

P14-21
PENDING ZONING ORDINANCE TEXT AMENDMENT

Falcon Zoning Ordinance
Sign Regulations and Sign Definitions

CURRENT MEETING INFORMATION:

County Joint Planning Board, April 15, 2014 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2nd floor hearing room

CASE HEADING:

P14-21. REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, AMENDING ARTICLE IX, SIGN REGULATIONS AND ARTICLE X, DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS. (FALCON)

ADDITIONAL INFORMATION:

Complete text is attached.

This amendment is proposed at the request of the Town of Falcon in order to allow the town's sign regulations to be more consistent with the existing county sign regulations.

CONTACT INFORMATION:

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P14-21
FALCON ZONING ORDINANCE TEXT AMENDMENT
Signs and Sign Definitions

P14-21. REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, AMENDING ARTICLE IX, SIGN REGULATIONS AND ARTICLE X, DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS. (FALCON)

AMEND Article IX. Sign Regulations to read as follows:

ARTICLE IX. SIGN REGULATIONS

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to insure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated or maintained shall be in accordance with the provisions of this article.

SECTION 9.1. SIGN DEFINITIONS ~~GENERAL PROVISIONS~~

[Editor's notes: See section 9.4 for General Provisions, sign related definitions are proposed to be relocated from Article X to Article IX.]

For purposes of interpreting this article, the following words and terms are herein defined:

Attached Sign. A sign connected to or painted on a wall and including signs connected to or otherwise displayed on or through a façade window. The following are not attached signs: wall identification signs and commemorative plaques not more than two square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

Billboard (Off-premises Sign). A sign which directs attention to a business, commodity, service, ~~or~~ entertainment or other message not conducted, sold ~~produced~~ or offered on the premises where such sign is located.

(Amd 08-5-13)

Business Sign. A sign that directs attention to a business, industry, profession, commodity, service or entertainment sold, produced or offered upon the premises where such sign is located or to which it is attached.

Flashing Sign. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a “flashing sign”; such signs shall not be deemed to include time and temperature signs, mechanical/digital signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight seconds.

Freestanding Sign. Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains. For purposes of this article, this definition shall not include “billboard” which is defined above.

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

Ground Sign. A freestanding sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.

Identification Sign (Directory). A sign used to ~~identify~~ display only the name ~~and/or~~, address, crest or trademark of the business, individual, family, organization or enterprise ~~subdivision, group housing development other such facility~~ occupying the premises, the profession ~~practiced on the premises of the occupant~~, the name of the building ~~on the premises~~ on which the sign is displayed, or the name of the owners or developers. A directory sign is an identification sign with information on multiple occupants.

Informational Sign. Any on-premises sign containing no other commercial message, copy, announcement or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction and prices.

Mechanical/Digital Sign. Any sign with changeable copy and the message changes in increments of at least eight seconds shall be considered as a “sign” under this article.

Obscene Matter. Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.

Pole Sign. A freestanding sign that is mounted on a pole or other support.

Portable Sign. Any sign not permanently attached to the ground or to a building or other structure and which, because of its relatively light-weight, is meant to be moved from place to

place. Such sign may or may not have changeable copy, may or may not be wired for lighting and may or may not have wheels. "Sandwich boards" are considered as portable signs.

Public Information Sign. A sign usually erected on public property or right-of-way and maintained by a public agency that provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs and directional signs.

Roof Sign. A sign displayed above the eaves of a building.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service or entertainment, which are visible ~~from any public way~~ and used to attract attention. The word "sign" does not include ~~the flag pennant or insignia of any nation, state, other political unit, nor does the word "sign" include any~~ official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic or informational structures required by or authorized by law or by Federal, State, or local authority.

Sign Area. The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. are designed to attract attention.

Sign Height. The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within this ordinance. In the case of a sign not adjoining a street or highway, the "height of a sign" is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

SECTION 9.2. SIGNS EXEMPT FROM REGULATION. ~~SIGNS PROHIBITED~~

[Editors note: Signs prohibited proposed relocation to Section 9.7.]

