

**ARTICLE 11. SIGNS;
OUTDOOR ADVERTISING STRUCTURES**

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SECTION 11.01 TITLE AND STATEMENT OF PURPOSE

- (A) The purpose of this article is to create the legal framework for a comprehensive and balanced system of *signs* to:
- (1) Facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, business opportunities, and community appearance.
 - (2) Preserve the value of property by assuring the compatibility of *signs* with surrounding land uses.
 - (3) Enhance the overall appearance and scenic value of the landscape and preserve the unique natural environment that distinguishes the Town.
 - (4) Promote the safety of persons and property by regulating the size, type, and placement of *signs* in an area susceptible to high winds, hurricanes, and extreme weather conditions.
 - (5) Eventually eliminate *legal nonconforming signs* as expeditiously and fairly as possible. This effort is as much a subject of health, safety, and welfare as is the regulation of new *signs*.
- (B) (1) It is also acknowledged that the Town's economic well being is heavily dependent on tourism. This dependence makes the preservation of the environment from unreasonable *signs* a matter of critical importance to the Town.
- (2) With these purposes in mind, it is the intent of this article to authorize the use of *signs* which are:
- (a) Compatible with their surroundings;
 - (b) Appropriate to the activity that displays them;
 - (c) Expressive of the identity of individual activities and the community as a whole; and
 - (d) Legible in the circumstances in which they are seen.

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- (C) **Signs** are regulated on the basis of the **zoning** district in which they are displayed, the type of activity displaying the **sign**, and five (5) design features: type of **sign**, size of **sign**, height of **sign**, location of **sign**, and type of illumination used. All **signs** shall be **erected**, altered, and maintained in accordance herewith.

SECTION 11.02 GENERAL STANDARDS

- (A) The regulations in this article specify the number, types, sizes, heights, and locations of **signs** which are permitted within the zoned districts and which require a permit.
- (B) (1) In measuring the area of **signs** permitted under these regulations, the entire face of the **sign** (one (1) side only), and any wall work incidental to its decoration, shall be included. Where both sides of a **sign** contain lettering or other allowable display, one (1) side only shall be used to compute the allowable size of the **sign**.
- (2) Where the **sign** consists of individual letters or a **sign** face of irregular shape, the **sign** area shall include the area of the smallest rectangle that can encompass the letters or **sign** face.
- (3) In calculating the total area of a **monument sign**, the first two (2) feet of the height of the base shall be excluded, providing that this portion of the base does not contain any lettering or graphics.
- (C) (1) For **signs erected** within thirty (30) feet of the edge of the **street** right-of-way, when the natural grade level of the **lot** is lower than the grade level of the crown of the road, the **sign** height shall be the distance from the grade level of the crown of the road, nearest to the **sign**, to the top of the **sign** or **sign structure**, whichever is greater.
- (2) For **signs erected** within thirty (30) feet of the edge of the **street** right-of-way, when the natural grade level of the **lot** is higher than the grade level of the crown of the road, the **sign** height shall be the distance from the natural grade level where the **sign** is **erected** to the top of the **sign** or **sign structure**, whichever is greater.
- (3) For **signs erected** farther than thirty (30) feet from the edge of the **street** right-of-way, the **sign** height shall be the distance from the natural grade level where the **sign** is **erected** to the top of the **sign** or **sign structure**, whichever is greater.
- (D) In the absence of a specific **sign setback**, all **signs** and **sign structures** must be located at least five (5) feet from any property line and outside of all **sight visibility triangles**.

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- (E) Free-standing **signs** shall be permitted only on zoned **lots** with fifty (50) feet or more of **street** frontage.
- (F) No free-standing **sign** shall be **erected** within fifty (50) feet of another **free-standing sign**.
- (G) All **wall signs** shall be installed parallel to the wall of a building and shall not extend from the wall more than twelve (12) inches.
- (H) All pole and **monument signs** shall require a landscape plan as specified in Section 11.09(C).
- (I) In cases where the regulations within this section do not specifically address a **sign** requested in conjunction with a permissible use, the **UDO Administrator** shall make a written interpretation of the Ordinance, which shall be kept in the permanent record for that application.
- (J) Any permanent **sign** that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location must be located on **premises** of that person, business, or organization. **Off-premises signs** are not allowed within the **zoning** jurisdiction of Sunset Beach unless otherwise permitted in the Code of Ordinances.

