



**Date:** August 14, 2018

**To:** Members of the Durham Planning Commission

**Through:** Patrick O. Young, AICP, Planning Director

**From:** Michael Stock, AICP, Senior Planner

**Subject:** Information Item: *Unified Development Ordinance* Text Amendment, Signs (TC1700002)

### **Executive Summary**

Text amendment TC1700002 is initiated by the Planning Department to revise the current signage regulations within Article 11, Sign Standards, primarily to conform to the United States Supreme Court ruling in *Reed v. Town of Gilbert*, along with any other updates necessary to conform to other applicable state or federal law. Based upon an assessment performed by CodeWright Planners, LLC, along with the Brough Law Firm, the Planning Department has developed preliminary revisions to Article 11 and other relevant sections of the UDO. Staff has performed multi-departmental review, including consultation with the City and County Attorney's offices, and has performed stakeholder and public outreach.

### **Recommendation**

Staff recommends no action at this time. A public hearing on this item is tentatively scheduled for the Commission's September meeting date.

### **Background**

In June, 2015, the United States Supreme Court issued its opinion regarding *Reed v. Town of Gilbert*, where it considered the constitutionality of provisions of the town's sign ordinance, primarily the regulation of non-commercial signs. The decision struck down the town's regulations because it treated non-commercial speech differently based upon content (content neutrality), and thus clarified when content-based restrictions on signage can be imposed<sup>1</sup>.

The JCCPC, City Council, and Board of Commissioners received presentations by CodeWright Planners (Attachment A) during the summer of 2017, introducing the topic for discussion. CodeWright Planners is no longer contracted to work on the project due to a lack of responsiveness to staff inquiries, and a failure to provide the required work product in the time and manner specified in the contract. Staff continued the work and has developed draft revisions for more extensive departmental and stakeholder review subsequent to this update.

At its April 2018 meeting, the JCCPC reviewed a preliminary draft and had recommended no substantial changes. Staff released the draft for public review in May and held a public

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<sup>1</sup> Speaker-based signs are a form of content-based signs: for example, gas station signs or theater signs.

information session. The draft for consideration by the Planning Commission will be modified as appropriate based upon comments received from public and additional staff review.

### Issues and Analysis

Prior to *Reed*, ordinances could regulate content as long as the regulation was “viewpoint neutral”, meaning sign regulations cannot consider the viewpoint or ideology of the sign. In the *Reed* case, the majority opinion by Justice Thomas further clarified and emphasized content-neutral protections, stating that regulations could regulate aspects of a sign that are not related to the message (size, materials, lighting, portability, etc.), and limitations on sign posting on public property. Furthermore, other signs specific to traffic or safety may meet strict scrutiny.<sup>2</sup> “At the same time, the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety.”<sup>3</sup>

Justice Alito, in a concurring opinion, offered a “sample” list of additional rules for municipalities that he, and other concurring justices, did not believe to be content-based (and therefore permissible):

- “Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
- Rules regulating the locations in which signs may be placed. These rules may distinguish between freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.
- In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech... They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.”<sup>4</sup>

Thus the over-riding rule is to focus on **time, place, and manner** for the sign regulation, with limited exceptions for content-based sign standards that further a compelling governmental interest and are narrowly constructed to do so. Furthermore, regulatory distinction between noncommercial and commercial speech is debatable due to *Reed*, but since prior Supreme

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<sup>2</sup> “Strict scrutiny” refers to the standard of judicial review where a law must be demonstrated to further a “compelling governmental interest” and is narrowly tailored to achieve that interest. *Wex, Cornell Law School Legal Information Institute.*

<sup>3</sup> *Reed v. Gilbert* (2015) Opinion of the Court, p.17

<sup>4</sup> *Reed v. Gilbert* (2015) Justice Alito, concurring

court cases establishing these distinctions were not overruled, staff has left such distinctions in place, ensuring that that noncommercial speech is not regulated more than commercial speech and maintaining the “substitution clause” to ensure noncommercial speech can be placed anywhere commercial speech is allowed.

Therefore, based upon guidance from the *Reed* opinions, and review of other legal interpretations of the case, staff has drafted revisions to the sign regulations within Article 11, Signs, with the summary of revisions as follows. As discussed in the presentation from the June 2017 JCCPC meeting and subsequent City Council and Board of Commissioners meetings, and at the April 2018 JCCPC meeting, the focus will be to:

- Maintain existing and legally defensible regulations;
- Reduce, and when possible, eliminate content-based regulations; and
- Incorporate other State statutory requirements.

The following is a summary of proposed revisions to the sign regulations in Article 11 and other relevant sections in the UDO. Most of the proposed revisions are related to compliance with *Reed*; however, some technical changes are also proposed.

- 1. Purpose section (Paragraph 11.1.1).** This section remains but has been updated to, at a minimum, demonstrate the necessity of certain signs to further a governmental interest such as safety, way-finding, community enhancement, and historical and cultural recognition.
- 2. New “Exempt Sign” category (Sec. 11.2).** This identifies specific signs that primarily relate to furthering a governmental interest and thus will not be regulated to the extent of other signs in general. This section also include signs allowed or required by other ordinances or statutes, or signs not visible off-site (which are not considered signs under the current definition of “sign”).
- 3. List of “Prohibited Signs” will be maintained (Sec. 11.3).** Most of these have not been identified as content-based and thus can remain. Some, however, have been re-worded or clarified so as to remove redundant aspects. Those that are content-based were deleted or re-worded to meet time, place, and manner limitations.
- 4. Most general sign standards are maintained (Sec. 11.5).** General signage regulations regarding sign area calculation and measurement, height, illumination, construction and maintenance, limitations on changeable copy, and the “substitution of noncommercial signage” clause have been maintained with limited changes. The changes to note consist of:
  - a. The deletion of aggregate sign area requirements, since they conflict with individual sign area requirements especially for large development sites with numerous freestanding and wall signage. Past determinations when conflicts have arisen resulted in sign the individual sign type allowances, thus the proposed changes reflect these determinations.
  - b. Revisions to the changeable copy allowances are proposed.
    - The 80% sign area allowance specifically just for theaters is removed due to it being a content-based regulation.
    - The “time and temperature” exemption from restrictions is removed due to it being a content-based regulation with no discernable compelling governmental interest.

- A parking structure changeable copy exemption is proposed, limited to real-time notification of parking space availability. The purpose for this focuses on safety related to queuing within the street and way-finding.
  - The limitations on the number of times a message can change is re-worded for clarity and enforceability, with a proposal of once per 180 minutes. Currently the regulation limits changes to eight times per day. The regulation proposed provides more clarity and is easier to regulate without creating a visual nuisance.
  - The exceptions for the Downtown Design District are relocated to this section.
5. **New “Temporary Sign” (Sec. 11.6) and “Permanent Sign” (Sec. 11.7) sections.** The UDO currently classifies signs into three categories: signs not requiring permits, signs allowed in the right-of-way, and signs requiring permits. These sections are re-organized to be in two primary categories: “Temporary Signs” and “Permanent Signs.” Rules for right-of-way placement are embedded within each section and most of the regulations pertaining to sign types, found within signs requiring permits, are maintained within the “Permanent sign” category. Most of the sign types found within the “signs allowed without a permit” are incorporated within the “Temporary Signs” category and promote more allowances for signs placed on residential property than those placed on non-residential.

In most instances, staff has incorporated the current size allowances for these, thus few additional limitations are anticipated. Most sign types within the “Permanent Sign” category already meet time, place, and manner standards and thus few revisions are anticipated. However, standards for temporary signs need to be revised. For example, signs currently listed and regulated as “Real Estate Signs” would be re-worded to read “an additional sign allowed when a property is for sale, lease, or rent.”

*Temporary signs:* For single-family and two-family properties, staff proposes an unlimited allowance of noncommercial temporary signs, with each sign having a maximum size and height. An additional temporary commercial-type sign of limited size and height are allowed when certain activities will happen on-site such as construction, yard sales, or when the property is for sale or rent. For non-residential, multi-family, and subdivisions property, the existing standards are primarily maintained but re-worded as discussed above to meet time, place, and manner standards.

*Permanent signs:* Most of the current “sign types” located within the current Sec. 11.6, Signs Requiring Permits, are maintained with some re-organization or proposed re-wording for clarity. The existing regulations focus on time, place, and manner thus changes are limited. Proposed changes that are more substantial are as follows:

- a. Sign types currently listed as not requiring a sign permit such as vending machine and ATM signs, window signs, and banners are relocated to this section. These still may remain exempt from sign permits.
- b. Medical facility sign regulations are reworded to reference “hospital” facilities, which is a defined term in the ordinance. Safety and expedient way-finding is critical for hospital facilities and the community it serves, thus the limited speaker-based additional allowances are maintained.
- c. Revisions to how monument and pylon freestanding signs are defined are proposed to more accurately reflect the visual differences. Additional standards for pylon signs

may be proposed to avoid pylon signs with very short pylons or supports, thus in actuality functioning as very tall monument signs.

- d. Addressing standards are relocated to this section.
- e. Way-finding sign standards are proposed for removal. These are primarily content-based regulations and most wayfinding signage without commercial messaging will be allowed as “exempt” signs. Additionally, the standards for way-finding signage plans will also be deleted.
- f. Off-premise non-residential entry signs are proposed for removal. These standards were established for limited circumstances and are primarily speaker based and run contrary to the general prohibition of off-premise commercial signage.
- g. *Aggregate sign area*. This standard often conflicts with more prescriptive individual sign allowances. Past interpretations and implementations have focused on the individual sign allowances when there was a conflict. Staff proposes deletion of this section to remove such conflicts and remove an overly burdensome standard.
- h. *Changeable Copy*:
  - The proposed changeable copy standards would eliminate “time and temperature” display allowances. Maintaining this allowance would be a content-based standard that would need to have a compelling governmental interest. Staff at this time has not determined a way to allow these, but the impact should be minimal due to the availability of this information.
  - Staff has proposed clarification to the number of times a message can change in a day. The current text reads eight times a day, but has been interpreted in a variety of ways. To clarify, staff proposed to simply allow the copy to change once every 180 minutes, which amounts to eight times a day.
  - The additional allowance of sign area for theaters is proposed to be deleted. This is a content-based allowance with no apparent governmental interest.

6. **Signs within right-of-way.** Current regulations (Sec. 11.5, Signs Allowed in Right-of-Way) allow awnings and projecting signs, government signs, emergency signs, political and election signs, and signs identifying a recognizable community or development to be placed, either temporarily or on a permanent basis, within the right-of-way with appropriate license and encroachment agreements. Other right-of-way allowances are also noted throughout the existing regulations such as directional real estate signs, moveable sidewalk signs, and suspended signs.

One issue with the current regulations is that some are content-based, and thus there need to be more generalized time, place, and manner standards. Depending upon policy direction, these can range in restriction. The following are proposed at this time:

- a. To address signs such as “ghost bikes” that are currently regulated through a separate City policy, and other memorial-type signage, the following is proposed:
  - A. One object or marker placed at the location of a traffic fatality.
    - 1. The maximum size shall be 18 square feet
    - 2. The maximum height shall be 3.5 feet.
    - 3. The object or marker shall be placed at least three feet from back of curb or edge of pavement, as applicable.
    - 4. The object or marker shall remain no longer than 45 days after the traffic fatality.

The proposed standards are derived from either state statute for placement of signs in right-of-way, the general size of bicycles, and current City policy regarding these memorials adopted in 2015.

- b. Most government or safety signs will be deleted since they will be located within the new “exempt” sign category.
- c. Deletion of the specific political sign allowance and time limitation, and replacement with a time period for any noncommercial signs in the right-of-way. The time period would be consistent with the time period established by state statute<sup>5</sup> for political signs in the right-of-way: 30 days prior to early voting through the 10<sup>th</sup> day after the election day. This would allow a variety of noncommercial signs during this time period, but not any other time. If there is direction to expand this time period, additional permitting may be necessary. This could be a concern for non-profits and other organizations that post event notifications, or other messages, within the right-of-way.
- d. Real estate directional signs. The current standards allow for real estate directional signs in right-of-way. Staff has not at this time determined a way to allow these signs within the right-of-way unless other commercial signs are also allowed. These signs are content-based, and as discussed above, any special exemption would need a compelling governmental interest. This is a concern to the real estate industry.

**7. Other notable changes proposed.**

- a. *Sec. 1.9, Severability*: This section will be reconsidered to be more comprehensive.
- b. *Historic Landmark Signs*: References to this section in Article 11 will be deleted and landmark signs will be more comprehensively incorporated into the general landmark designation section in paragraph 3.16.3, Designation of a Historic Landmark.
- c. *Sec. 5.3, Limited Use Standards; Sec. 5.4 Accessory Uses and Structures; and Sec. 5.5, Temporary Uses*: Speaker-based or content based sign restrictions will be deleted or reworded as necessary. Those initially impacted would be limited use standards for antique shops, electronic gaming, manufactured home sales, satellite dishes, and temporary farmers markets.
- d. *Paragraph 15.3.9, Additional Remedies for Sign Violations*: Deletion of text that allows maintaining a sign that violates the ordinance based upon ignorance of the sign regulations.
- e. *Sec. 17.3, Defined Terms*:
  - The definition of a “sign” will be revised to remove references that would be considered “exempt” signs and to provide a more neutral definition than the current definition, which appears to read as a “commercial” sign definition. The exemption for “trade dress” will be maintained.
  - Definitions for “banner”, “commercial sign”, “one-time event”, “temporary sign”, and “on-premise sign” are proposed. Other existing definitions are proposed with modifications.

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<sup>5</sup> NCGS 136-32(b) regulates election signs in the right-of-way, and allows such signs “During the period beginning on the 30<sup>th</sup> day before the beginning date of “one-stop” early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day.”

**8. Modifications subsequent to JCCPC and public review.**

- a. *Paragraph 11.1.1, Purpose:* Clarified statement regarding commercial versus noncommercial speech.
- b. *Paragraph 11.2.2C, Safety Signs:* Removed size limit for safety signs, particularly affecting circulation and traffic control, on and off-premises, and added size limitation for addresses (for exemption purposes) applied in the current ordinance.
- c. *Temporary and Permanent Window Signs:* Increased current allowance from 10% to 25% based upon public feedback.
- d. *Paragraph 11.6.3C, Temporary Signs on Sidewalk:* Revised amount based upon building primary entrance instead of current text which regulates based upon street frontage, and added time period to coincide with the hours of operation of the adjacent business.
- e. *Paragraph 11.7.1, General:* Added “Allowed in Right-of-Way” column to table and revised text as a result of the table modification.
- f. *Paragraph 11.7.3C, Freestanding Signs:* Revised Addressing requirement to apply to all freestanding signs up to six feet in height, not just monument signs; and added a statement regarding managing landscaping to maintain sign visibility.

**Consistency with the *Comprehensive Plan*; Reasonable and in the Public Interest.**

The primary purpose of this text amendment is to update the UDO to be consistent with a United States Supreme Court ruling; a reasonable undertaking and in the public interest. These revisions are not addressed within the *Comprehensive Plan*. However, it is appropriate for the City and County to maintain regulations consistent and not contrary to case law, and the proposed changes have been determined by staff to be appropriate and necessary for compliance.

