

ARTICLE 17. REGULATIONS FOR SIGNS

Section 17-1: Intent

(A) It is the intent of this section to protect public interest, safety and welfare and, to that end, the purposes of this article are specifically declared to be as follows:

1. To promote economic development while minimizing the negative impacts that signs may have on the visual appearance of the City of Southport; and
2. To provide orientation and guidance to our tourists and visitors and identification of public areas, natural resources, historical and cultural landmarks and places of interest and in so doing reduce confusion and traffic congestion; and
3. To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring in the City of Southport; and
4. To permit and regulate signs in such a way as to support and compliment land use objectives.

(B) Definitions relating to this section:

"A" frame Sign. Sign typically consisting of two (2) sign faces attached back-to-back by top hinges.

Animated Sign. Sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attached Sign. Sign painted on, attached to and erected parallel to the face of, or erected and confined within the limits of, the outside facade of any building and supported by such building facade and which displays an advertising surface.

Billboard Sign. Sign that is greater than thirty two (32) square feet which advertises a business, product, organization, entertainment, event, person, place, or thing and which is located off-premises from the place of the advertised element(s).

Changeable Copy Sign. Sign on which informational content can be changed or altered by manual or electronic means.

Commemorative Sign. Sign or plaque erected for the purposes of honoring a person, place or event.

Construction Sign. Sign that identifies on-site construction and future development to occur on the property and typically containing the names of contractors, architects, and lending institutions.

Directional Sign. Sign for public direction or information containing no advertisement or commercial identification of any product or service. Typically, these signs consist of directional arrows, business names or logos, the words "entrance", "exit", "parking", etc.

Flag. Sign of flexible materials such as cloth, paper, plastic and typically displayed on a flagpole, or structure. Windsocks are interpreted to represent permitted flagging.

Patriotic and/or decorative flags. Flags and insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes and/or flags with designs that are not promoting commercial businesses.

Commercial flags. Flags intended for commercial promotion and/or advertisement.

Flashing Sign. Sign, which contains or uses, for illustration, any lights or lighting devices, which change color, flashes or alternates, shows movement or motion, or changes the appearance of said sign or part thereof automatically.

Freestanding Sign. Sign supported by structures or supports that are anchored in the ground and that is independent from any building or other structure(s).

Governmental Sign. Sign provided and erected by a governmental entity which typically promote: (1) the health and safety of the community;

(2) City sponsored events; (3) a public way finding system; and (4) any other City activities as deemed appropriate by the City Manager.

Incidental Sign. Sign containing information necessary or convenient for persons coming onto a premise such as “hours of operation”, location of restrooms, etc.

Integral Sign. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

Non-conforming Sign. Sign that does not conform to the regulations of this article.

Non-profit Sign. Sign promoting churches, schools and/or other noncommercial institutions.

Off-premise Sign. Sign used for directional purposes only with no advertising information and displayed for business or service activities at another location.

Open Sign. Sign with a specific designated purpose of stating that a business is open or closed.

Permanent Sign. Sign not designated as temporary.

Political Sign. Sign displaying political candidacy and/or messages as related to an election date and allowed only within a limited timeframe.

Portable Sign. Sign attached on a moveable support frame without lighting.

Projecting Sign. Sign attached and placed at a right angle to the facade of the associated structure.

Public information Sign. Sign provided and erected by a governmental entity or non-profit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.

Real Estate Sign. Sign used to offer for sale, lease, or rent the property upon which it is placed.

Sign. Any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term "sign" shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit.

Sign Height. Sign height shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.

Snipe Sign. Sign of any material whatsoever that is attached in any way to a utility pole, tree, street sign or pole.

Subdivision Entrance Sign. Sign identifying a development, located on-site, and at the major entrance point(s) to such development.

Special Event Sign. Sign advertising a special community-wide event such as: community fishing tournaments, schools or civic events, and/or festivals.

Temporary Sign. Sign that advertises or directs attention to a product, event, election, activity, meeting, exhibition or performance of any kind where such sign is not permanently affixed, placed, attached or erected, and may have time limitations.

Vehicle/trailer Sign. Sign mounted on a vehicle, boat, or trailer and used for advertising, promotional, or directional purposes.

Section 17-2: General Provisions

- (A) Administration. The Planning Department of the City of Southport shall be responsible for the administration and enforcement of this Section. The Administrator, or their designee, shall administer and enforce the terms and conditions of this Section and all other provisions of laws relating to signs. The duties shall include not only the issuance of permits as required in Subsection (B), but also enforcement of the provisions of this Section.