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SECTION 11.03 RESIDENTIAL AND BUSINESS DISTRICTS STANDARDS BY USE

(A) Residential District Standards

- A** An indirectly lighted name plate or professional sign not more than 1 square foot in area attached flat against the building shall be permitted in association with an incidental home occupation.
- B** Temporary real estate signs, not exceeding 2 square feet in area, directing the way to premises which are for sale, rent or lease; provided, the signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented, or leased.
- C** Directional signs not over 4 square feet in area or 3 feet in total height indicating the location of places of general interest. In lieu of several individual directional signs at critical intersections within a subdivision, one multi-directional sign may be erected not to exceed 32 square feet in area and 6 feet in height.
- D** One name sign or bulletin board not exceeding 32 square feet in area and 6 feet in height for any semi-public institution, may be indirectly lighted and shall be setback at least 15 feet from the property line.
- E** Temporary non-illuminated signs not exceeding a size of 4 feet by 8 feet and 6 feet in height are allowed with the following limitations:
- 1 One sign for each building site on interior lots.
 - 2 Two signs for each building site on corner lots.
 - 3 Advertising on the sign(s) is authorized to identify the owner of the business or any professions, persons, or organization engaged in or associated with the lawful site construction or alteration.
 - 4 Such sign(s) shall be set back from the property line at least 15 feet or the distance of the minimum front yard and shall be removed 15 days after the completion of work but not later than 15 days after the certificate of occupancy has been issued.
- F** Development identification signs announcing the name of a major development of a subdivision, which may include a golf course, may be located on the premises at the principal entrance. Such structures are limited to announcing only the name, subdivision logo, golf course, or complex, with no more than three references to facilities within the development. The letters of the facilities' signs can be only half the size of the subdivision, golf course, or complex's name on the gateway sign.
- G** In a major development, no more than two side development identification signs or one median identification sign are permitted at any one principal entrance. Such structures shall not exceed 12 and one-half feet in height. The central section containing the lettering and/or logo is limited to a maximum area of 150 square feet and the total area of the structure, including all supports and supporting structures, such as walls and columns, shall not exceed 600 square feet. If there are side identification signs, one median sign not to exceed 10 square feet in area may be erected.

Temporary Real Estate Sign



Semi-Public Institution Name Sign



Development Identification Signs
(Side Structure, Principal Entrance)



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- H** Entrance signs for a subdivision of single-family dwellings and multi-family residential units may be erected with one two-sided median or two one-sided signs on each side of the entrance identical in appearance and construction, with subdivision name only and master subdivision logo permitted.
- 1** The signs, including structures, may not exceed 6 feet in height and 14 feet in length. They must be neatly constructed of plastic, masonry, treated wood, and sandblasted wood, excluding wooden lattice sheets, and must be colored in earth tone shades.
- I** All development identification signs shall be illuminated by indirect lighting only.
- J** Signs indicating seasonal rental by a real estate rental firm or the owner of the residence affixed to residences shall not exceed 3 square feet in area.
- K** Temporary signs in residential districts shall be governed according to Section 11.08(A)(11); (12).
(Am. Ord. 05/02/16)
- L** Temporary non-illuminated signs announcing a new subdivision, located on the premises, shall not exceed 32 square feet in area and 6 feet in height. Display of such signs shall be limited to one. The sign shall be restricted to the name of the subdivision and developer information. After 6 months time, the sign will lose its temporary status and will become subject to all applicable rules of this Ordinance.

Seasonal Rental Sign



Temporary Public Event Sign



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(B) Business District Standards

A Any sign erected within 100 feet of a residential zoned district shall be non-illuminated and limited to 16 square feet in area and 5 feet in height.

B Zoned lot(s) with 1 to 4 establishments may erect signs as follows:

1 Permitted Number (one establishment lots):

- a** Interior Lot. Maximum of 2 signs but, in no case, shall 2 freestanding signs be allowed on the same zoned lot.
- b** Corner Lot. Maximum of 4 signs but, in no case, shall more than 2 freestanding signs be allowed on the same zoned lot; 1 multi-faced sign may be used in the place of the 2 freestanding with a maximum of 3 signs.

2 Permitted Number (1 to 4 establishment lots):

- a** One freestanding sign per street fronting the lot, not to exceed a total of 2 signs identifying the name of the complex. One multi-faced sign may be used in the place of the 2 freestanding signs.
- b** The name of any major establishment within the complex may serve as the name of the entire complex. As well as identifying the name of the complex, the sign may identify individual establishments within the complex.
- c** In addition, each establishment may erect 1 and each corner establishment 2 additional wall, projecting, awning, canopy, or marquee signs.

3 Permitted Types:

- a** Administrative Approval: Wall, monument, pole, or projecting.
- b** Planning Board Approval: Awning, canopy, or marquee.
- c** Multi-faced: The sign area may be 32 square feet on each side. Signs greater than 4 sides must not exceed total sign area of 128 square feet.

4 Maximum Size and Height:

- a** Wall or marquee:
 - i** One square foot per one linear foot of building frontage on which sign(s) are attached. If a freestanding sign is not erected, sign area may be increased by one-third, but not to exceed 100 square feet maximum.
 - ii** Top of sign(s) shall be a minimum of 12 inches below the roof line.
 - iii** Top of sign shall be below the roofline and no higher than 20 feet above ground level.
- b** Pole or monument:
 - i** A maximum of 32 square feet with the top of the sign not to exceed 6 feet in height.
- c** Projecting:
 - i** One square foot per two linear feet of building frontage on which sign(s) are attached. Not to exceed 12 square feet maximum.
 - ii** Top of sign shall be below the roofline and no higher than 16 feet above ground level.
 - iii** Bottom of sign shall be no less than 8 feet above the ground.
 - iv** Projecting signs shall not project from the exterior wall of a building more than 4 feet.

