

TITLE XV: LAND USAGE

CHAPTER 153: ZONING CODE

Part F

Section

Signs

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SIGNS

153.130 PURPOSE.

The purpose of this subchapter is to regulate and control signs and their placement throughout the town. Regulation of the signs is designed to enhance the health, safety, and visual communication of the residences within the area in addition to preserving the natural beauty of the surrounding environment. This subchapter also establishes the procedures through which these goals can be fulfilled.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.131 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

ADVERTISING SIGN. A sign which directs attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered. The signs are further classified according to location, as follows:

(1) On the same premises as the business, commodity, service or entertainment advertised by the sign.

(2) Remote from the business, commodity, service or entertainment advertised by the sign. See **BILLBOARD**.

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AWNING SIGN. A sign constructed of a fabric-like non-rigid material which is part of a fabric or plastic awning. Awning signs constructed of a flammable substance are prohibited in the fire district. Awning signs shall be considered wall signs for the purposes of this chapter and are subject to all regulations regarding wall signs.

BANNER. Any sign made of a flexible fabric-like material except an awning sign.

BILLBOARD. An advertising sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of the sign.

BORDER. A strip along the edges of a sign that outlines the display.

CANOPY. Any shelter or shelter-like structure attached to the building and projecting over public or private property.

CONTROLLED ACCESS HIGHWAY. A roadway with four (4) or more lanes, divided by a median, with speed limits that would exceed fifty five (55) mph, where access to and from said road is by interchange only.

DIRECTIONAL SIGN. A sign which carries no advertising message or information but simply the name or the logo of an establishment and information directing persons to the location of the establishment. For the purposes of this chapter directional signs shall be free-standing or wall mounted.

FACES. The direction in which a display is aimed.

FREE-STANDING SIGN. A sign that is not attached to any building structure. The signs shall include, but not be limited to, signs mounted on poles and A-frame signs.

IDENTIFICATION SIGN. A sign which carries no advertising message and is used to identify only the following.

- (1) The name of an institutional use or organization occupying the premises on which the sign is located.
- (2) The name, title and/or occupation or profession of the occupant of the premises on which the sign is located.
- (3) The name and the type of non-retail business occupying the premises on which the sign is located.
- (4) The name of the building on which the sign is located, including names and types of firms occupying the building.

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ILLUMINATED SIGN. A sign that is illuminated by electric or other devices mainly for clear visibility at night.

ILLUMINATION OF SIGNS. The lighting of a sign or exposing of a sign to artificial light either from within or without.

INCIDENTAL SIGN. A sign which carries no advertising message, and is clearly incidental to other major advertising signs on site, and which is used to do one or more of the following:

- (1) Direct traffic flow, either vehicular or pedestrian.
- (2) Clearly indicate location of ingress or egress points.
- (3) Direct certain activities to certain areas, i.e., parking, waiting, and the like.
- (4) Provide other incidental information.

MARQUEE SIGN. A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store or place of public assembly. Marquee signs are considered wall signs for the purposes of this chapter and are subject to all regulations regarding wall signs.

MURAL. A mural is a form of painting on a wall or the side of a building that does not advertise a product, service, establishment, or any type of business.

NAMEPLATE SIGN. A sign located on the premises that identifies business or a home occupation. When used to identify businesses in a group business complex, each nameplate shall be attached to one (1) free-standing master identification sign.

NATURAL GRADE. The highest elevation where the base of the sign and the ground meet.

OUTDOOR ADVERTISING DEVICE. Twirlings, balloons, flags, lights and other similar materials used to attract attention.

POLITICAL SIGN. A sign attracting attention to political candidates or issues.

PORTABLE SIGN. A sign which rests on the ground or other surface and which is designed and/or constructed to be mobile or movable.

POSTER. Any sign made of a rigid or semi-rigid, non-durable material, such as paper or cardboard, other than advertising copy applied to a permanent sign structure.

PRODUCT INFORMATION SIGN. An on-premises advertising sign which denotes a particular commodity, service, or entertainment offered by said establishment. Identification signs and reader boards shall not be construed as product information signs.