(B) Permit Requirements.

- (1) General. Except as otherwise provided in Subsection (C) and (D), it shall be unlawful to erect or maintain any sign without first obtaining a sign permit. Application for the permit shall be made in writing on forms furnished by the Administrator and signed by the applicant or authorized agent. No permit shall be required, however, for the maintenance requirements of Section 17-6 hereinafter. Failure to secure a permit shall constitute a violation of this Section.
- (2) Plans and Specifications. A scaled drawing displaying the location of the sign on the associated property, the sign dimensions, construction, height, setbacks from all property lines, lighting, electrical and all other elements associated thereto.
- (3) Fees.
 - (a) Generally. A sign permit fee shall be paid to the City of Southport for each sign permit applied for in accordance with this Article in an amount determined by the City of Southport Schedule of Fees and based on the size of the sign. This permit fee does not include electrical permit fees, which shall be additional. A sign permit fee shall not be charged for replacing a nonconforming sign with a conforming sign.
 - (b) Late Fee. Work performed without a permit shall be subject to a late fee as set forth in the City of Southport Schedule of Fees.
- (4) Revocation of Permits for Non-Use.
 - (a) Commencement of Work. If actual work for the permitted sign on the site is not commenced within sixty (60) days from the date of such sign permit or if substantial work for the permitted sign is suspended for a period of sixty (60) consecutive days after issuance of the sign permit, the permit shall automatically become null and void. Provided, however, for new construction, the sign permit shall not become null and void until sixty (60) days after the Zoning Compliance Release has been issued.

- (b) Extensions of Time. The provisions of subsection (a) above shall not apply when delays are not a result of willful acts or neglect of the persons obtaining the permit. In that event, the Administrator may grant an extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.
 - (5) Forfeiture of Fees. When any permit has been revoked under the terms of this Section, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.
 - (6) Construction. All permanent signs shall be designed and constructed to meet the requirements of the NC Building Code. Depending on the type of sign construction, the building inspector may require engineer certified plans.
 - (7) Indemnification: Any person erecting an A-frame sign or a portable off-premise sign shall indemnify and hold harmless the City and its officers, agents and employees from any claim arising out of the presence of the sign on City property or rights-of-way. Any person erecting an A-frame must sign an indemnification agreement approved by the City Attorney prior to the issuance of a permit. The indemnification agreement must be accompanied by proof of insurance covering the liability assumed in this subsection and the agreement.
- (C) Signs Exempt from Regulation. Unless otherwise prohibited hereinafter the following signs are exempt from regulation under this Section:
- (1) Signs which are not designed to be visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way, except as such signs may be regulated hereinafter.
 - (2) Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs or signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to, benches, trash cans, lamp posts, and park facilities).

- (3) Flags, pennants, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one (1) commercial flags per lot; except when such are used in connection with a commercial promotion or as an advertising device or as an integral part of a sign regulated under this Section.
- (4) Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.
- (5) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.
- (6) Merchandise, pictures, or models or products or services which are incorporated as an integral part of a window display.
- (7) Unless such signs are used in the manner prohibited under Section 17-3 hereinafter, signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, such as signs indicating the name of the owner or business and which are affixed or painted onto moving vans, delivery trucks, contractors' vehicles, and equipment and the like, are exempt from regulation, provided that, when not being so operated, such vehicles are parked or stored in areas appropriate to their use as vehicles.
- (8) Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
- (9) Signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. These signs may be of any type, number, area, height above grade, location or illumination authorized by law, statute, or ordinance under which such signs are required or authorized.
- (10) Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular

piece of property shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign.

- (11) Signs attached to buildings (integral sign) which identify buildings and which are permanently integrated by etching, embossing, and/or engraving or which are otherwise permanently made a part of building facades. These signs specifically include, but are not limited to, integral signs and commemorative corner stones.
 - (12) Signs designated to be historically significant and/or landmark signs by the Tourism Commission, which consists of the Chief of Police, Code Enforcement Officer and Director of Tourism and Economic Development, provided the signs satisfy one or more of the following criteria:
 - (a) The sign is significant to the history of the City of Southport, including, but not limited to, the character of the city as a tourist attraction or cultural center.
 - (b) The sign is unique, notably aesthetic, or creative so as to make a significant contribution as a work of art.
 - (c) The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign today.
 - (13) Special Event signs providing directions to community festivals or events.
 - (14) Signs affixed to windows of vehicles displaying information regarding the sale of said vehicles
- (D) Signs Exempt from Permit Requirement. The following signs are allowed in all zoning districts and shall not require a sign permit. However, such signs shall conform to the requirements set forth below as well as to other applicable requirements of this Section.
- (1) Real Estate Signs. Temporary signs advertising the sale, rental, or lease of the property on which said signs are located are allowed, provided such signs are not illuminated.

