the review and approval of the Development Review Board by a merchants association or community development organization representing the merchants of the area. Such plan shall indicate at a minimum what the merchants have agreed to in terms of a common approach to sign type and design, size, location on the sidewalk and the method of indemnification for public liability from injury or property damage caused by such signs. When the area is located in a historic district overlay zone, the plan shall be reviewed by the Historic Preservation Commission, and their comments shall be forwarded to the Development Review Board prior to any action being taken on the plan. The Development Review Board may disapprove the plan if it finds that it does not represent a common agreement among the merchants in the area, that safety and liability issues are not adequately addressed, that the location of such proposed

signs poses conflicts with service delivery or pedestrian movement, or that the elements of consistency concerning proposed signs have not been completely addressed.

- c. any signs allowed under such a plan shall not exceed 2.5 feet in width or 30% of the sidewalk width, whichever is less, and that the height of any such sign shall not exceed 4 feet in height. There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street. The sign itself shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk. Signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than 6 feet. Signs shall not incorporate spinners, streamers or other features which are prohibited by this ordinance. Upon approval of this plan, all signs located on the sidewalk in the area must conform with the plan. The plan is valid for a period of five years from the date of Development Review Board approval, and may be re-approved by DRB upon receipt of a new application which documents continued compliance with all conditions in this section, including those conditions which qualify the area for such signs.
- d. a license agreement (in the City) or an encroachment agreement (outside the City) allowing for such signs on the public right-of-way. As part of the license or encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Engineering Department for sidewalks in the City, or the County Attorney and NCDOT for sidewalks outside the City, which protects the City, County or State from any liability resulting from injury or property damage caused by any such sign.
- e. each sidewalk sign permitted under this section shall be maintained in good condition, shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.
- f. each sign is located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

### **Signs 12.5 Prohibited Signs**

The following signs shall be prohibited, and may neither be erected nor maintained:

1. Lights strung across buildings or property, except those allowed under Section 12.3.
2. Signs with animated, blinking, chasing, flashing, or moving effects; however, this provision shall not prohibit signs with an alternating display of time or temperature.
3. Rotating or revolving signs.
4. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, flags or banners which do not conform with the requirements of this ordinance.
5. Portable signs
6. Off-premise signs, except those which: existed on December 1, 1989 in Durham County and September 4, 1984 in the City of Durham; are located along federal aid primary highways or interstate highways for which sign compensation is regulated by state and federal law; and were erected and are permitted and maintained in compliance with state regulations. Off-premise signs include any sign which has been used as an off-premise sign at any point after September 4, 1990 (City) or December 1, 1989 (County).
7. Obsolete signs or signs which have broken supports or are overgrown with vegetation.
8. All other signs which are not expressly exempt from regulation and expressly permitted under this section.
9. Any sign which constitutes a hazard to traffic including, but not limited to signs located within the sight triangle of an intersection.
10. Signs which block entrances or exits to buildings.
11. All signs, including supports, frames, and embellishments, which are located within a public right of way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right of way or on public property, except as allowed elsewhere in this Section.

### **Signs 12.6 Administration of Sign Permits**

Certain signs shall be allowed with sign permits. Sign permits for signs allowed in conformance with Section 12.8 shall be issued by the Inspections Department in accordance with the following procedures.

#### **12.6.1 Common Signage Plan**

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Inspections Department. Signage plans for developments containing 20,000 square feet or less of floor area may be approved by the Inspections Department. Signage plans for developments of 20,000 square feet of floor area or greater shall be approved by Development

Review Board. In the case of any conflict between the signage plan and the zoning ordinance, the ordinance shall apply.

Drawings, sketches and or photographs shall be submitted and kept on file to demonstrate the common signage plan.

The common signage plan shall consist of 5 elements:

- A. **Location:** identification of sign locations on buildings or property.
- B. **Materials:** description of the type of sign and sign materials including construction materials and proposed lighting if any.
- C. **Size:** itemization of sign size or band area at identified locations.
- D. **Letter style:** description of dominant letter style and letter height to be used on the signs.
- E. **Color:** listing of the colors to be used on each sign. A maximum of 3 colors are allowed in a single common plan. Any neon lighting for building signage must be matched to an approved color specified on the signage plan in order to be included as a part of the color scheme.

Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The approving authority may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the approving authority feels that the intent of the common signage plan requirements will be maintained. In allowing the modifications, the approving authority may limit the logo size. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided. Within the Mixed Use or Downtown Design Overlay Districts, the DDRT may recommend varying any or all elements of a common signage plan on a case by case basis.

Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The approving authority may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the approving authority feels that the intent of the common signage plan requirements will be maintained. In allowing the modifications, the approving authority may limit the logo size. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.

Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval. Signs erected after September 1, 1989 and subsequently made nonconforming because of an amendment to a common signage plan, shall be brought into compliance with the amended plan within 6 months of approval of the amended plan.

Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Inspections Director or the Director's designated representative.

#### **12.6.2 Applications for Permits**

Applications for permanent and temporary signs shall be submitted on forms provided by the Inspections Department. The completed application shall be accompanied by the specified fee and the following information:

1. Name and address of the sign owner and the sign installer.
2. Drawings showing the design, location, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.

#### **12.6.3 Approval and Inspection**

After a review of the application by the Inspections Department shows that the sign meets Zoning, Electrical, and N.C. Building Code requirements, the applicant shall receive a permit to erect or install the approved signs.

1. **Permanent Signs:** The applicant shall request an inspection after installation of the signs. If the signs are found to be in compliance, the applicant shall receive a permanent seal which identifies the sign. The applicant shall attach the identification in a conspicuous location which is accessible to an Inspector. It is recommended that businesses place the permit in a lower corner of the front door of the business in those cases where the seal is not affixed to the sign. The sign permit shall be null and void if sign installation is not completed within 6 months or the signs are not in conformance with the approved application. The Inspections Department may grant one 30 day extension to the sign permit. Valid sign permits may be assignable to a successor as holder of a business license for the same premises.
2. **Temporary Signs:** One temporary sign may be allowed for a maximum period of 30 days for special events. Permits for temporary signs shall not be issued for consecutive time periods. The approval time period shall be specified on the permit. A common signage plan shall not be required for temporary signs. Additional

requirements are described in Section 12.8.9.

#### **12.6.4 Revocation of Permits**

Sign permits shall be revoked if a sign is found to be in violation of this ordinance.

#### **12.7 Total Maximum Amount of Sign Area Permitted**

The maximum allowable aggregate sign area of all signs in a project shall be as follows

1. Buildings within Office Zoning Districts are allowed 1 square foot of sign area for each linear foot of building frontage or lot frontage, whichever is greater.
2. Buildings within Commercial Zoning Districts except Commercial Trade (CT) and Central Business District (CBD) are allowed 2 square feet of sign area for each linear foot of building frontage or lot frontage, whichever is greater.
3. Buildings within the Commercial Trade (CT), Research (RSCH), Research Applications District (RAD), and Industrial Zoning Districts are allowed 2.25 square feet of sign area for each linear foot of building frontage or lot frontage, whichever is greater.
4. Buildings within the Central Business District are allowed sign area equal to 25% of the wall area below 26 feet in height plus 10% of the wall area above 26 feet in height.
5. In order to accommodate projects with very small frontages at least 32 square feet of sign area is allowed as a minimum for nonresidential districts.
6. Allowable sign area may be allocated among the permitted sign types.

#### **12.8 Signs Allowed With Sign Permits**

Upon issuance of a sign permit the following signs are allowed, subject to the size, height and location requirements specified in this Section. Off-premise signs are not allowed in any zoning district. A signage plan is required in accordance with Section 12.6. Erection of the following signs without a permit is a violation of this Section.

##### **12.8.1 Awning Signs**

Awning signs are allowed for nonresidential uses in the PDR District and for nonresidential zoning districts subject to the following requirements:

1. The sign shall be flat against the surface of the awning.
2. The sign shall maintain a clearance of 9 feet above a public right-of-way or required front yard.
3. The sign shall not be closer than 2 feet, measured in horizontal distance, from the curb line of any street.
4. The sign shall not extend more than 5 feet into the right-of-way.
5. Any fabric awning valance may not extend more than 1 foot below the rigid mount of the awning.
6. The area of all permitted awning signs shall be included in the area of all wall signs.
7. The maximum sign area is 40 square feet per sign.
8. Only one sign is permitted over each door or window.

