



Town of Southern Shores

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Ordinance 2006-11-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL
AMENDING THE ZONING ORDINANCE
RELATING TO REGULATIONS GOVERNING SIGNS
Dare County, North Carolina**

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words and numbers (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the existing Ordinance shall be shown in italics (*italics*).

Article III. Amend Section 3.02 – Southern Shores Zoning Ordinance – Definitions

Section 3.02 of the Southern Shores Zoning Ordinance is hereby amended as follows:

Lot: Any piece or parcel of land entirely within the Town of Southern Shores, the boundaries of which have been established by some legal instrument of record, which fronts on and has ingress and egress by means of a public right-of-way or a town approved private street and which is occupied or intended to be occupied by a building or group of buildings as provided herein with the customary accessories and open spaces. For the purposes of this ordinance only that area within Southern Shores will be considered as a single lot.

Post: To erect, attach, or affix in any manner, including without limitation nailing, tacking, tying, gluing, pasting, painting, staking, marking, or writing.

(Public) Right-of-way: The entire area between property boundaries, which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes without limitation the street, gutter, curb,

shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip, and any public way.

~~SIGN: Any surface, fabric, or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboards or poster panels designed to carry visual information. Any writing, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, stature, or any other figure or character that:~~

- (1) Is a structure or any part thereof (including the roof or wall of a building); or
- (2) Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into landscaping or a structure or a board, plate, canopy, awning, marquee, or vehicle, or upon any material object or device whatsoever; and
- (3) By reason of its form, color, wording, symbol, design, illumination, or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement or political or artistic expression or decoration; but
- (4) Landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged, or installed in such a manner as to convey an explicit commercial message.

SIGN, COMMERCIAL: A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.

SIGN, NON-COMMERCIAL: A sign ~~structure~~ designed and intended to promote, support, call attention to, or give notice to a cause, non-profit and non-commercial service, or political message of an individual, charitable organization, political group or other entity. Any symbols, letters or other identifying characteristics describing the commercial sponsor of a non-commercial sign shall not exceed four (4) inches in height and may not be repeated on the same face of the sign. A non-commercial sign shall contain no commercial advertising or statements, logos, designs or trademarks designed or intended to promote or produce financial gain other than donations for charitable organizations such as groups which are tax exempt pursuant to the Internal Revenue Code.

SIGN, NON-COMMERCIAL CHARITY EVENT: A temporary sign designed and intended to promote, support, call attention to, or give notice to a specific non-commercial event wholly organized by a non-profit individual, charitable organization, political group or other entity that is tax exempt pursuant to the Internal Revenue Code.

SIGN, OFF-SITE: An off-site sign is any sign other than an on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.

SIGN, ON-SITE: An on-site sign is one relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on these premises.

SIGN, REAL ESTATE: A sign indicating the availability for sale, rent, or lease of the specific lot, building, or portion of a building upon which the sign is posted.

SIGN, TEMPORARY: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Sign that is:

- (a) Intended for a temporary period; The temporary period may be different for various types of events or circumstances the sign advertises.
- (b) Typically constructed from nondurable materials, including paper, cardboard, cloth, plastic, and, or wallboard;
- (c) Does not constitute a structure subject to the Town's Building Code and Zoning Code Provisions.

SIGN, VEHICLE: A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or any parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Article IV. Amend Section 6.03 – Southern Shores Zoning Ordinance – Regulations Governing Signs

Section 6.03 of the Southern Shores Zoning Ordinance is hereby amended as follows:

Section 6.03 Regulations Governing Signs

The Town of Southern Shores adopts these standards and regulations to insure that permitted signs reflect the aesthetics desired by its residents; promote traffic safety; and, provide minimum interference with individual property rights.

