

ARTICLE 17. REGULATIONS FOR SIGNS

Section 17-1: Intent

The intent of this section is, 1) to set forth sign standards and restrictions that allow for the legitimate needs for identification of residential, commercial, industrial, and other activities, 2) to provide for the safety of vehicular traffic by limiting visual interference, 3) to protect the general public from injury caused by distracting and improperly placed signs, and 4) to protect property values while at the same time promoting the economic welfare of the City of Southport by encouraging visually appealing and non-distracting forms of information transfer. For definitions relating to this Section refer to Section 2-2.

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 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 Requirements. 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, Specifications, and Other Data Required. The application shall be accompanied by complete information as required on forms provided by the Administrator and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign, height, dimensions and square footage of the proposed sign and any other data as the Administrator may determine is necessary for review of the application. The Administrator shall not issue a sign permit unless the plans, specifications, and intended use of such sign conform in all respects to the applicable provisions of this Article.

(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 or for bringing a nonconforming sign into conformance with this Article if such action is undertaken voluntarily within one (1) year of the effective date of this Section.
- (b) When Fees Payable. Sign permit fees shall be paid upon the application for a sign permit and prior to commencement of any sign construction on the lot where the sign will be located.
- (c) 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) Licenses.
- (a) Sign Contractor's License. No person shall engage in the business of erecting or maintaining signs in the City of Southport unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the City of Southport and other parts of this Section.
- (b) Outdoor Advertising License. No person shall erect or maintain off-premises advertising structures in the City of Southport unless said person has been issued an outdoor advertising license which has not expired at the time said work is done. In order to obtain an outdoor advertising license, the licensee must be a licensed sign contractor, as described in paragraph (a) above, and must submit annually upon renewal of this license a listing of all sign structures leased, owned, or maintained by the licensee. Such list shall give the specific location of each sign by reference to ward, sheet, and tax lot number as indicated on the Brunswick County tax maps and by reference to the name of the property owner.
- (C) Signs Exempt from Regulation. Unless otherwise prohibited hereinafter in Sections 17-3 or 17-5, 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) corporate 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 and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.

- (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 existing as of the effective date of this Section 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, commemorative corner stones.
- (12) Signs designated to be historically significant and/or landmark signs by the Board of Aldermen 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) Temporary signs providing directions to community festivals or events.
- (14) Signs affixed to windows of vehicles displaying the terms of sale for 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 and do not exceed two signs per lot, do not exceed four (4) feet in height and do not exceed four (4) square feet per face for property zoned residential or do not exceed eight (8) feet in height and do not exceed thirty-two (32) square feet per face for property zoned other than residential. 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. Signs containing information necessary or convenient for persons coming on to a premises 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). If advertising (name or logo) is used on these signs it shall be computed as part of the total allowable signage for a lot.
- (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 two (2) signs 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 five (5) 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.

- (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. (Revised 9-13-07)

- (F) 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.

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. On- or off-premise signs on roadside appurtenances, including, but not limited to roadside benches, bus stop shelters, planters, utility poles, trees, parking meter poles, and refuse containers, with the exception of commemorative signs or governmental signs.

- (B) Portable or Moveable Display Signs. Portable signs are prohibited with the exception of new businesses and when a business changes ownership. A new business located in the HC, Highway Commercial; BD, Business District; LI, Light Industrial; or HI, Heavy Industrial Zoning Districts is allowed one portable sign no larger than 32 square feet for a period not to exceed 45 days beginning the date their privilege license is issued. If a business changes ownership and is located in the HC, Highway Commercial; BD, Business District; LI, Light Industrial; or HI, Heavy Industrial Zoning District and a new privilege license is required

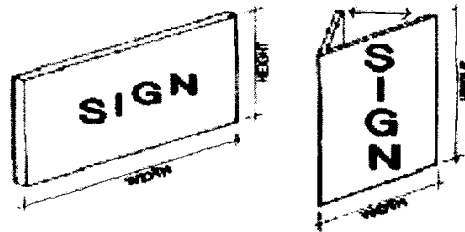
then they are allowed one portable sign no larger than 32 square feet and for a period not to exceed 45 days beginning the date their privilege license is issued. The portable sign must be setback at least 10 feet and all other applicable freestanding sign regulations shall apply.

