

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, March 11, 2021 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Approval of the Minutes from February 11th, 2021

STAFF REPORT ON RECENT COUNCIL MEETINGS

PUBLIC DISCUSSION

DISCUSSION ITEMS

2. Consider a Text Amendment to Chapter 40 Article VIII Signs

NON-AGENDA ITEMS

3. A discussion regarding potential changes to the Chapter 40 Article VII - Fences

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 11 MAR 2021

SUBJECT: Approval of the Minutes from February 11th, 2021

BACKGROUND:

The minutes from the February 11th P&Z meeting

ACTION REQUESTED:

Review and approve the minutes, with or without corrections

RECOMMENDED MOTION:

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, February 11, 2021 - 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



MINUTES

CALL TO ORDER

Chairman LeCompte called the meeting to order at 6:30 PM.

PRESENT

Chairman Deb LeCompte
Vice Chairman Wayne Rouse
Commissioner Jeff Hogan
Commissioner Melanie Boswell
Commissioner John Ittu
Commissioner Ethan Crouch
Commissioner Todd Piper

ALSO PRESENT

Planning Director Jeremy Hardison
Senior Planner Miles Murphy

APPROVAL OF MINUTES

1. Approval of Meeting Minutes from December 10, 2020

ACTION: Motion to accept the minutes as written

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- CUP Boardwalk Amusements – Approved 5-0
- SE Regional Hazard Mitigation Plan – Approved 5-0
- Conditional Zoning – February Workshop
- 160D Final Draft to Attorney – P&Z March?
- 5+ 2-Unit Minor PUDs Have Been Applied for Since the Text Amendment
- Staff Has Started the Review of Beach Services and Vending Permits
- Staff Is Working with Town Attorney on Boarding House Situation – February Workshop

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported the following statistics for the past two months:

Permitting

- 90 permits (renovation, repair, grading, additions, fence)
- 29 residential new construction
- 18 certificates of occupancy

Code Enforcement

- 8 complaints received
- 6 resolved

Complete Demos

- 206 Alabama Avenue
- 101 and 109 Cape Fear Boulevard
- 1618 Snapper Lane

Demos in Progress

- 210 Cape Fear Boulevard
- 206 Carolina Beach Avenue South

House Moving

- Structure coming from Kure Beach arrived safely with few issues other than damaging some mailboxes

New Businesses

- Nancy Jo's, Bakery Retail – 9 South Lake Park Boulevard
- Stoner & Jacobs, Construction – 607 North Lake Park Boulevard
- Icon Superstore, Golf Cart Sales/Rentals – 810 North Lake Park Boulevard
- Potential Convenience Store on the Boardwalk – Details TBA

Coming Up

- Text amendment: sign ordinance overhaul – TBD
- Text amendment: Chapter 160D – March/April
- And (potentially) many more

PUBLIC DISCUSSION

None

DISCUSSION ITEMS

2. Consider a Zoning Map Amendment request to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1) Applicant: Troy Slaughter.

Mr. Murphy presented the background and details.

Troy Slaughter has requested a portion of his property, currently zoned HB, to be rezoned to R-1 to allow for single-family residences. He is in the process of constructing multiple single-family homes along Goldsboro and plans to continue in the same manner on this property once single-family development is permitted. This portion of 300 Goldsboro features 3 different zoning districts: Highway Business (Commercial), Mixed Use (Mixed Commercial/Residential), and Residential 1 (Residential). Downzonings, moving from a more dense/intense district to a less dense/intense one, may only be applied for by the owner of the property(s) in question. This portion of the R-1 Zoning District falls under the Medium Density category of the current Land Use Plan.

TRC recommends approval of the Zoning Map Amendment.

Downzoning?

- Under new State Law, only the owner of a property may petition to downzone a property
- Downzoning is reducing the density/intensity of a property
- Neighbors or other third parties are no longer allowed to petition for a downzoning

LUP –Medium Density

Mostly medium-sized lots (min. 5,000 sq ft) with primarily single-family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low-to-medium-traffic streets with pedestrian facilities.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

Mr. Slaughter gave some more details about his request and plans, stating it's his intent to try to improve the Town.

Commissioner Crouch said it was obvious that Mr. Slaughter had made some effort to save mature trees on the property, and Commissioner Crouch encouraged him to continue with this endeavor. Mr. Slaughter said he is maintaining steps to preserve trees and will be able to save most of them.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

Vice Chairman Rouse said he sees nothing but good from the request and will vote to approve it. Other

Commissioners agreed with him. Commissioner Piper said it seems like a mistake that is being corrected. Chairman LeCompte said she agreed.