A. Definition Exclusions

- 1. ~~For the purposes of this Ordinance, a sign is any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panels designed to carry visual information.~~*

~~However, The following shall not be included in the application of these regulations:~~

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - c. Legal notices, identifications, directional and informational signs erected or required by governmental bodies, public utilities, or civic associations with the approval of Town Council.
 - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - f. Temporary signs of less than 1 day duration.
2. ~~Signs are defined as either on-site or off-site signs:~~
- a. ~~An on-site sign is one relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on these premises.~~
 - b. ~~An off-site sign is any sign other than an on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.~~

B. Number and Area

For the purpose of determining 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, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including frames and all of the elements of the matter displayed. The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

C. Building Sign Permit Required

No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure nor shall any existing sign or outdoor advertising structure be structurally altered, remodeled or relocated until a building sign permit for same has been issued by the Building Inspector. No permit is required for signs enumerated in Subsection H, K or L or any sign not exceeding three (3) feet in area.

~~*Application for building permit and a scale drawing of the proposed sign will be submitted through the Planning Board to the Town Council for approval.*~~

D. Material and Design

All signs shall be constructed and designed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the current North Carolina Building Code.

E. Inspection Required

Each sign or outdoor advertising structure subject to the regulations of Subsection C may be subject to an annual inspection by the Building Inspector for the purpose of assuring that the structure is maintained in a safe condition. The fee for the annual inspection shall be in accordance with a regularly adopted fee schedule of Southern Shores. When a sign becomes structurally unsafe, the Building Inspector shall give written notice to the owner of the sign or outdoor advertising structure that the sign or outdoor advertising structure shall be made safe or removed within ten (10) days of receipt of such notice.

F. Illuminated Signs

All signs or outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Electrical Code of the State of North Carolina and be approved by the Building Inspector. ~~Only indirectly illuminated signs are permitted.~~ The light source shall not be visible from the road right-of-way or from adjacent property.

G. Prohibited Signs

The following signs, sign construction, and displays are prohibited:

- 1. A Any sign shall be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER" except such signs installed to regulate bicycle traffic on town owned multipurpose pathways.*
- 2. Any sign that obstructs corner visibility or visibility at a driveway between a height of two (2) feet and ten (10) feet.*
- 3. A sign attached to any traffic sign, utility pole or structure, or tree.*

4. Any sign that obstructs ingress and egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law.
5. Any sign that violates any provision of any law of the State of North Carolina relative to outdoor advertising.
6. Any off-site signs.
7. Any sign which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates. ~~except for otherwise approved time and temperature signs.~~
8. Any sign located within a public or private right-of-way.
9. Any signs painted on or affixed to a roof surface.
10. Vehicle signs.
11. Signs supported in whole or in part by water, air or gas.
12. Tourist-Oriented Directional Signs

H. Signs Permitted in Residential Districts

1. Directional signs not over four (4) square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Any such sign and mounting shall not exceed three (3) feet in total height.
2. One two sided name sign or bulletin board not to exceeding twelve (12) square feet a total height of nine (9) feet above approved grade as shown on the site plan, or exceeding thirty-two (32) square feet in size per face (excluding any support structure) for any permitted church, school or other semi-public institution, which sign or board may be indirectly lighted and shall be set back at least fifteen (15) feet from the property line.
3. Temporary real estate sign(s), provided such sign(s) shall be located on the site it advertises, shall be neatly painted and maintained, shall be removed when the property has been sold, shall not be illuminated, and in accordance with the following standards.
 - a. "FOR SALE" sign - One (1) "FOR SALE" sign not to exceed ~~three and one-half (3 1/2)~~ five (5) square feet in area, including riders, shall be permitted to be placed on the site it advertises. The lower edge of "For Sale" sign shall be no more than three (3) feet above ground level, and the upper edge no more than five (5) feet above ground level.
 - b. "FOR LEASE" or "FOR RENT" sign - One (1) "FOR LEASE" or "FOR RENT" sign not to exceed three and one-half (3 1/2) square feet in area shall be permitted to be placed on the principal building it advertises.
4. Temporary non-illuminated signs not exceeding six (6) square feet in area advertising the general contractor, contractor, subcontractor, architect, landscape architect or other such professional persons or organizations engaged in or associated with the lawful construction, alteration, remodeling, or demolition of any building or use; provided, that such signs shall be limited to one to each organization involved, and that the signs shall be removed upon completion of the work involved or issuance of a certificate of occupancy, whichever comes first.
5. Signs announcing the name of a subdivision located on the premises at major entrances provided that such signs are neatly constructed and

maintained; limited to announcing only the name of the subdivision; do not obstruct corner visibility; and do not exceed ten (10) square feet in area.

