

Article 10. SIGNS

Section 10-1: Statement of Purpose

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs and lighting and between the private and the public information systems.

Section 10-2: General Requirements*

- (A) No sign of any type, or any part thereof, shall be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.
- (B) A zoning certificate of compliance is required to erect any sign in Ayden's Planning and Zoning Jurisdiction, unless such sign or sign type is expressly exempted from this requirement by other provisions of this Article.
- (C) The Zoning Administrator shall have the authority to order the removal or modification of any new sign that does not meet the requirements of this Article according to the following procedures:
 - (1) For Signs Located on Private Property
 - (a) The owner of the sign, the occupant of the premises on which the sign or structure is located, and the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, within thirty (30) days, remove or modify the sign or structure in a manner approved by the Zoning Administrator or his designated agent.
 - (b) If such order is not complied with within thirty (30) days, the Zoning Administrator or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action does not take place within fifteen (15) days the Town will remove the sign at the cost of the owner of the sign.
 - (c) If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the Zoning Administrator shall order the removal of the sign by the Town. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the Town is reimbursed.

(d) Therefore, it is in the interest of the sign owner to consult with the Zoning Administrator and obtain an approved zoning certificate of compliance prior to the purchase and installation of a sign. The sign user should bring to the Town Hall a drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed and a plot plan drawn to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

(2) For Signs Located within Public Rights-of-Way

The Zoning Administrator shall possess the authority to remove any sign(s) unlawfully placed within the right-of-way of any street. Upon removal of any such sign(s), the Zoning Administrator shall attempt to identify the individual or entity responsible for illegally erecting the sign(s); to contact said individual or entity by mail or phone to explain why the sign(s) was removed and to offer them an opportunity to retrieve the sign(s) from the Zoning Administrator. If the sign(s) is not retrieved within 15 days of the date of removal from the public right-of-way, then it shall be disposed. The decision of the Zoning Administrator to remove any sign from a right-of-way may be appealed to the Town Manager within ten (10) days of removal.

Section 10-3: Computations

The following principles shall control the computation of sign area and sign height:

- (A) *Computation of Area of Individual Signs.* The area of a sign (which also includes the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the sign face, writing, representation, emblem or other display, together with any material or color forming an integral part of the background or display or used to differentiate the sign from the backdrop or structure against which it is placed including any supporting framework/posts, bracing or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (B) *Computation of Area of Multifaced Signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point and shall be measured per Section 10-3(A). No sign shall have more than two (2) display surfaces. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one (1) of the faces per Section 10-3(A).
- (C) *Computation of Height.* The height of a sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the

sign. Finished grade shall be construed to be the lower of (1) existing grade prior to construction, and (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The elevation at grade at the sign location shall be made part of the topographic data submitted for the site plan consideration.

Section 10-4: Exemptions

The following types of signs are exempted from the application of the regulations herein:

- (A) Signs, unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, and the name of the owner or occupant of the premises.
- (B) Flags and insignia of any government except when displayed in connection with a commercial promotion.
- (C) Holiday decorations in season.
- (D) Legal notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.
- (E) Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.
- (F) Signs directing and guiding traffic and parking on private property.
- (G) Signs which cannot be seen from a public street or right-of-way.
- (H) The act of changing advertising copy of messages on any sign designated or the use of replaceable copy such as a ready board or a product price sign or on a sign having its own changing copy capacity such as a time-and-temperature sign.
- (I) Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.
- (J) Signs announcing the location of self-service or full-service gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed eight (8) square feet in area.

Section 10-5: Signs Permitted in Residential and Conservation Districts

Within the R-8, R-10, R-12, RA-20, RA-20A, MF, MH, PUD, and CON Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

- (A) Permanent identification signs for subdivisions and residential developments not exceeding 20 square feet in area. One sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than 12 feet to any property line. No sign shall exceed 4 feet in height above ground level, and illumination shall be restricted to indirect non-flashing white lighting.
- (B) Permanent identification signs for mobile home parks and campgrounds not exceeding 6 square feet in area. One sign may be erected at each major entrance to the mobile home park or campground but shall be located on private property no closer than 12 feet to any property line. No sign shall exceed 4 feet in height above the ground level. Illumination shall be limited to non-flashing indirect white lighting.
- (C) One (1) permanent, identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat-mounted against the wall of an apartment building or freestanding. If freestanding, such signs will be setback a minimum of twelve (12) feet from any property line and nor exceed four (4) feet in height above ground level. Illumination shall be limited to non-flashing indirect white lighting. See Section 10-15 for additional requirements.
- (D) One (1) permanent, identification sign for non-residential uses permitted as a matter of right may be erected on the premises, provided such signs do not exceed twenty (20) square feet in area. If free-standing, no sign shall be located closer than twelve (12) feet to any property line nor exceed four (4) feet in height above ground level. Illumination shall be limited to non-flashing indirect white lighting.
- (E) Temporary signs as permitted by Section 10-11 in Residential and Open Space Districts.