- (C) Signs Located in the Right-of-Way. Signs, whether temporary or permanent, within any street or highway right-of-way, with the exception of governmental signs; provided, however, projecting signs which are allowed under Section 17-4 are not hereby prohibited and signs providing direction to churches, public auditoriums, or properties designated as local or national historic properties, all of which are single-faced and no greater than two (2) square feet in total area per sign and limited to nine (9) feet in height are not hereby prohibited, but shall be allowed only by permit issued by the City of Southport and shall be limited to three (3) signs permitted per church, public auditorium, or historic property.
- (D) Signs on Vehicles. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not include temporary construction site vehicles on active construction sites.
- (E) Roof Signs. Signs on the surfaces of a mansard roof and on parapets shall not, however, be hereby prohibited provided the signs do not extend higher than the height restriction for on-premise freestanding signs in the zoning district in which the sign is located and provided that the signs do not extend above the mansard roof or parapet to which they are attached.
- (F) Wind Signs. Wind signs except in conjunction with a community festival or event and except as wind signs are allowed under Section 17-4 hereinafter.
- (G) Off-premise signs in all Residential, Community Shopping, and Light Industrial Zoning Districts.
- (H) Off-premise signs in national and local historic districts or on national or local historic properties.

- (I) Off-Premise Signs Along Scenic Drives. Off- premise signs designed to be visible from streets designated by the Board of Aldermen as “scenic drives” and/or “parkways.”
- (J) Off-premise signs which are within 660 feet of the nearest edge of the right-of-way and visible from the maintained traveled way of the Federal Aid Primary and Interstate System, all as described in the Federal Highway Beautification Assistance Act of 1979, as amended, and which are constructed or erected on or after the effective date of this Section. Provided, further, off-premise signs located specifically as described hereinbefore which were erected prior to the effective date of this Section are not prohibited from continuing, notwithstanding their non-conformance with regulations of this Section, other than conformance with the maintenance provisions set forth in Section 17-6 hereinafter.
- (K) 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.
- (L) 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.
- (M) Animated Signs and Flashing Signs.
- (N) Abandoned Signs or Sign Structures.
- (O) 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.
- (P) Sandwich Board Signs except within the Central Business District.

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.



Single-faced sign

Double-faced sign

- (1) Computation of Sign Area. The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction. The area of a wall or window sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all of the letters or symbols and the background and illuminated part of such sign when either or both are designed as an integral part of and related to the sign.

The space between one (1) identification sign and one (1) changeable copy sign on a sign post or structure or attached to a building shall not be included in the total square footage if both signs serve a single business located on the lot. The space

between two (2) or more changeable copy components of a sign or between two (2) or more permanent copy components of a sign shall be included, however, in the total square footage of sign area allowed.

Where three dimensional figures are used as signs, the area shall be the total of all sides made an integral part of the projected figure used in conveying the intended message.

- (2) Group Development. Any development which is part of a group development shall be governed by Section 17-4(B)(4) hereinafter.
- (3) Encroachment Into Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way except as projecting signs are allowed by this Section.
- (4) Certificate of Appropriateness. A certificate of appropriateness shall be required prior to the issuance of a sign permit for all signs located in local historic districts.
- (5) Time/Date/Temperature Signs. Time, date, and temperature signs which do not exceed ten (10) square feet per sign face are allowed 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.
- (6) 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.

- (7) 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.
 - (c) Bed and Breakfast signs shall not be illuminated from 10:00 pm till 8:00 am.
- (8) Temporary Signs. Temporary signs shall be allowed in all non-residential zoning districts. Temporary signs shall be allowed twice a year per lot. In the event that more than one business is located on a single lot, each business shall be allowed two temporary signs per year. Temporary signs shall be allowed for (30) days and a sign permit is required. No time extensions shall be granted. No temporary signs shall exceed thirty-two (32) square feet in total area.
- (9) Inflatable Balloon Sign. One inflatable balloon 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 balloon 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.