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PROJECTION SIGN. A sign projecting out from and is attached to the exterior wall of any building and forming an angle of 30 degrees or more to the wall. Projection signs (excluding awning/canopy and marquee signs) shall not project more than three (3) feet from the facade of the building. Clearance over the sidewalks shall be at a minimum of nine (9) feet and over the streets, alleys or driveways shall be a minimum of fourteen (14) feet. (Am. Ord. O-95-11 Adopted 8-14-95)

READER BOARDS. A permanent sign, affixed either to the wall of a structure or to an existing free-standing identification, which is comprised of a surface to which letters may be attached on a temporary basis thereby forming messages advertising special sales or services offered. Reader boards may not serve in substitution for identification signs.

ROOF LINE. The edge of the roof around the building structure where a wall intersects with the eave of the roof.

ROOF SIGN. A sign erected, constructed or maintained upon the roof of the building. For the purpose of this chapter and in compliance with Section 153.133 (E), roof signs shall be subject to the regulations regarding wall signs.

SIGNS. Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface, fabric or other material or structure designed to carry the devices that are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view and used to attract attention. This definition shall not include the flag, badge, or insignia of any nation, state, county, town, or other governmental unit.

SIGN AREA. The area of a sign shall be determined by measuring the display and border parts of a sign structure. If the sign is composed in whole or in part of free standing letters, devices, or sculptured matter and not mounted on a measurable surface, the sign area shall be construed to be the area of the least squares, rectangles, or circles that will enclose the letters, devices and sculptured matter.

STREET HEIGHT. Vertical distance shall be measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.

STREET GRADE. Elevation of the centerline of the street or highway.

SURFACE AREA. The entire area shall be measured by the square, rectangle, semi-circle, or parallelogram thereof, and comprise the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as the area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.

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SUSPENDED SIGN. A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

TEMPORARY SIGN. A sign that can be used for thirty (30) days as specified by this chapter.

TRAFFIC SIGN. A sign indicating federal, state, or town regulations for automobile, truck, bicycle and pedestrian traffic.

WALL SIGN. A sign affixed to the surface of and whose plane is parallel to, the exterior wall of a building, or which forms an angle of less than 30 degrees with said wall and does not project out from the wall more than twenty-four (24) inches from said wall. No wall sign shall extend above the roof line of the building upon which it is located. In cases of flat roofs, no sign shall extend above the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be considered as wall space for the placement of signs.

WINDOW SIGN. Any sign oriented toward and visible from the exterior of a building which is placed directly on a glass window.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord. 0-89-12, passed 11-13-89; Am. Ord. 0-93-01, passed 3-8-93; Am. Ord. O-99-04, passed 4-12-99)

153.132 APPLICATION OF REGULATIONS TO DISTRICTS.

The following regulations shall apply to all signs in all districts:

(A) Compliance. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any district except in compliance with this chapter. Any sign display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful non commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing requirements of this chapter.

(1) Repainting of signs. Non-conforming painted signs may be repainted so long as the new coat of paint is for maintenance purposes and the design of the sign is not altered in any fashion. If during repainting, the design of the sign structure is altered in any way, then the entire structure shall comply with the provisions of this chapter. See also division (B) of this section.

(2) Billboards. Billboards existing at the time of enactment of this chapter shall be allowed to be reposted so long as the structure of the sign itself remains in good repair. The structure of the billboard and the advertising message carried on the board shall be subject to all other provisions of this chapter (see also division (S) and (C) of this section). If at any time an advertising message on a billboard becomes obsolete or in disrepair, the advertising copy itself shall be subject to division (B) and (C) of this section without the structure being subject to the provisions, provided it is in good repair.

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(3) Vandalism and adverse weather. Signs destroyed by vandals or adverse weather conditions shall be allowed to be replaced even if such signs do not conform to this chapter, provided they existed before the date of enactment of this chapter and they are replaced in the exact same location, in the exact same manner and with the exact same advertising copy of the same size as the previously destroyed sign. Adverse weather conditions shall not be interpreted to be normal weatherization of a sign. If a sign is allowed to deteriorate over time due to exposure to the weather elements, then it shall not be deemed as replaceable under this section.

(B) Maintenance. All signs, together with braces, guides and supports shall at all times be kept in good repair. If at any time a sign should become unsafe or poorly maintained, the Zoning Administrator shall notify the owner or lessee of the sign of such condition. Upon failure of the owner or lessee to correct such condition within thirty (30) days, the Zoning Administrator shall order the removal of such sign. The expense of the removal of the sign shall be billed to the owner or lessee of the sign. See division (K)(3) of this section for collection procedures.