Section 10-6: Signs Permitted in the B-1 Central Business District

Within the B-1 District as shown on the Zoning Map, only the following types of signs shall be permitted:

- (A) Permanent wall signs shall be permitted for each separate business establishment. The location and number of wall signs is at the option of the owner or tenant. Street number numerals shall not count as a sign. Wall signs shall not project higher than the building eave or thirty (30) feet, whichever is lower.

- (B) One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one half (7 ½) feet between the sidewalk and the bottom of the sign.
- (C) Businesses shall be permitted one (1) freestanding sign if the business is located on a corner lot or has at least one hundred (100) feet of street frontage. Any freestanding sign mounted on one or two poles shall not exceed twenty (20) feet in height or twenty (20) square feet in sign area per side, shall be located on private property such that no part of the sign shall project over any public right-of-way, and shall be setback at least twelve (12) feet from any other property line. Other freestanding signs shall not exceed twenty (20) square feet in area, shall not exceed four (4) feet in height, and shall be no closer to any property line or public right-of-way than twelve (12) feet.
- (D) *Businesses shall be permitted one "A-Frame" or "T-Frame" Portable Sign on the sidewalk directly in front of their building. These signs may not exceed six square feet in area or four feet in height and may only be displayed when the business is open. They must be located so as to leave a 5-foot unobstructed sidewalk passage to ensure pedestrian safety and ADA compliance. These signs shall not be subject to the total site signage permitted limitations prescribed for the B-1 District in this Article.
- (E) The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed two (2) square feet for each lineal foot of building wall facing a public street, with a maximum of one hundred twenty (120) square feet per lot.
- (F) Temporary signs as permitted in Section 10-11.
- (G) Illumination of all signs shall be limited to non-flashing indirect white lighting. See Section 10-15 for additional requirements.

Section 10-7: Signs Permitted in the O/I Office and Institutional District

Within the O/I District as shown on the Zoning Map, only the following types of signs shall be permitted:

- (A) Permanent wall signs shall be permitted for each separate business establishment. The location and number of wall signs is at the option of the owner or tenant. Street number numerals shall not count as a sign. Wall signs shall not project higher than the building eave or thirty (30) feet, whichever is lower.
- (B) One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one half (7 ½) feet between the sidewalk and the bottom of the sign.

- (C) One (1) permanent, freestanding identification sign is permitted for each premise. Any freestanding sign mounted on one or two poles shall not exceed twenty (20) feet in height or twenty (20) square feet in sign area per side except as provided for a shopping center. Other freestanding signs shall not exceed four (4) feet in height or twenty (20) square feet in area. No freestanding sign shall be closer than four (4) feet from a street right-of-way or twenty (20) feet from any other property line.
- (D) The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed two (2) square feet for each lineal foot of building wall facing a public street, with a maximum of one hundred fifty (150) square feet per lot.
- (E) Temporary signs as permitted in Section 10-11.
- (F) Illumination of all signs shall be limited to non-flashing indirect white lighting. See Section 10-15 for additional requirements.

Section 10-8: Signs Permitted in the B-2 Highway Commercial District

Within the B-2 Highway Commercial District as shown on the Zoning Map, only the following types of signs shall be permitted:

- (A) Permanent wall signs shall be permitted for each separate business establishment. The location and number of wall signs is at the option of the owner or tenant. Street number numerals shall not count as a sign. Wall signs shall not project higher than the building eave or thirty (30) feet, whichever is lower.
- (B) One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one half (7 ½) feet between the sidewalk and the bottom of the sign.
- (C) One (1) permanent, freestanding identification sign is permitted for each premise. Any freestanding sign mounted on one or two poles shall not exceed thirty (30) feet in height or thirty (30) square feet in sign area per side except as provided for a shopping center. Other freestanding signs shall not exceed four (4) feet in height or thirty (30) square feet in area. No freestanding sign shall be closer than four (4) feet from a street right-of-way or twenty (20) feet from any other property line.
- (D) The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed two (2) square feet for each lineal foot of building wall facing a public street, with a maximum of one hundred fifty (150) square feet per lot.
- (E) Temporary signs as permitted in Section 10-11.