Wall Sign



Monument Sign



Pole Sign



Projecting Sign



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- d** Awning or Canopy:
 - i** One square foot per 2 linear feet of awning or canopy. Not to exceed 16 square feet maximum.
 - ii** No awning or canopy sign shall extend above the top of the awning or canopy.
 - iii** Maximum height of sign letters shall be 18 inches.
- B** Shopping centers with 5 or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria. Signs for out-parcel establishments in a shopping center will be governed by the same requirements as zoned lots with 1 establishment.
 - 1** Permitted Number:
 - a** Center Identification Signs:
 - i** One freestanding sign per street fronting the center, not to exceed a total of 2 signs, identifying the name of the center. One multi-faced sign may be used in place of the 2 freestanding signs.
 - ii** The name of any major establishment within the center may serve as the name of the entire center. As well as identifying the name of the center, the sign may identify individual establishments within the center.
 - b** Individual Establishment Signs: No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one sign per street frontage, up to a maximum of 2 signs.
 - 2** Permitted Types:
 - a** Administrative Approval: Center identification, pole, monument, wall, or projecting.
 - b** Planning Board Approval: Awning, canopy, or marquee.
 - c** Multi-faced: The sign area may be 32 square feet on each side. Signs greater than 4 sides must not exceed total sign area of 128 square feet.
 - 3** Maximum Size and Height:
 - a** Wall or marquee:
 - i** One square foot per one linear foot of building frontage of each establishment, on which the sign(s) are attached; not to exceed 100 square feet maximum.
 - ii** Top of sign(s) shall be a minimum of 12 inches below the roof line.
 - b** Pole or monument (center identification):
 - i** 75 square feet for shopping centers with 24,000 square feet or less of gross building floor area.
 - ii** Top of sign shall not exceed 20 feet in height above ground.
 - iii** One hundred square feet for shopping centers with more than 24,000, but less than 48,000 square feet of gross building floor area.
 - iv** 150 square feet for shopping centers with 48,000 square feet or more of gross building floor area.
 - v** The bottom of pole signs shall be no more than 2 feet above the ground.

Awning Sign



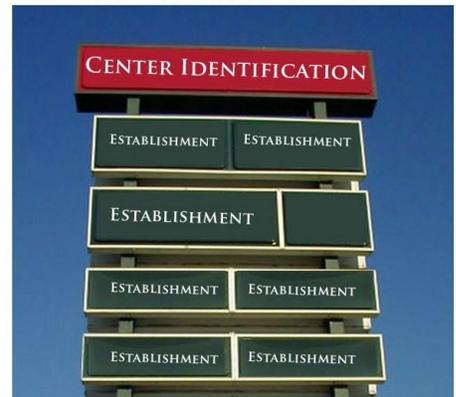
Canopy Sign



Marquee Sign



Center Identification Sign
(Pole, Shopping Center)



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- c Projecting (center identification):
 - i One square foot per 2 linear feet of building frontage on which sign(s) are attached. Not to exceed 12 square feet maximum.
 - ii Top of sign shall be below the roofline and no higher than 16 feet above ground level.
 - iii Bottom of sign shall be no less than 8 feet above the ground.
 - iv Projecting signs shall not project from the exterior wall of a building more than 4 feet.
- d Awning or Canopy (center identification):
 - i One square foot per 2 linear feet of awning or canopy; not to exceed 16 square feet maximum.
 - ii No awning or canopy sign shall extend above the top of the awning or canopy.
 - iii Maximum height of sign letters shall be 18 inches.
- C Office centers planned as an integrated development shall be authorized to erect signs based on the following criteria:
 - 1 Permitted Number:
 - a Center Identification Signs: One freestanding sign per street fronting the center, not to exceed a total of 2 signs, identifying the name of the center only. One multi-faced sign may be used in the place of the 2 freestanding signs.
 - b Individual Building Signs: Where an office center is comprised of two or more buildings, each individual building may erect one freestanding sign identifying the establishments within the building.
 - c Individual Establishment Signs: Each individual establishment within an office building may erect one wall sign.
 - 2 Permitted Types: All signs must have administrative approval.
 - a Center Identification:
 - i Freestanding
 - ii Multi-faced: The sign area may be 32 square feet on each side of a four-sided sign for a maximum total sign area of 128 square feet. Multi-face signs greater than four sides must not exceed total sign area of 128 square feet.
 - b Individual building: Freestanding.
 - c Individual establishments: Wall.
 - 3 Maximum Size and Height:
 - a Wall:
 - i One square foot per 2 linear feet of building frontage on which sign(s) are attached; not to exceed 12 square feet maximum.
 - ii Top of sign shall be below the roofline and no higher than 12 feet above ground level.
 - b Pole or monument (center identification):
 - i Maximum area 32 square feet.
 - ii Maximum height: 6 feet.
 - iii The bottom of pole signs shall be no more than two feet above the ground.
 - c Pole or Monument (individual buildings):
 - i Maximum Area: 20 square feet.
 - ii Maximum Height: 4 feet.