ACTION: Motion whereas in accordance with the provisions of the NCGS 160A-383 does hereby find and determine that the adoption of the Zoning Map Amendment for 300 Goldsboro in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Rouse, Seconded by Commissioner Boswell

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

NON-AGENDA ITEMS

Commissioner Crouch brought up the subject of fence height to see how others felt about increasing the 6-foot limit. Vice Chairman Rouse said he would be all for it. Commissioner Crouch said he would also. Commissioner Boswell said her dogs can jump over her back fence. Commissioner Crouch proposed increasing the limit to 7 feet. Chairman LeCompte said Town staff would need to address this.

Mr. Murphy said fence height restrictions vary by community but that there are places with taller limits. He said Town staff would be open to a discussion about increasing the limit. Mr. Hardison said fences were already planned as a topic for the next meeting due to the need to revisit the more restrictive height limit of 4 feet for double-frontage lots. He said the overall fence height can also be part of the discussion and that staff can bring forward some options for consideration.

Chairman LeCompte said houses are getting higher and that current limits really only keep dogs in the yard rather than providing privacy. Commissioner Boswell said she would be open to a fence height limit of 8 feet.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

Motion passed unanimously

The meeting adjourned at 6:55 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning and Zoning – 11 MAR 2021

SUBJECT: Consider a Text Amendment to Chapter 40 Article VIII Signs

BACKGROUND:

Due to recent case law, Staff has updated the Town's sign ordinance to comply with the direction that signs, and other similarly managed items, may not be regulated by their content. The ruling allows the regulation of signs by location, size, zoning district, and number, but not by what they display.

The Town Attorney completed her initial review and staff has made her requested changes in preparation for Planning and Zoning review.

ACTION REQUESTED:

Listen to staff presentation and vote on the required sign ordinance update

Staff recommends approval of the Text Amendment

RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40, Article VIII is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

ARTICLE VIII. - SIGN REGULATIONS

Sec. 40-227. - Purpose and intent.

- (a) It is the intent of the town council 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 town;
 - (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, traffic congestion and air pollution;
 - (3) To inform and educate visitors and residents of opportunities and events both commercial and noncommercial occurring on Pleasure Island; and
 - (4) To permit and regulate signs in such a way as to support and compliment land use objectives.
- (b) It is not the purpose or intent of this article to regulate signage displayed for special occasions not associated with a business (i.e., balloons for birthday parties or birth of a baby, etc.).

(Code 1986, app. A, § 11.1; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-228. - Administration.

- (a) *Permit issuance.* The Zoning Administrator or his designated representative shall be the administrator of this article.
- ~~(b) *Number of signs.* Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance, except when a corner lot meets the following criteria:~~
- ~~(1) The corner lot is located in a commercial zone.~~
 - ~~(2) The lot is larger than 30,000ft²~~
 - ~~(3) The sign is limited to 10' in height.~~
 - ~~(4) The sign is set back an additional 5' beyond the required 10' setback from all lot lines.~~
- ~~Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.~~
- (~~e~~b) *Permit required.* Except as otherwise provided, no sign shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this article and pursuant to issuance of a sign permit.
- (~~d~~c) *Process for issuance of a sign permit.* The process for issuing a sign permit is as follows:

- (1) Completed application.
- (2) A scaled drawing displaying the location of the sign on the associated lot, the sign dimensions, construction, height, setbacks from all lot lines, lighting, electrical and all other elements associated thereto.

(3) Total number of signs existing on site, including the dimensions of each

~~(34) Payment of the permit fee.~~

~~(45) All permanent signs shall be designed and constructed to meet the requirements of the state building code. Depending on the type of sign construction, the Building Inspector may require engineered certified plans.~~

~~(5) Total number of signs existing on site, including the dimensions of each.~~

(e.d) Signs not requiring a permit. The following types of signs are exempt from permit requirements:

(1) Governmental signs.

(2) Window/door signs.