(C) Removal of obsolete signs. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within thirty (30) days from the date of termination of such activities. Temporary signs and political signs shall be removed within ten (10) days after the termination of such events. Upon failure of the owner of these signs to remove the signs within the prescribed time period, the Zoning Administrator shall order their removal subject to the terms of ~ 153.138 and any additional expense of removal shall be billed to the owner or lessee of said signs.

(D) Removal of nonconforming signs. Any sign existing on the date of enactment of this chapter shall not be repaired such that 50% or more of the structure must be restored in order for it to be deemed in good repair; instead, the sign shall be removed and a new sign which conforms to the regulations set forth by this chapter shall be erected.

(1) Relocation of nonconforming signs. Any nonconforming sign existing on the date of enactment of chapter may be relocated on the same premises of the establishment having a beneficial use of the structure so long as it is the same sign structure and the non-conformance is not increased in any manner beyond the point of non-conformance that existed before the movement of the structure.

(2) Amortization schedule. Any sign existing on the date of enactment of this chapter which does not conform to the requirements of this article shall be taken down and removed by the owner, agent or person having the beneficial use of the building, land, or structure upon which the sign may be found within ten years after the date of enactment of this chapter. Failure to remove any nonconforming sign within thirty (30) days after the termination of the amortization period shall result in removal of said nonconforming sign by the town at the expense of the owner of the sign.

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(3) Exemption from amortization. Any nonconforming signs existing on the date of enactment of this chapter, located within the protected corridors surrounding federal aid highways and which require the town to pay compensatory restitution to the owner for removal of the sign under state or federal law, shall be allowed to remain.

(E) Measurement of area. Sign area shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the entire advertising copy of art designed to attract attention, including borders and other architectural embellishments.

(F) Building code compliance. All signs shall fully comply with the requirements of the state Building and Electrical Codes.

(G) Sign setback requirements. No portion of any free-standing sign may be located closer than four (4) feet to any pavement for a street in the town. In compliance with state regulations, no sign shall be located within any North Carolina Department of Transportation right-of-way. No sign in the town shall be located in such a manner as to constitute a traffic or safety hazard.

(H) Illumination of signs. Unless otherwise expressly prohibited, signs may be illuminated provided that lighting directed toward a sign shall be shielded in such a manner as to illuminate only the face of the sign, and shall not project into any portion of the traveled roadway.

(I) Sign permit required. A sign permit, issued by the Zoning Administrator, shall be required for all signs except those specified in sections 153.134 and 153.135. If a sign is posted prior to a permit being obtained, the owner of the sign shall be required to pay double the permit fee. The fee schedule shall be as follows.

(1) All sign types except political signs:

Up to 8 square feet	\$ 12.50
Up to 16 square feet	\$ 25.00
From 17 square feet to 32 square feet	\$ 50.00
From 33 square feet to 48 square feet	\$ 75.00
From 49 square feet to 64 square feet	\$100.00
From 65 square feet to 85 square feet	\$150.00 (Maximum Size)

(2) Political Signs:

\$100 deposit (*See Section 153.136C)(2)(a)*)

(J) Sign permit application procedure. Application forms for sign permits shall be obtained from the office of the Zoning Administrator. Completed forms must include a drawing of the sign, including dimensions and location of the sign showing set backs, and shall be filed with the Zoning Administrator. Sign permits will be issued based on the information provided on the application.

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(K) Enforcement of regulations. Any sign constructed after the date of enactment of this chapter or any sign maintained in a non-conforming manner after the passage of the amortization period specified above, shall be subject to the following actions.

(1) The Zoning Administrator shall notify, in writing, the owner or lessee of the nonconforming structure. In addition, the owner or lessee shall be fined \$50 for each nonconforming structure. The nonconforming condition shall be corrected within thirty (30) days from date of notification.

(2) If the nonconforming sign has not been brought into compliance with the provisions of this chapter within the allotted thirty (30) days as specified above, then the sign shall be removed by the town and the cost of removal shall be billed to the owner or lessee.