**Staff Contact**

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**Attachments**

**Attachment A:** Draft Revisions to Article 11, Sign Regulations, and other applicable sections of the UDO.

**AN ORDINANCE TO AMEND SIGN REGULATIONS WITHIN  
THE *UNIFIED DEVELOPMENT ORDINANCE* (TC1700002)**

**PART 1**

[Amend current Sec. 11.1, General]

**Sec. 11.1 General**

**11.1.1 Purpose<sup>1</sup>**

The purpose of this section is to promote the general health, safety, and welfare of the City and County of Durham by:

- ~~A. To encourage the effective use of signs as a means of communication;~~
- ~~B. To maintain and enhance the aesthetic environment, and the community's ability to attract sources of economic development and growth;~~
- ~~C. To eliminate physical and visual clutter;~~
- ~~D. To improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and~~
- ~~E. To enable the fair and consistent enforcement of these sign regulations.~~
- A. Enabling the effective use of signs as a means of communication and free speech;
- B. Maintaining and enhancing the aesthetic environment while minimizing physical and visual clutter and subsequent adverse impacts on nearby public and private property;
- C. Maintaining the community's ability to support economic development and growth;
- D. Establishing standards that are primarily based upon time, place, and manner principles, while providing limited exceptions based upon a compelling governmental interest in the role signs play in community enhancement and engagement, safety, wayfinding, and historical and cultural recognition;
- E. Ensuring standards do not favor commercial speech over noncommercial speech;
- F. Adhering to applicable state and federal laws; and
- G. Enabling the fair and consistent enforcement of these sign regulations.

**11.1.2 Effect<sup>2</sup>**

The effect of this section is:

- ~~A. 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;~~
- ~~B. 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;~~
- ~~C. To prohibit off-premise advertising signs, except where regulation is controlled by state or federal law;~~
- ~~D. To allow a variety of types of noncommercial signs subject to the same substantive and permit requirements that control on-premise signs;~~
- ~~E. To allow certain types of signs to make minor encroachments of the public right-of-way, if~~

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<sup>1</sup> Revised to address the need for exempt sign category and the "compelling governmental interest" that warrants these.

<sup>2</sup> Deleted entirely. Superfluous text. Will utilize some aspects into the "purpose" section.

~~specially permitted; and~~

~~F. To prohibit all signs not expressly permitted by this Ordinance.~~

### 11.1.2 Applicability

A. Unless otherwise indicated or preempted by state or federal law, the standards within this Article shall be applied to all forms of signage erected, reconstructed, replaced, relocated, or altered.

B. Signage in the right-of-way may also be subject to additional City Code requirements, state or federal statutes, or additional sign regulations found within other sections of this Ordinance.

### 11.1.3 Compliance with Local Historic District Overlay and Landmarks

Signs within a local historic district overlay (-H) or on a local historic landmark property shall comply with local historic district overlay and landmark requirements of this Ordinance, as applicable.

## **PART 2**

[The current Sec. 11.2, General Requirements for Signs, is deleted and replaced with a new Sec. 11.2, Exempt Signs]

### **Sec. 11.2—General Requirements for Signs**

#### **11.2.1 Sign Defined Interpretations<sup>3</sup>**

~~A. A sign shall be considered 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 legible from any public street or adjacent property and used to attract attention.~~

~~B. This definition includes the structure or the face on which a sign message is displayed.~~

~~C. For the purposes of this section, this definition shall not include "trade dress," i.e.; architectural features identified with a product or business, as a sign.~~

~~D. Various kinds of signs are further defined in this section.~~

~~E. (County Only) Signs within the SRP-C District shall be regulated pursuant to this Article if legible from property not zoned SRP-C, instead of "adjacent property" as indicated in paragraph A, above.~~

#### **11.2.2 Sign Calculation Standards<sup>4</sup>**

##### **A. Sign Area**

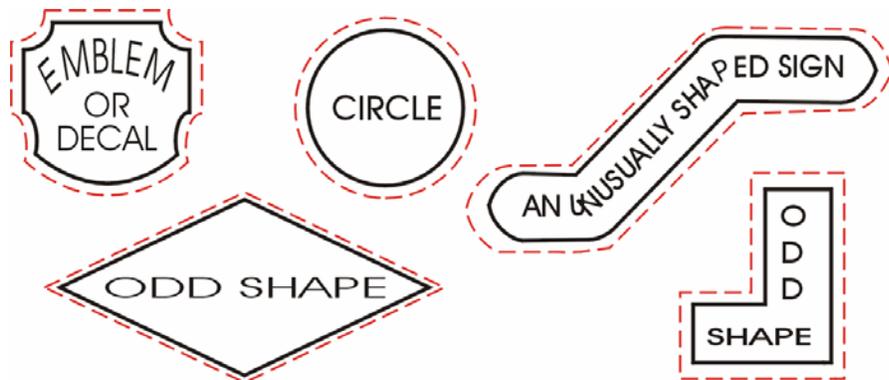
~~1. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Any backlit area shall be considered part of the face of the sign.~~

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<sup>3</sup> Moved to Definitions and updated.

<sup>4</sup> Primarily relocated to Sec. 11.5, General Standards for Signs. Some sections, as noted, are relocated to a different section or will remain deleted.

~~Commentary: The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the computation of the area of the sign face.~~

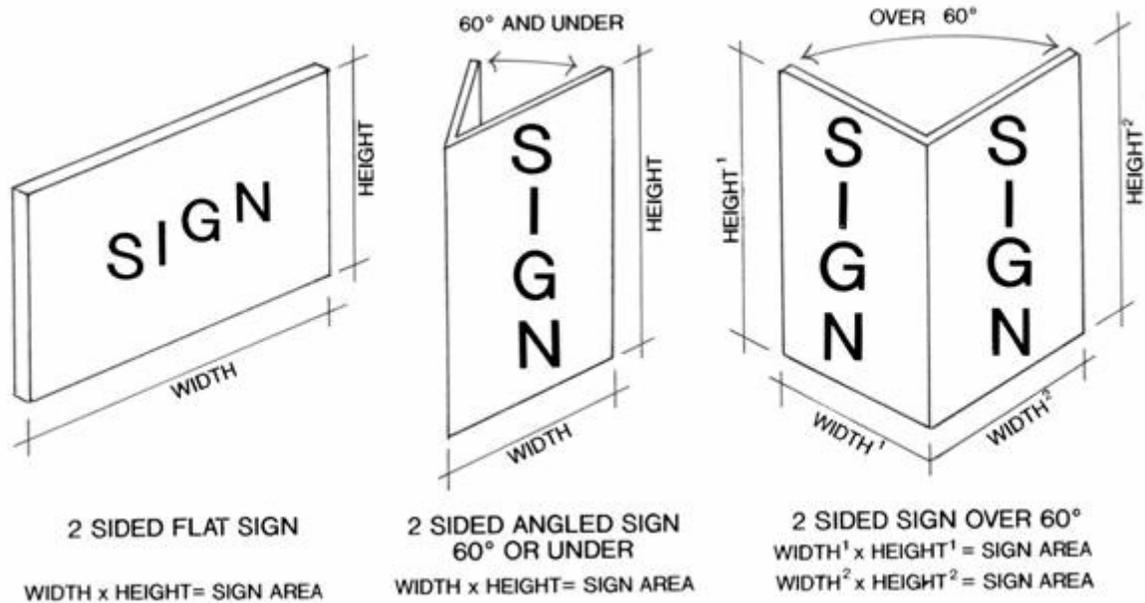


~~2. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.~~



~~Commentary: Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets—the wall area between multiple elements does not count as sign area.~~

~~3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces. On all signs other than wall signs, which shall only be allowed one face, signs with identical sign faces placed in such a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees, shall be considered as a single face.~~



~~Commentary: It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.~~

- ~~4. The entire surface area of a multi tenant sign that depicts the names of the individual tenants shall count toward the total aggregate area of the sign.<sup>5</sup>~~
- ~~5. All monument signs shall incorporate a street address number or address range. Street address numbers shall be a minimum of six inches high in residential districts, and 12 inches high in all other districts. The area of the address number shall not be computed as part of the sign face unless it exceeds twice the minimum number height requirement. All such street address numbers shall be displayed in accordance with City or County standards, as applicable.<sup>6</sup>~~

**~~B. Aggregate Sign Area<sup>7</sup>~~**

- ~~1. The maximum allowable aggregate sign area of all signs in a project that may be allocated among all sign types allowed or permitted on the site shall be as follows:
  - ~~a. Buildings within the DD District and Compact Neighborhood Tiers shall be permitted a 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, except where this Ordinance allows signs in the DD District with no maximum size. (County Only) This standard shall also apply to the SRP C District.~~
  - ~~b. Buildings within nonresidential zoning districts except those listed in paragraphs c or d below shall be permitted two square feet of sign area for each linear foot of lot frontage.~~
  - ~~c. Buildings in the OI District and the TO Overlay shall be permitted one square foot of~~~~

<sup>5</sup> Will remain deleted. Superfluous and content-based.

<sup>6</sup> Moved to "Freestanding signs" and also addressed in "Exempt signs".

<sup>7</sup> Will remain deleted. Conflicts with prescribed individual sign allowances and difficult to administer and enforce.

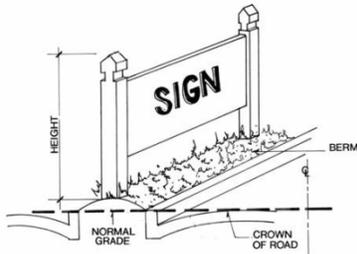
~~sign area for each linear foot of lot frontage.~~

~~d. Buildings in the SRP, IL, and I districts shall be permitted two and one quarter square feet of sign area for each linear foot of lot frontage.~~

~~e. In order to accommodate projects with very small frontages at least 32 square feet of sign area shall be permitted as a minimum in all nonresidential districts.~~

~~2. Application of the aggregate sign area allowable shall not permit the area of any single sign or sign type to exceed the standard established elsewhere in this Article.~~

### **C. Sign Height**



~~The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location of the crown of the nearest public street providing access; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.~~

#### **11.2.3 Substitution of Noncommercial Message**

~~Noncommercial signs shall be allowed in all districts and may be substituted for any sign expressly allowed under this Ordinance. Noncommercial signs shall be 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.~~

#### **11.2.4 Illumination**

~~A. 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.~~

~~B. Internally illuminated signs shall be required to have an opaque background and translucent copy.~~

~~C. Sign lighting shall not be detrimental to adjacent residential property. Property directly across a public right of way, other than a controlled access highway, shall be considered to be adjacent property.~~

~~D. Unless otherwise permitted within this Ordinance, signs shall not be illuminated by moving lights, flickering lights, or a string of lights placed around the sign.~~

#### **11.2.5 Design, Construction and Maintenance**

~~A. All signs shall comply with applicable provisions of the North Carolina Building Code and the National Electrical Code.~~

~~B. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for those signs that, by their nature, are considered temporary:~~

~~C. 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 that obscures the view of the sign message.~~

#### ~~11.2.6 Placement of Signs~~<sup>8</sup>

~~A. Signs shall be located so as not to block windows, doors, or other means of ingress and egress.~~

~~B. Unless otherwise allowed in this Ordinance, no commercial messages shall be allowed on construction fencing.~~

#### ~~11.2.7 Changeable Copy on On-Premise Signs~~

~~Except as authorized under paragraph 11.3.1B, Exception for Downtown Tier, changeable copy shall be allowed only on on-premise signs that are: in nonresidential districts, associated with nonresidential uses in the PDR District, or associated with places of worship and institutional uses in any district, subject to the following:~~

~~A. No more than 50% of the area of a sign shall be devoted to changeable copy, except for signs for theaters which can devote up to 80% of a sign to changeable copy.~~

~~B. The display of copy shall not change more than eight times in one day, except for time and temperature displays.~~

~~C. Displayed copy shall not be animated, blinking, chasing, flashing, or have other moving effects. This provision shall not restrict the copy from changing from one message to another.~~

#### ~~11.2.8 Nonconforming Signs~~<sup>9</sup>

~~A. Signs that were lawful as of the effective date of this Ordinance but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs.~~

#### ~~B. Nonconforming Off-Premise Signs~~

~~Certain off-premise signs, as defined in Sec. 11.3, Prohibited Signs, that were made nonconforming by previous ordinances but were allowed to continue beyond the amortization period in force for other off-premise signs may continue to exist until such point that compensation is not required for their removal under federal law, subject to the following restrictions, which are carried forward from previous ordinances, or are clarifications of such ordinances:~~

~~1. The signs and supporting structures may not be enlarged, moved to a different location in the City or County except by moving 1/100th of a mile on the same sign location or site as authorized by 19A NCAC 2E.0210(16), or improved through replacement by substantially different materials or in any other manner;~~

~~2. Lights and/or other electric or electronic features may not be added, and the intensity of lighting may not be increased;~~

~~3. The signs must operate in compliance with all other restrictions in Article 11, and the UDO, and other local regulations, including but not limited to prohibitions on sign operation and sign features contained in paragraph 11.3.1 and 11.3.2 and prohibitions on dilapidated and damaged signs contained in 11.3.6 and 11.3.7.~~

~~4. The signs shall be removed if repair or damage to the sign and structure exceeds 50% of~~

<sup>8</sup> Incorporated into "Prohibited signs".

<sup>9</sup> Relocated to 11.4 Nonconforming Signs.

~~value as determined by the criteria in 19A NCAC 2E.0225(f);~~

~~5. The signs shall operate in compliance with all restrictions contained in federal and/or State law and regulation; and~~

~~6. The owner of such signs shall maintain all necessary records and documents, including permits, required to be obtained under previous ordinances and/or State law or regulation, to demonstrate that the sign may continue to exist under the provisions of paragraph 11.3.5.~~

~~The restrictions contained in this section, 11.2.8B shall not be interpreted to prohibit the City or County from requiring removal of any nonconforming off-premise sign when removal is accomplished in accordance with applicable law, including but not limited to federal and/or state requirements regarding compensation.~~

## **11.2 Exempt Signs**

### **11.2.1 Purpose**

Signs within this section qualify as “exempt” from the requirements of this Article due to one or more of the following factors:

- The sign aids in the safe and efficient vehicular and pedestrian movement, circulation, and way-finding;
- The sign provides a warning of hazards;
- The sign enables a governmental entity to perform public service, outreach, or event information and fulfill other governmental responsibilities;
- The sign aids a community enhancement program or recognition of cultural or historical aspects of the community;
- The sign provides recognition other civic points of interest;
- The sign provides minimal to no visual impact to persons off-site;
- The sign is solely artistic and non-commercial; or
- The sign fulfills requirements of other codes or statutes.

### **11.2.2 Types of Exempt Signs**

Unless otherwise specified, the following signs are exempt from the requirements of this Article and are allowed in addition to other regulated temporary and permanent signs. However, such signs shall remain in good repair and not be dilapidated or damaged, and shall not create a hazard to pedestrians, cyclists, or motorists.

**Commentary:** Exempt signs may have requirements found within other sections of this Ordinance; or other local, state, or federal rules, codes, or statutes.

#### **A. Signs not Visible**<sup>10</sup>

1. Signs not visible from a public right-of-way or adjacent property shall be exempt from this Article.

2. (County Only) For the SRP-C District, signs visible from property also zoned SRP-C shall also be exempt from this Article.<sup>11</sup>

<sup>10</sup> Changed from “not legible” to be less discretionary.

<sup>11</sup> Existing text. Relocated and re-worded from Signs Defined Interpretation section.