The following signs are exempt from regulation under this ordinance except that any lighted sign shall require an electrical permit:

(a). Governmental signs;

(b). Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays;

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(c). Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures;

(d). Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;

(e). Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles;

(f). Signs not legible from a public or private street;

(g). Flags of the governmental jurisdictions of the United States of America or the State of North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the County Board of Commissioners, subject to U.S. Congressional protocol; and

(h). Public information signs.

SECTION 9.3. SIGNS PERMITTED IN ANY DISTRICT

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district ~~zone~~.

9.31. Temporary Signs. ~~Temporary Real Estate Signs~~

For the purpose of advertising a specific property, individual or event, signs not exceeding eight square feet in area are permitted provided the temporary signs are setback a minimum of five feet from a property line, not located within any public right-of-way, do not constitute a hazard to public safety, do not contain obscene matter and are removed within seven calendar days of cessation of the temporary occasion the sign is purporting to advertise. This provision shall not be construed to authorize the posting of signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by any other Federal, State or local regulation.

9.32. Temporary Signs Advertising Real Estate Developments ~~Subdivisions~~.

For the purpose of advertising real estate developments for which a plat has been officially recorded, one sign is permitted at each main entrance to the development named on the sign.

Such signs shall not to exceed 32 square feet in area. ~~a specific lot, building, or premise for sale, lease, or rent, temporary real estate sale signs are permitted not exceeding eight (8) square feet in area and provided only one such sign shall be displayed for each street abutting the lot or premise set back at least five (5) feet from any property line.~~

9.33.~~9.34.~~ Traffic Control Signs.

Signs that only regulate traffic on private property are permitted.

~~9.33. Temporary Signs Pertaining to Construction.~~

~~For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one sign for each firm, company, or use, not exceeding twenty (20) square feet for each sign and setback at least five (5) feet from any property line.~~

9.34.~~9.36.~~ Special Informational Signs.

For the purpose of giving directions and information, signs and on-site signs pertaining to special ~~specified conditional~~ uses where not otherwise permitted, and off-premises signs may be approved by the Board of Adjustment subject to a Special Use Permit specifying the size, location, lighting, design and display in accordance with Section 1606. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the board may judge to be beneficial to the total community.

9.35. Special Entrance Signs. ~~Transportation Facilities Signs.~~

A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this ordinance or the Falcon Subdivision Ordinance, estate, farm, or other entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special entrance sign is utilized no other main entrance identification sign is permitted.

~~For the purpose of identifying public transportation facilities signs are permitted provided that such signs shall not contain commercial advertising or related messages.~~

9.36. Agricultural Products Signs.

In the zoning districts that allow agriculture or rural farm use, signs advertising agricultural products produced on the premises are permitted, provided there are no more than two such signs, each of which shall not exceed 12 square feet in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within 30 days of cessation of the activity advertised. This section shall not apply to any property exempt under the bona fide farms provisions of Section 1.5.

~~9.37. Portable Signs.~~

~~Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another and typically has space provided for advertising messages that may be changed at will by the replacement of lettering or symbols is allowed in any district for a period of two weeks in any six month period. Portable signs may be illuminated, but nonflashing and motionless.~~

SECTION 9.4. GENERAL SITE AND SIGN SPECIFICATIONS ~~SIGNS PERMITTED BY DISTRICT~~

[Editors Note: Signs permitted by district proposed relocation to 9.5. General Provisions relocated from Section 9.1]

9.41. Zoning Permit Required.

No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced or relocated until a zoning permit has been issued by the zoning inspector. ~~Signs ten (10) square feet in area or less is exempted from this provision.~~

9.42. ~~9.12.~~ Measurement of Sign Area.

The area of a sign mounted on a board or within a frame box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. ~~Sign area shall be computed by measuring the smallest shape to encompass each portion of the sign devoted to conveying a message, making anything known or attracting attention, excluding structural supports.~~ Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced sign or "V" type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any "V" type sign with a "V" angle of greater than ~~forty five (45)~~ degrees shall be subject to measurement of sign area on both sides.