- (10) Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.
- (11) Any business which has street frontage of less than fifty (50) feet along a street shall be allowed one additional freestanding sign on its lot provided that the additional freestanding sign was erected under a valid permit prior to the effective date of this Section and, provided further, that one of the freestanding signs is located more than two hundred (200) feet from the street and that both freestanding signs conform with the provisions of this Section.
- (12) Wind Signs. Wind signs shall be permitted in the Central Business District, in local historic districts, and in commercial planned building group developments which are retail shopping centers subject to the following regulations:
 - (a) Wind signs shall be limited to one sign per pole, mast arm, or other device and maintained in good condition without fraying, tearing, or fading.
 - (b) Wind signs shall be constructed of nylon, canvas, or plastic material.
 - (c) Each wind sign must be at least eight (8) square feet in area and less than twenty-four (24) square feet in area and all banners on the same lot must be consistent in colors and materials.
 - (d) No wind sign may contain a commercial advertising message, name, or logo.
 - (e) Clearance over sidewalks shall be a minimum of nine (9) feet and clearance over streets, alleys, or driveways shall be

a minimum of fourteen (14) feet.

(B) On-Premise Signs: Single Tenant Development. The following sign regulations shall be applicable for single tenant development within the zoning districts indicated for single tenant development. Any sign not specifically allowed shall be deemed as prohibited.

(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:
Projecting
Awning/Canopy

(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 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: Sign (excluding awning/canopy 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 the third story of the building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 17-4(A) hereinbefore. Window signs are not allowed above the third story of building.

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

- (b) 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. Only two (2) entrances to the development may have a sign. The main entrance sign shall have no more than thirty-two (32) square feet (sixteen (16) square feet per face). The secondary entrance sign shall have no more than sixteen (16) square feet (eight (8) square feet per face). Only two (2) sign faces shall be allowed at each entrance, however, said sign faces may be on two (2) individual sign structures.
- (c) 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.

- (2) O-I, CBD, BD, and HC. Signs allowed within the zoning district may be either:

(Revised 6-10-10)

Freestanding:

Attached:

Ground	Projecting
Changeable Copy	Window
Menu Board	Wall
A-Frame (CBD & BD only)	Awning/Canopy
	Menu Board
	Changeable Copy

- (a) Two (2) businesses or product identification signs are allowed per lot, only one (1) of which shall be a freestanding ground sign. Corner lots are allowed one (1) additional attached or freestanding sign on separate street frontage, not to exceed a total of three (3) separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed seventy-five (75) square feet per face, with two (2) faces per sign allowed. In the event the freestanding sign is less than the seventy-five (75) square feet per face allowed, the difference between the seventy-five (75) feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference. Signs may be 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 six (6) feet in height with a minimum setback of ten (10) feet.

If projecting: Signs (excluding awning/canopy 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 the third story of the building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 17-4(A)(8) hereinbefore. Window signs are not allowed above the third story of building.

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

If menu board: One (1) external menu board with one (1) face is allowed per restaurant. The total sign area shall not exceed 36 square feet per face. The sign shall not be located so that the copy is designed to be visible to vehicular traffic from the roadway. The minimum setback shall be ten (10) feet.

If A-frame: This sign typically consists of two (2) sign faces attached back-to-back by top hinges and is only allowed in areas within the Central Business District (CBD) and Business District (BD) zoning. An A-frame sign is permissible in addition to the number of signs allowed in 17-4(2) above only if the total sign area for the business is not exceeded by such an addition in signage.

Placement: The sign must be placed directly in front of the business it promotes. Any premises, including those containing multiple businesses, may place only one (1) A-frame sign per street frontage. 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 also must be at least twenty (20) feet from any intersection and five (5) feet from any crosswalk or fire hydrant. 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. No such off-premise signs shall be allowed.

Area, Height, Construction: The sign must not exceed forty-two (42) inches in height, twenty-four (24) inches in width and seven (7) 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.

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.