Center Identification Sign
(Monument, Office Center)



Multi-faced Sign



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iii The bottom of pole signs shall be no more than 2 feet above the ground.

d Projecting, awning, marquee, or canopy: Not allowed.

D Window signs and/or displays, which otherwise comply with this section may be displayed provided no more than one-quarter of the area of a window or door may be obstructed by the same.

E Gasoline Stations:

1 Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers, if applicable.

2 The following additional regulations shall apply to all automobile service and gasoline stations:

a Price signs: one of the permitted signs may be up to 25 square feet in area, regardless of the building frontage and may include changeable copy or light emitting diode (LED) indicating the current price of fuel dispensed on the premises.

b Gas pump signs: each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.

F Information and directional signs may be erected at locations approved by the Town Council for the purpose of assisting tourists in achieving their destination and improving traffic flow.

1 The Town Council at its discretion will determine the number, type, size, and location of all information and directional signs.

2 Information and directional sign locations may be added or deleted with Town Council approval.

3 Type "A" locations will be limited to major highway intersections or locations of high visibility to provide maximum directional benefit. Signs erected at these locations will contain two types of information separated by a blank individual sign board:

a The first type of information will be of a generic nature such as Town services, post office, and the like.

b The second type of information will provide directions to golf courses and other major attractions and a mileage indicator, where appropriate.

4 Criteria for golf course listings will require:

a Listing as an approved PGA course or located within 5 miles of the Town zoning jurisdiction.

5 Type "B" locations may be designated along major highways to support Type "A" signs by providing more specific directions at significant departure or entrance points.

G Theaters:

1 Theaters are authorized to erect one of the permitted signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture(s) or theatrical production(s).

H Sandwich Board Signs:

1 Must be removed at the conclusion of business hours.

2 Shall be limited to no more than 3 feet in height and 2 feet in width.

3 Shall not block access to any establishment, business, or sidewalk.

4 Shall not be placed in the right-of-way.

Window Sign



Gasoline Price Sign



Directional Sign



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SECTION 11.04 SPECIAL SIGN DISTRICT STANDARDS

- (A) Any subdivider, developer, or owner of an area desiring for their property to be classified as a ***Special Sign District*** under this section may apply to the ***Planning Board*** for the designation; further designation of an area as a ***Special Sign District*** must be approved by the ***Town Council***. Thereafter, approval and denial of requested additions and changes to signage within the ***Special Sign District*** would only require the approval of the ***Town Planning Board*** and given to the ***Town Council*** for information.
- (B) The following information must be submitted with the application, which shall be signed by the owners of property in the proposed district:
- (1) Name(s) and address(es) of the owner(s) of the property to be designated as a ***Special Sign District***.
 - (2) Perimeter description of the area to be designated as a ***Special Sign District***.
 - (3) Justification of need for designation as a ***Special Sign District*** (Justification should include clarification and/or evidence of the unique character and special ***development*** potential of the area, description of how the designation would preserve and enhance the unique character of the area, including clarifications as to how the designation would cause no disturbance to neighboring property and promote the best interests of the Town.)
 - (4) Any additional information deemed necessary and relevant by the ***Planning Board***.
- (C) The ***Planning Board*** shall review the application and shall within thirty (30) days of the receipt of the application recommend to the ***Town Council*** whether or not the area should be designated as a ***Special Sign District***. Before recommending designation as a ***Special Sign District***, the ***Planning Board*** must find:
- (1) The area possesses unique character and special ***development*** potential.
 - (2) The designation would preserve and enhance the unique character of the area.
 - (3) The designation would cause no disturbance to neighboring property lying outside of the proposed district.
 - (4) The designation would promote the best interest of the Town.

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- (D) Upon recommendation for approval from the *Planning Board*, the *Town Council* shall conduct a public hearing on the request. The *Town Council* shall designate the area as a **Special Sign District**, upon finding the following:
- (1) The area possesses unique character and special *development* potential.
 - (2) The designation would preserve and enhance the unique character of the area.
 - (3) The designation would cause no disturbance to neighboring property lying outside of the proposed district.
 - (4) The designation would promote the best interest of the Town.
- (E) Upon designation of an area as a **Special Sign District**, the *Planning Board* shall have the power and authority to review and approve all proposed *signs* in the district subject to the following submission and criteria requirements:
- (1) Submission of the following information on requested change and additions of signage to the *Planning Board*:
 - (a) Detailed designs of all proposed *signs* including the size, height, *copy*, materials, and colors of the *signs*. All *signs* shall be coordinated in terms of design features with existing *signs* within the district.
 - (b) Illustration of proposed locations and number of proposed *signs*.
 - (c) *Sign* illumination plans.
 - (d) Plans for landscaping or architectural features to be used in conjunction with the plans.
 - (2) The maximum height of an attached *sign* does not exceed twelve (12) feet, except for locations along a major thoroughfare where the height does not exceed sixteen (16) feet.
 - (3) Multi-information *directional signs* are encouraged and located within the interior of a *development*.