~~(3) Real estate/off-site real estate signs.~~

~~(4) Political signs.~~

~~(5) Open signs.~~

~~(6) Patriotic and/or decorative flags.~~

~~(73) Any sign required by a government agency (i.e., address number sign).~~

(4) Residential Signage

(5) Temporary Commercial Yard Signage (See Sec.40-232(5))

(6) Any temporary signage unless stated otherwise in this article

(7) Any sign that is not designed for view by vehicular traffic may be displayed as long as the signage does not violate any of the prohibited sign regulation

~~(f) **Exceptions.** Any sign that is not designed for view by vehicular traffic may be displayed for decorative, patriotic, or commercial purposes as long as the signage does not violate any of the prohibited sign regulations.~~

~~(g) **Size calculations.** 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. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.~~

~~(1) **Sign area.**~~

~~a. **Attached.** 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.~~

~~b. **Freestanding.** All surface areas and any lettering or sculptured matter outside the sign surface area.~~

~~(2) *Sign height.* The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.~~

~~(3) *Sign face.* Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than 1½ feet from one another.~~

(Code 1986, app. A, § 11.2; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 19-1106, 2-12-2019)

Sec. 40-229. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means a temporary sign typically consisting of two sign faces attached back-to-back by top hinges.

Address number sign. See chapter 34, article IV.

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

Attached sign means any 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. Attached signs may also be located on porch railings and support posts.

Banner sign means a temporary suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper that may or may not be enclosed or partially enclosed on a rigid frame (i.e., feather signs).

Billboard sign means a sign 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).

Canopy/awning sign means any sign consisting of lettering and/or logos applied to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Commercial Sign means a sign intended to advertise a commercial enterprise

~~*Commercial banners* means banners intended for commercial promotion and/or advertisement.~~

~~*Commercial flags* means flags intended for commercial promotion and/or advertisement.~~

~~*Construction sign* means a temporary sign that identifies on-site construction and future development to occur on the lot and typically containing the names of contractors, architects, and lending institutions.~~

~~*Decorative banners* means colored banners only that contain no wording or pictures. These include banners that resemble patriotic flags (i.e., a blue and red banner with white stars).~~

~~*Decorative flags* means colored flags only that contain no wording or pictures.~~

~~*Directional sign* means a permanent 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.~~

Directional sign means a permanent sign displayed strictly for the direction, safety, or convenience of the public, including signs which identify parking areas, entrances or exits, etc.

Flags means flexible materials such as cloth, paper, plastic and typically displayed on a flag pole, or structure. Windssocks are interpreted to represent permitted flagging.

Flashing sign means a 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 on a time interval of less than 20 seconds. Animated fading from one message to another message is permitted within a maximum fading period of two seconds.

Freestanding sign means a sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structures.

~~*Future development sign* means a sign placed on vacant or developed lot that advertises a future use that is currently allowed in the zoning district where the sign is located.~~

Governmental sign means a sign provided and erected by a governmental entity which typically promotes:

- (1) The health and safety of the community;
- (2) Town-sponsored events;
- (3) A public way finding system; and
- (4) Any other town activities as deemed appropriate by the Town Manager.

Human sign means costumes or signs worn, held or carried by individuals for the purpose of attracting attention to a commercial site.

Illegal sign means any sign that was in violation of the zoning ordinance at the time the sign was originally established.

~~*Integral sign* means 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.~~

Nonconforming sign means any sign which does not conform to the regulations of this article, but did conform when it was originally permitted.

Noncommercial Sign means a sign not intended to advertise a commercial enterprise.

Nonresidential means any building, structure, or use that is not exclusively a dwelling

~~*Nonprofit sign* means any sign promoting churches, schools and and/or other noncommercial institutions.~~

Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-premises parking sign means a sign used to direct vehicular traffic onto the parking premises where it is displayed for a business or service activities at another location, but cannot impede the line of sight for traffic.

~~*Off-site real estate sign* means generic signs with display content limited to a directional arrow and/or one descriptive phrase of "open house" and allowed off the premises from where the real estate product is being offered.~~

~~*Open sign* means a sign or flag with a specific designated purpose of stating that a business is open or closed.~~

~~*Patriotic flags* means flags with only the insignia of governmental subdivisions, agencies, or bodies when displayed for patriotic purposes.~~

Permanent sign means all signs not designated as temporary.

~~*Political sign* means signs displaying political candidacy, election issues, and/or messages designed to influence voters as related to an election date and allowed only within a limited timeframe by G.S.136-32.~~

Portable sign means a temporary sign attached on support frame without lighting.

Projecting sign means a type of attached signage placed at a right angle to the facade of the associated structure.