Indemnification: Any person erecting an A-frame 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. (Adopted 6-10-10)

- (3) Light Industrial (LI), Heavy Industrial (HI) Districts. Signs allowed within the zoning district may be either:

Freestanding:
Ground
Changeable Copy
Menu Board

Attached:
Projecting
Window
Wall

Awning/Canopy
Menu Board
Changeable Copy

- (a) Two (2) business or product identification signs are allowed per lot, only one (1) of which shall be a freestanding ground sign. Corner lots are allowed one (1) additional attached sign on separate street frontage, not to exceed a total of three (3) separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed one hundred and twenty-five (125) square feet per face, with two (2) faces per sign allowed. Signs may be internally or externally illuminated.
- (b) In the event the freestanding sign is less than the one hundred and twenty-five (125) square feet per face allowed, the difference between the one hundred and twenty-five (125) square feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference.
- (c) In the event that a lot has an off-premise sign which has the total maximum square footage allowed for both sides of the sign structure under Section 17-5(B) hereinafter, no on-premise freestanding sign shall be allowed on that lot. Where the off-premise sign is less than that total square footage allowed, the total square footage for both sides of the on-premise freestanding sign for that lot shall be not greater than the difference between the maximum square footage allowed for both sides of the off-premise sign and the size of the off-premise sign erected, but in no event shall the on-premise freestanding sign be greater than the maximum one hundred and twenty-five (125) square feet allowed per face. When the provisions of this subsection (c) apply, they shall in no way be interpreted to allow on-premise attached signs to be further increased in size under

the formula set forth in subsection (b) herein above. Provided, however, on-premise freestanding signs with off-premise signs on the same lot which were both erected prior to the effective date of this Section, shall be allowed to remain when conforming with the other provisions of this Section.

- (d) Additionally, the following requirements must be met based on the type of sign selected:

If freestanding ground: The sign shall be a maximum of six (6) feet in height with a minimum setback of ten (10) feet.

If projecting: Signs (excluding awning/canopy and marquee 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.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 17-4(A)(8) hereinbefore. Window signs are not allowed above the third story of building.

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

If menu board: One (1) external menu board with one (1) face is allowed per restaurant. The total sign area shall not exceed 36 square feet per face. The sign shall not be located so that the copy is designed to be visible to vehicular traffic from the roadway. The minimum setback shall be ten (10) feet.

- (4) On-Premise Signs: Multiple Tenant Development. (Revised 12-13-07)
The following sign regulations shall be applicable within the zoning districts indicated for multiple tenant development. Any sign not specifically allowed is prohibited. Multiple tenant developments may erect either a development identification or joint identification sign. In addition, tenant identification signs for individual businesses within a development are allowed.

For a multiple tenant development, the development itself is allowed one (1) identification sign for each property boundary with street frontage with a maximum of two (2) signs allowed per development. These identification signs may be either a development identification or a joint identification sign. The choice of sign affects the tenant identification regulations within the development. If there is no development identification or joint identification sign erected or maintained, individual tenants shall be allowed signs as permitted for individual tenants where a development identification sign is used. Where one type of sign has been selected and an additional identification sign is allowed due to a second street frontage, the additional sign must be of the same type (i.e., two development identification signs or two joint identification signs). If a joint identification sign is selected, said sign shall be limited to one sign component per tenant.

- (5) Development Identification Signs. Where a development identification sign is selected, such a sign or signs may be of the following types:

Freestanding:
Ground

Attached:
Wall
Projecting

The sign(s) shall meet the following requirements based on the zoning district in which it is located.

Zoning District	Maximum Height Allowed	Maximum Square Footage Per Face
R-10, R-20, MF, MH, and PUD (Residential)	6 ft.	25 sq. ft.
HC	25 ft.	125 sq. ft.
BD	10 ft.	60 sq. ft.
LI and HI (Light and Heavy Industrial)	25 ft.	187.5 sq. ft.

Setback for freestanding development identification signs in all zoning districts shall be fifteen (15) feet. In addition, a movie theater will be allowed one (1) additional freestanding or attached marquee sign with the maximum square footage, height and setback in accordance with applicable regulations for single tenant developments in Section 17-4(B) hereinbefore.