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- (4) Changeable **copy** highlighting special events on **signs** for cultural, civic, or recreational facilities shall not exceed twenty-five percent (25%) of the face area of a **sign**.
 - (5) Two (2) banners will be allowed for special events.
 - (6) **Signs** designating a **subdivision** within the **Special Sign District**.
 - (7) **Special Sign Districts** may impose **sign** regulations which are in addition to those provided for elsewhere in the Ordinances of the Town.
 - (8) **Signs** needed for direction and information pertinent to the **Special Sign District** may be **erected** within the right-of-way upon approval by the **Planning Board**.
- (F) No **sign** may be **erected**, installed, or allowed to continue to exist in a **Special Sign District**, except with the approval of the **Planning Board**.

SECTION 11.05 LEGAL NONCONFORMING SIGNS

- (A) Any **sign** legally in existence prior to the effective date of this Ordinance which does not satisfy the requirements of this Ordinance or any subsequent amendment to this Ordinance is declared legally nonconforming.
- (B) Any **sign** in existence on any property or area annexed into the Town limits or its Extraterritorial Jurisdiction (ETJ) that does not satisfy the requirements of this Ordinance would also be declared legally nonconforming.
- (C) Any **nonconforming sign** existing on the effective date of this Ordinance or subsequent amendment to this Ordinance thereof may remain and be maintained for three (3) years after the effective date or for any property or area annexed into the Town limits or its Extraterritorial Jurisdiction (ETJ), may remain and be maintained for three years from the date of annexation, subject to the following requirements:
 - (1) No **nonconforming sign** shall remain if the business is sold or if the present owner changes to a different type of business. All signage shall conform to the provisions of this Ordinance or be removed.
 - (2) No **nonconforming sign** may be rebuilt if the physical **structure** is damaged more than fifty percent (50%).

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- (3) No **nonconforming sign** may be allowed to become dilapidated or structurally unsound.
 - (4) No **nonconforming sign** may be altered in any way in **structure** or relocated to a different position.
- (D) Any **sign** that does not conform at the end of the three (3) year period shall be considered an **illegal sign** and must be removed or brought into compliance at that time.

SECTION 11.06 ILLEGAL AND PROHIBITED SIGNS

- (A) Nothing contained in this section shall be construed in any way to ratify or approve the **erection** and/or maintenance of any **sign** which was **erected** in **violation** of this or any prior Ordinance of the Town. Moreover, **signs erected**, maintained, or altered in **violation** of this or any prior Ordinance shall be removed as provided in this section.
- (B) The **violation** of the provisions of this section by any person is declared to be contrary to the public health, safety, and welfare of the community and the purpose of this Ordinance. Upon ascertaining a **violation** of the provision of this Ordinance, the **UDO Administrator** shall cause to be served upon the offender or his or her agent and the owner or his or her agent or the occupant(s) of the **premises**, a written notice to abate which shall:
- (1) Describe the **violation** under this Ordinance.
 - (2) Revoke the permit.
 - (3) Require removal within thirty (30) days of the notice.
- (C) If the **UDO Administrator** is unable to give personal notice after diligent and documented effort to do so, the notice may be affixed in a conspicuous manner upon the **illegal sign**.
- (D) In the event that the **sign** is not removed or brought into compliance as ordered, the Town may proceed pursuant to Section 1.12.
- (E) **Temporary Signs.**
- (1) For **temporary, portable or window signs erected** in **violation** of this section, including "open house" and real estate **signs**, the **UDO Administrator** will verbally contact the offender, or his/her agent, and the owner, or his/her agent, or the occupant(s) of the **premises**, and request that the **illegal signs** be removed immediately. In the event that the **UDO Administrator** is unable to give notice orally, the **UDO Administrator** shall notify said persons by mailing written notice by

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first class mail to their last known address. All persons receiving notice, whether orally or in writing, shall remove said **signs** within forty-eight (48) hours, if oral notice, or within ninety-six (96) hours of mailing, if notice is given by mail.