- (F) Illumination of all signs shall be limited to non-flashing indirect white lighting. See Section 10-15 for additional requirements.

Section 10-9: Signs Permitted in the LI and HI Industrial Districts

Within the LI and HI Industrial Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

- (A) Permanent wall signs are permitted for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location and number of wall signs is at the option of the owner or tenant. Street number numerals shall not count in this requirement.
- (B) Identification signs may be suspended from or attached to the underside of a canopy or marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7 ½) feet between the sidewalk and the bottom of such signs is maintained.
- (C) One (1) freestanding permanent identification sign is permitted for each premise. The area of the sign shall not exceed the total allowable sign area, but in no case exceed eighty (80) square feet in area, and shall not project more than twenty (20) feet above ground level, if mounted on one or two poles, or four (4) feet in height for others.

Businesses fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, eighty (80) square feet per sign.

- (D) The total allowable sign area for all signs, including all wall and freestanding signs, shall not be more than one (1) square foot per twelve (12) square feet of building face for each building side which faces a public street right-of-way.
- (E) HI District Only: Off-premises' advertising signs (billboards) may be allowed in which case the sign shall be setback from any street right-of-way or property line by at least one hundred (100) feet, shall not be closer than one thousand (1,000) feet to any property zoned residential, shall not project higher than twenty (20) feet above ground level, shall not exceed three hundred (300) square feet in area, and shall not be located less than one thousand (1,000) feet from any off-premises sign. All signs shall be located on property which fronts on a primary state road or federally maintained highway.

- (F) Temporary signs as permitted by Section 10-11.

- (G) Illumination of all signs shall be limited to non-flashing indirect white lighting. See Section 10-15 for additional requirements.

Section 10-10: Shopping Center Signs*

For shopping centers in the B-2 (Highway Commercial District) that are in single ownership or under unified control the following shall be applicable:

- (A) Each tenant or business shall be permitted at least one wall sign that is at least 30 square feet in area.
- (B) The wall signs permitted for each tenant or business shall not exceed 1.5 square feet per linear foot of store frontage (customer entrance side only), not to exceed 300 square feet per tenant or business.
- (C) Shopping Centers are permitted only one freestanding sign on each street frontage. These signs shall not exceed one (1) square foot per linear foot of building wall facing a public street, not to exceed 150 square feet per sign.
- (D) Shopping Center freestanding signs shall be located no closer than four (4) feet from any property line or street right-of-way and shall not project higher than thirty (30) feet above ground level.
- (E) Illumination of all signs shall be in accordance with the provisions of Section 10-15.

Section 10-11: Temporary Signs

The following signs of a temporary nature including portable or mobile signs on wheels are permitted in all zoning districts:

(A) Real Estate Signs*

- (1) One on-site unilluminated sign per street frontage advertising the property for lease, rent or sale is permitted. Such signs may not exceed 6-square feet in area in residential zoning districts or 32 square feet in area in non-residential zoning districts.
- (2) One off-site unilluminated directional sign providing direction to a property for lease, rent or sale. All off-site directional signs are limited to 4-square feet in area.
- (3) Temporary Real Estate Signs shall not require a zoning compliance certificate.

(B) Construction Signs

One (1) construction sign may be erected on a site during the period of construction, remodeling, or landscaping of a building or other similar project. The sign may identify the owner and/or developer, architect, engineer, contractor and other individuals or firms, and the character or purpose for which the structure or item is intended. The sign shall be unilluminated and removed within two (2) days after the work has been completed. The maximum size of a construction sign shall be as follows:

(1) In residential zones, six (6) square feet.

(2) In all other zones, sixty (60) square feet or one (1) square foot of sign area for each five (5) lineal feet of property abutting a public street, whichever is greater. In no instance, however, shall any such sign exceed one hundred (100) square feet in area.

(C) Signs for promotional purposes by an individual business may be displayed on the premise for a period not to exceed twenty-eight (28) days during each year.

(D) Banners, pennants, ribbons, posters, streamers, strings of light bulbs, spinners or other similar devices may be displayed for a period not more than twenty-one (21) days in any one calendar year on the occasion of the opening of a new business.

(E) Temporary signs displayed on the interior or exterior of commercial building windows.