Where a development identification sign is selected, the individual tenant identification within the development shall meet the following regulations. Tenant identification signs shall be of the following types:

- Attached:
 - Awning
 - Wall
 - Projecting
 - Window

One (1) attached sign is allowed for each exterior public business entrance. The total allowable sign area for the building frontage having the primary business entrance shall be twenty-five (25) square feet or one (1) square foot per one (1) linear foot of said building frontage, whichever is greater, but in no event shall the area be greater than the maximum square footage per face allowed for a development identification sign in the zoning district where the business is located. Each secondary business entrance shall be allowed a total sign area of one (1) square foot per three (3) linear feet of building frontage where the secondary business entrance is

located. A maximum of two (2) secondary business entrance signs is allowed. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally.

Also, one suspended or transom sign may be incorporated per business, which sign shall not exceed six (6) square feet per face per sign. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally.

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

If projecting: Signs (excluding awning/canopy and marquee signs) shall not project more than three (3) feet from the facade of the building. Clearance over sidewalks shall be 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 building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 17-4(A)(8) hereinbefore. Window signs are not allowed above the third story of the building. Neon window signs are limited to ground floor windows.

- (6) Joint Identification Signs. Where a joint identification sign is selected, such sign or signs may be of the following types:

Freestanding:
Ground

Attached:
Wall
Projecting

The sign(s) shall meet the following requirements based on the zoning district in which it is located:

Zoning District	Maximum Height Allowed	Maximum Square Footage Per Face
R-10, R-20, MF, MH, and PUD (Residential)	6 ft.	25 sq. ft.
HC	25 ft.	125 sq. ft.
BD	10 ft.	60 sq. ft.
LI and HI (Light and Heavy Industrial)	25 ft.	187.5 sq. ft.

Setback for freestanding joint identification signs in all zoning districts shall be fifteen (15) feet. In addition, a movie theater will be allowed one (1) additional freestanding or attached marquee sign with the maximum square footage, height, and setback in accordance with applicable regulations for single-tenant developments in Section 17-4(B) hereinbefore.

Where a joint identification sign is selected, the individual tenant identification within the development shall meet the following regulations. Tenant identification signs shall be of the following types:

- Attached:
 - Awning
 - Wall
 - Projecting
 - Window

One (1) attached sign is allowed for each exterior public business entrance. The total allowable sign area for the building frontage having the primary business entrance shall be twenty (20) square feet or one (1) square foot per two (2) linear feet of said building frontage, whichever is greater, but in no event shall the area be greater than sixty (60) percent of the maximum square footage allowed for a joint identification sign in the zoning district where the

business is located. Each secondary business entrance shall be allowed a total sign area of one (1) square foot per three (3) linear feet of building frontage where the secondary business entrance is located. A maximum of two (2) secondary business entrance signs is allowed. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally.

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

If projecting: Signs (excluding awning/canopy and marquee signs) shall not project more than three (3) feet from the facade of the building. Clearance over sidewalks shall be 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 building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 17-4(A)(8) hereinbefore. Window signs are not allowed above the third story of the building.

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.
 - (1) Computation of Sign Area. The area of the sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, frame, design, or symbols, together with any background on which the

sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

Where three dimensional figures are used as or on signs, the area shall be the total of all sides made an integral part of the projected figure used in conveying the intended message.

- (2) Encroachment into the Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way.
 - (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.
- (B) Off-Premise Signs by Zoning Districts. The following sign regulations shall be applicable within the zoning districts wherein off-premise signs are allowed. Any sign not specifically allowed is prohibited.

In the Heavy Industrial (HI) zoning district, off-premise signs are allowed subject to the restrictions set forth herein.

- (1) Size. No off-premise signs shall exceed one hundred fifty (150) square feet per directional flow of traffic (300 square feet total per sign structure).

A maximum of four (4) faces per sign structure is allowed, positioned either back to back or v-shaped, such that only two (2) faces are allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than two faces per directional flow of traffic.

- (2) Height. No off-premise sign shall exceed twenty-five (25) feet in height.

- (3) Spacing.

- (a) The minimum distance between any two (2) sign structures shall be one thousand (1,000) linear feet on either side of the same street.