9.43. Freestanding Sign Location

All Districts (Excluding Billboards). Freestanding signs shall be set back from the existing road right-of-way (normally the front property line) or proposed future road right-of-way, whichever is the greater distance, according to the tables below. Freestanding signs shall be set back from all other property lines a minimum distance of five feet, except that development signs may be

located on a median of a public right-of-way provided that the NC Department of Transportation permits the sign and freestanding signs located on a median of a private street shall be located no closer than 20 feet of the street intersection. In no instance shall a sign between the heights of three and 15 feet be permitted within 20 feet of the right-of-way line at the intersection of two streets. Freestanding signs may be placed on the same or separate support structures.
(Amd. 01-19-10)

(a). Ground Signs. The following table establishes the minimum setback requirements for ground signs provided that all other requirements of this article are complied with.

| <u>Sign Height</u> | <u>Minimum Setback from Right-of-way Line</u> |
|---|---|
| <u>0-15 feet</u> | <u>5 feet</u> |
| <u>Greater than 15 feet and up to 30 feet</u> | <u>10 feet</u> |
| <u>Greater than 30 feet</u> | <u>10 feet, plus 1 foot for each foot of height exceeding 30 feet</u> |

(b). Pole Signs. Pole signs, in addition to all other requirements of this article, shall be setback a minimum of five feet from the existing or proposed right-of-way line provided that no portion of the sign projects any closer than two feet, measured in horizontal distance, from the proposed or existing right-of-way line. Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths. Pole signs shall not exceed a maximum sign height of 30 feet unless specifically otherwise allowed within this article. Pole signs more than 100 feet in height shall be set back from any property line a distance of one foot for each foot of height above ground level when otherwise allowed within this article.

9.44. ~~9.13.~~ Maintenance and Appearance of Signs.

All signs together with braces, guys, and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint, or other surface deterioration.

9.45. ~~9.14.~~ Signs Facing Residential Districts.

~~No billboard shall face or be oriented toward any adjoining or abutting residentially zoned district within two hundred (200) feet of the residential district boundary line.~~ Illuminated signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

9.46. ~~9.15.~~ On Site Interference.

The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

9.47. ~~9.16.~~ Unsafe and Unlawful Signs.

If the zoning inspector shall find that any sign is unsafe or is a menace to the public or has been constructed, erected, or is being maintained in violation of this ordinance he shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located, or both. If the owner of the sign or the property owner fails to remove or alter the structure so as to comply with the required standards within ~~thirty~~ (30) days after such notice, such sign may be removed, or altered to comply, by the zoning inspector at the expense of the owner of the sign. The zoning inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner.

9.48. ~~9.17.~~ Cessation of Purpose and Removal.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land or structure upon which such sign may be found. Such sign shall be removed within ~~thirty~~ (30) days after written notification from the zoning inspector except that temporary activities sign posting shall be removed by the permittee within seven ~~(7)~~ days following the date of termination of such events. Upon failure to comply with any notice within the time specified the zoning inspector is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the sign.

9.49. ~~9.18.~~ 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 most restrictive with regards to sign size.

SECTION 9.5. ~~9.4.~~ SIGNS PERMITTED BY DISTRICT

[Editors Note: Signs permitted by district proposed relocation from 9.4.]

In addition to the aforementioned signs the following signs are also permitted:

9.51. 9.41. Residential, Agricultural, Mixed Use Developments, and Conservancy Districts.

(a). 9.411. Dwelling Identification Sign. One identification sign not exceeding two ~~(2)~~ square feet in area is permitted for each residential dwelling unit. For one and two family dwelling units, identification signs shall be at least five ~~(5)~~ feet from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building. Identification signs may be illuminated but non-flashing and motionless.