(3) If the owner or lessee of a nonconforming sign that has been removed by the town fails to pay for the costs of removal within thirty (30) days of the billing date for such action, then a lien shall be placed against the property and the Town Clerk shall certify the same to the County Tax Collector for collection in the same manner as ad valorem property taxes are collected. The amount certified by the Town Clerk to the County Tax Collector for collection shall include the actual cost of removal of the sign, plus any fines which may have been levied, and not paid, plus 15% representing penalty and interest for costs of collection.

(L) No signs shall be placed in any town or state public right-of-way which includes utility poles and street medians.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord. 0-93-01, passed 3-8-93; Am. Ord. 0-93-06, passed 5-10-93; Am. Ord. O-99-04, passed 4-12-99; Am. Ord. 0-00-04, passed 03-13-00) Penalty, see section 153.999

153.133 PROHIBITED SIGNS.

(A) Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the Zoning Administrator.

(B) Any free-standing sign located in a DOT right-of-way or located within four (4) foot of the pavement of any town street.

(C) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.

(D) Billboards and other types of off-premises advertising signs.

(E) Roof signs which extend above the highest point of the building/structure (excluding chimneys, vents, and antennas). Roof signs shall otherwise be subject to the regulations regarding wall signs.

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(F) Any flashing device or sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time and temperature, with changes alternating on not less than a five (5) second cycle.

(G) Any moving sign or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any the device has a written message.

(H) Any sign posted to utility poles, trees, fences, rocks, or other signs.

(I) Any sign which is a copy or an imitation of an official sign, or which purports to have official status.

(J) Portable signs.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord. 0-93-01, passed 3-8-93) Penalty, see section 153.999

153.134 EXEMPT SIGNS.

The following signs are exempt from the provisions of this chapter.

(A) Signs erected by a governmental agency to regulate, control, or direct traffic including signs indicating bus stops, taxi stands, and similar transportation facilities. The signs may be illuminated, flashing, or moving as required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of public facility may also be illuminated as is necessary.

(B) Signs required by law.

(C) Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

(D) "No Trespassing" signs not to exceed four (4) square feet in surface area.
(Ord., passed 12-13-82; Am. Ord., passed 7-11-83) Penalty, see section 153.999

153.135 SIGNS PERMITTED WITHOUT A PERMIT.

The following types of signs shall be permitted without the issuance of a sign permit provided they meet the requirements of the zoning district into which they are placed.

(A) Temporary real estate signs advertising a specific piece of property for sale, lease, rent, or development shall be allowed with the following guidelines:

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(1) In C-1 (Central Business District) and in all commercial areas of Traditional Neighborhood districts, the signs will be located on the property and shall not exceed eight (8) square feet in surface area per side of sign, up to a maximum of sixteen (16) square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one (1) sign per parcel of land unless the land is located at an intersection of two streets; in that case, two (2) signs shall be allowed, one (1) facing each street.

(2) In C-2 (General Business District), I-1 (Light Industrial District), and O-I (Office-Institutional District), the signs shall not exceed thirty-two (32) square feet in surface area and shall not exceed ten (10) feet in height. Signs shall not be illuminated and shall not exceed one (1) sign per parcel of land. These signs will be maintained in good repair and will be allowed on the property for a period not to exceed one (1) year.

(3) For commercial building, one (1) construction sign is permitted. Said sign shall not exceed thirty-two (32) square feet in surface area and shall not exceed ten (10) feet in height. For residential building, one (1) construction sign is permitted which shall not exceed sixteen (16) square feet in service area and shall not exceed seven (7) feet in height. All construction signs must be removed before a Certificate of Occupancy is issued.

(4) In all residential districts and in the residential areas of Traditional Neighborhood districts, the signs will be located on the property and shall not exceed four (4) square feet in surface area per side of sign, up to a maximum of eight (8) square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one (1) sign per parcel of land unless the land is located at an intersection of two streets; in that case, two (2) signs shall be allowed, one facing each street.

(5) Real estate “pointer” or “directional arrow” signs shall be allowed provided they do not exceed one (1) square foot in area per face, two faces per sign, and shall be placed no closer than four (4) feet to the traveled right-of-way. The maximum number of real estate directional signs allowed per listing shall be two (2).

(6) In all districts, real estate signs and pointer or directional arrow signs shall be removed within three (3) days after the sale is closed or the rent or lease transaction is finalized.