##### **12.8.2 Freestanding Signs In Nonresidential Districts**

Freestanding signs shall be permitted for uses in nonresidential zoning districts subject to the following requirements:

1. The signs shall not be placed within the required buffer area but may be placed within other landscaped areas.
2. Signs within the MTC overlay district shall not exceed 12 feet in height. Other freestanding signs shall not exceed 16 feet in height unless approval has been received from the Development Review Board [DRB] in accordance with provisions found elsewhere in this Section.
3. *City Jurisdiction:*  
Sign setback -
  - a. if the sign height is 5 feet or less, there is no minimum setback from the property line.
  - b. if the sign height is over 5 feet:
    - for sign areas of 32 square feet or less - a minimum 5 foot setback
    - for sign areas of more than 32 square feet - a minimum 10 foot setback.

[Also see distance from residential area in Section 12.9]

*County Jurisdiction:*

Sign setback -

Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

- a. if the sign height is 5 feet or less, there is no minimum setback from the property line.

- b. if the sign height is over 5 feet:
  - for sign areas of 32 square feet or less - a minimum 5 foot setback
  - for sign areas of more than 32 square feet - a minimum 10 foot setback.

[Also see distance from residential area in Section 12.9]

- 4. Sign landscaping -
  - a. The proposed heights and locations of all signs must be included as a part of the site plan.
  - b. Signs over 5 feet in height require:
    - a defined landscaped area at the base of the sign. The required landscaped area shall be parallel to the face[s] of the sign. The required landscaped area shall be at least 50 square feet in area. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face. If the size of the site imposes practical difficulties on the placement of the plant materials, the DRB may make adjustments in these requirements.
    - the required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity. Paving and artificial plant materials shall not be included in fulfilling this requirement. A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.
  - c. Signs 5 feet or less in height are not required to have a defined landscaped area at the base but landscaping is encouraged.
- 5. Signs shall be located at least 25 feet from any property line which is adjacent to property in residential use or residential zone. Sign illumination shall be in accordance with the requirements of Section 12.9.1
- 6. For each street frontage of a property, one freestanding sign shall be allowed on each street on which the property fronts. One additional sign may be allowed by the DRB for a street frontage which exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The DRB, in making its determination shall consider the approval standards found in Subsection 12.8.2(12)B below. Each sign must meet all other requirements for free standing signs.
- 7. The DRB may approve signs up to 40 feet in height for restaurants, hotels, motels, and fuel sales establishments, when:
  - a. The property on which the sign is located is within 400 feet of the right of way of a controlled access highway, and
  - b. The property is either adjacent to, or within 150 feet of, a street providing access to the controlled access highway.
- 8. *City Jurisdiction:*  
Individual signs on each street frontage of a property shall not exceed 32 square feet in area when the frontage is less than 150 feet, and shall not exceed 80 square feet in area when the frontage is 150 feet or more.  
*County Jurisdiction:*  
Individual signs on each street frontage of a property shall not exceed 32 square feet in area when the frontage is 150 feet or less, and shall not exceed 80 square feet in area when the frontage is over 150 feet.
- 9. The DRB may allow the freestanding sign to be placed on property which is contiguous to the property being served if there is a recorded easement for the property. However, any additional street frontage gained from the easement shall not be added to the computations to determine the total allowable square footage for freestanding signs.
- 10. A directory sign may be approved by the DRB. Directory signs shall have uniform lettering and design and conform to the common signage plan.
- 11. Out parcels in shopping centers may have one freestanding sign up to 32 square feet in area and 4 feet in height if the out parcel has a width of at least 100 feet.
- 12. The DRB may approve additional freestanding signs for medical facilities containing 250 beds or more.
  - a. The approval shall be subject to the following limitations:
    - 1. the information contained on the sign must relate to medical facility services.
    - 2. each sign shall not exceed 12 feet in height and 50 square feet in area;
    - 3. the number of signs allowed shall not exceed a ratio of 1 sign per 150 feet of medical facility property street frontage measured on the street on which the signs are to be located; and

4. all signs associated with the medical facility shall be approved as part of a common signage plan in conformance with the requirements of Section 12.6 [Common Signage Plan] prior to the issuance of any sign permits.
- B. In making its determination to approve additional signs, the DRB shall consider the following standards:
1. the signs comply with other applicable provisions of the ordinance;
  2. the views of adjacent properties or from adjacent properties are not impaired;
  3. the signs do not interfere with public utilities, government uses, transportation, landscaping or other factors felt relevant by the DRB;
  4. the width of the street, the traffic volume, and the traffic speed warrant the proposed signage;
  5. the signs do not pose a hazard to public safety.