## B. Government Sign

### 1. Types of Government Signs

a. Governmental identification and directional signs, including but not limited to, those located at municipal boundaries or that recognize historically or culturally significant city or county places or other civic points of interest;



b. Government supported or sponsored signs for community enhancement and historic recognition, such as but not limited to public art, historic or memorial markers, and officially designated historic landmark signs;



c. Government-sponsored announcements or events; and



d. Other signs required by a federal, state, or local law such as but not limited to public hearing postings, tree protection notices, and riparian buffer signs.

### 2. Signs Not Included

Permanent signs, other than those listed above, placed on government property or buildings for the purpose of building or facility identification shall not be considered exempt, and are therefore regulated within this Article.

**Commentary:** A directional sign along a street indicating the direction to a library is exempt (a directional sign to a civic point of interest), but a sign that reads "Durham County Library" on library property or buildings is not exempt.

## C. Safety Sign

A permanent or temporary sign that solely provides warnings, or control the movement or direction of vehicular and pedestrian traffic to solely facilitate safe pedestrian or vehicular

circulation. Such signs, as applicable, shall meet FHWA *Manual on Uniform Traffic Control Devices* standards. No commercial text or graphics are present.

**1. Types of Safety Signs**

a. Street name and addressing, and other traffic control and circulation signs on public or private property, or right-of-way:



b. Warning signs such as but not limited to “Beware of Dog” or “High Voltage” with associated graphics.



c. Construction warning and safety signs.



**2. Signs Not Included**

Unless there is a local, state, or federal rule or statutory requirement, the following signs shall not be considered exempt and are therefore regulated by this Article:

a. Signs containing additional commercial text and/or graphics.

b. Address text measuring more than 12 inches high in residential districts and 24 inches in all other districts.<sup>12</sup>

**D. Signs on Fences on Construction Sites**

Fence wrap signage affixed to perimeter fencing at a construction site pursuant to NCGS 160A-381(j) and 153A-340(n), as amended.

**E. Bona Fide Farms within County Jurisdiction**

<sup>12</sup> Adapted from current addressing dimensional standards and correlates with such standard placed in freestanding permanent signs.

Signs applicable to bona fide farm zoning exemptions pursuant to NCGS 153A-340, as amended.

**F. Flags**

Flags as regulated pursuant to Sec. 7.7, Flags and Flagpoles.

**G. Works of Art on property outside the right-of-way**

Works of art which do not identify a business, product, or service.<sup>13</sup>



**PART 3**

[Amend current Sec. 11.3, Prohibited Signs]

**11.3 Prohibited Signs**

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

**11.3.1 Animated or Motion Signs**

~~Signs with animated, blinking, chasing, flashing, or moving effects; however, this provision shall not prohibit signs with an alternating display of time or temperature and signs with changeable copy pursuant to paragraph 11.2.7, Changeable Copy on On-Premise Signs.~~<sup>14</sup>

**~~A. General Prohibition~~**

~~In all tiers other than the Downtown Tier, signs~~ Signs with animated, blinking, chasing, flashing, or moving effects (including but not limited to sign faces that periodically change to show different images or messages) are prohibited, with the exception of allowances signs with changeable copy under pursuant to Sec. 11.2.7 paragraph ???, Animated and Changeable Copy on On-Premise Signs.

**~~B. Exception for Downtown Tier~~**<sup>15</sup>

~~In the Downtown Tier, signs with animated, blinking, chasing, flashing, or moving effects, including sign faces that periodically change to show different images or messages shall be allowed through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the review factors in paragraph 3.9.8B, Review Factors, the following review factors shall also be considered:~~

- ~~1. The sign or signs are spaced so as to not lead to excessive animated signage in an area;~~
- ~~2. There is no negative impact upon traffic safety; and~~
- ~~3. There is artistic or historic merit or other design qualities that will have a positive impact on the downtown.~~

**11.3.2 Rotating Signs**

Rotating or revolving signs.

<sup>13</sup> This was a merged zoning ordinance (MZO) description.

<sup>14</sup> Duplicative text.

<sup>15</sup> Moved to changeable copy section.

### 11.3.3 Windblown or Inflated Signs

Fluttering, spinning, windblown, or inflated devices including pennants, propeller discs, flags or banners, or gas or air-filled displays which do not conform with the requirements of this Ordinance, unless associated with located on a parcel during operation of a temporary use in the Downtown Tier Design District authorized under Sec. 3.12, Temporary Use Permit, and Sec. 5.5, Temporary Uses.

### 11.3.4 Vehicle Signs ~~Portable Signs~~

~~Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs:~~

~~A. With attached wheels;~~

~~B. Converted to A- or T-frame signs;~~

~~C. Menu and sandwich board signs. This provision shall not apply to approved moveable sidewalk signs as set forth in paragraph 11.5.2, Moveable Signs on Sidewalk;~~

~~D. Gas or hot air filled displays; and~~

~~E. Attached or painted sign on vehicles parked and visible from within 100 feet of the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.~~

### 11.3.5 Off-Premise Signs

A. A sign that 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 shall be 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-premise business. These product-oriented signs shall be considered on-premises signs if they comply with on-premise sign requirements.

Commentary: These signs are typically considered "billboards", or signs that were once on-premises signs but became off-premise signs because the business, commodity, service or entertainment is no longer offered on the premises.

B. Notwithstanding the prohibition in paragraph-~~11.2.8~~<sup>16</sup>, above, the provisions of paragraph~~11.2.8~~<sup>16</sup>, Nonconforming Signs, shall apply to nonconforming off-premise signs located along federal and primary or interstate highways that were existing as of September 4, 1990, in the City or December 1, 1989, in the County and meet all requirements of paragraph ~~11.2.8~~<sup>16</sup>.

~~C. The prohibition of off-premise signs shall not apply to signs allowed pursuant to paragraph 11.6.2A.8, Way Finding Signs, and paragraph 11.6.2A.9, Non-Residential Entry Signs.~~

### 11.3.6 Obsolete Signs

~~A. A sign relating to or identifying a business or activity that has not been conducted on the premises for six months or to a transpired election or event, or to a political party or non-profit organization that no longer exists.~~<sup>16</sup>

<sup>16</sup> Incorporated into commentary for off-premise signs.

~~B.~~—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.

#### **11.3.7 Dilapidated or Damaged Signs**

A sign that has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

#### **11.3.8 Signs that are Constituting Traffic Hazards Hazardous to Vehicular or Pedestrian Movement**

Any sign which constitutes a hazard to pedestrian or vehicular traffic or movement including, but not limited to, signs located within the sight distance triangle of an intersection triangles; signs that impede pedestrian or vehicular movement; or signs that block windows, doors, or other means of ingress and egress.<sup>17</sup>

#### **11.3.9 Signs Located in the Public Right-of-Way or on Public Property**

~~Except as allowed in Sec. 11.4, Signs Allowed in All Districts without a Permit, and those signs expressly allowed in rights of way in Sec. 11.5, Signs Allowed in Right of Way Unless otherwise allowed,~~ all signs, including supports, frames, and embellishments, that are located within a public right of way 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 expressly permitted by the City Public Works Director, or designee; County General Services Director, or designee; or NCDOT, as applicable.~~

#### **~~11.3.10 All Other Unlisted Signs~~**

~~All other signs that are not expressly exempt from regulation or expressly permitted under this Article.~~

### **PART 4**

[The current Sec. 11.4, Signs Allowed in All districts without a Permit, is deleted and replaced with a new Sec. 11.4, Nonconforming Signs]

#### **~~11.4 Signs Allowed in All Districts without a Permit~~**

##### **~~11.4.1 General~~**

~~A. The signs under this section shall be allowed in all zoning districts.~~

~~B. No sign permit shall be required; however, the property owner's consent shall be obtained before erecting such signage.~~<sup>18</sup>

~~C. Other than vending machines, automatic tellers, and gasoline pumps, no signs allowed under this section shall be illuminated.~~<sup>19</sup>

~~D. All signs shall be located outside the public right of way and outside of any required sight distance triangle except signs pursuant to paragraph 11.4.2D, Directional Signs for Sale, Lease, or Rental of Residential Property.~~

##### **~~11.4.2 Table of Sign Types Allowed Without a Sign Permit~~**

###### **~~A. Banner signs~~**<sup>20</sup>

<sup>17</sup> Adapted from the current "Placement of signs" section that is now deleted.

<sup>18</sup> Moved to Temporary sign section

<sup>19</sup> Moved to Permanent sign section

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

**Standards**

- ~~1. Each banner shall be at least six square feet in area but no more than 36 square feet in area, and all banners on the same lot shall be consistent in terms of colors and materials used.~~
- ~~2. Each banner shall be individually attached to a pole, mast arm or other structure.~~
- ~~3. An overall signage plan shall be approved when multiple banners are placed on a lot.~~
- ~~4. All banners shall be maintained in good condition.~~
- ~~5. Banners shall display information that is solely decorative or noncommercial, and can include information that identifies historic districts or historic landmarks, and shall not be included in the computation of total sign area on a property. See Sec. 7.7, Flagpoles and Flags, for regulation of flags and flagpoles.~~
- ~~6. 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.~~

**~~B. Construction Signs~~**<sup>21</sup>

~~A sign that 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.~~

**Standards**

- ~~1. In single family residential districts on projects not involving multiple lots, such signs shall not exceed six square feet in area and four feet in height and are limited to one per lot.~~
- ~~2. In all other circumstances, such signs shall not exceed 32 square feet in area and eight feet in height, except in the DD District where such signs shall not exceed:  
(a) 10% of the building facade area along the street frontage location or 120 square feet in area, whichever is less; and  
(b) Eight feet in height.~~
- ~~3. The sign shall be removed prior to the issuance of a Certificate of Compliance.~~
- ~~4. Construction signs in accordance with this section are permitted at a maximum rate of one sign per 50 continuous linear feet of construction fence.~~
- ~~5. Where there is no construction fencing, the number of signs allowed shall be one per street frontage.~~

**~~C. Customary Identification Signs~~**<sup>22</sup>

~~Signs such as building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs.~~

**Standards**

~~Such signs shall not exceed three square feet in area per sign.~~

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<sup>20</sup> Added to Definitions

<sup>21</sup> Moved to Temporary signs

<sup>22</sup> Moved to Exempt signs

**~~D. Directional Signs For Sale or Rent of Residential Property~~**<sup>23</sup>

~~Signs that provide directional information regarding the sale or lease of residential property.~~

**~~Standards~~**

- ~~1. The signs contain only directional information [i.e., directional arrows, "left 100 yards", "2nd right", etc.] and "house for rent", "open house", "new house(s) for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.~~
- ~~2. The signs shall be temporary signs on white background, unlit, and limited to 2 square feet per side for a single user. 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.~~
- ~~3. 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 one mile from the project or property for which directions are given.~~
- ~~4. Each user is allowed only 1 sign per intersection.~~
- ~~5. Signs for properties for sale or lease shall be removed when a contract is closed on the last property for sale or lease in the project.~~
- ~~6. To encourage assistance in compliance with these requirements, the Planning Director, or designee, may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions.~~

**~~E. Farms Signs~~**<sup>24</sup>

~~Signs advertising agricultural products grown or produced on the premises of a farm at least five acres in size.~~

**~~Standards~~**

- ~~1. The signs shall not exceed 16 square feet in area per side and eight feet in height.~~
- ~~2. The number of signs shall not exceed a ratio of one 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.~~
- ~~3. 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.~~
- ~~4. The signs shall be removed during seasons when sales have ceased.~~
- ~~5. Agricultural properties that wish to apply for permanent signs may do so by permit under the provisions of Sec. 3.10, Sign Permit, but in that event, additional unpermitted signs shall not be allowed.~~

**~~F. Historic Markers~~**<sup>25</sup>

~~A sign indicating the date of construction, the name of the building, the principals involved in its construction, or other historical facts. Historic or memorial markers can be erected by a governmental agency or private, nonprofit historic preservation or education organization,~~

<sup>23</sup> Currently deleted entirely. Will explore further any potential for allowance.

<sup>24</sup> Either exempt due to bona fide farm status, or allowed through either temporary or permanent signs.

<sup>25</sup> Moved to Exempt signs and added definition based upon current description.

~~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.~~

~~Standards~~

- ~~1. The plan or program sponsoring the sign shall employ uniform standards of eligibility and the sign or marker shall commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance.~~
- ~~2. Each such sign or marker shall be made of cast metal, cut masonry, painted wood, glass, other metal or other similar durable weatherproof material.~~
- ~~3. Building-mounted signs shall not exceed six square feet in area.~~
- ~~4. Freestanding signs shall not exceed 16 square feet in area.~~

~~**G. Home Occupation Signs**<sup>26</sup>~~

~~A sign advertising a home occupation.~~

~~Standards~~

~~Only one wall sign not exceeding three square feet in area shall be allowed.~~

~~**H. Incidental Signs**<sup>27</sup>~~

~~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.~~

~~Standards~~

~~Such signs shall not exceed three square feet of area per sign or four feet in height and shall not contain any logos.~~

~~**I. Murals**<sup>28</sup>~~

~~An image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.~~

~~Standards~~

- ~~1. Murals containing graphics, other than logos or registered trademarks, related to goods and services provided on site are allowed without a permit.~~
- ~~2. Commercial text, logos, or trademarks contained within the mural shall comply with the standards for wall signs within paragraph 11.6.1, Table of Signs Requiring Permits.~~
- ~~3. Mural graphics shall not be included in the sign area calculations when commercial text is included despite paragraph 11.2.2A.2.~~

~~**J. Public Art Placards**<sup>29</sup>~~

~~Messages on public art that recognize the artist and/or sponsor and are clearly subordinate to the art.~~

~~Standards~~

~~Such signs shall not exceed four square feet in area, or five percent of the total square footage of the art, whichever is smaller. For three-dimensional art, the total square footage of the base shall be used to calculate percentage.~~

~~**K. Public or Non-Profit Announcements**<sup>30</sup>~~

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<sup>26</sup> Deleted and allowance incorporated into general permanent signage allowance.

<sup>27</sup> Incorporated into Exempt signs.

<sup>28</sup> Incorporated into Exempt signs.

<sup>29</sup> Incorporated into Exempt signs.

<sup>30</sup> Incorporated into Temporary signs.

~~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. Events or activities that are typically routine, such as but not limited to hours of operation, weekly worship times, and other similarly repeated activities shall not be construed to meet this standard.~~

#### ~~Standards~~

- ~~1. Such signs shall not exceed 32 square feet in area for nonresidential districts and shall be limited to one per event.~~
- ~~2. Such signs shall not exceed six square feet in area for residential uses in residential districts and 25 square feet in area for nonresidential uses in residential districts and shall be limited to one per event, per premise.~~
- ~~3. Within Design Districts, such signs shall not exceed 10 percent of the individual building facade area or 32 square feet, whichever is greater.~~
- ~~4. Signs shall indicate the date(s) of the activity or event.~~
- ~~5. The sign may be erected up to two weeks prior to the event and shall be removed within seven days after the event. However, in no case shall a sign be posted for more than 30 days.~~
- ~~6. (County Only) Within the SRP C District, such signs shall not exceed 10 percent of the individual building facade area or 32 square feet, whichever is greater.~~

#### ~~L. Public Signs~~<sup>31</sup>

~~Signs erected by the federal, state, or local government, or governmental entity.~~

#### ~~Standards~~

~~The sign shall contain no commercial logo or message.~~

#### ~~M. Real Estate Signs on Nonresidential Property, Multifamily Property, or Subdivision~~<sup>32</sup>

~~A sign located on nonresidential property, multifamily residential property, or in one subdivision if applicable to multiple lots and advertising the property for sale, rent, or lease.~~

#### ~~Standards~~

- ~~1. Freestanding signs shall not exceed 32 square feet in area per sign and eight feet in height and shall be limited to one freestanding sign per street frontage.~~
- ~~2. One wall sign per building facade shall be allowed if the entire building is for sale, rent, or lease. Facades with a frontage measuring less than 100 linear feet shall be allowed a wall sign which shall not exceed 16 square feet in area. Facades with a frontage measuring 100 linear feet or more shall be allowed a wall sign which shall not exceed 32 square feet in area.~~
- ~~3. If portions of a building are for sale, rent, or lease, a single wall sign not to exceed eight square feet shall be allowed for each leasable/rentable/salable unit.~~
- ~~4. The signs shall be removed within 15 days after closing or execution of a rental or lease agreement.~~

#### ~~N. Real Estate Signs on Residential Property (Other than Multifamily Property or Subdivision)~~<sup>33</sup>

<sup>31</sup> Incorporated into Exempt signs.