~~*Public information sign* means a sign provided and erected by a governmental entity or nonprofit organization, which typically gives direction to governmental or community institutions, amenities, or displays regulations or notices.~~

~~*Real estate sign* means a sign that is used to offer for sale, lease, or rent the lot upon which it is placed.~~

Residential Development Entry Sign means a sign identifying a residential subdivision, multi-family development or traditional neighborhood development, located on site, and at the major entrance points to such a development

Roof sign means any sign erected or constructed upon the roof of any building and supported solely on the roof of the building.

Sign means 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.

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

Special event sign means a sign advertising a special communitywide event such as community fishing tournaments, schools or civic events, and/or festivals.

~~*Subdivision entrance sign* means a sign identifying a development, located on site, and at the major entrance points to such development.~~

Temporary sign means any 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.

Tow truck sign. See chapter 16, article VII, wrecker/towing services and impoundment.

Vehicle/trailer sign means any temporary sign mounted on a vehicle, boat, or trailer and used for advertising or promotional purposes.

Window/door sign (interior/exterior) means a sign located within the interior or exterior of the transparent area of any window or door.

Yard sale sign. See sections 14-172 through 14-174.

(Code 1986, app. A, § 11.3; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-230. - Prohibited signs/displays.

The following signs are prohibited within the jurisdictional limits of the town:

- (1) Billboard signs.
- (2) Signs in disrepair, that are unsafe, which no longer can be easily recognized for their intended purpose due to disrepair or fading, or are no longer applicable to the associated lot use.
- (3) Strobe lights or any other type of flashing lighting or beacons. Exceptions: Flashing signs may be permitted in the central business district as long as they are not located adjacent to Lake Park Boulevard. Flashing signs may be permitted in any commercial zone as long as they are not designed for vehicular traffic. These exceptions do not allow for strobe lights.
- (4) Moveable, animated, flashing signs including balloons and human signs.
- (5) Pennant or consecutively linked flagging or similar devices.
- (6) Signs which resemble or are visibly similar to official governmental traffic signs or signals or employ lighting, or employ the words of official signs such as "stop," "caution," "danger," "slow," or "warning."
- (7) Signs located within or protruding in public areas or rights-of-way, unless specifically permitted herein. Any person erecting a sign in a public area shall indemnify and hold harmless the town and its officers, agents, and employees from any claim arising out of the presence of the sign on town lot or rights-of-way.
- (8) Signs that make noise.
- (9) Signs displaying or containing obscenities. [For purposes of this section, obscenity shall be determined in accordance with N.C.G.S. § 14-190.1\(b\)-\(d\).](#)
- (10) Roof signs.
- (11) Snipe signs.
- (12) Handwritten messages on permanent signs.
- ~~(13) No sign shall block any vision clearance (i.e., a 30 by 30 site triangle at intersections and driveways).~~
- [\(13\) Vehicle/trailer signs.](#)

(14) Any other sign not mentioned by this article.

~~(15) — Vehicle/trailer signs.~~

(Code 1986, app. A, § 11.4; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Sec. 40-231. - Sign lighting.

- (a) Interior sign lighting shall be shaded with an opaque sign face surface sufficient to reduce the glare on roadways and surrounding properties.
- (b) Signs utilizing bare bulbs or neon type lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (c) Exterior flood or similar type sign lighting shall be directed on the sign only, minimizing reflective glare off the sign, and not reflect or glare onto roadways or adjacent properties.

(Code 1986, app. A, § 11.5; Ord. No. 10-825, 4-13-2010)

Sec. 40-232. – Sign Location, Number, Setbacks, and Size

(a) Number of signs. Unless otherwise stated, the number of signs is detailed in the sections below for commercial and residential signage only one of each type of sign may be permitted per development site lot except for corner or double frontage lots.

(1) Corner/Double Frontage Lots. A second sign may be placed on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on opposite/separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the normal maximum size allowance, except when a corner lot meets the following criteria:

- a. The corner lot is located in a commercial zone;
- b. The lot is larger than 30,000 square feet;
- c. The sign is limited to ten feet in height;
- d. The sign is set back an additional five feet beyond the required ten feet setback from all lot lines.
- e. Meeting the four criteria above will permit each sign on a corner lot to use the maximum size allowable for a freestanding sign on each frontage.

(b) Size calculations. 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. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

(1) Sign area.

- a. Attached. 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.