- (a) Residential zoned property. One (1) double faced sign per street frontage is allowed. Each sign face square footage shall not exceed six (6) square feet (excluding sign support structure.)
 - (b) All other zoned property. One (1) double faced sign per street frontage is allowed. Signs may not exceed thirty two (32) square feet per face or eight (8) feet in height.
 - (c) Removal. All such signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.
- (2) Commemorative Signs. Commemorative signs which do not exceed eight (8) square feet per face in area and eight (8) feet in height.
 - (3) Directional Signs. Directional signs shall be located on the premises to which directions are indicated. If advertising (name or logo) is used on these signs it shall be computed as part of the total allowable sign area for a lot. Directional signs shall not exceed four (4) square feet per face, two (2) faces per sign, and shall not exceed three (3) feet in height if freestanding or six (6) feet in height if attached to the principal or an accessory structure. The maximum number of signs allowed per lot shall be four (4). These signs may be internally or externally illuminated.
 - (4) Incidental Signs. Incidental signs shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign and these signs shall be single-faced only and wholly attached to a building (including the windows or doors).
 - (5) Copy Changes and Maintenance. No permit shall be required for copy changes made to a changeable copy sign, menu board, marquee sign, or off-premise sign; provided any such changes do not change the classification of the sign under this Section. No permit shall be required for maintenance where no structural changes are made.
 - (6) Political Signs. Signs of candidates for election or for issues on a ballot shall be allowed in any zoning district providing such signs do not exceed one (1) sign per lot, eight (8) square feet in area per

display face, and two (2) faces per sign. Provided, however, nothing herein shall prohibit the use of off-premise signs for such candidates or issues according to the restrictions for such signs in zoning districts where they are permitted. All such signs may not be erected prior to thirty (30) days before the appropriate primary, general, or run-off election or referendum and must be removed within ten (10) days after the primary, general, or run-off election or referendum. The property owner and the political candidate shall be equally responsible for the removal of the signs. No political signs are allowed in the public right of way.

- (7) Construction Signs. Construction signs shall be allowed provided such signs do not exceed one (1) sign per street frontage with a maximum of two (2) signs per construction site. Such signs shall not exceed thirty-two (32) square feet in area display face and no more than ten (10) feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of compliance.
- (8) Non-Commercial Messages. Any sign, display, or device allowed under this Section may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting, and spacing requirements of this Section.
- (9) Open signs.
- (10) Directional or Informational Signs of public, civic and non-profit organizations.

Section 17-3: Signs Prohibited in All Zoning Districts

The following signs and/or sign features shall not be erected or maintained in any zoning district within the jurisdiction of the City of Southport:

- (A) Signs on Roadside Appurtenances or Snipe signs. On- or off-premise signs on city owned roadside appurtenances, including, but not limited to roadside benches, planters, utility poles, trees, and refuse containers, with the exception of government approved signs.

- (B) Vehicle/Trailer signs. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
- (C) Signs of Illusion. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion.
- (D) Signs Resembling Traffic Signals. Signs displaying intermittent light resembling the flashing light customarily used in traffic signals, or used by police, fire, ambulance, or other emergency vehicles, nor shall any sign use the word “stop,” “danger,” or any other words, phrase, symbol, or character in a manner that might be construed as a public safety warning or traffic sign.
- (E) Animated Signs and Flashing Signs except those that display digital information such as time, temp and stock market values.
- (F) Sign in disrepair. Signs that are unsafe, or which no longer can be easily recognized for their intended purpose due to disrepair or fading.
- (G) Signs Obstructing Access. Signs which obstruct free ingress to or egress from a driveway or a required door, window, fire escape, or other required exit way.
- (H) Billboard Signs.
- (I) Signs displaying or containing obscenities.