<sup>32</sup> Incorporated into Temporary signs.

<sup>33</sup> Incorporated into Temporary signs.

~~A sign advertising residential property (except for multi-family dwellings or multiple lots in one subdivision) for sale, rent or lease.~~

**Standards**

~~1. Such signs shall not exceed six square feet in area and four feet in height for freestanding signs and shall be are limited to one sign per street frontage and one wall sign per dwelling unit.~~

~~2. The signs shall be removed within 15 days after closing or execution of a rental or lease agreement.~~

**~~O. Traffic Control Signs On Private Property~~**<sup>34</sup>

~~Any public notice or warning required by applicable federal, State or local law, regulation or ordinance. Any federal, State or local traffic control or other public sign when located on private property.~~

**Standards**

~~1. The face shall meet FHWA Manual on Uniform Traffic Control Devices standards.~~

~~2. The sign shall contain no commercial logo or message.~~

**~~P. Vending Machines, Automatic Tellers, Gasoline Pumps~~**<sup>35</sup>

~~Signs that display the name, trademark or logo of the company or brand or prices provided the display is an integral part of vending machine, automatic teller machine or gas pump.~~

**Standards**

~~The sign shall not exceed 32 square feet in area per side.~~

**~~Q. Window Signs~~**<sup>36</sup>

~~Signs that are attached to, painted on, or etched into a window or displayed within 12 inches (measured horizontally) of the window and are legible from outside of the window.~~

**Standards**

~~1. Such signs in combination with other window signs shall not exceed 10% of the window area on each facade.~~

~~2. Such signs in combination with all other signs on the lot shall not exceed the maximum permitted sign area for the lot.~~

**~~R. Yard Sale Signs~~**<sup>37</sup>

~~A sign advertising a yard or garage sale.~~

**Standards**

~~1. Yard sale signs shall not exceed four feet in height and six square feet in area per sign.~~

~~2. Limited to one sign per lot.~~

~~3. Such signs may be erected up to five days prior to the event and shall be removed within two days after the event.~~

<sup>34</sup> Incorporated into Exempt signs.

<sup>35</sup> Incorporated into Permanent signs.

<sup>36</sup> Incorporated into Permanent signs.

<sup>37</sup> Incorporated into Temporary signs.

## 11.4 Nonconforming Signs<sup>38</sup>

11.4.1 Signs that were lawful when established but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs.

### 11.4.2 Nonconforming Off-Premise Signs

Certain off-premise signs, as defined in Sec. 11.3, Prohibited Signs, that were made nonconforming by previous ordinances but were allowed to continue beyond the amortization period in force for other off-premise signs may continue to exist until such point that compensation is not required for their removal under federal law, subject to the following restrictions, which are carried forward from previous ordinances, or are clarifications of such ordinances:

1. The signs and supporting structures may not be enlarged, moved to a different location in the City or County except by moving 1/100th of a mile on the same sign location or site as authorized by 19A NCAC 2E.0210(16), or improved through replacement by substantially different materials or in any other manner except as allowed pursuant to NCGS 136-131.2<sup>39</sup>;
2. Lights and/or other electric or electronic features may not be added, and the intensity of lighting may not be increased;
3. The signs must operate in compliance with all other restrictions in Article 11, and the UDO, and other local regulations, including but not limited to prohibitions on sign operation and sign features contained in paragraph 11.3.1 and 11.3.2 and prohibitions on dilapidated and damaged signs contained in 11.3.6 and 11.3.7.
4. The signs shall be removed if repair or damage to the sign and structure exceeds 50% of value as determined by the criteria in 19A NCAC 2E.0225(f);
5. The signs shall operate in compliance with all restrictions contained in federal and/or State law and regulation; and
6. The owner of such signs shall maintain all necessary records and documents, including permits, required to be obtained under previous ordinances and/or State law or regulation, to demonstrate that the sign may continue to exist under the provisions of paragraph 11.3.5.

The restrictions contained in paragraph 11.4.2, shall not be interpreted to prohibit the City or County from requiring removal of any nonconforming off-premise sign when removal is accomplished in accordance with applicable law, including but not limited to federal and/or state requirements regarding compensation.

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<sup>38</sup> Currently paragraph 11.2.8, Nonconforming signs. No changes were made except as noted or to update cross-references.

<sup>39</sup> State statute reference added

## PART 5

[The current Sec. 11.5, Signs Allowed in Right-of-Way, is deleted and replaced with a new Sec. 11.5, Nonconforming Signs]

### ~~Sec. 11.5 Signs Allowed in Right-of-Way~~<sup>40</sup>

#### ~~11.5.1 General~~

~~The following signs are allowed within the public right-of-way in all zoning districts. Where such signs are permanent signs, they shall require a license agreement approved by the Public Works Director, or designee ) and/or an encroachment agreement approved by NCDOT as applicable. Signs allowed in right-of-way shall meet all other applicable requirements of this Article.~~

~~A. Awning and projecting signs projecting over a public right-of-way.~~

~~B. Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.~~

~~C. Public signs erected by or on behalf of the City, County, State or federal government.~~

~~D. Signs erected pursuant to a temporary use permit issued by the Planning Director or designee, subject to such ordinances or regulations as may apply.~~

~~E. Signs identifying a recognized community, subdivision or development provided that such signs are consistent with an approved overall sign plan, site plan or subdivision plat. This shall also include signs pursuant to paragraph 11.6.2A.10, Off Premise Non-Residential Entry Signs.~~

~~F. (City only) Signs erected in connections with elections, referenda, or current political events provided that they do not exceed six square feet per sign in area and are no more than four feet in height. The signs shall be located so as not to obstruct drivers' vision clearances at intersections. Such signs may be posted 45 days prior to an election in which a person identified on the sign is a candidate or item identified on the sign is on the ballot and shall be removed within 15 days after the election or cessation of candidacy of all persons identified on the sign, whichever comes first. Along State rights-of-way such signs may require permits from NCDOT.~~

#### ~~11.5.2 Moveable Signs on Sidewalk~~

~~A. A moveable sign shall not be permanently 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.~~

~~B. Moveable signs can be located within the street right of way only on sidewalks within the CI, CN, CG, MU Districts, and Design districts and shall not require a permit.~~

#### ~~C. Standards~~

~~1. Only one moveable sign is allowed per building street frontage and shall only advertise for the business(s) accessed from that frontage.~~

~~2. The sign shall be located no more than 10 feet from the main pedestrian entrance. This amount can be increased only by the minimum amount necessary to achieve the minimum width for pedestrian clearance.~~

#### ~~3. Pedestrian Clearance~~

~~The moveable sign shall be placed to allow at least five feet of sidewalk width for unrestricted pedestrian movement.~~

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<sup>40</sup> Revised and incorporated into Exempt, Temporary, and Permanent sign sections.

~~4. Each sidewalk sign shall not exceed two and one half feet in width and four feet in height.~~

~~5. The sign shall be removed each day by the close of business, and shall be replaced or removed when the appearance or condition of the sign deteriorates.~~

~~D. Within the CI, CN, CG, and MU Districts, the additional requirements must also be met:~~

~~1. The area shall consist of one or more contiguous blocks where at least 75% of the blockface contains buildings which abut the street sidewalk.~~

~~2. At least 50% of the buildings shall have space at the street level which consists of retail stores, shops and restaurants.~~

~~3. When the area is located in an historic district overlay, a plan in conformance with the requirements of Sec. 11.8, Elements of Common and Way-Finding Signage Plans, shall be reviewed by the HPC pursuant to Sec. 3.17, Certificate of Appropriateness.~~

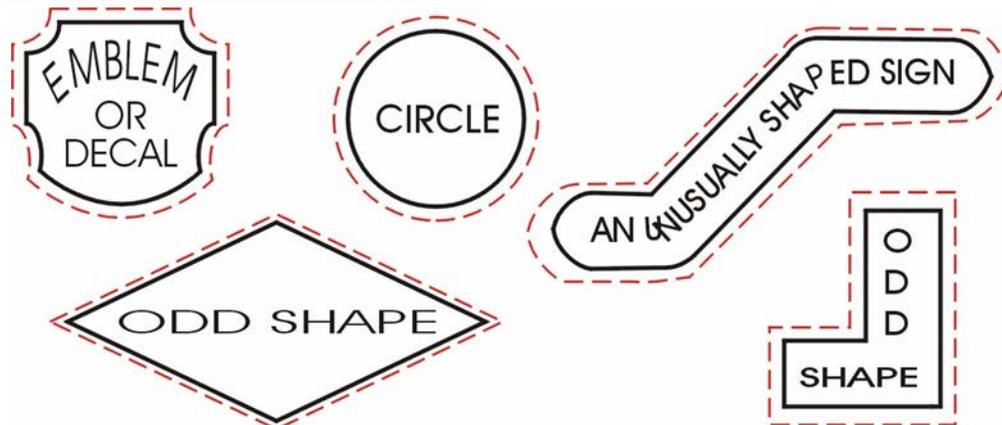
**11.5 General Standards for Signs**

**11.5.1 Sign Calculation and Measurement**

**A. Sign Area**

1. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Any backlit area shall be considered part of the face of the sign.

**Commentary:** The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the computation of the area of the sign face.

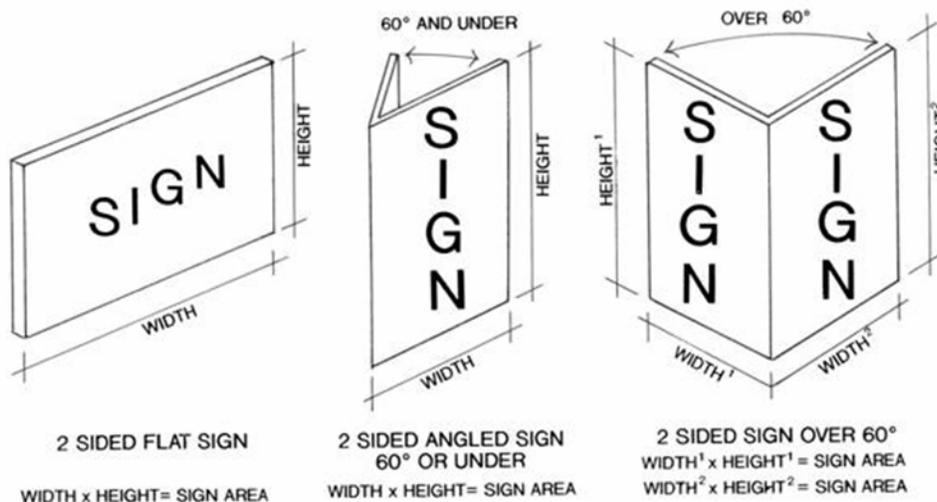


2. Where a sign consists of individual letters, words or symbols attached, painted, or otherwise applied to a surface, building, canopy, awning, wall or window and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.



**Commentary:** Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets – the wall area between multiple elements does not count as sign area.

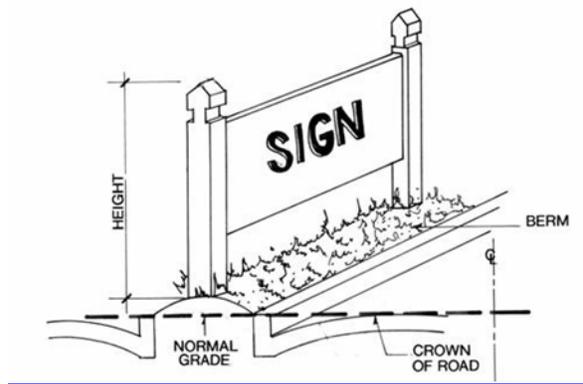
3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces. On all signs other than wall signs, which shall only be allowed one face, signs with identical sign faces placed in such a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees, shall be considered as a single face.



**Commentary:** It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.

**B. Sign Height**

The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location of the crown of the nearest public street or access drive; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.



### **11.5.2 Illumination**

- A. 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.**
- B. Internally illuminated signs shall be required to have an opaque background and translucent copy.**
- C. Sign lighting shall comply with applicable lighting standards pursuant to paragraph 7.4.3, Standards.**
- D. Unless otherwise permitted within this Ordinance, signs shall not be illuminated by moving lights, flickering lights, or a string of lights placed around the sign.**

### **11.5.3 Design, Construction and Maintenance**

- A. All signs shall comply with applicable provisions of the North Carolina Building Code and the National Electrical Code.**
- B. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for those signs that, by their nature, are considered temporary or moveable.**
- C. 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 that obscures the view of the sign message.**

### **11.5.4 Animated and Changeable Copy on On-Premise Signs**<sup>41</sup>

- A. Changeable copy shall be allowed only on on-premise signs in the following locations:**

- 1. Nonresidential districts;**
- 2. Design Districts;**
- 3. Nonresidential uses in the PDR District, and all other Planned Districts; and**
- 4. Nonresidential uses in residential districts.**

### **B. General Standards**

- 1. No more than 50% of the area of a sign shall be devoted to changeable copy.**
- 2. Except for paragraph 11.5.4D, Parking Structure Changeable Copy, the display of copy**

<sup>41</sup> Changes in this section involve re-wording to focus on time-place-manner (time/temperature and theater exceptions are deleted since they do not warrant a compelling governmental interest to allow an exception), develop a safety/traffic circulation related standard parking structures to allow real-time vacancy notification, and includes the current downtown design district exception relocated from a different section.

shall not change more frequently than once per 180 minutes.<sup>42</sup>

3. Displayed copy shall not be animated, blinking, chasing, flashing, or have other moving effects. This provision shall not restrict the copy from changing from one message to another.

#### **C. Exception for Downtown Design (DD) District**

In the DD District, signs with animated, blinking, chasing, flashing, or moving effects, including sign faces that periodically change to show different images or messages shall be allowed through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the review factors in paragraph 3.9.8B, Review Factors, the following review factors shall also be considered:

1. The sign or signs are spaced so as to not lead to excessive animated signage in an area;
2. There is no negative impact upon traffic safety; and
3. There is artistic or historic merit or other design qualities that will have a positive impact on the downtown.

#### **D. Parking Structure Changeable Copy**

In order to facilitate safe traffic movements and minimizing hazardous vehicular queuing within right-of-way, signs associated with parking structures may incorporate changeable messages that solely provide real time notification of the availability of parking.