~~9.412. Large Scale Residential Development Signs. Identification signs are permitted on the premises of residential group development limited to one sign for each public street front, each sign not to exceed ten (10) square feet in area. Such signs may be lighted, but nonflashing and motionless and located not less than five (5) feet from any street right-of-way line.~~

(b). 9.413. Development Signs ~~Special Gate Signs~~. A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group ~~housing~~ development, estate, farm or other residential entity, provided there are not more than two ~~(2)~~ signs for each main entrance, with a total sign area for each such entrance not to exceed ~~thirty-two (32)~~ square feet. Under this provision, if such a special gate sign is utilized no other main entrance identification sign is permitted. Such signs may be lighted, but non-flashing and motionless, and located according to the criteria in Section 9.4.

(c). Institutional, Commercial and Industrial Signs Located in Agricultural, Residential, Mixed Use or Planned Neighborhood Developments and Conservancy Districts. Any institutional, commercial or industrial use, which is a Permitted or Special or an approved use allowed in a Conditional Zoning district in an agricultural, residential or conservancy district, may erect and maintain signs as follows:

(d). One freestanding sign not to exceed 100 square feet in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one freestanding sign not to exceed 50 square feet in area.

(e). Freestanding signs shall be located in accordance with the criteria found in Section 9.43 of this article.

(f). Attached signs for all principal uses on the site shall not exceed 50 square feet in area, except where the non-residential use is located within an approved Mixed Use or Planned Neighborhood development. For non-residential uses within Mixed Use or Planned Neighborhood developments, attached signage is allowed provided the attached signs do not exceed two square feet in area for each front foot of structure the occupant occupies. In addition the attached signs may be placed on any side of the building. If there is more than one

principal use, the property owner will determine the allocation of attached sign area. In the event a shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies.

9.52. Professional, Commercial, and Industrial Districts.

(a). ~~9.41.1~~ O&I Office and Institutional District. Signs for uses permitted in the O&I District shall be regulated as follows:

(1). One freestanding sign not to exceed 50 square feet in area will be allowed per building. Freestanding signs shall be located in accordance with the criteria found in Section 9.4 of this article.

(2). Attached signage not exceeding two square feet in area for each front foot of structure the occupant occupies is allowed. Attached signs may be placed on any side of the building.

~~9.41.1(a) Signs Permitted. One identification sign and one bulletin board sign per business shall be permitted. When detached from the building, all identification signs representing business within one building must be on the same support pole or structure. One bulletin board sign attached to the building and listing the building(s) occupants shall be permitted per building.~~

~~9.41.1(b) Sign Area. Identification signs shall have a maximum area of 10 square feet per business with an overall sign area not to exceed 50 square feet; bulletin boards attached to the building shall have a maximum sign area of six square feet.~~

~~9.41.1(c) Illumination. Any illuminated sign shall be lighted only with nonflashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.~~

~~9.41.1(d) Sign Height. No part of any detached sign shall be more than 35 feet above the ground at its base and no sign shall be located closer than five feet to any property line or right-of-way line.~~

~~9.41.1(e) Location. No sign shall be located less than five feet from any street or property line.
(Amd. 02-07-05)~~

(b). C1 Local Business District. Signs for uses permitted in the C1 district shall be regulated as follows:

(1).~~9.441.~~ Signs Permitted. An unlimited number of business signs are permitted which are located in the buildable area of the lot. One sign per establishment may be placed in the required yard space, except through lots or lots having frontage on three ~~(3)~~ or more streets, in which case two ~~(2)~~ detached signs per establishment shall be permitted.

(2).~~9.442.~~ Sign Area. No detached sign shall exceed ~~fifty (50)~~ square feet in area. The combined total sign area of all signs on the premises shall not exceed ~~four hundred (400)~~ square feet or two ~~(2)~~ square feet of sign area per linear foot or frontage on a public street, whichever is the lesser.

~~9.553. 9.443. Illumination. Any illuminated sign shall be lighted only with nonflashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district.~~

~~9.554. 9.444. Sign Height. No sign shall be attached to a building so as to extend more than ten (10) feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten (10) feet higher than the nearest edge of the roof. No part of any detached sign shall be more than thirty five (35) feet above the ground at its base.~~

~~9.555. 9.445. Location. No sign shall be located closer than five (5) feet to any street line. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than five (5) feet to any street or property line. In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building if such building be located within one hundred (100) feet of a residential district.~~

(c). ~~9.42.~~ C(P) Planned Commercial District.