Section 17-4: On-Premise Signs

- (A) General Provisions for On-Premise Signs. Following the effective date of this Article, on-premise signs shall not be erected or maintained in any zoning district except in compliance with the provisions set forth in this Section.
 - (1) Sign area. The area of a sign composed in whole or in part of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be constructed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter. The area of a double-faced sign shall be the area of one (1) face of the sign, provided that the two (2) faces

are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

- (2) Encroachment Into Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way without all applicable permits except as projecting signs or portable signs are allowed by this Section
- (3) Time/Date/Temperature Signs. Time, date, temperature and stock market value digital signs which do not exceed ten (10) square feet per sign face are allowed in all commercial districts and shall be included in the allowable sign area, provided, however, if an existing freestanding sign is located on the lot, then the time, date, and temperature sign must be incorporated into the existing freestanding sign. It shall be the responsibility of the owner of such signs to maintain such signs and insure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed.
- (4) Signs for Nonconforming Uses. Signs for nonconforming uses, where such uses may be continued, shall be allowed, but shall comply with all regulations for signs in the zoning district where such signs are located.
- (5) Illumination. Illuminated signs shall be subject to the following conditions:
 - (a) Any light used for illumination shall be shielded so that the beams or rays of light will not shine into surrounding areas or on the public roadway.
 - (b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- (6) Temporary Signs. Temporary signs shall be allowed in all zoning districts.
- (7) Inflatable Sign. One (1) inflatable sign shall be allowed per commercial or industrial zoning district at any one time, limited to once a year per business. This limitation shall not apply, however, to community festivals or events permitted by the City of Southport.

Further, inflatable signs shall not be internally illuminated; shall not be higher than twenty-five (25) feet above grade; and shall not be erected or maintained on a building parapet or roof. The time allowed for these signs shall not exceed 10 days. These signs shall be located on either an attached, tethered, or freestanding structure. The sign and its structure shall not block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic or property. The sign may advertise a product, service, or sponsor affiliated with the event or the event itself.

- (8) Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.
- (9) A company's logo used on its building as an adornment shall not be considered part of their sign allotment.

(B) On-Premise Signs:

- (1) Residential Districts R-10, R-20, MF, MH, and PUD). Signs allowed for non-residential uses (including home occupations) within these zoning districts may be either:
 - Freestanding Ground
 - Attached Wall
 - Projecting
 - (a) One (1) business or product identification sign is allowed per lot for non-residential uses. For freestanding or attached signs, the total allowable area per face of selected sign (excluding home occupation signs) shall not exceed fifteen (15) square feet per face, with two (2) faces per sign allowed. Signs may be either internally or externally illuminated.

Additionally, the following requirements must be met based on the type of sign selected:

If freestanding ground: The sign shall be a maximum of three (3) feet in height with a minimum setback of ten (10) feet.

If projecting double face: Sign shall not project more than three (3) feet from the facade of the building. Clearance over sidewalks shall be at a minimum of nine (9) feet and clearance over streets, alleys, or driveways shall be a minimum of fourteen (14) feet. Signs shall not project above the third story of the building or above the building soffit, eave line, or building parapet.

If attached single face wall: Maximum projection from a wall shall be twelve (12) inches.

- (2) Subdivision and multi-family development identification signs may contain the name of the development only and must either be freestanding ground signs or attached wall signs. If the signs are freestanding ground signs, the height shall be limited to six (6) feet from grade and the minimum setback shall be ten (10) feet. Each entrance may have two (2) signs no more than thirty-two (32) square feet per face.
- (3) Churches, schools, and institutions located in residential zoning districts are allowed one additional freestanding pole or ground sign or attached wall sign, either of which may be only a changeable copy sign, with the total area of the changeable copy sign no greater than twelve (12) square feet per face, with two (2) sign faces per sign and a maximum of six (6) feet in height, with a minimum setback of ten (10) feet.
- (4) All commercial zoning districts. (CBD, BD, HC, O/I, LI, HI) Signs allowed within these zoning districts include:
 - Attached Single Face Wall
 - Projecting Double Face
 - Freestanding Ground
 - A-Frame
 - Roof
 - Multiple Tenant Development
 - a. Attached Single Face Wall Sign. Shall be allowed on all sides of a business. The total allowable tenant face signage shall not exceed twenty-five percent (25%) of the building face of thirty-two (32) square feet, whichever is greater.
 - (1) Single tenant building. Wall area shall be total area of the applicable exterior wall.

(2) Multi-tenant building. Wall area shall be defined by that area of the exterior wall enclosed by the intersection of the interior floor, ceiling and wall(s) of the tenant's space.

- b. Projecting Double Face Signs. One projecting sign per street front shall be allowed. Signs shall not project more than three (3) feet from the facade of the building. Clearance over sidewalks shall be at a minimum of nine (9) feet and clearance over streets, alleys or driveways shall be a minimum of fourteen (14) feet. Signs shall not project above third story of the building or above the building soffit, eave line, or building parapet.
- c. Freestanding Ground Sign. One freestanding ground sign shall be allowed per street front. See the attached table for height and area requirements based on zoning district in which it is located.