#### **11.5.5 Substitution of Noncommercial Message**

Noncommercial signs shall be allowed in all districts and may be substituted for any sign expressly allowed under this Ordinance. Noncommercial signs shall be 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.

### **PART 6**

[The current Sec. 11.6, Signs Requiring Permits, is deleted and replaced with a new Sec. 11.6, Temporary Signs]

#### **~~Sec. 11.6 Signs Requiring Permits~~**

##### **~~11.6.1 Signs Requiring Permits~~**

~~Upon issuance of a sign permit in accordance with Sec. 3.10, Sign Permit, the following signs shall be allowed subject to the following requirements.~~

##### **~~A. Awning Signs~~**

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

~~Awning signs shall be permitted for nonresidential uses and in all 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 seven feet six inches above a public right-of-way or required front yard.~~

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<sup>42</sup> Current regulate by limiting the amount of changes to eight a day. The proposed text is intended to simplify the regulation without changing the policy.

- ~~3. The sign shall not be closer than two feet, measured in horizontal distance, from the curb line of any street.~~
- ~~4. The sign shall not extend more than five feet into the right of way unless a license agreement pursuant to paragraph 11.5.1, General, has been issued.~~
- ~~5. Any fabric awning valance may not extend more than one foot below the rigid mount of the awning.~~
- ~~6. The maximum sign area is 40 square feet per sign.~~
- ~~7. Only one sign is permitted over each door or window.~~
- ~~8. The area of all permitted awning signs shall be included in the area of all wall signs.~~

### **~~B. Canopy Signs~~**

~~A sign on 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.~~

#### ~~Standards~~

- ~~1. Canopy signs shall be permitted on nonresidential uses subject to the following requirements:~~
- ~~2. The maximum sign area per canopy face is 12 square feet.~~
- ~~3. The vertical edge of the canopy sign shall be a maximum of two feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be 42 inches.~~
- ~~4. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.~~
- ~~5. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.~~

### **~~C. Freestanding Signs~~**

#### ~~Monument Sign~~

#### ~~Pylon Sign~~

~~There are two types of freestanding signs:~~

#### ~~1. Monument Signs~~

~~A freestanding sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade level.~~

#### ~~2. Pylon Signs~~

~~A freestanding sign permanently affixed to the ground by one or more supports.~~

#### ~~3. Standards~~

~~Standards for freestanding signs are pursuant to paragraph 11.6.2, Standards for Freestanding Signs.~~

### **~~D. Marquee Signs~~**

~~Signs/message areas on a permanent roof-like structure projecting over an entrance of a building (marquee).~~

#### ~~Standards~~

- ~~1. Marquee signs shall be allowed in all non-residential districts, including MU, UC, and DD Districts, subject to the following conditions:~~

- ~~2. The marquee shall maintain a vertical clearance over a sidewalk of at least seven feet six inches.~~
- ~~3. The marquee shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.~~
- ~~4. The message area may extend the full length of the marquee.~~
- ~~5. The message area shall not exceed eight feet in height.~~
- ~~6. The message area shall not exceed 200 square feet in area, except in the DD District where it shall not exceed 350 square feet in area.~~
- ~~7. Only one marquee sign shall be allowed per establishment.~~

### **E. Projecting Signs**

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

#### ~~Standards~~

~~Projecting signs shall be allowed on all nonresidential uses, subject to the following conditions:~~

- ~~1. The sign shall 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 two feet beyond the top of the wall.~~
- ~~2. The sign shall maintain a clearance of 7' 6" above a public right of way or required front yard.~~
- ~~3. The sign shall not extend into a required front yard more than six feet or into a public right-of-way more than 4.5 feet unless a license agreement pursuant to paragraph 11.5.1, General, has been issued.~~
- ~~4. The sign shall not exceed 40 square feet in area.~~
- ~~5. Only one sign shall be permitted per establishment, except that an establishment in a Design District with more than one street frontage may have one sign per street frontage.~~

### **F. Roof Signs**

~~A sign that is higher than the highest point of the roof to which it is attached. Signs that do not extend above the roof, but are attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs that do not extend above the highest point of the roof, even if attached to mansard or canopy roofs are considered wall signs.~~

#### ~~Standards~~

~~Roof signs shall be allowed subject to the following regulations:~~

- ~~1. Roof signs are allowed only in the MU District and Downtown Tier.~~
- ~~2. Roof signs shall be allowed by right on buildings of five stories or more.~~
- ~~3. Roof signs on buildings with less than five stories are allowed through the approval of a Design Special Use Permit, pursuant to Sec. 3.9, Special Use Permit.~~
- ~~4. The maximum sign area shall be 15% of the building façade area that is on the same building elevation as the sign. The amount of sign area devoted to roof signs shall be deducted from the allowable wall sign square footage.~~

### **G. ~~Suspended Signs~~**

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

#### ~~Standards~~

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

- ~~1. The sign shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.~~
- ~~2. The sign shall maintain a vertical clearance over a sidewalk of at least seven feet six inches.~~
- ~~3. The sign area shall not exceed 3½ square feet.~~
- ~~4. Only one sign shall be allowed per establishment or per exterior wall per establishment.~~

### **H. ~~Temporary Signs~~**

~~Any sign which is intended for temporary use and not permanently mounted. The sign shall relate to a special event or temporary situation, not a routine business activity.~~

#### ~~Standards~~

~~Temporary signs shall be allowed in every district, subject to the following requirements:~~

- ~~1. The sign may be erected up to two weeks before the event and shall be removed within seven days after the event. However, in no case shall a sign be posted for more than 30 days.~~
- ~~2. The sign area shall not exceed 32 square feet except in the Design districts, where the sign area shall not exceed 32 square feet or 10% of the square footage of the building façade area on one street frontage, whichever is larger.~~
- ~~3. Only one sign shall be allowed per business per special event and shall include the date(s) of the event in the sign copy.~~
- ~~4. Each business site may be issued two sign 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.~~
- ~~5. Construction information, or sales, rental, or leasing information, must meet the standards of paragraphs 11.4.2, 11.4.13, and 11.4.14 as applicable.~~
- ~~6. Exception for Downtown Design District: Signs on vacant buildings that drape the building façades or cover the windows, and that display only decorative graphics or public art, shall be allowed with no maximum square footage, number, or duration. Such signs shall be removed prior to occupancy.~~
- ~~7. (County Only) Within the SRP-C District, the sign area shall not exceed 32 square feet or 10% of the square footage of the building façade area on one street frontage, whichever is larger.~~

### **I. ~~Wall Signs~~**

~~Any sign, other than a projecting sign, which is permanently attached to or painted on any wall of a building. 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. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, unless that extension serves solely as the framing for a sign support structure or sign face, even if such extension projects beyond or above the enclosed portions of the building. For signs that extend above the roof see "Roof Signs."~~

~~Standards—Nonresidential Districts~~

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

- ~~1. The sign shall not extend more than 12 inches from the wall of 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 two 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. Wall signs may not exceed 15% of the wall area in size. Where the area of the wall is less than 167 square feet, a minimum of 25 square feet of wall sign area is allowed.~~
- ~~6. 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.~~
- ~~7. The sign shall only have one face, regardless of the proposed angle of separation of proposed faces.~~

~~Standards—Residential Districts~~

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

~~Nonresidential uses permitted in residential districts and all multifamily developments shall be allowed one 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 shall be allowed.~~

**11.6.2 Standards for Freestanding Signs**

**A. Design Districts, and Nonresidential Districts and Uses**

~~Freestanding signs shall be permitted in Design districts, nonresidential zoning districts, and for non-residential uses in residential zoning districts subject to the following requirements.~~

~~1. Height~~

~~a. Monument Sign~~

~~The distance from the ground to the highest point of the sign shall be not more than six feet.~~

~~b. Pylon Sign~~

~~The distance from the ground to the highest point of the sign shall not exceed 16 feet, except for nonresidential uses in residential districts or in the MTC Overlay (Sec. 4.9), where the sign height shall not exceed 12 feet.~~

~~c. Exemption~~

~~A pylon sign up to 40 feet in height for restaurants, hotels, motels, or fuel sales establishments is allowed when:~~

- ~~(1) The property is within 400 feet of the right-of-way of a controlled access highway;~~
- ~~(2) The property is either adjacent to, or within 150 feet of, an interchange providing access to the controlled access highway; and~~
- ~~(3) The property is not located in a Design District or MTC Overlay.~~

~~2. Number~~

- ~~a. One freestanding sign shall be permitted on each street on which the property fronts.~~
- ~~b. Except within Design districts, additional signs are allowed in a development with an approved common signage plan for a street frontage that exceeds 300 feet. If multiple 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.~~

### ~~3. Area~~

#### ~~a. Sign Area in Nonresidential Districts~~

~~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.~~

#### ~~b. Sign Area of Nonresidential Uses in Residential Districts~~

~~(1) For lots with a frontage of less than 150 linear feet, the sign shall not exceed 12 square feet in area.~~

~~(2) For lots with a frontage of 150 linear feet or more, the sign shall not exceed 32 square feet in area.~~

#### ~~c. Sign Area in Design Districts~~

~~Freestanding signs shall not exceed 32 square feet in area.~~

### ~~4. Location~~

~~a. Freestanding signs shall not be placed within the MTC buffer area but may be placed within other landscaped areas.~~

~~b. Freestanding signs shall not be located within any sight distance triangles.~~

~~c. (County Only) Within the SRP-C district, freestanding signs shall not be allowed along the frontage of an interstate or freeway right-of-way.~~

### ~~5. Setback~~

~~a. If the sign height is six feet or less, or within a Design District, there shall be no minimum setback required from the property line.~~

~~b. If the sign height is over six feet:~~

~~(1) For sign areas of 32 square feet or less, a minimum setback of five feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.~~

~~(2) For sign areas of more than 32 square feet, a minimum setback of 10 feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.~~

### ~~6. Design Standards~~

~~a. Except for signs located within Design districts, pylon sign supports shall consist of at least 30% of the total sign width; each single support shall consist of at least 15% of the total sign width.~~

~~b. Within Design districts, freestanding signs shall incorporate the following design standards:~~

~~(1) All freestanding signs shall have three-part design as follows:~~

~~(a) Monument signs shall be composed of a decorative base, sign face, and cap.~~

~~(b) Pylon signs shall be composed of a decorative base, support, and sign face.~~

~~(2) Signs and sign support material shall be constructed of metal, painted or stained non-pressure treated wood, masonry, fabric, glass, ceramics, or concrete.~~

~~(3) Fasteners used for securing the sign to the ground shall be obscured by covers.~~

~~(4) Proportion~~

~~Pylon signs shall be proportionally taller than they are wide.~~

~~7. Landscaping~~

~~Except within Design districts, freestanding signs shall incorporate the following landscaping requirements.~~

~~a. A defined landscaped area shall be provided at the base of the sign. The required landscaped area shall be parallel to the face 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.~~

~~b. 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.~~

~~8. Medical Center Signs~~

~~Additional freestanding signs for medical facilities containing 250 beds or more shall be allowed subject to the following limitations. Unless explicitly altered below, all other applicable standards shall apply.~~

~~a. The information contained on the sign shall relate to medical facility services.~~

~~b. Each sign shall not exceed 12 feet in height and 50 square feet in area;~~

~~c. The number of signs allowed shall not exceed a ratio of one sign per 150 feet of medical facility property street frontage measured on the street on which the signs are to be located; and~~

~~d. All signs associated with the medical facility shall be approved as part of a common signage plan in conformance with the requirements of Sec. 11.8, Elements of Common and Way-Finding Signage Plans.~~

~~9. Way-Finding Signs~~

~~a. Way finding signs are allowed along a right of way internal to a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners.~~

~~b. Signs shall function solely for the purpose of providing directional information along rights-of way from recognized sub-sections, tenants, or areas of the development to other recognized sub-sections, tenants, or areas of the development. Referenced sub-sections, tenants, or areas can be located on different parcels other than the parcel where the sign is located.~~

~~c. Unless explicitly altered below, all other applicable standards shall apply. Way finding signs located internally within a property and not visible from right of way are exempt from the following standards.~~

~~(1) The information contained on the sign shall provide direction to the sub-sections, areas, or tenants within the development.~~

~~(2) Each sign, including supports, shall not exceed six feet in height.~~

~~(3) The maximum sign area per side shall be 16 square feet.~~

~~(4) Sign area shall not count towards the aggregate sign area allowed for the development, unless a specific tenant is listed on the sign.~~

~~(5) Signs shall be located along right of way that is interior to the unified development, and not visible from outside of the unified development.~~

~~(6) No setback is required. Signs and sign supports shall not intrude or be located within right-of-way.~~

~~(7) The number of signs allowed shall not exceed a ratio of one sign per 500 linear feet of property street frontage measured along the right of way on which the signs are to be located.~~

~~(8) All way finding signs shall be approved as part of a way finding signage plan in conformance with the requirements of paragraph 11.8.2, Elements of a Way-Finding Signage Plan.~~

~~(9) Changeable copy is prohibited.~~

#### ~~10. Off-Premise Non-Residential Entry Signs~~

~~An off-premise, freestanding non-residential sign is allowed as an entry sign for a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners. Unless explicitly altered below, all other applicable standards shall apply.~~

~~a. Signs shall be located on a property that is part of the development, within right-of-way that serves the development as allowed in Sec. 11.5, Signs Allowed in Right of Way, or on a parcel adjacent to the development tract that is zoned non-residential or multifamily.~~

~~b. A sign shall be allowed only at each entry to the development, and only along public right-of-way that serves as internal access to the development.~~

~~c. The sign shall be at least 300 feet from other freestanding signs that serve the development.~~

~~d. A sign pursuant to paragraph 11.5.1E is not permitted at the same entry.~~

~~e. Signs shall be included within the common signage plan for the development, as applicable.~~

~~f. The signs may only include the development name and tenants of the development.~~

~~g. The sign may list tenants of the development that are not on the same parcel as the sign.~~

~~h. Tenant signage shall count towards the aggregate sign area per paragraph 11.2.2A.4 and paragraph 11.2.2B, Aggregate Sign Area.~~

~~i. A tenant listed on the non-residential entry sign shall not maintain a separate, individual freestanding sign if the entry sign is located on the same parcel as the tenant, or if the individual tenant sign is located within 150 feet of the entry sign.~~

~~j. A sign easement shall be recorded for the location(s) of entry signs prior to the issuance of a sign permit.~~

~~k. Changeable copy is prohibited.~~

#### ~~**B. Residential Identification Signs**~~

##### ~~1. Residential Subdivisions~~

~~Up to two freestanding signs may be placed at each entrance to identify the subdivision. Each sign shall be limited to six feet in height and 12 square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall or masonry column.~~

##### ~~2. PDR Districts and Multifamily Developments~~

~~Up to two freestanding signs may be placed at each entrance to identify the project. Each sign shall be limited to six feet in height and the total sign area shall not exceed 32 square feet in~~

~~area for a single sign and 16 square feet each if two signs are used. The sign shall be incorporated into a permanent landscape feature such as a wall or masonry column.~~

## **11.6 Temporary Signs**<sup>43</sup>

### **11.6.1 General**

- A. The signs under this section shall be allowed in all zoning districts.
- B. A sign permit may be required pursuant to Sec. 3.10, Sign Permit~~No sign permit shall be required; however. In any event,~~ the property owner's consent shall be obtained before erecting such signage.
- C. No temporary sign shall be illuminated.
- ~~C. Other than vending machines, automatic tellers, and gasoline pumps, no signs allowed under this section shall be illuminated.~~
- ~~D. All signs shall be located outside the public right of way and outside of any required sight distance triangle except signs pursuant to paragraph 11.4.2D, Directional Signs for Sale, Lease, or Rental of Residential Property.~~

### **11.6.2 Signs Located on a Parcel**

#### **A. Single or Two-Family Residential Parcel**<sup>44</sup>

The following temporary signs shall be allowed on a parcel that maintains a single-family residential structure or a two-family residential structure. For the purpose of this section, a parcel containing a townhouse shall also be included. No sign permit shall be required.