- (2) The **UDO Administrator** may physically remove any **temporary** or **portable sign** located outside a building maintained in **violation** of this section if the offender, or his/her agent, or owner, or his/her agent, or the occupant(s) of the **premises** do not remove said **sign** in accordance with paragraph A (1) above.
 - (3) Any **sign** placed in the public right-of-way in **violation** of this section shall be deemed a public nuisance and may be seized by the **UDO Administrator** or other representative of the Town, and the person owning or placing the **sign** in said right-of-way will be charged both with a **violation** of this section and with the cost of removing and disposing of the **sign**. A notice that the **sign** has been seized will be given orally or in writing to the offender or his/her agent, or the owner, or his/her agent, or the occupant(s) of the **premises** who will have seventy-two (72) hours from said notice to pay the cost and recover the seized **sign**. In the event that said persons do not pay the cost to recover a seized **sign** as set forth herein, the Town may dispose of said **sign** in accordance with applicable law.
- (F) Except as may be hereinafter specifically permitted, it shall be unlawful to **erect** or maintain any **signs** that:
- (1) By color, location, or design resemble an official regulatory **sign** or that carry the words "STOP," "GO," "SLOW," "DANGER" and the like which might be confused with traffic direction **signs** or signals or that could be distracting to a motor vehicle operator.
 - (2) Obstruct the line of sight of motorists at intersections, driveways, or along any right-of-way between a height of two (2) feet and ten (10) feet.
 - (3) Include flashing, intermittent, moving or animated lights.
 - (4) Have visible moving or movable parts or any device giving the appearance of animation.
 - (5) Emit a sound, odor, or visible matter.
 - (6) Are lettered, outlined, or otherwise decorated with any reflecting paint, beads, or prisms unless **erected** by a governmental agency.

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- (7) Are attached to or painted on any telegraph pole, telephone, light pole, **fence** post, or any other man-made objects not intended to support a **sign**, or on any tree, rock, or other natural objects.
- (8) Obstruct free ingress and egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any room, building, or **structure**.
- (9) Violate any provision of any law of the State of North Carolina.
- (10) Advertise an activity, business, product, or service which does not currently relate directly to the **premises** upon which the **sign** is located, for the purpose of identifying the location of the **premises**. The only exception is where a church or civic organization is located within the **zoning** jurisdiction of the Town and is located away from a main thoroughfare (such as N.C. 179 and N.C. 904) where a **directional sign** would benefit visitors to the area. The **signs** shall not exceed four (4) square feet in area and must be approved by the **UDO Administrator**.
- (11) Are located on any roof of any building or **structure**.
- (12) Are located within any **street** right-of-way or any required **sight visibility triangle**, as defined in Appendix A.
- (13) Are located in any salt marsh areas or on any land subject to periodic inundation by tidal saltwater, except when **erected** by a governmental agency.
- (14) Exhibit statements, words, or pictures of obscene or pornographic subjects.
- (15) Are **portable, sidewalk, and sandwich signs**.
- (16) Are **swinging signs**.
- (17) Are banners, pennants, ribbons, streamers, spinners, strings of light bulbs, or any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention, with the exception of those allowed by Sections 11.04 and 11.08.
- (18) Are abandoned or dilapidated.

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- (19) Are flags of the United States or any state displayed as part of a commercial promotion. When displayed, the flag shall be allowed to hang free and never draped or tied back.
- (20) Are **mobile Signs**. No **sign** shall be placed on a vehicle or **trailer** which is parked or located for the primary purpose of advertising and/or displaying said **sign**. This does not apply to lettering on buses, taxis, or vehicles operating during the normal course of business.
- (21) Are **inflatable advertising billboards**.
- (22) Are **inflatable floating advertising billboards**.
- (23) Are **snipe signs**, as defined in Appendix A.

SECTION 11.07 PERMITS

- (A) After the effective date of this Ordinance, no **sign** shall be **erected**, significantly altered, replaced, or relocated unless a permit has been obtained from the **UDO Administrator** in accordance with this section.
- (B) All existing **signs** must also obtain permits in conformity with this section and with Section 11.05 on **legal nonconforming signs**.
- (C) Whenever applicable, **sign** permit applications for any **sign** encroaching the air space of Town property, public right(s)-of-way or **easement(s)** shall be accompanied by a properly executed **encroachment** agreement approved by the Town. No applicable **sign** permit shall be issued until the agreement has been executed by the owner of the **sign** and the Town's **UDO Administrator**.
- (D) Each candidate for political office, or his or her local representative in the case of State-wide or national offices, shall apply for a general permit for all personal campaign **signs**, indicating that the candidate is aware of all Town regulations concerning political **signs**, that all supporters receiving said **signs** will be advised of these Ordinances and encouraged to follow them, and that said **signs** shall be removed as required by these Ordinances. Political or campaign **signs** shall be subject to the following conditions:
 - (1) **Signs** shall not be placed in the roadway right-of-way and must be located outside the site visibility triangle.