### **12.8.3 Freestanding Signs in Residential Districts**

1. **Identification Signs for Residential Subdivisions which are not PDR's or Multifamily:** Up to 2 freestanding signs may be placed at each entrance to identify the subdivision. No commercial message shall be placed on the sign. Each sign shall be limited to 6 feet in height and 12 square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.
2. **Identification Signs for PDR's and Multifamily Developments:** Up to 2 freestanding signs may be placed at each entrance to identify the project. The total sign area shall not exceed 32 square feet in area. No commercial message shall be placed on the sign. The sign shall be incorporated into a permanent landscape feature such as a wall, fence or masonry column.
3. **Signs Allowed for Nonresidential Uses in a Residential Zone:** One sign per street frontage is allowed for nonresidential uses allowed in residential zoning districts. For lots with frontage of less than 150 feet - the sign shall not exceed 6 feet in height and 12 square feet in area. For lots with frontage of 150 feet or more - the sign shall not exceed 12 feet in height and 25 square feet in area. The DRB may approve additional freestanding signs, provided the number of signs does not exceed a ratio of 1 sign per 150 feet of street frontage. Charitable organizations [charitable organizations include but are not limited to: churches, mosques, synagogues, or other religious organizations] shall be allowed to have freestanding signs up to 32 square feet in area. However, those signs in excess of 25 square feet in area shall be limited to 4 feet in height [ground signs].
4. **New Residential Developments:** In addition to permanent identification signs, identified in 1-3 above, residential developments selling new dwellings may locate 1 free standing sign at each entrance to the development. A sign permit must be obtained for each sign. The permit may be renewed in accordance with the provisions for temporary signs. The sign permit shall be valid for 1 year or until completion of the new dwelling sales, whichever occurs first. The sign shall be removed upon expiration of the permit. The maximum allowable sign area is 32 square feet per sign. The maximum sign height is 12 feet.

Signs shall not be located within any public street right-of-way. Signs which are not maintained shall be removed in conformance with the Enforcement provisions of this Section.

### **12.8.4 Marquee Signs**

Marquee signs shall be allowed in all districts subject to the following conditions:

1. The sign shall maintain a vertical clearance over a sidewalk of at least 9 feet.
2. No marquee sign may be closer than 2 feet, measured in horizontal distance, from the curb line of any street.
3. The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls. The height of the message area may not exceed 8 feet.
4. The sign may not exceed 200 square feet in area, except in the CBD District where it may not exceed 350 square feet in area.
5. Only one marquee sign shall be allowed per establishment.

### **12.8.5 Noncommercial Signs**

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted."

### **12.8.6 Projecting Signs**

Projecting signs may be located in all nonresidential districts subject to the following requirements:

1. The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of 2 feet beyond the top of the wall.
2. The sign may not extend into a required front yard more than 6 feet or into a public right-of-way more than 4.5 feet.
3. The sign may not exceed 40 square feet in area.
4. Only one sign shall be allowed per establishment.

#### **12.8.7 Roof Signs**

Roof signs shall be permitted on buildings of 5 stories or more in the Central Business District (CBD) zone or in the Downtown Design Overlay zone. Multiple signs shall have uniform graphics or lettering styles. The amount of sign area devoted to roof signs shall be deducted from the allowable wall sign square footage. The allowable size may be modified with DRB review.

#### **12.8.8 Suspended Signs**

Suspended signs shall be permitted in all zoning districts, subject to the following regulations:

1. No sign shall be closer than 2 feet measured, in horizontal distance, to the curb line of any street. The sign shall allow a 9 foot clearance to the walking surface.
2. No sign shall exceed 3.5 square feet in area.
3. Only one sign shall be allowed per establishment.