Zoning District	Maximum Height Allowed	Maximum Square Footage Per Face
CBD	6 ft.	25 sq. ft.
HC	25 ft.	125 sq. ft.
BD/OI	10 ft.	60 sq. ft.
LI/HI	25 ft.	187.5 sq. ft.

- d. A-frame Sign. Any premises, including those containing multiple businesses, may place only one (1) A-frame sign per street frontage, per business.
 - (1) Placement: The sign must be placed directly in front of the business it promotes. Placement of the sign must be in accord with the Americans with Disabilities Act, which requires four (4) feet of sidewalk clearance in addition to the amount of space occupied by the sign. The sign shall be placed in a manner so as not to

impede the line of sight for vehicular and/or pedestrian traffic. Along streets with diagonal or perpendicular parking, the sign may be placed within one (1) foot of the curb, but must not obstruct a pedestrian's pathway from a parked car to the sidewalk. Along streets with parallel parking, the sign must be at least two (2) feet from the curb. No sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. No signs are allowed in driveways or on improved City streets.

(2) Area, Height, Construction:

The sign must not exceed forty-eight (48) inches in height, twenty-four (24) inches in width and eight (8) square feet per side in area (which includes legs/stand/bracing). The sign must be constructed of materials that present a finished appearance and have locking arms on the sides that enable the sign to withstand high winds. The workmanship and lettering of the sign shall be professional in quality.

(3) Display Times: The sign must be removed and stored inside the business after business hours or at dusk (whichever comes first) and may not be outside on days when the business is closed. A-frame signs shall not be artificially illuminated.

(5) Roof Signs. Signs on the surfaces of a mansard roof and on parapets shall be allowed provided the signs do not extend above the roof or parapet to which they are attached. Signs painted on the visible surface of a roof shall be allowed. The size of the sign shall be subject to the twenty-five percent (25%) allowable area for an attached single face wall sign under section 17-4 (B) (4) (a).

(6) On-Premise Signs: Multiple Tenant Development. Multiple tenant developments may erect one freestanding development identification sign. In addition, tenant identification signs for individual businesses within a development are allowed.

Regulations for these signs shall be applicable within the commercial zoning districts indicated for multiple tenant development.

Section 17-5: Off-Premise Signs

- (A) General Provisions for Off-Premise Signs. Following the effective date of this Section, off-premise signs shall not be erected, or maintained in any zoning district except in compliance with the provisions set forth in this Section. Off-premise freestanding ground signs are allowed in all commercial districts, except the Central Business District. Off-premise portable signs are allowed in all commercial districts.
- (1) Sign Area and General Requirements.
- (a) Off-premise freestanding ground signs shall be no larger than four (4) feet by eight (8) feet in size. Off-premise portable signs shall be no larger than two (2) feet by four (4) feet. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.
 - (b) All off-premise signs shall be used for directional purposes only; the business name, logo, location and general description may be used, but no advertising information shall be included.
 - (c) Each business shall be limited to two (2) off-premise signs.
 - (d) No off-premise sign shall be attached to any building.
 - (e) Off-premise portable signs shall be allowed only during the open hours of the business and shall not be illuminated.
- (2) Encroachment into the Right-of-Way. No part of any off-premise freestanding ground sign shall be located on or extended into a public right-of-way without first obtaining all applicable permits.
- (3) Illumination. Illuminated signs shall be subject to the following conditions:

- (a) Any light used for the illumination shall be shielded so that the beams or rays of light will not shine directly into surrounding areas or on the public roadway; and
 - (b) Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- (4) Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.
- (5) Extensions. No extension(s) shall be allowed beyond those dimensions for the sign area as initially permitted.
- (6) Height. No off-premise sign shall exceed ten (10) feet in height.
- (7) Spacing
 - (a) No off-premise sign shall impede the line of sight for traffic.
 - (b) No off-premise freestanding ground sign shall be located within a one hundred (100) foot radius of residentially zoned property.
- (8) Setback. Minimum setback distances for off premise freestanding ground signs shall be ten (10) feet.
- (9) Special Allowances for nonprofit signs in all commercial districts. One freestanding sign shall be allowed that is no more than twenty (20) square feet in area, ten (10) feet in height and is setback at least ten (10) feet from all property lines.