6. *Directional signs ~~in parking lots as described in Section 6.01~~ that bear no commercial information.*
7. *Temporary "Open House" real estate signs shall be permitted in any Residential District subject to the following conditions:*
 - a. *There shall be a maximum of one such sign for the house offered for sale.*
 - b. *The sign shall have a maximum area of ~~four (4)~~ six (6) square feet.*
 - c. *The sign shall not be placed in the right of way.*
 - d. *The sign may be double-faced and shall not be illuminated.*
 - e. *The sign shall only be displayed between the hours of 8:00 a.m. and 8:00 p.m. and only when a salesperson is on duty at the home for sale.*
 - f. *No such sign shall be displayed for more than thirty (30) days in any calendar year.*

I. Signs Permitted in Commercial (C) District

Total signage for each lot, tract or parcel in business use is limited to one (1) square foot of sign area for each two (2) linear feet of frontage facing on a public street right-of-way, not to exceed sixty-four (64) square feet, and subject to the following limitations and qualifications.

1. *Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches beyond the building wall surface and shall not exceed twenty (20) per cent of the exposed finished wall surface including openings.*
2. *One free standing sign per lot may be located either temporarily or permanently on the ground but shall not exceed thirty-two (32) square feet in area and shall not exceed twelve (12) feet in height above street grade.*
3. *Window signs shall be placed only inside a commercial building and shall not exceed ~~twenty-five (25%)~~ seventy-five 75% per cent of the glass area of the pane upon which the sign is displayed.*
4. *Retail Shopping Center. In lieu of the above requirements for signs in the Commercial (C) District, Retail Shopping Centers may have the following on-site signage:*
 - a. *Free Standing Sign. Only one free standing sign shall be allowed. The sign structure shall be located permanently on the ground and the sign structure and the sign shall not exceed twelve feet (12) above street grade. The sign shall be limited to 64 square feet (64) of sign display area on each sign face. There shall be no more than two (2) sign faces on the free standing sign. The sign structure shall be proportional to the sign display area, but in no event greater than one and one half (1-1/2) times the approved sign display area. No messages shall be displayed on the sign structure other than on the sign display area on the sign face.*
 - b. *Wall Signs. One (1) square foot of business sign area for each linear foot of store frontage shall be allowed. Stores which are corner stores or end*

stores shall be entitled to the amount of linear footage based on the total frontage of the store front and adjacent exterior side. Wall signs shall be placed on the exterior wall of the building which it advertises and shall not extend more than fifteen (15) inches beyond the wall surfaces.

- c. Canopy Sign. One (1) under-canopy sign, visible from the sidewalk will be permitted for each store and shall not exceed four (4) square feet in sign area, nor be a hazard to pedestrians.

J. Non-Commercial Signs

Non-commercial signs, except non-commercial charity event signs, shall be allowed in all districts on vacant and developed lots, subject to the following limitations:

1. No sign shall exceed ~~sixteen (16)~~ six (6) square feet in area on each side and shall not be illuminated.
2. No sign shall exceed ten (10) feet in height above street grade.
3. The side yard and front yard setback from any property line shall be at least five (5) feet. In the case of a corner lot, to ensure adequate sight clearance, for a distance of not less than forty (40) feet from the point of intersection of the intersecting right-of-way lines, the side yard and front yard setback shall be no less than fifteen (15) feet.
4. ~~Such signs shall be displayed only for eight (8) weeks prior to the election or non-commercial event and shall be taken down within three (3) calendar days after the event or election.~~
5. ~~Political campaign signs shall be allowed to be displayed under the following conditions:~~
 - a. ~~Political campaign signs shall be displayed for no more than four (4) weeks prior to an election.~~
 - b. ~~Signs must be removed within three (3) days after an election.~~
 - e. ~~Maximum sign dimension is 24"x36" (Assumes standard wire type)~~
 - d. ~~Signs shall be temporary, no permit required, and shall not be illuminated.~~
 - e. ~~Signs shall not be placed on utility poles, trees or traffic signs.~~
 - f. ~~Signs may be located on private property or vacant or developed lots with the owner's permission and on the public right-of-way, no closer than eight (8) feet from the roadway, with the adjacent lot owner's permission~~
 - g. ~~A maximum of one sign per candidate per lot, or adjacent to a lot in the right-of-way, will be allowed.~~
5. Such signs shall be treated as Temporary Signs.