*City Jurisdiction:*

#### **12.8.9 Temporary Signs**

Temporary signs shall be allowed in every district for special events, subject to the following requirements:

1. The sign shall be displayed for not more than 30 consecutive days.
2. The sign shall not exceed 32 square feet in area.
3. The temporary sign shall be for a special event, not a routine business activity.
4. Only one sign shall be allowed per business per special event.
5. Each business site may be issued only 2 permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.

*County Jurisdiction:*

#### **12.8.9 Private For-Profit Special Events (including but not limited to banner signs with commercial messages)**

Temporary signs other than noncommercial signs shall be allowed in every district for special events, subject to the following requirements:

1. The sign shall be displayed for not more than 30 consecutive days.
2. The sign shall not exceed 32 square feet in a nonresidential zone and 6 square feet in a residential zone. No streamers, spinners or other windblown device shall be included as a part of the sign.
3. The sign shall be for a special event, not a routine business activity.
4. Only one sign shall be allowed per business per special event.
5. Each business site may be issued only 2 permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.
6. This Section shall not affect signs regulated in Section 12.3 (18) for public and non-profit events.
7. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

#### **12.8.10 Wall Signs in Nonresidential Districts (Includes Window Signs)**

Wall signs shall be subject to the following requirements in nonresidential districts:

1. The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
2. The sign may extend up to 12 inches into a public right-of-way.
3. The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on 2 adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
4. The sign may not prevent the free entrance and exit from any window, door or fire escape.
5. The total sign area shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.

6. Wall signs may not exceed 15% of the wall area in size; however, a minimum of 25 square feet of wall sign area is allowed.

#### **12.8.11 Wall Signs in Residential Districts**

Wall signs in residential districts shall be subject to the following requirements:

1. Nonresidential uses permitted in single family, attached residential or multifamily districts and PDR districts shall be allowed 1 wall sign per building provided the sign does not exceed 15% of the wall area; however, a minimum of 25 square feet of sign area is allowed.
2. Multifamily developments shall be allowed 1 wall sign per building provided such sign does not exceed 15% of the wall area. A minimum of 25 square feet of area shall be allowed.

#### **12.8.12 Canopy Signs**

1. Signage for fuel canopies

- a. The vertical edge of the canopy shall be a maximum of 42 inches in height.
- b. Signage on the canopy shall be limited to logo signs and the signs shall not exceed 12 square feet per canopy side. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
- c. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

2. Signage for other canopies

Canopies signs shall be permitted on nonresidential uses subject to the following requirements:

- a. The maximum sign area per canopy face is 12 square feet.
- b. The vertical edge of the canopy sign shall be a maximum of 2 feet in height but in no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
- c. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

#### **12.8.13 Landmark Signs**

1. Signs which have been officially designated as Landmark Signs and which retain those dimensional, locational, and lighting standards that the sign possessed when it received such a designation shall enjoy the following privileges:
  - a. May remain on roofs or exceed height limits found elsewhere in this Section.
  - b. May exceed dimensional limits found elsewhere in this Section.
  - c. May reference a product or business which is not related to the existing business on the property.
  - d. Shall not, if the sign is not related to an existing business, have the sign area deducted from the square footage of sign area granted by other standards of this Section.
  - e. May remain in a right of way unless it becomes a hazard to traffic.
  - f. May retain its original lighting patterns and materials.
2. The following procedure shall be used to designate signs as Landmark Signs. No sign shall be considered a Landmark Sign unless it has received that designation through this process.
  - a. The application for a landmark sign shall only be accepted for a limited time. Applications shall be accepted until September 30, 1998 for signs within the Durham Corporate Limits and until September 30, 1999 for signs located in Durham County and outside the Durham Corporate Limits. No applications for a Landmark Sign designation shall be accepted after the closing date. Nonconforming signs not receiving the Landmark designation shall be removed and new signs shall conform to the requirements of the zoning ordinance.
  - b. Applications for Landmark Signs shall be made on forms available at the Planning Department. The applicant shall include documentation showing that the sign is at least 25 years old. The application shall also include specific information about the appearance of the sign in the form of renderings, photographs, models, or some other means sufficient to show the nature of the sign. The application shall also include information which describes how the sign meets the criteria listed below which shall be used to designate landmark signs.
  - c. The applications shall be considered by the Historic Preservation Commission. The Commission shall review the application and may designate the sign as a Landmark Sign, deny the designation, or request additional information in order to make a decision. A sign which is denied a designation shall be considered a nonconforming sign which must be removed.
  - d. If the sign is designated as a Landmark Sign, a copy of the application shall be submitted to the Inspections Department. After designation, the applicant shall have 60 days to bring any signs which pose a hazard into a structurally safe condition. Failure to assure that the signs are safe and do not pose a hazard shall result in loss of the Landmark Sign designation. The Inspections Department shall issue a