Except for billboards (off-premises) signs which are regulated by Section 9.6, Signs for uses permitted in the planned commercial C(P) district shall be regulated as follows:

(1). Sites with no more than two occupants may have one freestanding sign. This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding signs. Each sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of 100 square feet in area; or one freestanding sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding sign area for each occupant over ten, with a total maximum freestanding sign area not to exceed 400 square feet. On corner lots, one additional

freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Sites approved as a zero lot line development such as a shopping center, where the site has one primary lot with one or more outlots, shall constitute one integral development for purposes of this sub-section. Freestanding signs shall be located in accordance with the criteria found in Section 9.43 of this article. Billboards are permitted as regulated in Section 9.6. of this Article.

(2). Attached signage is allowed, not to exceed two square feet in area for each front foot of structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

(3). Detached business signs with no height limitation are allowed when located within 1,500 feet of an interstate (I-95) and when said signs are in excess of 100 feet in height these signs shall not be limited in area when located within 1,500 feet of an interstate (I-95) exit ramp, measured at the ramp's outer intersection with a state road (NC or SR).

~~**9.421. Signs Permitted.** Two (2) detached signs are permitted bearing the name of the shopping center and the names of types of businesses, except that three (3) such detached signs are permitted for shopping centers having frontage on two (2) or more public streets with no more than two (2) such signs for each street front. One attached business sign is permitted for each business and which is integral with or attached to the principal building except structures with frontage on two (2) streets may have two (2) attached business signs, one per street frontage.~~

~~**9.422. Sign Area.** Attached business signs shall not exceed one (1) square foot in area for each front foot of the structure or portion wherein the use referred to is conducted. Frontage to be used in calculating the permitted attached business sign area shall include frontage whereon a sign may be erected on each of these frontages. Detached business signs shall not exceed one hundred (100) square feet each, except as follows:~~

~~(a) When only one (1) detached business sign is to be erected on a lot such sign shall not exceed two hundred (200) square feet.~~

~~**9.423. Illumination.** Any illuminated sign shall be lighted with nonflashing and motionless illumination.~~

~~**9.424. Location.** Detached business signs one hundred (100) feet or less in height shall be set back from any street giving driveway access to the property a distance of one (1) foot for each foot of height above ground level; provided, that no such detached business sign shall be located closer than fifteen (15) feet to any property line.~~

~~Detached business signs more than one hundred (100) feet in height shall be set back from any property line a distance of one (1) foot for each foot of height above ground level.~~

~~Attached business signs shall be placed on the building or on canopies attached to the building in which the use referred to takes place. Business signs placed on buildings or canopies shall extend no more than eighteen (18) inches from the surface.~~

(d). ~~9.43.~~ C-3 Districts. Signs for uses permitted in the C-3 District shall be regulated as follows:

(1). ~~9.431.~~ Signs Permitted. Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three or more streets, in which case two detached signs per business occupant shall be permitted. Billboards are permitted as regulated in Section 9.6 ~~9.5.~~ of this article.

(2). ~~9.432.~~ Sign Area. The combined total sign area of all signs for a single business occupant shall not exceed 750 square feet or four square feet of sign area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed 100 square feet in area.

~~9.433. Illumination. Any illuminated sign shall be lighted only with nonflashing and motionless illumination.~~

~~9.434. Height. Detached business shall not exceed a height of 35 feet above ground from the base.~~

~~9.435. Location. Business signs shall not be located closer than five feet to any street line and no sign not integral with or attached to a building shall be located nearer than five feet to any property line.~~

(3). ~~9.436.~~ Temporary Activities Sign Posting. For the purpose of endorsing or advertising temporary activities such as displays, festivals, circuses, fairs, contests, fund drives, elections, campaigns, exhibits, meetings, conventions, sales, performances, dances, drives, and the like, signs are permitted in the C3 District after first obtaining a sign permit from the [code enforcement manager](#) ~~zoning inspector~~ for such a temporary sign or group of signs. The [code enforcement manager](#) ~~zoning inspector~~ may refer the request to the board of adjustment for final determination if there is doubt as to the merits of such a request.