- b. Freestanding. All surface areas and any lettering or sculptured matter outside the sign surface area.
- (2) Sign height. The height of a sign shall be computed as the distance from the base ground level to the top of the highest vertical attached component of the sign.
- (3) Sign face. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than 1½ feet from one another.
- (c) Location.
- (1) No signage shall be placed in any location that interferes with the sight distance triangle of motorists utilizing public or private roadways.
- a. A sight distance triangle is the visually unobstructed area of a street/driveway corner.
b. It is determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.
- (2) No signs shall be located in a public right-of-way with the exception of NCDOT rights-of-way in accordance with Session Law 2011-408
- (d) Setbacks. Unless specifically stated otherwise, setbacks shall be measured from the nearest point on the sign to the nearest point on a lot line, structure, or other relevant boundary.

Sec. 40-23~~3~~². - Allowable signs.

- (a) Residential Signage ~~Permitted signage in all zoning districts. The following signs shall be permitted in all zoning districts:~~
- (1) Temporary signage in Residential Districts: Each lot in a residential district shall be permitted to place banners, flags, and yard signs without the issuance of a permit so long as the proposed banner, flag or yard sign meets the following requirements:
- a. Flags and Banners
- i. No more than two shall be displayed per 50 feet of road frontage.
 - ii. Size shall be limited to a maximum of 24 square feet and 20 feet in height.
 - iii. Must meet all relevant requirements of Sec. 40-232
 - iv. Shall remain within the boundaries of the lot for which they are associated.
- b. Yard Signs
- i. Four temporary signs related to noncommercial activities or events may be placed on a parcel 30 days prior to said activity/event, remain up during said activity/event, and must be removed within 10 days of the conclusion of said activities/event. These yard signs shall follow the regulations below:
 1. The sign shall be non-illuminated and may not exceed 20sqft or 5ft in height.
 2. The sign shall be setback at least 5' from the road and not impose upon the intersection sight triangle (Sec. 40-232 c)
 3. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly liable for the removal of such signs.
 4. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.
 5. No temporary signage is permitted in the public right-of-way.

1. With the exception of NCDOT rights-of-way in accordance with Session Law 2011-408
6. Off-site directional signage shall be related to an event, will only be permitted while the activity/event is on-going, and shall be removed within 48 hours of the conclusion of said activity/event.
7. No commercial signs shall be placed off-site on a residential lot which are unrelated to ongoing activities on that residential lot.
 1. Signs related to ongoing activities shall be removed within 10-days from the completion of said activity

~~Construction sign/future development signs. Lots under construction signage~~

- a. ~~Both types of signs may be aAllowed as temporary, non-illuminated signs not to exceed 20 square feet in area and five feet in height for residential zoned properties and 40 square feet in area and 15 feet in height for commercial zoned properties.~~
- b. ~~A construction sign and future development Signage shall be removed within 30 days after the issuance of a certificate of compliance.~~
- c. ~~A construction Signage shall only be allowed with a valid building permit. Where no building permit was required (i.e., painting a house) the construction sign shall be removed within 30 days after the work was completed. A future development sign may be allowed at any time after receiving a sign permit.~~

- (2) *Governmental signs.* Size, location, and length of time of these signs shall be approved by the Town Manager or his designee.

~~(3) Political candidacy signs. Additional temporary yard sign that is displayed prior to an election involving candidates for a federal, state, or local office that represents the area in which the lot is located or an election that involves a measure on the ballot of an election within the area shall meet the following~~

- a. ~~One sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or issue; for a lot or parcel with frontage on a second street, one additional sign for each candidate for office or side of a ballot measure or issue shall be permitted.~~
- b. ~~Such signs shall not be located on town lot or buildings, except within specified proximity of polling places on election day, under rules established by a county board of elections.~~
- c. ~~Such a sign shall be removed within ten days following the date of any election or other event to which it refers, except that signs for successful primary election candidates, eligible for the general election, may remain after the primary election; this time limit shall not apply to a sign which does not refer to an election or other event.~~
- d. ~~Such a sign shall not exceed six square feet in area per sign face or five feet in height, except where such sign is erected in place of another type of sign permitted at that location, in which case it may be the same size and subject to the same conditions as such sign. Depending on the size and location of the sign a building permit may be required.~~
- e. ~~The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly and liable for the removal of such signs.~~

~~f. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.~~

~~g. No political sign shall be located in a public right-of-way with the exception of NCDOT rights-of-way in accordance with Session Law 2011-408.~~

~~(4) *Decorative Non-Commercial flags or banners.* Decorative flags or banners may be displayed as freestanding or attached subject to the following specifications:~~