sign permit for the sign if the sign is found to be structurally safe. Landmark Signs shall conform to all other provisions of this Section not in conflict with the privileges of the landmark designation.

3. The Historic Preservation Commission may establish a schedule to review applications for Landmark Sign designations. To qualify as a Landmark Sign, the sign shall meet all of the following criteria:
  - a. Be at least 25 years old.
  - b. Be recognized as important to the culture or history of the jurisdiction, or possess unique characteristics, or incorporate materials or craftsmanship not commonly found in newer signs.
  - c. Bear a close resemblance to its appearance when it was installed.
  - d. Be structurally safe and well maintained.
4. The following regulations apply to signs which have been designated as Landmark Signs:
  - a. The voluntary removal of a Landmark Sign by an owner is allowed.
  - b. Landmark Signs must be maintained. A failure to maintain the sign may result in removal of the sign. The owner of the sign shall be charged with the cost of removal.
  - c. Alterations to a Landmark Sign shall not be allowed without the issuance of a Certificate of Appropriateness by the Historic Preservation Commission using the same criteria used in Section 5.6.6 [Certificates of Appropriateness].
  - d. The sign shall meet all other requirements of the Sign Section of the Zoning ordinance not in conflict with the privileges granted Landmark Signs.

#### **12.9.1 Illumination**

1. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
2. Internally illuminated signs in residential and office districts shall be required to have an opaque background and translucent copy.
3. Sign lighting shall not be detrimental to adjacent residential property.
4. Signs may not be illuminated by a string of lights placed around the sign.
5. Within 200 feet of off site residential zones or uses, only internally illuminated signs which allow only the sign characters and logos to emit light or signs which are illuminated by means of a light that shines on the face of the sign shall be allowed. For the purposes of this subsection, property on the other side of a public right of way other than a controlled access highway shall be considered adjacent property.

#### **12.92. Design, Construction and Maintenance**

1. All signs shall comply with applicable provisions of the North Carolina Building Code and the National Electrical Code.
2. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - a. Temporary signs meeting the requirements elsewhere in this Section.
  - b. Signs advertising premises for sale, lease or rent.
  - c. Signs providing information on construction taking place on the premises.
  - d. Window signs.
  - e. Yard sale signs, political, and election signs.
3. Permanent signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message

#### **12.9.3 Changeable Copy on Signs**

Changeable copy is allowed on signs in nonresidential districts and for nonresidential uses in the PDR District, and for places of worship and institutional uses in any district subject to the following:

1. No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. The displayed copy may not be changed more than 8 times in one day except for time and temperature displays.

#### **12.9.4 Nonconforming, Obsolete, and Unpermitted Signs**

1. Signs which were lawful at the time of their construction but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs. Nonconforming signs shall possess a permit from the Inspections Department.