1. Each parcel shall be allowed an unlimited number of noncommercial temporary signs, with a maximum height of three feet and maximum area of four square feet for each sign.
2. When the parcel and/or structure is for sale, lease, or rent, one commercial sign with a maximum height of four feet and maximum size of six square feet is allowed per street frontage. The sign shall be removed once the parcel and/or structure has been sold, rented, or leased.
3. When yard sale, construction, or maintenance activity is performed on the parcel, one commercial sign with a maximum height of three feet and maximum area of four square feet is allowed. The sign shall be removed once the yard sale, construction or maintenance activity has been completed.

#### **B. All Other Parcels or Development Sites**<sup>45</sup>

The following temporary signs shall be allowed on a non-residential and multi-family parcel, and development sites with multiple parcels.

<sup>43</sup> New section.

<sup>44</sup> Provides a sign budget for single and two-family lots, including townhomes

<sup>45</sup> Provides a sign budget for all other sites.

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Text highlighted in GREY are substantial additions or changes

	<u>Number of Signs per Street Frontage/Maximum Size in square feet (SF)</u>	<u>Maximum Height (feet)</u>	<u>Duration</u>	<u>Temporary Sign Permit Required (Sec. 3.10, Sign Permit)</u>
<u>Window Sign</u>	<u>Unlimited. Such signs in combination with other window signs shall not exceed 25% of the window area on each facade.</u> <sup>46</sup>	<u>---</u>	<u>---</u>	<u>No</u>
<u>Sign when a temporary event not listed below is taking place</u>	<u>SRP-C and Design Districts:</u> <u>1 at 32 SF or 10% of the square footage of the building facade area on one street frontage, whichever is larger.</u> <u>Residential Districts:</u> <u>1 and 25 SF</u> <u>All Other Districts:</u> <u>1 at 32 SF</u>	<u>---</u>	<u>Two weeks before the event and shall be removed within seven days after the event. However, in no case shall a sign be posted for more than 30 consecutive days.</u>	<u>Yes</u>
<u>Additional sign(s) when there is construction or maintenance (other than exempt fence wrap signs per 11.1.3)</u>	<u>DD District: 10% of the building facade area along the street frontage location or 120 square feet in area, whichever is less</u> <u>All other locations:</u> <u>1 at 32 SF each</u>	<u>8</u>	<u>From issuance of construction permit to completion, or during maintenance</u>	<u>No</u>
<u>Additional sign(s) when parcel is for sale, lease, or rent</u>	<u>Freestanding sign:</u> <u>1 at 32 SF</u>	<u>8</u>	<u>While for sale, lease, or rent</u>	<u>No</u>
	<u>Wall sign:</u> <u>a. Facade less than</u>	<u>---</u>		

<sup>46</sup> Current standards allow for only 10% window coverage. Comments received from the public release draft suggested increasing to 25%. Staff determined this was reasonable. The same increase is applied to permanent window signs.

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Text highlighted in GREY are substantial additions or changes

	<p><u>100 linear feet:</u>  <u>1 per facade at 16 SF</u>  <b><u>b. Facade 100 linear feet or more: 1 per facade at 32 SF</u></b></p>			
<p><u>Additional wall sign(s) when portion of a building is for sale, lease, or rent</u></p>	<p><u>1 at 8 SF for each unit or suite.</u></p>		<p><u>While for sale, lease, or rent</u></p>	<p><u>No</u></p>
<p><u>Additional sign(s) during a local, state, or federal election</u></p>	<p><u>1 at 6 SF</u></p>		<p><u>During the time period specified within NCGS 136-32(b)</u></p>	<p><u>No</u></p>

**11.6.3 Within Public Right-of-Way**

Unless indicated otherwise, ~~the~~ the following signs are allowed within the public right-of-way in all zoning districts. ~~Where such signs are permanent signs, they shall require a license agreement approved by the Public Works Director, or designee and/or an encroachment agreement approved by NCDOT as applicable.~~ Signs allowed in right-of-way shall meet all other applicable requirements of this Article. Additional approvals from the City or NCDOT, as applicable, may be required.

**A. One object or marker placed at the location of a traffic-related fatality.**<sup>47</sup>

1. The maximum size shall be 18 square feet.
2. The maximum height shall be 3.5 feet.
3. The object or marker shall be placed at least three feet from back of curb or edge of pavement, as applicable.
4. The object or marker shall remain no longer than 45 days after the traffic fatality.

~~Awning and projecting signs projecting over a public right of way.~~

**B. (City only) Noncommercial signs erected on City-maintained rights-of-way, including city-maintained State right-of-way, during the time period specified within NCGS 136-32(b).**<sup>48</sup>

1. Each sign shall be a maximum of six square feet and three and a half feet high above the edge of pavement of the adjacent road.
2. Along any State rights-of-way such signs may require permits from NCDOT.

<sup>47</sup> Proposed as a method to regulate ghost bikes and other memorials. Consistent with existing policy. Text has been modified to specify type of traffic accident.

<sup>48</sup> Developed to allow noncommercial signage in the right-of-way while not making a distinction between such signage and political signs. The time period per state statute is the 30<sup>th</sup> day prior to the start of early-voting through the 10<sup>th</sup> day after the election day. Thus, the current standard solely for political signs in right-of-way remains deleted.

**C. Moveable-Temporary Signs on Sidewalk**<sup>49</sup>

- A1.** Moveable-Temporary signs can be located on sidewalks within the ~~street~~-right-of-way ~~only on sidewalks~~ within the CI, CN, CG, MU Districts, and Design ~~districts~~-Districts and shall not require a permit.
- B2.** A moveable-temporary sign shall not be permanently 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.
- C3. Standards**
- 1a.** Only one moveable-temporary sign is allowed per ~~building-street frontage~~primary pedestrian building entrance ~~and shall only advertise for the business(s) accessed from that frontage.~~
- 2b.** The sign shall be located no more than 10 feet from the ~~main~~-pedestrian entrance. This amount can be increased only by the minimum amount necessary to achieve the minimum width for pedestrian clearance.
- 3c. Pedestrian Clearance**
- The moveable-temporary sign shall be placed to allow at least five feet of sidewalk width for unrestricted pedestrian movement.
- 4d.** ~~Each sidewalk~~The temporary sign shall not exceed two and one half feet in width and four feet in height.
- 5e.** The temporary sign shall be ~~removed each day by the close of business~~placed only during the hours of operation of the directly adjacent business,
- f.** ~~and~~The temporary sign shall be replaced or removed when the appearance or condition of the sign deteriorates.
- D.** ~~Within the CI, CN, CG, and MU Districts, the additional requirements must also be met:~~
- ~~1. The area shall consist of one or more contiguous blocks where at least 75% of the blockface contains buildings which abut the street sidewalk.~~
  - ~~2. At least 50% of the buildings shall have space at the street level which consists of retail stores, shops and restaurants.~~
  - ~~3. When the area is located in an historic district overlay, a plan in conformance with the requirements of Sec. 11.8, Elements of Common and Way Finding Signage Plans, shall be reviewed by the HPC pursuant to Sec. 3.17, Certificate of Appropriateness.~~

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<sup>49</sup> Current standards modified to focus on time, place, and manner, along with minor technical corrections or changes. Supplemental standards for the CI, CN, CG, and MU Districts remain deleted due to the complexity and lack of necessity of the requirements. Text has also been modified from “building street frontage” to “primary pedestrian building entrance” and from “removed each day by the close of business” to “placed only during hours of operation of the directly adjacent business.”

## **PART 7**

[The current Sec. 11.7, Landmark Signs, is deleted and replaced with a new Sec. 11.7, Permanent Signs]

### **Sec. 11.7 Landmark Signs**<sup>50</sup>

#### **11.7.1 Privileges**

~~Signs which have been officially designated as Landmark Signs pursuant to Sec. 3.16, Historic District or Landmark Designation, 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. Shall be allowed to remain on roofs or exceed height limits found elsewhere in this Article.~~
- ~~B. Shall be allowed to exceed dimensional limits found elsewhere in this Article.~~
- ~~C. Shall be allowed to 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 Article.~~
- ~~E. Shall be allowed to remain in a right of way unless it becomes a hazard to traffic.~~
- ~~F. Shall be allowed to retain its original lighting patterns and materials.~~

#### **11.7.2 Regulations**

~~The following regulations shall apply to signs which have been designated as Landmark Signs.~~

- ~~A. The voluntary removal of a Landmark Sign by an owner shall be allowed.~~
- ~~B. Demolition or Alterations alterations to a Landmark Sign shall not be allowed without the issuance of a Certificate of Appropriateness by the Historic Preservation Commission using the criteria used in Sec. 3.17, Certificate of Appropriateness.~~

### **11.7 Permanent Signs**<sup>51</sup>

#### **11.7.1 General**

- ~~A. The following table indicates whether a particular sign type or signage requires a sign permit or can be allowed within public right-of-way. Upon issuance of a following signs shall be allowed subject to the following requirements.~~

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<sup>50</sup> These are incorporated into exempt signs. The adoption process is already in 3.16, as modified, and the COA process already captures modification or demolition requirements.

<sup>51</sup> New section that primarily incorporates existing standards from the current Sec. 11.6, Signs Requiring a Permit, and Sec. 11.5 Signs Allowed in Right-of-Way.

<u>Signage</u>	<u>Sign Permit Required (see Sec. 3.10, Sign Permit)</u>	<u>Allowed in Public Right-of-way</u>
<u>Three Square Foot Maximum Sign Allowance (11.7.2A)</u>	<u>No</u>	<u>No</u>
<u>Awning (11.7.3A)</u>	<u>Yes</u>	<u>Yes</u>
<u>Canopy (11.7.3B)</u>	<u>Yes</u>	<u>No</u>
<u>Freestanding (11.7.3C)</u>	<u>Yes</u>	<u>No</u>
<u>Marquee (11.7.3D)</u>	<u>Yes</u>	<u>Yes</u>
<u>Projecting (11.7.3E)</u>	<u>Yes</u>	<u>Yes</u>
<u>Roof (11.7.3F)</u>	<u>Yes</u>	<u>No</u>
<u>Suspended (11.7.3G)</u>	<u>Yes</u>	<u>Yes</u>
<u>Vending, ATM, Gasoline Pump, or other Amenity (11.7.3H)</u>	<u>No</u>	<u>No</u>
<u>Wall (11.7.3I)</u>	<u>Yes</u>	<u>No</u>
<u>Window (11.7.3J)</u>	<u>No</u>	<u>No</u>

B. For signs allowed within the public right-of-way, a license agreement approved by the Public Works Director, or designee and/or an encroachment agreement approved by NCDOT as applicable, shall be required. Signs allowed in right-of-way shall meet all other applicable requirements of this Article.

#### 11.7.2 Maximum Sign Allowances<sup>52</sup>

A. On any one parcel, a maximum permanent signage allowance of three square feet is permitted without a sign permit. The signs shall be limited to freestanding, wall, or window signs pursuant to paragraph 11.7.3, Sign Types.

B. Once permanent signage exceeds the maximum indicated above, all permanent signage shall conform to the signage standards within paragraph 11.7.3, Sign Types.

#### 11.7.3 Sign Types

##### A. Awning Signs

An awning sign is a sign which is a part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential uses and in all 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 7'-6" on-site or within public right-of-way.
3. A sign extending into right-of-way shall not be closer than two feet, measured in horizontal distance, from the curb line of any street.
4. Any fabric awning valance may not extend more than one foot below the rigid mount of the awning.
5. The maximum sign area is 40 square feet per sign.
6. Only one awning sign is permitted over each door or window.

<sup>52</sup> Sets a maximum sign allowance for any parcel without the need of a sign permit. Once the maximum is exceeded, the permanent sign section would apply and permits would be needed as applicable.

7. The area of all permitted awning signs shall be included in the area of all wall signs per paragraph 11.7.1I, Wall Signs.



## **B. Canopy Signs**

A canopy sign is a sign on a permanent cover other than an awning which is attached to a building or supported by columns extending to the ground. A sign mounted to a column or underside of the canopy shall comply with dimensional standards for freestanding pylon signs.

Canopy signs shall be permitted for nonresidential uses subject to the following requirements:

1. The maximum sign area per canopy face is 12 square feet.
2. The vertical edge of the canopy sign shall be a maximum of two feet in height, except for fuel canopies, where the maximum vertical edge can be 42 inches.
3. In no case shall the sign extend beyond the any edge of the canopy to which it is attached.
4. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs per paragraph 11.7.1I, Wall Signs.



## **C. Freestanding Signs**

### **1. Types**<sup>53</sup>

#### **a. Monument Signs**

A freestanding sign permanently affixed to the ground by a solid-appearing base generally spanning the width of the sign and constructed of a permanent material, such as but not limited to concrete block or brick.

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<sup>53</sup> Descriptions are modified to more accurately describe the difference between the two types of signs.



**b. Pylon Signs**

A freestanding sign permanently affixed to the ground by one or more visible supports such as pylons, posts, poles, or columns.



**2. Standards for Design Districts, and Nonresidential Districts and Uses**

Freestanding signs shall be permitted in Design Districts, nonresidential zoning districts, and for non-residential uses in residential zoning districts subject to the following requirements.

**a. Height**

(1) Monument Sign

The distance from the ground to the highest point of the sign shall be not more than six feet.

(2) Pylon Sign

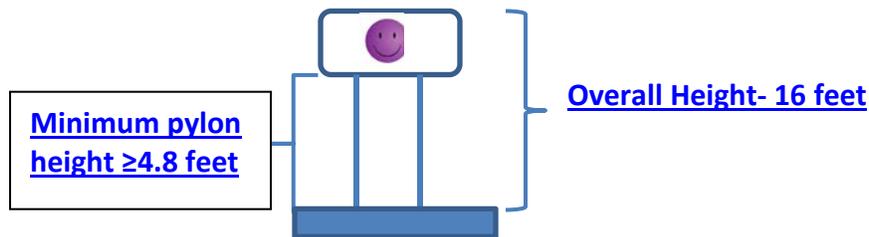
(a) The distance from the ground to the highest point of the sign shall not exceed 16 feet, except for nonresidential uses in residential districts or in the MTC Overlay (Sec. 4.9), where the sign height shall not exceed 12 feet.

(b) The height shall be limited to six feet if the length of the support(s) is less than 30% of the overall height.<sup>54</sup>

**Example:** A pylon sign with a height measurement of 16 feet would require supports of at least 4.8 feet.

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<sup>54</sup> Added to limit tall pylon signs that appear as monument signs.

