

ARTICLE XVII

SIGNS

Section 270 Purpose/Definitions.

The purpose of this article is to create a comprehensive system of signage within the Town of Edenton and is further intended to facilitate an effective and attractive means of communication. It recognizes the need for an orderly and aesthetically pleasing community as well as the need for adequate business identification. This article regulates the use of signs in order to ensure (i) that they are designed, constructed, installed, and maintained in such a manner that they do not endanger the public safety and welfare and (ii) that they are compatible with their surroundings. However, the regulations contained herein are designed to provide flexibility for the individual identification of businesses and services. Signs which do not conform to the requirements of this article are declared to be nonconforming and are allowed to remain in existence until the termination of a five-year amortization period.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

- (1) *Sign.* Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish the objective of (I) directing attention to a business, commodity, service, entertainment or other activity sold or offered exclusively on the premises where the sign is located; or (ii) communicating information to them.
- (2) *Freestanding Sign.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign.
- (3) *Off-Premises Signs.* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.
- (4) *Temporary Sign.* A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
- (5) *Nonconforming Sign.* See Section 129, Nonconforming Signs.

- (6) *Internally Illuminated Sign.* A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
- (7) *Projecting Sign.* A sign which is attached to and projects more than twelve (12) inches from a building face or wall.
- (8) *Wall Sign.* Any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than 12 inches from the wall. Wall sign also includes any sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building. Wall sign also includes a sign attached to, painted on, or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

Section 271 Permit Required for Signs.

(a) Except as otherwise provided in Sections 272 (Signs Excluded from Regulation) and 273 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

(b) If plans submitted for a zoning permit, special use permit, or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning, special use, or conditional use permit shall constitute approval of the proposed sign or signs.

(c) Signs not approved as provided in subsection (b) or exempted under the provisions referenced in subsection (a) may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the administrator.

- (1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

- (2) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent or in the name of the individual business enterprise requesting a particular sign. The town may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the town shall be responsible for enforcing only the provisions of this chapter and not the provisions of any allocation formula, lease, or other private restriction.

Section 272 Signs Excluded From Regulation.

The following signs are exempt from regulation under this chapter except for those stated in Subsections 287(a) through (d).

- (1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or paper tubes, and (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
- (3) Official signs of a noncommercial nature erected by public utilities.
- (4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (6) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- (7) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated.
- (8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (9) Signs proclaiming religious, political, or other non-commercial messages (other than those regulated by Subdivision 273(a)(5)) that do not exceed one per

abutting street and sixteen square feet in area and that are not internally illuminated.

- (10) Signs determined by the Town Council to be of local historical significance.

Section 273 Certain Temporary Signs: Permit Exemptions and Additional Regulations.

(a) The following temporary signs are permitted without a zoning, special use, conditional use, or sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter.

- (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed the following: For lots in the residential area, signs may not exceed four square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of one to five acres, a single sign not to exceed sixteen square feet may be erected. For a lot five acres plus, a single sign not to exceed thirty-two square feet may be erected. *(Amended 5/29/90)*
- (2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information. Not more than one such sign may be erected per site, and it may not exceed thirty-two square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days after the issuance of the final occupancy permit.
- (3) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than twenty-five percent of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within thirty days after placement. *(Amended 5/29/90)*
- (4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holidays.
- (5) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed sixteen square feet in surface area.
- (6) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.

- (7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
 - (a) Not more than one such sign may be located on any lot.
 - (b) No such sign may exceed four square feet in surface area.
 - (c) Such sign may not be displayed for longer than three consecutive days nor more than ten days out of any 365-day period.

(b) Other temporary signs not listed in subsection (a) shall be regarded and treated in all respects as permanent signs.

Section 274 Determining the Number of Signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) Without limiting the generality of subsection (a), a multi-sided sign shall be regarded as one sign.

Section 275 Computation of Sign Area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two-sided, multi-sided or three dimensional signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided sign where a message is printed on both sides of a flat surface, the sign surface area of each side (rather than the sum total of both sides) shall be regarded as the total sign surface area of that sign, since one can see only one side of the sign from any vantage point

Section 276 Signs in Residential Districts.

Unless otherwise provided in this article or in Article XI, Supplementary Use Regulations, the maximum sign surface area permitted on any lot in any residential district (see Section 135) is four square feet.

Section 277 Signs in MA and OS Districts.

(a) One Freestanding sign per lot, not to exceed 35 square feet I sign surface area nor 6 feet in height, shall be permitted in MA and OS Districts. Freestanding signs shall be located no closer than 10 feet from a property line or street right-of-way line and shall be set back a minimum of 50 feet from a street intersection, measured along the street right-of-way.

(b) One wall sign per building entrance, not to exceed 4 square feet in sign surface area, shall be permitted in MA Districts.

Section 278 Signs in CD Districts.

(a) One freestanding sign per street frontage, not to exceed 80 square feet in sign surface area nor 25 feet in height, shall be permitted in CD Districts. Freestanding signs shall be located no closer than 10 feet from a property line or street right-of-way line and shall be set back a minimum of 50 feet from a street intersection, measured along the street right-of-way.

(b) A maximum of 2 wall signs per building entrance not to exceed a total of 50 square feet in sign surface area shall be permitted in CD Districts. Projecting signs, each not to exceed 3 square feet in sign surface area, are permissible types of wall signs that may be included in the maximum number of wall signs but need not be included in the 50-foot maximum sign surface area. For buildings with more than one street frontage, the requirements delineated above shall apply to each building facade adjacent to a public street.

(c) In CD Districts, one canopy or awning sign may be permitted per premises provided that the surface area of such signs is included in the 50-foot maximum wall sign surface area required in subsection (b).