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- (2) **Signs** shall not be attached to trees, **fences, street signs**, utility poles, and cannot be located in the marsh.
 - (3) **Signs** shall be limited to a maximum of nine (9) square feet in area and six (6) feet in height.
 - (4) **Signs** shall be removed within seven (7) days following the election.
- (E) No permit shall be issued unless all of the requirements contained in this Ordinance have been met and the following steps completed.
- (1) An application provided by the Town must be filed with the **UDO Administrator**. This application shall contain the following information:
 - (a) The **sign** owner's name, address, and telephone number and, if different, the name of the person in possession of the **premises** where the **sign** is located or is to be located.
 - (b) The name, address and telephone number of the person who will be performing the work requested.
 - (c) Location and **zoning** designation of the parcel on which the **sign** is and/or will be located.
 - (d) A unified **sign** plan for any site with multiple establishments.
 - (e) Any other information the **UDO Administrator** shall require to ensure compliance with this and all other applicable Town Ordinances.
 - (2) No permit shall be issued unless the **applicant** has paid the requisite fees established by the **Town Council**.

SECTION 11.08 EXEMPTIONS

- (A) **Sign** permits shall not be required for the following:
 - (1) *Address and Name of Residence.* A **sign** indicating address and/or name of residence or occupants of the **premises**, not exceeding four (4) square feet in area and not including any commercial advertising or identification.

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- (2) *Decals.* Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.
- (3) ***Directional Signs.*** *Signs* giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area and four (4) feet in height. ***Directional signs*** may be internally lit or illuminated by white light only.
- (4) *Flags, Insignia, and the Like.* Flags, emblems, and insignia of any governmental agency or religious, public or nonprofit organization, subject to the following: no single flag that is flown shall exceed forty (40) square feet in area and no single zoned ***lot*** shall fly more than three (3) flags. If the total area of the flags exceeds seventy-two (72) square feet, the excess area shall be included in the ***sign*** area calculations to the zoned ***lot***. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems or insignia shall be limited to one (1) per zoned ***lot*** and shall not exceed forty (40) square feet in area.
- (5) *Handicapped Parking Space Signs.* *Signs* not exceeding two (2) square feet in area reserving ***parking spaces*** for handicapped motorists.
- (6) ***Home Occupation Signs.*** On-premise identification ***signs*** for ***home occupations*** shall not exceed one (1) square foot in area and shall contain only the name of the business and/or business owner. The ***signs*** shall be located on an exterior wall, window, or door of the ***premises***.
- (7) *Private Drive Signs.* ***On-premises*** private drive ***signs*** limited to one (1) per drive entrance, not exceeding two (2) square feet in area, with language limited to the words "Private Drive" and the address of any residences utilizing the private roadway.
- (8) *Public Signs.* ***Signs erected*** by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification ***signs*** for public facilities and any ***signs erected*** by the locality's government or under the direction of the governmental agencies or utilities.
- (9) *Security and Warning Signs.* On-premise ***signs*** regulating the use of the ***premises*** such as "no trespassing," "no hunting," and "no soliciting" ***signs*** that do not exceed two (2) square feet in area in residential areas and five (5) square feet in business areas.

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(10) **Temporary Real Estate Signs.** *Temporary signs* indicating the availability of real property for lease or sale located on the **premises** being leased or sold. Display of the **signs** shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. The **signs** shall be removed within seven (7) days of the settlement or lease of the property. **Signs** that advertise ongoing or continuous rental or lease of premise/property, and are not temporary in nature and not subject to Section 11.03(A), will, after six (6) months time, lose their temporary status and will become subject to all applicable rules of this article.

(11) **Temporary Event Signs.**

Temporary events are defined as town-permitted, short-term events focused around activities conducted upon a specific business site or individual property that do not involve use of public facilities, staff, or the use or closing of streets. Examples of such activities include, but are not limited to, business grand openings, yard sales, fund raising events, auctions, or events sponsored by religious, charitable, or public services groups. **Signage** for such events are subject to the following standards.

(a) One temporary non-**illuminated sign** not exceeding thirty-two (32) square feet in area publicizing a specific event of general public interest is allowed per street frontage.

(b) For yard or garage sales, no more than two (2) off-site directional **yard sales/garage sales signs** may be permitted, only during the hours the sale is actively being conducted and each **sign** shall not exceed 4 sq. ft. in area.

(c) For all other temporary events as classified in this section **Signs** shall be allowed to be erected for up to 30 days following the initial placement of the **sign**. After 30 days, the **signs** shall be removed.

(d) No **signs** may be placed in the public right-of-way or on public facilities. **Signs** shall be -placed only on private property.

(Am. Ord. 05/02/15)

(12) **Special Event Signs.**

Special Events are defined as events that have a community-wide impact, usually involve the use of or closing of streets, use of Town facilities and staff, require a Town permit, or are an event not otherwise classified as a

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temporary event. Such events include, circuses, concerts, festivals, street fairs, road races, and other such activities. *Signage* for such events are subject to the following standards.