(7) Real estate “open house” signs shall not exceed four (4) square feet in surface area per side of sign, up to a maximum of eight (8) square feet of aggregate surface area. “Open House” signs may be placed out two (2) days before the open house event and shall be removed within one (1) hour of its ending. The maximum number of real estate open house signs allowed per listing shall be two (2).

(B) One (1) free-standing sign on church property is permitted except where a church is located on a corner lot; then the church is allowed two (2) free-standing signs, one facing each street that borders the lot. No sign shall exceed eighty-five (85) square feet in surface area per side of sign up to a maximum of 110 square feet of aggregate surface area per sign. In addition, churches shall be allowed one (1) bulletin board not to exceed twelve (12) square feet of surface area (which may be a wall sign or a free-standing sign). In addition, each church located more than 150 feet from a major thoroughfare or collector street defined by the town Thoroughfare Plan shall be allowed one (1) directional sign. These signs may be located on private property,

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with the written permission of the owner, at the nearest intersection of the major thoroughfare or collector street to the site of the church.

(C) Signs on window glass, regardless of size.

(D) Private, unofficial traffic signs, not exceeding two (2) square feet in surface area per side of sign up to a maximum of four (4) square feet of aggregate surface area per sign, which indicate directions, entrances and exits.

(E) Any flag, badge, insignia or design customarily displayed by any governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or similar organization.

(F) Gasoline service stations or any business selling gasoline are allowed, in addition to other provisions of this chapter, the following signs:

(1) Gasoline price and self-service signs located at and secured to each pump island and not exceeding nine (9) square feet per side of sign. One (1) gasoline price/self-service sign may be free-standing and located at another place other than the pump island, but must be on the business site and meet all other sign regulations. If the signs are free-standing signs, they shall not exceed forty (40) inches in height.

(2) Each brand name, emblem of the gasoline sold, the grade of gasoline which are displayed at the pump islands, and any other related signage shall not exceed nine (9) square feet in total aggregate surface area for each pump island. If free-standing, the sign shall not exceed forty (40) inches in height.

(3) A State Inspections sign at any location on the business as long as the sign is not placed in any right-of-way. If the sign is to be placed within a right-of-way, a permit shall be required from the Zoning Administrator. The sign shall not exceed forty (40) inches in height.

(G) Municipal school, recreational and civic club sponsored signs, schedule of events, rules and regulations and school and parking signs shall not require a permit, but if they are to exceed forty-eight (48) square feet of aggregate surface area per sign, then they must be approved by the Zoning Administrator.

(H) Outdoor menu signs when used in conjunction with drive-through windows at restaurants.

(I) In C-1 (Central Business District) only, an individual business may display one (1) "OPEN" sign during business hours with the following restrictions;

(1) The sign must be removed at closing each day.

(2) The sign must be a maximum width of seven (7) inches and a maximum length of twenty-four (24) inches.

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(3) The sign must be hung flush to the building.

(4) The sign must be hung on brackets with a maximum extension of one (1) inch.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord., O-97-03 passed 3-10-97; Am. Ord., O-97-10, passed 10-13-97; Am. Ord. O-99-04, passed 4-12-99, Am Ord. 0-02-13, passed 11-12-02) Penalty, see section 153.999

153.136 SIGNS ALLOWED WITH PERMITS.

The following types of signs shall be allowed within the town upon the issuance of a sign permit for each proposed sign and subject to the regulations set forth below:

(A) Signs allowed in all Commercial and Industrial Districts. The following types of signs shall be permitted in all zoning districts in the town excluding R-10 and R-20 districts.

(1) Identification Signs.

(a) Wall signs, the surface area of which shall not cover an area greater than 50% of the total surface area of the walls which abut or front streets (surface area of the walls shall be computed excluding windows and doors). 50% wall coverage limitations shall be computed including all signs attached to the building including product information signs, projection signs, roof signs, marquee signs, awning signs and suspended signs.

(b) One (1) projection or suspended sign not to exceed eight (8) square feet per side of sign up to a maximum of sixteen (16) square feet of aggregate surface area for the entire sign. Signs attached to buildings in any manner, including wall signs, suspended signs and projection signs, shall not have an aggregate surface which encompasses an area greater than 50% percent of the total surface area of the walls which abut or front streets (surface area of the walls shall be computed excluding windows and doors).