(d) Signs painted directly onto a building window or glass door shall not exceed 25 percent of the window or door glass surface area.

Section 279 Signs in CN Districts.

The sign requirements in CN Districts shall be the same as those delineated in Section 278, Signs in CD Districts, except that no freestanding signs shall be permitted in CN Districts.

Section 280 Signs in CH Districts Within 1,000 Feet of U.S. Highway 17.

(a) In CH Districts, properties within 1,000 feet of the U.S. Highway 17 bypass shall have a maximum sign area for all types of permitted signs which shall be determined as follows:

- (1) For lots with a street frontage of 75 linear feet or less, the maximum sign surface area shall be 75 square feet.

- (2) For lots with lot street frontage greater than 75 linear feet, the maximum sign surface areas shall be one square foot of sign surface area per each linear foot of lot street frontage, up to a maximum of 500 feet of sign surface area.
- (3) For lots with more than one street frontage, the maximum sign area requirements shall apply to each street frontage. *(Amended 8/09/05)*

(b) One freestanding sign per street frontage, not to exceed 105 square feet in sign surface area, nor twenty (20) feet in height, shall be permitted. Freestanding signs shall be located no closer than ten (10) feet from a property line or street right-of-way line and shall be set back a minimum of 100 feet from a street intersection, measured along the street right-of-way. Free standing sign surface area is included in the maximum sign surface area. *(Amended 8/13/91)*

(c) A maximum of 2 wall signs per structure shall be permitted.

(d) One canopy or awning sign may be permitted per building.

Section 281 Signs in CH Districts Not Within 1,000 Feet of U.S. Highway 17.

(a) Properties within CH Districts not located within 1,000 feet of the U.S. Highway 17 by-pass shall have a maximum sign area for all types of permitted signs which shall be determined as follows:

- (1) For lots with a lot street frontage of 150 linear feet or less, the maximum sign surface area shall be 75 square feet.
- (2) For lots with a lot street frontage greater than 150 linear feet, the maximum sign surface area shall be 0.5 square feet of sign area for each linear foot of lot street frontage or 250 square feet of sign area, whichever is less.

For lots with more than one street frontage, the maximum sign area requirements shall apply to each street frontage.

(b) One freestanding sign per street frontage, not to exceed 80 square feet, nor fifteen (15) feet in height, shall be permitted. Freestanding signs shall be located no closer than ten (10) feet from a property line or street right-of-way line and shall be set back a minimum of 50 feet from a street intersection, measured along the street right-of-way. Freestanding sign surface area is included in the maximum sign surface area. *(Amended 08/09/2005)*

(c) A maximum of 2 wall signs per structure shall be permitted.

(d) One canopy or awning sign may be permitted per building.

Section 282 Shopping Center Signs. *(Amended 6/02)*

(a) One wall sign per separate business establishment in a shopping center development shall be permitted. Allowable wall sign area shall be determined as follows:

- (1) Establishments with a building frontage of 50 linear feet or less shall have no sign greater than 50 square feet.
- (2) Establishments with a building frontage greater than 50 linear feet shall have an additional area of 0.5 square feet of sign area for each linear foot over 50 feet of building frontage to a maximum of 150 square feet of sign area, whichever is less.

(b) One freestanding sign per street frontage, not to exceed 105 square feet in sign surface area nor 20 feet in height shall be permitted. *(Amended 5/12/2015)*

- (1) Freestanding signage shall be located no closer than 10' from a property line or street right-of-way and shall be setback a minimum of 100' from a street intersection, measured along the street right-of-way.
- (2) Vegetation (evergreen shrubbery) shall be required along the sides and front of the base of the freestanding sign(s).
- (3) Shopping Center signage shall be of uniform design: double sided box type shape, constructed with materials conducive to that used for the shopping center building(s).
- (4) Free standing signs shall not be internally illuminated.

~~(c) Sign shall only contain the name of the shopping center. *(Amended 2/12/91)*
(Amended 11/25/2013)~~

Section 283 Signs in IW Districts.

The sign requirements in IW Districts shall be the same as those outlined in Section 281.

Section 284 Subdivision and Multi-Family Development Entrance Signs.

At any entrance to a residential subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen square feet, nor may the total surface area of all such signs located at a single entrance exceed thirty-two square feet.

Section 285 Location Requirements.

(a) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(b) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the town.

Section 286 Sign Illumination and Signs Containing Lights.

(a) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

(b) No sign within 150 feet of a residential zone may be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation.

(e) Subject to subsection (g), illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(f) Subject to subsection (g), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

(g) Subsections (e) and (f) do not apply to temporary signs erected in connection with the observance of holidays.

(h) No internally illuminated sign shall be located in an HO District.

Section 287 Miscellaneous Restrictions and Prohibitions.

(a) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(b) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in subdivision 272(4) or to signs indicating the time, date, or weather conditions.

(c) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(d) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the

supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(e) Canopy signs are permitted when suspended or attached to the underside of a canopy provided that the bottom of such signs shall be located at least 8 feet above the sidewalk.

(f) No portable signs except those meeting the requirements of Section 273 shall be allowed in any zoning district.

(g) The sign area of a sign permanently painted, affixed, or placed in a building window which is visible from a street right-of-way shall be restricted to no more than 25 percent of the total window area.

(h) No off-premises signs, except those exempted from regulation or from permit requirements under Sections 272 and 273, may be located within any district.

Section 288 Nonconforming Signs.

Nonconforming signs are subject to the provisions of Article VIII of this chapter, particularly Section 129.

Section 289 Discontinued Signs.

Upon the discontinuance of a business or occupancy of an establishment for a consecutive period of 60 days, the administrator shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The administrator shall give thirty days notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty-day period shall constitute a violation of this chapter and shall be remedied in accordance with the provisions of Article VII.