~~9.44. C1 District.~~

[Editors Note: C1 District moved to Section 9.52.b.]

(e.) ~~9.45.~~ M District. Signs located in the M District shall follow the same dimensional criteria as for signs being located in the C-3 District. Billboards are permitted as regulated in Section 9.6 ~~9.5~~ of this article.

SECTION 9.6 ~~9.5~~. BILLBOARDS (OFF-PREMISES SIGNS)

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

9.61. ~~9.51.~~ General Provisions.

(b) Billboards shall be allowed only along rights of way with full-control or limited control of access, such as freeways and major thoroughfares;

(a) Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property;

(c) Billboards shall not exceed a sign height of 35 feet;

(d) All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial, C3 Heavy Commercial and M Industrial districts, upon the Town Commissioners' approval of the site plan and provided that the dimensional criteria outlined below is complied with;

(e) All Federal, State, and other local regulations shall be complied with; and

(f) Billboards are exempt from the landscaping and buffering provisions of this ordinance.

9.62. ~~9.52.~~ Dimensional Criteria.

Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

(Amd 08-5-13)

SECTION 9.7 ~~9.2~~. SIGNS PROHIBITED

Erection or maintenance of signs having any of the following characteristics is prohibited.

9.71. ~~9.21.~~ Signs not to Constitute Traffic Hazard.

No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "drive-in," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. In any case signs shall be prohibited within twenty (20) feet of a street intersection measured to the intersection of the two ~~(2)~~ nearest street lines.

9.72. ~~9.22.~~ Signs Erected on Public Streets.

No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

9.73. ~~9.23.~~ Obstruction of Ingress or Egress of Building.

No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

9.74. ~~9.24.~~ Obscene Matter Prohibited.

No sign shall be erected or maintained which bear[s] or contain[s] statements, words, or pictures of an obscene character.

9.75. ~~9.25.~~ Signs on Private Property; Consent Required.

No sign may be erected by any person on private property of another person without first obtaining the verbal or written consent of such owner.

9.76. ~~9.26.~~ Flashing Signs.

AMEND Article X. Definition of Terms, by DELETING all sign related definitions which have been relocated to Article IX. Sign Regulations as follows:

ARTICLE X. DEFINITION OF TERMS

SECTION 10.2 DEFINITIONS OF SPECIFIC TERMS AND WORDS

Billboard: See Section 9.1 for all sign related definitions.

Sign: See Section 9.1 for all sign related definitions. ~~Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word "sign" does not include the flag, pennant, or insignia of any nation, state, other political unit, nor does the word "sign" include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic, or informational structures required by or authorized by law, or by federal, state, county or city authority.~~

~~Types of signs:~~

~~(a) **Identification sign:** A sign used to identify only the name and/or address of the individual, family, organization, enterprise, subdivision, group housing development, or other such facility occupying the premises; the profession practiced on the premises, the name of the building on the premises on which the sign is displayed.~~

~~(b) **Bulletin board:** A sign used to announce meetings, programs, occupants, purposes, operating hours and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such nonresidential uses permitted in residential districts.~~

~~(b) **Business sign:** A sign which directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced or offered upon the premises where such sign is located or to which it is attached.~~

~~(d) **Billboard:** A sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold, produced or offered upon the premises upon which such sign is located.~~

~~(c) **Incidental Sign:** A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as "entrance," "exit," "no admittance," "telephone," "parking," etc.~~

Special informational signs: ~~For the purpose of giving directions and information, on-site signs pertaining to specified conditional uses where not otherwise permitted, and off-premises signs may be approved by the Board of Adjustment subject to subject to a permit specifying the size, location, lighting, design and display in accordance with Article IX. Sign Regulations. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the Board may judge to be beneficial to the total community.~~
~~(Amd. 09-10-07)~~