(3) Exemption

A pylon sign up to 40 feet in height on a parcel maintaining a restaurant, hotel, motel, or fuel sales establishment is allowed when:

- (a) The property is within 400 feet of the right-of-way of a freeway;
- (b) The property is either adjacent to, or within 150 feet of, an interchange providing access to the freeway; and
- (c) The property is not located in a Design District or MTC Overlay.

b. Number

- (1) One freestanding sign shall be permitted on each street on which the property fronts.
- (2) Except within Design Districts, additional signs are allowed in a development with an approved common signage plan for a street frontage that exceeds 300 feet. If multiple 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.

c. Area(1) Sign Area in Nonresidential Districts

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.

(2) Sign Area of Nonresidential Uses in Residential Districts

- (a) For lots with a frontage of less than 150 linear feet, the sign shall not exceed 12 square feet in area.
- (b) For lots with a frontage of 150 linear feet or more, the sign shall not exceed 32 square feet in area.

(3) Sign Area in Design Districts

Freestanding signs shall not exceed 32 square feet in area.

d. Location

- (1) Freestanding signs shall not be placed within the MTC buffer area but may be placed within other landscaped areas.
- (2) Freestanding signs shall not be located within any sight distance triangles.
- (3) (County Only) Within the SRP-C district, freestanding signs shall not be allowed along the frontage of an interstate or freeway right-of-way.

e. Setback

- (1) If the sign height is six feet or less, or within a Design District, there shall be no minimum setback required from the property line.

(2) If the sign height is over six feet:

(a) For sign areas of 32 square feet or less, a minimum setback of five feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.

(b) For sign areas of more than 32 square feet, a minimum setback of 10 feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.

**f. Design Standards**

(1) Except for signs located within Design Districts, pylon sign supports shall consist of at least 30% of the total sign width with a maximum of 50% of total sign width; each single support shall consist of at least 15% of the total sign width.

(2) Within Design Districts, freestanding signs shall incorporate the following design standards:

(a) All freestanding signs shall have three-part design as follows:

i. Monument signs shall be composed of a decorative base, sign face, and cap.

ii. Pylon signs shall be composed of a decorative base, support, and sign face.

(b) Signs and sign support material shall be constructed of metal, painted or stained non-pressure-treated wood, masonry, fabric, glass, ceramics, or concrete.

(c) Fasteners used for securing the sign to the ground shall be obscured by covers.

(d) Proportion

Pylon signs shall be proportionally taller than they are wide.

**g. Landscaping**

Except within Design Districts, freestanding signs shall incorporate the following landscaping requirements.

(1) A defined landscaped area shall be provided at the base of the sign. The required landscaped area shall be parallel to the face 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.

(2) 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.

(3) Landscaping can be managed to maintain sign face visibility.

**h. Addressing**

All signs up to six feet in height shall incorporate a street address number or address range. Street address numbers shall be a minimum of six inches high in residential

districts, and 12 inches high in all other districts. The area of the address number shall not be computed as part of the sign face unless it exceeds twice the minimum number height.

**i. Hospital Facilities**<sup>55</sup>

Due to the unique roll hospitals play in the health and overall welfare of the community, and the need to expediently identify the location of various services or departments of a hospital facility, additional freestanding signs for hospitals shall be allowed subject to the following limitations. Unless explicitly altered below, all other applicable standards shall apply.

(1). The information contained on the sign shall relate to hospital 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 one sign per 150 feet of hospital property street frontage measured on the street on which the signs are to be located; and

(4) All signs associated with the hospital facility shall be approved as part of a common signage plan in conformance with the requirements of Sec. 11.8, Common Signage Plan Elements.

**j. Residential Developments**

**(1) Single and two-family residential developments approved through preliminary plats.**

(a) Up to two freestanding signs may be placed at each entrance of the development.

(b) Each sign shall be limited to six feet in height and 12 square feet in area.

(c) Signs shall be incorporated into a permanent feature such as a wall or masonry column.

**(2) Multifamily Developments**

(a) Up to two freestanding signs may be placed at each entrance of the development.

(b) Each sign shall be limited to six feet in height and the total sign area shall not exceed 32 square feet in area for a single sign and 16 square feet each if two signs are used.

(c) The sign shall be incorporated into a permanent feature such as a wall or masonry column.

**D. Marquee Signs**

Signs/message areas on a permanent roof-like structure projecting over an entrance of a building (marquee).

Marquee signs shall be allowed in all non-residential districts, including MU, UC, and DD Districts, subject to the following conditions:

**1. The marquee shall maintain a vertical clearance of at least 7'-6" on-site or within public right-of-way.**

<sup>55</sup> Text changed to indicate "hospital" instead of "medical facility". Hospital is defined, and additional text proposed to emphasize the unique health/safety role hospitals play within a community.

2. The marquee shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.
3. The message area may extend the full length of the marquee.
4. The message area shall not exceed eight feet in height.
5. The message area shall not exceed 200 square feet in area, except in the DD District where it shall not exceed 350 square feet in area.
6. Only one marquee sign shall be allowed per establishment.



#### E. Projecting Signs

A sign forming an angle with a building which extends from the building and is supported by the building. Projecting signs shall be allowed on all nonresidential uses, subject to the following conditions:

1. The sign shall 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 two feet beyond the top of the wall.
2. The sign shall maintain a vertical clearance of 7'-6" on-site or within public right-of-way.
3. The sign shall not extend into a required street yard more than six feet.
4. The sign shall not exceed 40 square feet in area.
5. Only one projecting sign shall be permitted per establishment, except that an establishment in a Design District with more than one street frontage may have one sign per street frontage.



## **F. Roof Signs**

A sign that is higher than the highest point of the roof to which it is attached. Signs that do not extend above the roof, but are attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs that do not extend above the highest point of the roof, even if attached to mansard or canopy roofs are considered wall signs.

Roof signs shall be allowed subject to the following regulations:

1. Roof signs are allowed only in the MU District and DD District.
2. Roof signs shall be allowed by right on buildings of five stories or more.
3. Roof signs on buildings with less than five stories are allowed through the approval of a Minor Special Use Permit, pursuant to Sec. 3.9, Special Use Permit.
4. The maximum sign area shall be 15% of the building facade area that is on the same building elevation as the sign. The amount of sign area devoted to roof signs shall be deducted from the allowable wall sign square footage.



## **G. Suspended Signs**

A sign that is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. Suspended signs shall be permitted in all zoning districts, subject to the following regulations:

1. The sign shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.
2. The sign shall maintain a vertical clearance of at least 7'-6" on-site or within public right-of-way.
3. The sign area shall not exceed 3½ square feet.
4. Only one suspended sign shall be allowed per establishment or per exterior wall per establishment.



#### **H. Vending Machines, Automatic Tellers (ATMs), Gasoline Pumps, and Other Site Amenities**

Signs located on a vending machine, automatic teller machine or gas pump, or other site amenities.

1. No sign permit shall be required.
2. For vending machines, ATMs, and gasoline pumps, the sign shall not exceed 32 square feet in area per side of the machine or pump.
3. For amenities such as benches, refuse receptacles, and other similar on-site amenities, one sign shall be allowed and shall not exceed one square foot.



#### **I. Wall Signs**

Any sign, other than a projecting sign, which is permanently attached to or painted on any wall of a building. 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. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, unless that extension serves solely as the framing for a sign support structure or sign face, even if such extension projects beyond or above the enclosed portions of the building. For signs that extend above the roof see "Roof Signs."

##### **1. Nonresidential Districts**

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

- a. The sign shall not extend more than 12 inches from the wall of 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.
- b. The sign may extend up to 12 inches into a public right-of-way.
- c. The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
- d. Wall signs may not exceed 15% of the wall area in size. Where the area of the wall is less than 167 square feet, a minimum of 25 square feet of wall sign area is allowed.
- e. The total wall 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.

f. The sign shall only have one face, regardless of the proposed angle of separation of proposed faces.

**2. Residential Districts**

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

a. Nonresidential uses permitted in residential districts and all multifamily developments shall be allowed one wall sign per building, provided the sign does not exceed 15% of the wall area; however,

b. A minimum of 25 square feet of wall sign area shall be allowed.



**J. Window Signs**

Signs that are attached to, painted on, or etched into a window or displayed within 12 inches (measured horizontally) of the window and are legible from outside of the window.

1. Such signs in combination with other window signs shall not exceed 25% of the window area on each facade.<sup>56</sup>



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<sup>56</sup> Suggested by comments received from review of the public release draft. Same change made for temporary window signs.

## PART 8

[Amend Sec. 11.8, Common and Way-finding Signage Plans]

### 11.8 Common and Way-Finding Signage Plans Elements<sup>57</sup>

#### Elements of a Common Signage Plan

The common signage plan shall consist of five elements:

##### 11.8.1 Location

Identification of sign locations on buildings or property.

##### 11.8.2 Materials and Illumination

Description of the type of sign and sign materials, including construction materials and proposed lighting if any.

##### 11.8.3 Size

A. Itemization of sign size or band area at identified locations.

B. Allocation of sign area for multi-tenant structures ~~may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant.~~

##### 11.8.4 Letter Style

A. Description of dominant letter style and letter height to be used on the signs.

B. ~~The Planning Director, or designee, may allow deviations to the lettering style of proposed or existing common signage plans to accommodate state and federally registered trademarks (logos) if the Planning Director, or designee, determines that the intent of the common signage plan requirements will be maintained. In allowing deviations, the Planning Director, or designee, may limit the logo size. The use of federally registered trademarks (logos) can be incorporated into the plan.~~<sup>58</sup>

##### 11.8.5 Color

A. Listing of the colors to be used on each sign.

B. A maximum of three colors plus either black or white are allowed ~~in a single common plan.~~ Any neon lighting for building signage shall be matched to an approved color specified on the signage plan in order to be included as a part of the color scheme.

#### 11.8.2 Elements of a Way-Finding Signage Plan

##### A. Location

~~—All proposed locations along right of way within the development shall be identified.~~

##### B. Sign and Type

~~—Sign sizes and types to be used shall be identified.~~

##### C. Font, Symbols, and Color

~~—Fonts, symbols, and colors to be used shall be identified and meet the following criteria:~~

- ~~—1. A maximum of two fonts can be used; one for the overall development name and one for the names of sub-sections or tenants of the development.~~
- ~~—2. A maximum of two font sizes can be used; one for the overall development name and one for the sub-sections or tenants of the development.~~

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<sup>57</sup> Way-finding signs are incorporated into Exempt signs.

<sup>58</sup> Consistent with current practice.

- ~~3. If a unified development has both a common signage plan and a way finding signage plan, the same fonts shall be used in both plans.~~
- ~~4. The following logos or symbols are permitted:~~
  - ~~a. Logo associated with the name of the unified development.~~
  - ~~b. Directional arrows.~~
- ~~5. A maximum of three colors plus either black or white are allowed. If a unified development has both a common signage plan and a way finding signage plan, the same colors shall be used within both plans.~~

#### **D. Lighting and Materials**

The lighting and materials to be used shall be indicated.

#### **11.8.6 Approval Procedure**

The approval procedure for common ~~and way finding~~ signage plans is set forth in Sec. 3.11, Common ~~and Way Finding~~ Signage Plans.

## **PART 9**

[Amendments to other sections of the UDO]

### **Sec. 1.9 Severability<sup>59</sup>**

~~Should any section or provision of this Ordinance be declared invalid, the remaining sections or provisions shall remain valid.~~

If any court of competent jurisdiction invalidates any section, subsection, sentence, clause, phrase, word or portion ('portion') of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other portion of this Ordinance and all remaining portions shall remain in full force and effect. If any court of competent jurisdiction invalidates the application of any portion of this Ordinance, then such judgment shall not affect the application of that portion to any other building, structure, or use not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.

### **3.10 Sign Permit**

[Paragraphs not listed remain unchanged]

#### **3.10.1 Applicability**

~~A. Certain signs shall be allowed without sign permits (as set forth in Article 11, Signs).~~ Signs requiring permits pursuant to Article 11, Sign Standards, shall be allowed in accordance with the following procedures.

**Commentary:** A common signage plan may be required before a sign permit can be issued (see Sec. 3.11, Common ~~and Way Finding~~ Signage Plans).

<sup>59</sup> Updated per City Attorney's office.

- B. ~~Internally oriented signs not legible from the public right of way shall not~~ Although a sign may not require a sign permit; ~~however, electrical or other permits may be required, an electrical or other permit may be required.~~

### 3.10.4 Inspection of Permanent Signs

- C. ~~The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application.~~<sup>60</sup>

**DC.** Valid sign permits may be assigned to a successor as holder of a business license for the same premises.

### 3.10.5 Temporary Sign Permits

A temporary sign permit shall be issued in accordance with Article 11, Sign Standards~~Signs~~. A common signage plan pursuant to Sec. 3.11, Common ~~and Way Finding~~ Signage Plans, shall not be required for applications for temporary sign permits.

**A.** Only one sign shall be allowed per business site per special temporary event and shall include the date(s) of the event in the sign copy.

**B.** Each business site may be issued two sign 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.

## Sec. 3.11 Common ~~and Way Finding~~ Signage Plans

[Paragraphs not listed remain unchanged]

### 3.11.1 General

~~A.~~ A common signage plan is required for all permanent signs for one or more buildings or businesses within a unified development site~~complex~~, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners.

~~1A.~~ Approval of a common signage plan is required prior to the issuance of a sign permit, except for a temporary sign permit.

~~2B.~~ ~~Internally oriented signs not visible from the public right of way~~ Exempt signs pursuant to paragraph 11.2.2, Exempt Signs, shall not be required to be included in a common signage plan.

~~3.~~ ~~Applications for temporary sign permits shall not be required to submit an approved common signage plan.~~

~~4C.~~ Common signage plans are not required in UC, UC-2, ~~and~~ Design ~~districts~~ Districts, and in a local Historic Districts Overlay. (County Only) Common signage plans are not required in the SRP-C District.

~~B.~~ ~~A way finding signage plan is required to allow signs pursuant to paragraph 11.6.2A.9, Way Finding Signs.~~

~~1.~~ ~~Approval of a way finding signage plan is required prior to the issuance of a sign permit.~~

~~2.~~ ~~A way finding signage plan can be approved separately, or as part of, a common signage plan.~~

<sup>60</sup> Duplicative text.

~~3. Internally oriented signs not visible from the public right of way shall not be required to be included in a way finding signage plan.~~

~~4. (County Only) Way finding signage plans are not required in the SRP-C District.~~

### **3.11.2 Application Requirements**

A. The elements of common and way-finding signage plans shall be in accordance with Sec. 11.8, ~~Elements of Common and Way-Finding Signage Plans~~Common Signage Plan Elements.

B. Common ~~and way-finding~~ signage plan applications shall be submitted in accordance with paragraph 3.2.4, Application Requirements.

~~C. Additional requirements are listed in Sec. 11.7, Landmark Signs.~~

### **3.11.3 Action by the Planning Director**

A. The Planning Director, or designee, is the approving authority for common ~~and way-finding~~ signage plans.

~~B. The Planning Director, or designee, may allow modifications to the lettering style of a common signage plan to accommodate state and federally registered trademarks (logos) if the Planning Director, or designee, determines that the intent of the common signage plan requirements shall be maintained. In allowing the modifications, the Planning Director, or designee, may limit the logo size.~~

**CB.** Minor alterations in sign locations resulting from unexpected conditions on the site may be approved by the Planning Director, or designee.

### **3.11.4 Revisions and Amendments**

A. Revisions or amendments to a common signage plan shall require documentation of notification to all owners and tenants on the property prior to approval. The notification shall indicate the proposed changes and shall be mailed between 10 to 25 days prior to application submittal.