(c) One (1) free-standing sign not to exceed eighty-five (85) square feet in surface area per side of sign, up to a maximum of 170 square feet of aggregate surface area for the entire sign, and not exceeding twenty-five (25) feet in height. Business establishments whose premises are divided by a publicly dedicated street or alley shall be allowed one (1) free-standing sign (subject to the above listed limitations) per tract of land on which said business is operated.

(2) Advertising Signs.

(a) Product Information Signs. Product information signs shall be allowed in the above prescribed districts in accordance with the following stipulations:

1. All signs shall be wall signs attached to the building housing said establishment, and

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2. The surface area of the product information sign(s), when combined with the surface area of all other identification and advertising signs attached to the building shall not constitute an area greater than fifty (50) % of the surface area of the wall(s) of the building which abut on front streets (surface area of the wall(s) shall be computed excluding windows and doors).

(b) Reader Boards. Reader boards shall be allowed in the above prescribed districts in accordance with the following stipulations:

1. Each business establishment shall have only one (1) reader board attached either to an existing free-standing identification sign or to the wall of the building in such a manner as to make it a wall sign.

2. If a proposed reader board is attached to a free-standing sign, it shall not exceed twenty-five (25) square feet in surface area per side of sign up to a maximum of fifty (50) feet of aggregate surface area.

3. If a proposed reader board is attached to the building, then the surface area of the reader board, when combined with the surface area of all other identification and advertising signs attached to the building, shall not constitute an area greater than the surface area of the walls of the building which abut or front streets (surface area of the walls shall be computed excluding windows and doors).

(3) Unified Business Developments (Shopping Centers and like Clustered Developments). Signs shall be regulated in Unified Business Developments as follows:

(a) Individual businesses located within the Unified Business Development may have:

1. Wall identification signs which shall not have a total aggregate surface area greater than 50% of the total surface area of the front wall space which that particular establishment occupies (surface area of said wall shall be computed excluding windows and doors). 50% wall coverage limitations shall be computed including all signs attached to said establishment including product information signs, projection and suspended signs.

2. One (1) suspended or projection identification sign per business establishment, not to exceed eight (8) square feet per side of sign up to a maximum of sixteen (16) square feet of aggregate surface area for the entire sign. Signs attached to the building in any manner, and benefiting the establishment, including wall signs, suspended signs, and projection signs shall not have an aggregate surface area which encompasses an area greater than 50% of the total surface area of the front wall space which that particular establishment occupies (surface area of said wall shall be computed excluding windows and doors).

3. Product information wall signs the surface area of which, when combined with all other signs attached to the building in any manner so as to benefit said establishment (including all identification and advertising signs), shall not have an aggregate

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surface area which encompasses an area greater than 50% of the total surface area of the front wall space which that particular establishment occupies (surface area of the wall shall be computed excluding windows and doors).

4. One (1) reader board, the surface area of which, when combined with all other signs attached to the building in any manner so as to benefit the establishment (including all identification and advertising signs), shall not have an aggregate surface area which encompasses an area greater than 50% of the total surface area of the front wall space which that particular establishment occupies (surface area of the wall shall be computed excluding windows and doors).

(b) Each Unified Business Development as a whole shall be allowed one (1) free-standing identification sign denoting the name of the development. The sign shall not exceed twenty-five (25) feet in height and eighty-five (85) square feet in surface area per side of sign up to a maximum of 110 square feet of aggregate surface area. In addition, each establishment located within the development shall be permitted one (1) nameplate sign not to exceed eight (8) square feet of area per side of sign up to a maximum of sixteen (16) square feet of aggregate surface area, to be attached to the free-standing identification sign for the development as a whole. Nameplate signs shall not be illuminated and shall not require a sign permit.

5. Directional signs. One (1) directional sign within two (2) miles of business location shall be allowed on private property provided that the property owner gives written permission and provided that there shall be no more than two (2) sign faces allowed per property location. Directional signs shall be free standing or wall mounted. Free standing directional signs shall not exceed eight (8) square feet in aggregate surface area or exceed twenty-five (25) feet in height. Wall mounted directional signs shall not exceed thirty-two (32) square feet in aggregate surface area and are subject to all regulations regarding wall signs. Illuminated directional signs shall not be allowed in "R" residential districts.