Article V. Amend Section 6.03 – Southern Shores Zoning Ordinance – Regulations Governing Signs

There is hereby created Subsection K. of Section 6.03 of the Southern Shores Zoning Ordinance.

K. Non-Commercial Charity Event Signs

Non-commercial charity event signs shall be allowed in all districts on vacant and developed lots, subject to the following limitations:

1. Signs shall be of a temporary "banner type" sign; shall be made of a flexible or plasticized cloth, plastic or similar materials; and shall not be attached to the ground or any other structure with the purpose of being more than a temporary fixture.
2. Sponsor logos may appear on a non-commercial charity event sign but such logos shall be subordinate to the principle message of the sign and, in aggregate, sponsor logos shall not exceed fifteen percent (15%) of the total area of one side of the sign.
3. No sign shall have an area greater than sixty (60) square feet on any one face. No sign shall have more than two sides containing any message or sponsor logo.
4. No sign shall be installed having a top height greater than ten (10) feet.
5. No sign shall be erected or installed in a Town right-of-way or on other Town-owned property unless the event is organized by the Town.
6. No sign shall be erected or installed more than four (4) weeks prior to the date of the event and the sign shall be removed no later than three (3) days upon conclusion of the event. One sign shall only be located on the site where the charity event is to occur.

Article VI. Amend Section 6.03 – Southern Shores Zoning Ordinance – Regulations Governing Signs

There is hereby created Subsection L. of Section 6.03 of the Southern Shores Zoning Ordinance.

L. Temporary Signs Permitted in All Zones.

Temporary signs may be posted on property in all zones of the Town, subject to the following requirements and those applicable provisions stated elsewhere in Section 6.03 - Regulations Governing Signs.

- (1) The total square footage for temporary signs posted on a lot in all Residential zones shall not exceed six (6) square feet. The total square footage for temporary signs posted on a building lot in all other zones, in the aggregate, shall not exceed thirty-two (32) square feet, with no individual sign exceeding thirty-two (32) square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.
- (2) No temporary sign shall obstruct or impair access to a public sidewalk, public, or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
- (3) No temporary sign shall be illuminated or painted with light-reflecting paint.
- (4) A temporary sign shall only be posted with the consent of the property owner or occupant.

- (5) A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.
- (6) A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot but may provide directional information to the public.

Article VII. Penalties

Violations of the provisions of this Ordinance shall be a civil infraction and punishable by a fine of up to five hundred dollars (\$500.00). Each day of a continued violation shall constitute a separate violation for purposes of applying the penalty provision of this Ordinance.

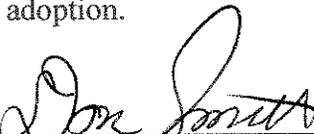
Article VIII. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article IX: Effective Date

This Ordinance is effective immediately upon adoption.

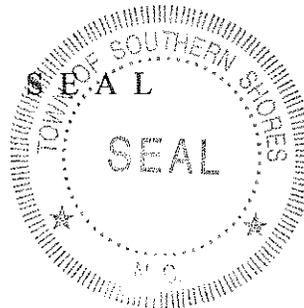
Adopted this the 8th day of November 2006.


Don Smith, Mayor

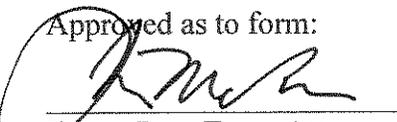
ATTEST:

VOTE: 5 Ayes 1 Nay


Carrie Gordin, Town Clerk



Approved as to form:


Ike McRee, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD

SEPTEMBER 18, 2006

OCTOBER 16, 2006

DATE(S) ADVERTISED:

OCTOBER 19 AND 26, 2006

NAME OF NEWSPAPER:

COASTLAND TIMES

DATE OF PUBLIC HEARING:

NOVEMBER 8, 2006