- (b) No off-premise sign shall be located within a two hundred (200) foot radius of a school, place of worship, public park, national park, and/or forestland(s) or bridge.

- (c) No off-premise sign shall be located within seventy-five (75) feet of any intersection.

- (d) No off-premise sign shall be located within a one hundred (100) foot radius of residentially zoned property.

- (e) No off-premise sign shall be located within fifty (50) feet of any building or on-premise sign.

- (4) Setback. Minimum setback distances shall be as follows:

- (a) for sign area of 0 to 75 square feet per face - 10 feet.

- (b) for sign area of 76 to 150 square feet per face - 20 feet.

For all sign sizes, the minimum setback distances from all other property lines shall be ten (10) feet.

- (5) On-Premise Signs. In the event that an off-premise sign which is located on the same lot as an on-premise freestanding sign, the on-premise freestanding sign is subject to Section 17-4(B)(3)(c) hereinbefore.

Section 17-6: Maintenance

To insure that signs are erected and maintained in a safe and aesthetic manner, it shall be unlawful for any sign designed to be visible from any public street or highway within the jurisdiction of the City of Southport to be erected or maintained by any person, other than by a sign contractor properly licensed under Section 17-2(B) or by a designated representative of such licensed contractor, except that this requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when said sign is used at said person's place of business and to exclude licensed general contractors erecting signs as part of a permitted construction or renovation project; provided, however, in all cases, all erection 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: Structural and Construction Requirements

All on-premise and off-premise signs allowed by this Section shall be constructed in accordance with the requirements of the North Carolina State Building Code.

Section 17-8: 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 by certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign. A copy of the notice of violation shall also be delivered by hand delivery or certified mail to the property owner as shown on the Brunswick County tax records. In addition, service hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.

- (B) Time to Remedy Violation. Other than for temporary signs, all violations shall be remedied within thirty (30) days. The thirty (30) day period shall commence upon the service of the notice of violation as set forth above. Violations of regulations for temporary signs shall be remedied within twenty-four (24) hours after service of the notice of violation as set forth above.
- (C) Extension of Time for Compliance. Other than for violations of regulations for temporary signs, the Administrator shall have the authority to grant a single thirty (30) day extension of time within which to remedy the violation. For violations of regulations for temporary signs, the Administrator shall have the authority to issue a single 24-hour extension of time within which to remedy the violation. Either single extension of time may be issued based upon a written request for extension of time which sets forth valid reasons for not complying within the original time period.
- (D) Remedies for Failure to Comply. Pursuant to N.C. General Statute Sec. 160A-175 (f), the Administrator, in consultation with the City Attorney, 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) In addition to or in lieu of the other remedies set forth in this section, the Administrator may issue a citation setting forth a civil penalty as specified in NC General Statutes Section 160A-175(C). In the case of a continuing violation, each seventy-two (72) hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in subsection (A) by the means set forth therein. In the event the offender does not pay the penalty within thirty (30) days of service of the citation, the civil penalty 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.

- (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 brought into compliance within the time required 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 thirty (30) 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.
- (3) 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) Removal of Dangerous Signs. Pursuant to NC General Statutes Section 160A-193, the Administrator shall have the authority to summarily remove, abate or remedy a sign which the Chief Building Inspector determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by sign owner, or if the sign owner cannot be determined, by the property owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

- (G) Removal of Other Signs. The Administrator shall have the authority to remove summarily any signs prohibited under Section 17-3 hereinbefore. Further, the owners of said signs shall be subject to other remedies set forth in Section 17-9.
- (H) Stay Upon Appeal. In the event of a timely appeal of a decision of the Administrator to the Board of Adjustment, enforcement of all proceedings and the furtherance of the action appealed from is stayed, unless the Administrator certifies to the Board of Adjustment that a stay would cause imminent peril to life or property.