Section 17-6: Maintenance

All signs erected must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and the City of Southport and with other parts of this Article.

The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this Article.

- (A) No sign shall have more than twenty (20) percent of its surface area

covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than thirty (30) successive days.

- (B) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.
- (C) No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days.
- (D) No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than thirty (30) successive days.
- (E) If a sign or sign structure is damaged such that more than fifty (50) percent of the value is lost, with such determination made by the Administrator, any repair or replacement must be done in conformance with this Section.

The Administrator may inspect all signs for compliance with these maintenance requirements

Section 17-7: Enforcement

Violation of the provisions of these sign regulations shall be enforceable as set forth below in addition to the enforcement provisions as set forth in Article 7.

- (A) Notice of Violation. The Administrator shall have the authority to issue a notice of violation for all violations of this Article. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the Administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery, or mail, or by attaching a highly visible sticker reading "VIOLATION" to the face of the sign. The letter, and/or sticker shall include the date that it was attached to the sign with instructions of the violation, and to contact the Administrator immediately.
- (B) Time to Remedy Violation. All sign violations shall be remedied within fifteen (15) days

- (C) Extension of Time for Compliance. The Administrator shall have the authority to grant a single fifteen (15) day extension of time within which to remedy the violation of any sign.
- (D) Remedies for Failure to Comply. Pursuant to N.C. General Statute Sec. 160A-175 (f), the Administrator, may choose from the remedies set forth below to enforce the requirements of this Section when there is a failure to comply with the notice of violation. Those remedies are as follows:
- (1) The administrator may issue a civil citation that shall be served upon the person described in subsection (A) by the means set forth therein. Violations of the provisions of this ordinance or failure to comply with any of its requirements may be punishable by a fine of up to fifty dollars.
 - (2) In addition to or in lieu of the other remedies set forth in this section, the Administrator shall have the authority to issue a remove order for any sign not repaired or in violation by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection (A) by the means set forth therein. The sign shall be removed fifteen (15) days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of this Section which have been violated. Any sign removed or impounded by the administrator may be subject to a retrieval fee of one hundred dollars. In the event it is not claimed within fifteen (15) days, the administrator shall have authority to dispose of the sign
 - (3) The administrator shall have the authority to remove, without notice, and impound any sign that is hazardous; or attached to trees, utility poles or natural features; or abandoned signs; and/or signs erected without a permit.
 - (4) In addition to or in lieu of the other remedies set forth in this Section, the City Attorney may seek injunctive relief in the appropriate court.
- (E) Removal and Recovery of Expense. In the event of failure to comply with the requirements of a remove order, the Administrator may cause such sign to be removed. The sign owner and property owner may be jointly and

severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (A) by the means set forth therein. If said sum is not paid within thirty (30) days thereafter, said sum shall be collected by the city in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of NC General Statutes Section 14-4.

- (F) Complaints Regarding Violations. Whenever a violation of this sign ordinance occurs, or is alleged to have occurred, any person may file a complaint and such complaint shall be in writing. Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 17-8: Nonconforming Signs

All nonconforming, previously unprohibited signs existing on the date of the adoption of this Ordinance shall be allowed to remain unless structurally altered or damaged greater than 50% of the value of the sign. This does not preclude changing the face of the sign with the applicable permit.

Section 17-9: Variances

- (A) In accordance with the procedures stated in the By-laws for the Planning and Zoning Board of Adjustment, said Board shall have the power to hear and act upon applications for a variance which meet the following requirements:
- (1) If the applicant complies strictly with the provisions of this Article, the applicant can make no reasonable use of the sign allowed; and
 - (2) If the hardship of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public; and
 - (3) If the hardship relates to the applicant's land (such as the terrain of the site) rather than to personal circumstances; and

- (4) If the variance is in harmony with the general purpose and intent of this Article and preserves its spirit and if the variance secures the public safety and welfare and does substantial justice.
- (B) In granting a variance, the Board of Adjustment shall make written findings that all of the above listed requirements have been met. If a variance is granted, it shall be the least possible deviation from the requirements of this Article. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Article. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the grant of the variance, shall be deemed a violation of this Article.

Section 17-10: Severability Clause

If any section, subsection, sentence, clause, or phrase of this Article is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of Aldermen hereby declares that it would have passed this Article and each section, subsection, sentence, clause, or phrase thereof irrespective to the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17-11: Effective Date

This Article shall replace any existing sign ordinance and become effective upon adoption by the Board of Aldermen. (Adopted October 13, 2011)