(a) All temporary *banner signs* may be erected no more than 3 weeks prior to the event and shall be removed no later than 48 hours after the event has concluded, unless expressly stated in the Section. For any event lasting more than 2 consecutive days or for events that are recurring weekly up to 12 weeks, *signs* located on the site of the event may remain on the site for the duration of the event, but shall be placed and removed as expressed herein.

(b) No event shall display more than 200 cumulative square feet of total *signage* area, including all off-site and on-site *signage* allowed under this Section.

(c) No event shall display more than the allowable *signs* as detailed below.

i. Up to two *signs* may be located on the lot hosting the event for the allowable display period. This *sign* may be a banner *sign* if it is securely fastened and adequately vented to prevent uplifting. These *signs* shall be no larger than 32 square feet each.

ii. One *sign* may be a banner sign posted at each of the "Town of Sunset Beach" town entrance visibility of the entrance *signs*. These *signs* may be placed up to 2 weeks prior to the event and shall be removed within 48 hours of the start of the event.

iii. Off-site directional *signs* to the event may be displayed in different locations, but not in a driveway or intersection sight triangle. These *signs* must be of rigid construction (not banner *signs*) and may not exceed 6 square feet in area. These *signs* may be placed the day before the event and must be removed the day after the event. These *signs* shall only be placed for day events. The *sign* locations must be included in the permit application materials and be approved by the Town.

iv. Off-site banner *signs* for the event may be displayed in different locations, but not in a driveway or intersection sight triangle. Each *sign* shall not exceed 32 square feet in area and be located on private property.
(Am. Ord. 05/02/15)

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- (B) No exempt **sign** may be placed in the public right-of-way.
- (C) The **violation** of the provisions of this article by any person is declared to be contrary to the public health, safety and welfare of the community and the purpose of this article. Upon ascertaining a **violation** of the provision of this article, the **UDO Administrator** shall cause to be served upon the offender or his or her agent and the owner or his or her agent, or the occupant(s) of the premise, a written notice to require removal within five (5) days of the notice. If the **UDO Administrator** is unable to give personal notice, the notice may be affixed in a conspicuous manner upon the **illegal sign**. In the event that the **sign** is not removed or brought into compliance within five (5) days as ordered, the **UDO Administrator** will cause the **sign** to be removed. The owner will incur the expense of removal if corrective action is taken by the **UDO Administrator**.

SECTION 11.09 CONSTRUCTION AND MAINTENANCE

- (A) (1) Every **sign** and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All **signs** shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind. In addition, all **signs** shall be legible, easily readable, neatly painted or printed, and maintained in a clean and attractive condition.
- (2) The **UDO Administrator** or his or her representative shall possess the authority to order the painting, cleaning, repair, or alteration of a **sign** which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Notice to the owner shall be by personal service or registered mail, return receipt requested. In the event that the **UDO Administrator** is unable to give personal notice after a diligent and documented effort, the notice may be affixed in a conspicuous manner upon the **sign**. In the event that corrective action is not timely taken as ordered, the Town may proceed pursuant to Section 1.12.
- (B) The immediate **premises** around a **sign** shall be kept free from debris and may be required to be appropriately landscaped. However, no person may damage, trim, destroy, or remove any trees, shrubs or other vegetation located within the right-of-way of any public **street** or road for the purpose of increasing or enhancing the visibility of any **sign**. Nor shall such work be performed on property that is not under the ownership or control of the person

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performing or responsible for the work unless done pursuant to the express authorization of the person owning the property where the trees or shrubs are located.

- (C) **Sign** landscaping plans must meet or exceed the following minimum requirements:
- (1) The landscaping shall surround the base of the **sign**, extending at least three (3) feet beyond both ends of the **sign** and at least six (6) feet beyond each face of the **sign**.
 - (2) **Pole signs** require both primary shrubs and/or plants and low growing plants and/or ground cover. The primary shrubs and/or plants for a **pole sign** shall be at least two (2) feet in height at the time of planting and shall be planted two (2) feet or less apart on centers. The low growing plants and/or ground cover shall be planted thirty-two (32) inches or less apart on centers.
 - (3) **Monument signs** are only required to have low growing plants and/or ground cover that shall be planted thirty-two (32) inches or less apart on centers.
 - (4) All **signs** requiring landscaping shall use a decorative mulch as part of the landscaping plan.
 - (5) The landscaping shall be adequately maintained. Any landscaping shrub or plant that appears to be damaged should be replaced on a continuing basis or the **sign** will be considered as an **illegal sign**.
 - (6) The **Planning Board** may modify these landscaping requirements when the owner of the **sign** can demonstrate that the owner's landscaping plan will achieve the intent of this section of the article.
- (D) Any **sign** permitted under this chapter must comply with any applicable requirements of the building code, electric safety code, and other applicable Federal, State, or locality codes.
- (E) If removal of a **sign** is required, removal of the **sign** means removing the face of the **sign** and the brackets, frame, base, and/or **structure** of the **sign**.