Section 17-9: Nonconforming Signs

- (A) After the effective date of this Article, it shall be unlawful for any person to erect or maintain any sign which does not conform to the requirements set forth herein.
- (B) All nonconforming off-premise signs (and their sign structures) which did not conform as of the effective date of this Section with the requirements of the sign regulations adopted in this Article, shall be made conforming or removed within twenty-four (24) months of the effective date of this Article. In no event shall any such sign (and sign structure) be allowed for a period in excess of twenty-four (24) months after it first becomes nonconforming pursuant to the terms of this Article.
- (C) All nonconforming on-premise signs existing on the date of the adoption of this Ordinance shall be allowed to remain unless replaced or damaged greater than 50% of the value of the sign. If replaced or damaged greater than 50% of the value of the sign, the replacement on-premise sign shall be a conforming ground sign.

All nonconforming off-premise signs (and their sign structures) which conformed as of the effective date of this Section with the requirements of the sign regulations adopted in this Section, shall be made conforming or removed within twenty-four (24) months of the effective date of this Section. In no event shall any such sign (and sign structure) be allowed

for a period in excess of twenty-four (24) months after it first becomes nonconforming pursuant to the terms of this Article.

All off-premise signs (and their sign structures) which are made nonconforming by a subsequent amendment to the Sign Regulations of the City of Southport, or by amendment to the official zoning map or by extension of the corporate limits shall be made conforming or removed within twenty-four (24) months of the effective date of said amendments or extension. As of the effective date of this Article, all signs (and their sign structures) which were nonconforming but which were granted a permit as a result of a variance granted by the Planning and Zoning Adjustment Board, with such variance granted prior to the effective date of this Section, shall be made conforming or removed within twenty-four (24) months of the effective date of this Article.

In the event that a nonconforming off-premise sign has been made nonconforming by an extension of the sign area initially permitted for that sign, the extension shall not be allowed to continue after the copy which includes that extension has been changed.

All portable and moveable display signs (and their sign structures) which are made nonconforming as a result of the passage of this Article or from the passage of an amendment to this Section, or the official zoning map, shall be removed within ninety days (90) of the effective date of this Article.

All temporary signs (and their sign structures) which are made nonconforming as a result of the passage of this Section or from the passage of an amendment to this Article, or the official zoning map, shall be removed within ninety (90) days of the effective date of this Article.

- (D) All on-premise and off-premise signs which were erected as of the effective date of this Section and which do not exceed by more than twenty percent (20%) the size, height, setback, spacing, or other dimensional requirements hereunder shall be considered as conforming to the terms of this Section and not subject to the foregoing removal

requirements. Nothing herein shall permit any such on-premise or off-premise sign to be renovated or remodeled such that the initial percentage by which the sign exceeds those requirements is increased in any manner. Further, adjacent off-premise signs shall jointly be allowed only one (1) single twenty percent (20%) allowance for the space between them in computing the spacing requirement set forth in Section 17-5(B)(3).

- (E) All off-premise signs which conform with all the requirements of this Section, except the spacing requirement set forth in Section 17-5(B)(3), within twenty-four (24) months of the effective date of this Article shall be considered as conforming to the terms of this Section and not subject to the foregoing removal requirements.
- (F) During the time periods set forth above for removal or conformance of nonconforming signs or uses, such nonconforming signs, sign structures, or uses as described above shall be maintained as provided for in Section 17-6, but shall not be:
 - (1) Changed to or replaced by another nonconforming sign;
 - (2) Structurally altered (except to meet safety requirements);
 - (3) Altered so as to increase the degree of nonconformity of the sign;
 - (4) Expanded;
 - (5) Re-established after its discontinuance for sixty (60) days;
 - (6) Continued in use after cessation of business or change of the type of business use to which the sign pertains; or
 - (7) Re-established after its discontinuance for sixty (60) days;
 - (8) Continued in use after cessation of business or change of the type of business use to which the sign pertains; or

- (9) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised value, as determined by the Administrator.

Section 17-10: Variances

- (A) In accordance with the procedures stated in the By-laws for the Planning and Zoning Adjustment Board 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 will neither result in the extension of a nonconforming use nor authorize the initiation of a nonconforming use; and
 - (5) 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 17-11: 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 17-12: Effective Date

This Article shall replace any existing sign ordinance and become effective upon adoption of the City of Southport Unified Development Ordinance.