(B) R-10 and R-20 Residential Districts. The following types of signs shall be allowed in all the "R" districts in the town subject to the accompanying restrictions and the issuance of a sign permit.

(1) Nameplate Signs. Each home occupation shall be allowed one (1) nameplate for purposes of identification. The sign shall not exceed four (4) square feet of surface area. Signs shall be wall signs. Nameplate signs shall not be illuminated in "R" Residential Districts.

(2) One (1) free-standing sign per entrance to a subdivision, unified housing development, or mobile home park. The signs shall be no larger than fifty (50) square feet of surface area per side of sign up to a maximum of 100 square feet of aggregate surface area per sign. Signs shall not exceed the (10) feet in height and shall not be illuminated.

(3) Bed and Breakfast Homes and Inns. Each Bed and Breakfast Home or Inn shall be allowed one (1) nameplate sign for purposes of identification. The sign shall not exceed

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four (4) square feet of surface area and shall not be illuminated. The sign shall be either a wall sign or a free-standing sign. If the sign is a free-standing sign, it shall be placed a minimum of five (5) feet from the street right-of-way and it shall not exceed five (5) feet in height.

(Ord. O-99-11 Adopted 07-12-99)

(C) Signs Allowed in all Districts. The following types of signs shall be allowed in all zoning districts within the town subject to the accompanying restrictions and the issuance of a sign permit.

(1) Temporary Signs. Temporary signs, flags, or banners advertising the initial openings of businesses, establishments or special sales may be permitted provided the location of such signs is approved by the Zoning Administrator. Such signs may be free-standing or attached to any part of the building wall and said sign shall not exceed fifty (50) square feet in aggregate surface area and shall meet all other requirements. Permits for these on premises signs are limited to thirty (30) days. Temporary signs shall require a deposit of fifty (50) dollars to insure the cost of removal of such signs. The deposit shall be returned after the signs have been removed.

(2) Political Signs. Permits shall be allowed subject to the following conditions:

(a) A single permit, one (1), shall be sufficient for a single political candidate or issue. The permit shall be issued upon the deposit of \$100.00 which shall be returned after all signs have been removed. If the signs are not removed within ten (10) days after the election date, the deposit shall be retained by the town.

1. Posting on private property without consent of owner. It shall be unlawful for any person to attach, place, paint, write, stamp, post, paste or in any manner affix or cause to be affixed any sign, advertisement, circular, bill, or other matter to any privately owned property, including but not limited to, any house or part thereof, wall, fence or part thereof, post, tree or other structure, without first obtaining written permission of the owner or his authorized agent to do so.

2. Any illegal posting of signs, placed or attached, will be removed by Town authority, and will become property of the town.

(c) No sign shall exceed thirty-two (32) square feet in total aggregate surface area or more than ten (10) feet in height.

(d) Political signs shall meet all additional requirements imposed by this chapter.

(Ord. 0-93-01, passed 3-8-93; Am. Ord. O-99-04, passed 4-12-99; Am. Ord. 0-00-04, passed 03-13-00, Am. Ord. 0-02-02, passed 4-08-02)

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153.137 VARIANCES.

(A) In accordance with the procedures stated in section 153.162 of the Zoning Code, the Board of Adjustment shall have the power to hear and act upon applications for a variance from the requirements of this subchapter if:

(1) The applicant complies strictly with the provisions of this subchapter, the applicant can make no reasonable use of the sign allowed; and

(2) The hardship of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public; and

(3) The hardship relates to the applicant's land (such as the terrain of the site) rather than to personal circumstances; and

(4) The hardship is not a result of the applicant's own actions; and

(5) The variance will neither result in the extension of a nonconforming use nor authorize the initiation of a non-conforming use; and

(6) The variance is in harmony with the general purpose and intent of this subchapter and preserves its spirit; and

(7) The variance secures the public safety and welfare.

(B) In granting a variance, the Board of Adjustment shall make written findings that all of the requirements listed in section 153.137(A) have been met. If a variance is granted it shall be the least possible deviation from the requirements of this subchapter. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this subchapter. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the grant of the variance, shall be deemed a violation of this subchapter.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord. 0-88-9, passed 6-13-88; Am. Ord. 0-93-01, passed 3-8-93) Penalty, see section 153.999