(F) Off-Site Advertising Signs*

(1) Churches, Non-Profits and Public Entities may erect off-site signs advertising an upcoming event, activity or fundraiser. Such signs shall be no more than six square feet in area, except that two such signs may be up to 32 square feet in area. They may be erected no sooner than 14-days prior to the date of the event, activity or fundraiser and must be removed within 2-days of the same. The Board of Commissioners must approve any request that exceeds the standards of this subsection.

(2) For-Profit Entities may erect off-site signs advertising an upcoming event or activity. Such signs shall be no more than six square feet in area and no more than five signs may be erected per event or activity. They may be erected no sooner than 10-days prior to the date of the event or activity and must be removed within 2-days of the same.

(G) Political Signs*

Political signs may be erected no sooner than 60-days prior to the date of the election and must be removed within 7-days following the same. They may be up to six square feet in area in residential districts and up to 32 square feet and ten feet in height in non-residential districts. They shall not require a zoning compliance certificate.

(H) Temporary Signs Permitted within Public Rights-of-Way*

Temporary Political Signs, Off-Site Real Estate Signs, and Off-Site Advertising Signs, as provided in this Section, may be located on private property or within public rights-of-

way so long as they do not cause a safety hazard or interfere with any public utility. The right to place any sign on private property or a NCDOT right-of-way may only be given by the property owner and/or NCDOT, respectively.

Section 10-12: Signs Permitted in Conjunction With Nonconforming Uses

Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the more restrictive with regards to sign size and number of signs.

Section 10-13: Nonconforming Signs

(A) Any nonconforming signs, except those discussed in Section 10-12 above, existing on the effective date of this ordinance may remain in place, subject to the following requirements:

- (1) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- (2) No nonconforming sign shall be structurally altered as to change the shape, size, type or design of the sign except to make it conforming, nor shall any nonconforming sign be relocated.
- (3) No nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued. This is the responsibility of the owner of the property on which the sign is located.
- (4) If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

(B) Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any nonconforming signs as hereafter provided:

- (1) The Zoning Administrator or his designated agent shall give the owner or occupant of the lot of the nonconforming sign notice of the violation by registered or certified mail. These notices shall contain a brief statement of the particulars in which this section is violated and the manner in which such violation is to be remedied.
- (2) Failure to correct such violation constitutes a violation of this ordinance; each day that a violation occurs is a separate violation.

Section 10-14: Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- (A) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted in Section 10-11 or approved as a conditional use.
- (B) Signs advertising an activity, business, product, or service no longer conducted on the premise upon which the sign is located.
- (C) Portable signs, except as permitted in Section 10-11.
- (D) Off-premise advertising structures or billboards, except as a conditional use allowed per the Table of Permitted Uses.
- (E) Roof signs that project beyond the ridge line of the building.
- (F) Projecting signs and freestanding signs located within a public right-of-way except when erected by a governmental agency.

Section 10-15: Illumination; Electronic and Mechanical Interchangeable Sign Face Copy*

Where illuminated signs are permitted, they shall conform to the following requirements:

- (A) All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electric Code.
- (B) Signs which contain, include, or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature, and date.
- (C) Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
- (D) Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view from the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- (E) Flame as a source of light is prohibited.

- (F) No electronic and/or mechanical interchangeable sign face copy shall be changed to include any new or different copy, color, intensity or graphic representation, more than one time in any 60-minute period. Each allowed change of sign face copy shall be completed by one continuous action or movement. The provisions of this subsection shall not apply to time and/or date and/or temperature displays.

Section 10-16: Maintenance and Removal of Unsafe Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, or hazardous or which endangers the safety of the public or property. No sign shall be erected or maintained in such a manner that any portion of its surface or its support will interfere in any way with the free use of access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code. Upon determining that a sign is structurally unsafe, hazardous or that it endangers the safety of the public or property, the Zoning Administrator or his designated agent shall order the light to be made safe or removed subject to the following provisions:

- (A) The owner of the sign, and the occupant of the premise on which the sign or structure is located, shall, upon written notice by certified mail, return receipt requested, from the Zoning Administrator or his designated agent, forthwith in the case of immediate danger, and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or his designated agent or remove it.
- (B) If such order is not complied with within the ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or lessee thereof. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the Town is reimbursed.
- (C) The property owner shall be responsible for the maintenance of all signs. All signs shall be kept in good repair. If proper maintenance is not provided, the Zoning Administrator shall notify the property owner of such fact and, if the proper action is not taken within thirty (30) days of such notice, the Town shall be authorized to enter the property and perform the work. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the Town is reimbursed.