B. 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 six months of approval of the amended plan.

### **3.11.5 Appeal**

Final action on a common ~~or way-finding~~ signage plan can be appealed in accordance with Sec. 3.15, Appeal of Administrative Decision.

### **3.16.3 Designation of an Historic Landmark**

[Paragraphs not listed remain unchanged]

#### **A. Application**

1. An application for an historic landmark designation shall be submitted in accordance with paragraph 3.2.4, Application Requirements.

2. Requests for designation shall include the specific elements of the property for which historic landmark designation is proposed.

3. Historic landmark designation shall require consent of the property owner(s).<sup>61</sup>

~~B. Action by the Historic Preservation Commission~~

<sup>61</sup> Existing text relocated.

~~1. In accordance with NCGS §160A-400.6(2), the HPC shall make or cause to be made an investigation and report on the prehistorical, historical, architectural, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. The investigation and report shall be forwarded to the Office of Archives and History, North Carolina Department of Natural and Cultural Resources.~~<sup>62</sup>

**CB. Criteria for Designation**<sup>63</sup>

1. A building, structure, site, area, sign, or object may be considered for designation as an historic landmark only if all of the following three criteria are met:

- a. ~~The property must not currently be undergoing renovation~~Renovation shall not be currently taking place unless it has been approved for state or federal tax credits in accordance with the Secretary of Interior Standards;
- b. The HPC must deem and find that the building, structure, site, area, sign, or object meets at least one of the three following criteria:
  - (1) Individual listing on the National Register of Historic Places or on the Study List;
  - (2) Statewide Significance status granted by the State Historic Preservation Office;
  - (3) Integrity of location, design, setting, materials, and workmanship, feeling and association on the whole, and:
    - (a) Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
    - (b) Is associated with the lives of persons significant in local, regional, national history; or
    - (c) Embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values (i.e., the architecture alone is significant in its own right); or
    - (d) Has yielded, or may be likely to yield, information important to Durham's history or prehistory.
- c. The governing body must deem and find that the building, structure, site, area, sign, or object~~property~~ possesses distinction within the context or period of significance.

**Commentary:** A building, structure, site, area, sign, or object whose components lack individual distinction may still be considered a landmark if the whole is significant.

~~2. A property shall be designated as a historic landmark only with the consent of the property owner or owners.~~<sup>64</sup>

~~D. Action by the NC Department of Natural and Cultural Resources~~

~~In accordance with NCGS §160A-400.4(2), the NC Department of Natural and Cultural Resources shall make an analysis of and recommendations concerning the investigation and report contained in the Historic District Preservation Plan. Failure of the NC Department of Natural and Cultural Resources to submit its written analysis and recommendations within 30 days after a written request for such analysis has been received by the Department shall~~

<sup>62</sup> Duplicative text.

<sup>63</sup> Included to incorporate landmark signs into this section. The current wording is derived from state legislation, and a sign qualifies as an "object."

<sup>64</sup> Relocated

~~relieve the governing body of any responsibility for awaiting such analysis, and the governing body may at any time thereafter take action on the proposed historic district and Historic District Preservation Plan.~~<sup>65</sup>

**EC. Action by the Historic Preservation Commission**

1. In accordance with NCGS §160A-400.6(2), the HPC shall make or cause to be made an investigation and report on the prehistorical, historical, architectural, educational or cultural significance of each building, structure, site, area, sign, or object proposed for designation or acquisition. The investigation and report shall be forwarded to the Division of Archives and History, North Carolina Department of Natural and Cultural Resources.
2. The HPC shall hold a public hearing and give notice in accordance to paragraph 3.2.5, Notice and Public Hearings, on the proposed ordinance of designation. It shall recommend to the governing body, denial of designation or approval of designation of the proposed historic landmark.

**FD. Action by the NC Department of Natural and Cultural Resources**

In accordance with NCGS §160A-400.6(3), the NC Department of Natural and Cultural Resources shall be given the opportunity to review and comment upon the substance and effect of the designation of any historic landmark. Any comments shall be provided in writing. If the NC Department of Natural and Cultural Resources does not submit its comments within 30 days following receipt by the Department of the investigation and report, the HPC and the governing body are relieved of any responsibility to consider such comments.~~In accordance with NCGS §160A-400.4(2), the NC Department of Natural and Cultural Resources shall make an analysis of and recommendations concerning the investigation and report contained in the Historic District Preservation Plan. Failure of the NC Department of Natural and Cultural Resources to submit its written analysis and recommendations within 30 days after a written request for such analysis has been received by the Department shall relieve the governing body of any responsibility for awaiting such analysis, and the governing body may at any time thereafter take action on the proposed historic district and Historic District Preservation Plan.~~<sup>66</sup>

**GE. Action by the Governing Body**

1. The governing body, after ensuring that the other governing body has been notified, shall hold a public hearing and give notice in accordance paragraph 3.2.5, Notice and Public Hearings, on the proposed ordinance of designation.
2. Following the public hearing, the governing body may adopt the ordinance of designation as proposed, adopt the ordinance of designation with any amendments it deems necessary, or reject the proposal.

**HF. Adoption of an Ordinance of Designation**

Upon compliance with the required procedures of this section, the governing body may, for its respective jurisdiction, adopt and from time to time amend or repeal an ordinance

<sup>65</sup> Duplicative text

<sup>66</sup> Text update

designating one or more historic landmarks. The ordinance shall include the following information:

1. A legal description of each property designated by the ordinance, including the tax identification number for the property. The ordinance shall clearly indicate what elements of the property are designated as an historic landmark. Examples of those elements are a building's interior, its exterior, any specific or all outbuildings, other site elements or the entire site;
2. The name or names of the owner or owners of the property;
3. A description of those elements of the landmark that are integral to its educational, cultural, historical, architectural or prehistorical value;
4. The land area of the property;
5. A note that structural and site improvements shall require approval of a certificate of appropriateness pursuant to Sec. 3.17, Certificate of Appropriateness, if applicable; and that, for each building, structure, site, area, sign, or object, the waiting period set forth in paragraph 3.17.6, COA for Demolition, Destruction and Relocation of this Ordinance shall be observed prior to its demolition; and
6. Any other information the HPC deems necessary.

#### **IG. Historic Markers**

The ordinance designating the landmark may also provide for suitable markers on the property noting that the landmark has been so designated, including but not limited to signs, plaques or other appropriate indicators.

1. The ordinance designating the landmark shall specify the design and location of the marker(s).
2. If the owner consents, the sign shall be placed upon the property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

#### **JH. Action Following Designation**

Upon adoption of the ordinance of designation, the following provisions shall apply:

1. The owners and occupants of each designated historic landmark shall be given written notification of such designation by the Planning Director, or designee, insofar as reasonable diligence permits.
2. One copy of the ordinance and each amendment thereto shall be filed by Planning Director, or designee, in the Office of the Register of Deeds of Durham County. Each historic landmark designated in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the Office of the Register of Deeds.
3. One copy of the ordinance and each amendment thereto shall be given to the Inspections Director, or designee.
4. For historic landmarks, one copy of the ordinance and each amendment thereto shall be kept on file in the Office of the City or County Clerk, as appropriate, and made available for public inspection at any reasonable time.
5. The fact that a building, structure, site, area, sign, or object has been designated as an historic landmark shall be clearly indicated on all maps maintained by Durham County for tax purposes for such period as the designation remains in effect.

6. The Planning Director, or designee, shall give notice of the adoption of an ordinance of designation and any amendment thereof to the Durham County Tax Supervisor. The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax Supervisor in appraising it for tax purposes.

#### **Kl. Effect of Subdivision or Recombination**

1. Designation shall remain applicable to all properties subdivided from the originally designated property.
2. When designated property is recombined with non-designated property, the designation shall remain applicable only to the improvements and portion of property originally designated, and shall not extend to improvements and the portions of the recombined property not originally designated.

### **3.16.4 Designation of a Landmark Sign**

#### **A. Procedure**

~~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.~~

- ~~1. An application for a landmark sign designation shall be submitted in accordance with paragraph 3.2.4, Application Requirements.~~
- ~~2. The Planning Director, or designee, shall forward the application and all supporting material to the Historic Preservation Commission.~~
- ~~3. 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 shall be removed.~~
- ~~4. 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 that 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.~~
- ~~5. Landmark signs shall be subject to the privileges and regulations of Sec. 11.7, Landmark Signs, but Article 11, Sign Standards, shall otherwise not apply.~~

#### **B. Approval Criteria**

~~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:~~

- ~~1. 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.~~
- ~~2. Bear a close resemblance to its appearance when it was installed.~~

**3.16.54 Repeal of Historic District or Historic Landmark Designation** [Text remains unchanged]

**Sec. 5.3 Limited Use Standards**

[Paragraphs not listed remain unchanged]

**5.3.4 Commercial Use Standards**

**C. Antique Shops**

1. The parcel on which the shop is located shall be a minimum of five acres.

~~2. Backlit signs shall be prohibited.~~

~~3~~2. The maximum parking allowed shall be no more than the minimum parking required.

**J. Electronic Gaming Operations**

~~6. The maximum number of signs allowed shall be one.~~

~~7. No sign shall have changeable copy.~~

**O. Manufactured Home Sales**

~~6. In addition to the signs typically allowed in the district, each display house can have a placard not to exceed three square feet in area which gives information about the house.~~

**Sec. 5.4 Accessory Uses and Structures**

[Paragraphs not listed remain unchanged]

**5.4.8 Satellite Dishes (Earth Stations)**

Satellite dishes (earth stations) that are less than one meter (39.37 inches) in diameter in residential districts and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this section. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

A. A Minor Special Use Permit issued in accordance with Sec. 3.9, Special Use Permit, shall be required.

B. If attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted satellite earth station.

~~C. No commercial messages shall be placed on the dish.~~

**Sec. 5.5 Temporary Uses**

[Paragraphs not listed remain unchanged]

**5.5.2 Specific Temporary Uses**

**F. Farmers' Markets**

3. In addition to the requirements of Sec. 3.12, Temporary Use Permit, the following shall be required:

~~f. Signs: Signs are permitted as follows:~~

~~(1) Signs erected only during market hours:~~

~~(a) No sign permit is required.~~

~~(b) One sign per street frontage is allowed.~~

~~(c) The maximum sign area per sign is 24 square feet.~~

~~(d) Signs shall be set up only during the hours between the start of set up and the end of tear down.~~

~~(e) Sec. 11.3, Prohibited Signs, shall apply.~~

~~(2) Permanent signs:~~

~~Permanent signs shall comply with Article 11, Sign Standards, and shall be incorporated into the common signage plan of the overall development site hosting the market. If no common signage plan exists for the host site, a common signage plan shall be required.~~

## **Sec. 6.11 Planned Districts**

[Paragraphs not listed remain unchanged]

### **6.11.4 University and College Districts (UC and UC-2)**

#### **J. Signage**

##### **2. Internal Campus**

~~The standards of Sec. 11.8, Elements of Common and Way Finding Signage Plans, shall not apply. A common signage plan shall not be required.~~

## **Sec. 6.12 Measurement and Computation**

[Paragraphs not listed remain unchanged]

### **6.12.3 Required Yards**

#### **B. Encroachments into Required Yards**

4. ~~Marquee signs~~ Signs can extend into yard spaces in conformance with ~~standards found in the Sec. 11.6, Signs Requiring Permits~~ Article 11, Sign Standards.

## **Sec. 7.7 Flagpoles and Flags**

[Paragraphs not listed remain unchanged]

### **7.7.1 Definitions**

B. Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners otherwise not meeting the definition of a flag shall ~~also~~ conform with all the sign regulations in Article 11, Sign Standards.

## **Sec. 15.3 Remedies – Enforcement Action**

[Paragraphs not listed remain unchanged]

### **15.3.9 Additional Remedies for Sign Violations**

In addition to the other remedies provided in this Section, violations of Article 11, Sign Standards may be remedied through the following:

A. The Planning Director, or designee, may revoke the sign permit for a sign or sign structure in violation of this Ordinance, including violations of restrictions on sign copy or the content of a sign face, and may require that the sign copy or sign face be removed, or that the structure on which such copy or face appears be removed.<sup>67</sup> ~~Removal of a sign structure shall not be required where the sign structure could legally be constructed in accordance~~

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<sup>67</sup> Superfluous text

~~with the provisions of Article 11, Sign Standards, in effect at the time the violation occurs and where the owner or operator of such sign structure can demonstrate to the Planning Director's, or designee, satisfaction that he or she had no knowledge concerning the requirements of Article 11, Sign Standards.~~<sup>68</sup>

- B. The Planning Director, or designee, may remove unpermitted signs, ~~faces,~~ and structures that are located in the public right of way, or on utility poles or structures within the public right of way, or signs, ~~faces,~~ and structures for which no owner can be located, or which present a danger to the public health or safety, or signs in violation of this Ordinance.
- C. Any repeated violation of the same provision of Article 11, Sign Standards, by the same individual or corporation at an identical or different location may result in immediate action against the individual or corporation, and may be considered a subsequent violation for the same offense, and each day a separate violation.

### Sec. 17.3 Defined Terms

**Banner:** A sign constructed of lightweight fabric or similar material that does not qualify as a flag pursuant to Sec. 7.7, Flagpoles and Flags, and is secured to not be considered a windblown sign pursuant to paragraph 11.3.3, Windblown or Inflated Signs.<sup>69</sup>

**Commercial ~~Speech~~Sign:** A sign Any expression related solely to that directs attention to a business, commodity, or service the economic interests of the speaker and its audience, or as otherwise defined by a court of competent jurisdiction.

**Common Signage Plan:** A plan delineating unifying characteristics for signs associated with a development project ~~or complex.~~

**Historic Marker:** A sign indicating the date of construction, the name of the building, the principals involved in its construction, or other historical facts. Historic or memorial markers are erected 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, authorized historic landmark, or recognized within the *Durham Architectural and Historic Inventory, as amended.*

**Hospital:** An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as an emergency department, pharmacy, laboratories, out-patient departments, staff offices, food services, and gift shop. This definition is does not include urgent care facilities, stand-alone medical clinics or offices, or other similar facilities.

<sup>68</sup> Per zoning enforcement this section needs to be deleted. If a sign was established without a permit, a permit is required. If a permit cannot be issued, then it would need to be removed if a variance isn't approved.

<sup>69</sup> Adapted from current text. Would currently be allowed as a temporary or permanent sign.

**Noncommercial Sign:** A sign which contains no message, statement, or expression related to a business, commodity, or service~~commercial interests~~. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or ~~information about and/or announcements of non-profit organizations related to their tax exempt status~~ noncommercial announcements.

**Sign:** Any object, device, display or structure, or part thereof, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images or any other attention directing device.<sup>70</sup>

~~Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks 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 legible 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.

**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.<sup>71</sup>

**Sign, Temporary:** A sign not permanently embedded in, or anchored to, the ground; or not permanently affixed to a building, sign support, or other object that is permanently embedded in, or anchored to, the ground. Typically such signs can be removed without special handling or equipment.

~~**Way Finding Signage Plan:** A plan delineating unifying characteristics for way finding signs associated within a development project or complex.~~

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<sup>70</sup> Greensboro definition. The current definition appears to characterize commercial-type signs, rather than a neutral definition of what a sign is. "Trade Dress" text is maintained.

<sup>71</sup> Definition from old merged zoning ordinance.