2. Signs which received a permit in a timely manner as required under the City's sign ordinance effective September 1, 1988 and the County's sign ordinance effective December 1, 1989 and which met all existing sign ordinance requirements when constructed, shall be allowed a period of nonconformity before compliance with this ordinance is required. This does not include signs expressly prohibited under Section 12.5. Qualifying signs may continue to exist until September 1, 1998 if in the City and until December 1, 1999 if in the County. The messages on these signs may be changed if the messages comply with this ordinance and are contained within the existing sign structure size and cabinet. No enlargement of the signs or modifications of the sign structure, including additional lighting is permitted. Conformance with the regulations this ordinance is required if repairs or damage to a sign or its support structure exceeds 25% of the lesser of the declared value when the permit was originally obtained or the replacement value; or when the sign use or type as specified in 12.2 (Definitions) is changed.
3. Nonconforming signs which do not fall under the above paragraph shall be removed or shall be made conforming. This includes, but is not limited to, signs which did not receive a permit in a timely manner under the ordinances referenced above and signs subject to amortization schedules specified in those ordinances. A sign structure on which the sign message on the sign face changes from a permitted sign to an unpermitted sign shall be considered a violation of this Section and the sign and sign structure may be required to be removed from the site.
4. Off-premise signs that are expressly allowed under Section 12.5 shall be considered nonconformities. Such signs shall obtain a local sign permit if they do not already have one. The restrictions in Paragraph 2 above, if consistent with State law, apply with the exception of the amortization date. If State law changes so as to allow the amortization of these signs, they shall be removed by January 1, 2000, six years from the effective date of this ordinance.
5. Obsolete signs must be removed. Both the owner of the property on which the signs are located and the owner of the sign, if different, are separately responsible for the removal.
6. All administrative interpretations of this Section and other provisions of the sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended use of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the Board.

#### 12.9.5 Encroachment Agreements

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted."

#### Summary Charts

Chart 1

SIGN TYPE	MAXIMUM AREA PER SIGN FACE (SQUARE FEET)	MAXIMUM HEIGHT (FEET)	MAXIMUM NUMBER POSSIBLE
<b>A. Awning</b>	40	Relates to Awning	*
<b>B. Freestanding</b>			
<i>1. Nonresidential Zones</i>			
a. with <150' frontage and DRB approval	32	16	1
b. with ≥150' frontage and DRB approval	80	16*	*
<i>2. Residential Zones</i>			
a. subdivision identification	12 (each)	6	2 per entrance*
b. nonresidential uses in residential zones with <150' frontage	12 (each)	6	1
c. nonresidential uses in residential zones with ≥150' frontage	25	12	*
<b>C. Marquee</b>	200	--	1

<b>D. Projecting</b>	40	--	1
<b>E. Roof</b>	*	--	--
<b>F. Suspended</b>	3	--	1
<b>G. Temporary</b>	32	--	1
<b>H. Wall</b> (includes window, door, canopy signs)			
1. Residential zones but nonresidential use	25 or 15% of wall area	--	1
2. Nonresidential zones	Not to exceed 15% of wall area	--	*

\*Please refer to Ordinance text

**Chart 2**

<b>YOUR ZONE IS</b>	<b>YOU MAY CHOOSE</b>
<b>A. Residential Zones</b>	<i>Freestanding:</i> for subdivision identification and nonresidential uses only <i>Suspended:</i> for incidental or identification only <i>Temporary</i> <i>Wall Signs:</i> for nonresidential uses and home occupations, incidental or identification only <i>Awning:</i> Awning
<b>B. <u>CBD</u> Zone</b>	Awning Freestanding Marquee Projecting Roof Suspended Temporary Wall
<b>C. Other Nonresidential Zones</b>	Awning Freestanding Marquee Projecting Suspended Temporary Wall

**Chart 3**

<b>ZONING DISTRICT</b>	<b>MAXIMUM SIGN AREA (Based on Building Frontage or Lot Frontage, Whichever is Larger)</b>
<b>A. Office Districts</b>	1 square foot for each 1 foot frontage (at least 32 square feet of area)
<b>B. Commercial Districts (not including CBD or CT)</b>	2 square feet for each 1 foot frontage (at least 32 square feet of area)
<b>C. CBD</b>	25 % of wall area below 26 feet in height and 10% of wall area over 26 feet in height (at least 25 square feet of area)
<b>D. CT and Industrial Districts</b>	2.25 square feet for each 1 foot of frontage
<b>E. RSCH and RAD District</b>	2.25 square foot for each 1 foot of frontage
<b>F. Residential Districts</b>	Freestanding: Subdivision signs - up to 12 square feet PDR & Multifamily development signs - up to 32 sq.ft. Nonresidential uses - 12 to 25 sq. ft. Wall signs : Multifamily - 15% of wall area, 1 per building Nonresidential uses - 15% of wall area