~~a. No more than one per 50 feet of road frontage shall be displayed.~~

~~b. Size shall be limited to a maximum of 24 square feet and 20 feet in height.~~

~~c. All decorative flags and/or banners shall remain within the boundaries of the lot for which they are permitted.~~

~~(5) *Patriotic flags.*~~

~~a. Patriotic flags displayed shall not be limited in size or number.~~

~~b. All patriotic flags shall remain within the boundaries of the lot for which they are permitted.~~

~~(65) *Real estate and off-site real estate signs* Lot offered for sale, lease or rent.~~

~~a. These signs shall be located on private lot only with written permission of the applicable lot owner.~~

~~b. The maximum size shall be calculated as six square feet for every 50 feet of road frontage, or six square feet per commercial and/or residential unit, whichever is greater. There shall be a maximum size of 36 square feet per development site.~~

~~c. Maximum sign height is five feet in height measured from the adjacent ground elevation to the uppermost portion of the sign.~~

~~d. All signs shall be freestanding on their own independent support posts/pole or attached to the building for sale or rent.~~

~~e. One off-site real estate sign shall only be allowed during open house hours while a real estate representative is on-site.~~

~~(73) *Subdivision entrance signs* Residential Development Entry Signage. Two attached subdivision entrance signs or one monument or freestanding sign per principal entrance are allowed. ~~Such signs shall designate the subdivision by name or symbol only and under all circumstances they shall be rigidly and securely anchored against movement.~~ Such signs shall not exceed an area of 20 square feet per sign face and an aggregate area of 40 square feet if signs are multiple faced, nor shall they exceed a height of six feet if freestanding. They may be illuminated.~~

~~In addition to the allowances under this subsection (a), nonresidential uses that are existing or allowed in residential areas, but do not fall under the category of nonprofit, may also utilize the freestanding sign allowances as defined under subsection (b) of this section.~~

~~(b) *Special allowances for signage for nonprofit signs uses in all zoning districts.*~~

~~(1) *Freestanding sign.* One sign shall be allowed that is no more than 20 square feet in area; ten feet in height; and is setback at least ten feet from all lot lines.~~

~~(2) Directional and Informational Signage Public information signs. Permanent locations shall include public or private sites for standing meetings of the non-profit. All directional or informational signs shall be subject to the following restrictions:~~

- ~~a. Signs shall not exceed six square feet in size nor eight feet in height (top of panel).~~
- ~~b. Signs shall not be illuminated.~~
- ~~c. Sign lettering shall not exceed four inches in height.~~
- ~~d. Sign content may include name and address of organization, logo, directional arrow, and meeting times. No commercial business or product shall be advertised.~~
- ~~de. These signs may be located off-site under the following provisions:~~
 - ~~1. Signs shall only be allowed at a major highway intersections and shall not be located in a public right-of-way or block visibility at any intersection. as approved by DOT~~
 - ~~2. Two public information sign panels (each for a different organization) may be placed on a single location.~~

~~(3) Special events signs.~~

- ~~a. The Town Manager and/or town council shall approve the location, number, and length of time the sign signage related to a special event may be displayed.~~
- ~~b. Off-premises signage for special events special event signs shall be allowed with the written consent of the lot owner.~~
- ~~c. On-site or off-site signage for special events special event signs shall be limited to 20 square feet.~~
- ~~d. An off-premises special event sign may be issued that has advertisements for local businesses as long as the sign is displayed in exchange for charitable contributions for the purposes of funding nonprofit initiatives (i.e., boardwalk makeover sign with advertisements for sponsors).~~

(c) Commercial and Nonresidential Signage ~~Permitted signage in all commercial zones.~~ The following permanent and temporary signs shall be permitted ~~in all commercial zones districts with commercial uses (CBD, NB HB, MB-1, I-1, T-1, MF, and MX zoning districts)~~ in all districts and must be associated with a permitted commercial or nonresidential use(s) on the same property:

(1) Attached signs.

- a. Attached signs shall be allowed on all sides of a business. The total allowable building face signage shall not exceed 25 percent of the front building face and may be apportioned among any/all building faces. A building face shall be measured from ground level at the foundation to the roof overhang (or junction of roof and front wall line) and from side to side of building.
- b. If utilized, projecting signage shall have a clearance of at least ten feet between the adjacent ground level and the lowest portion of the sign. No attached sign shall project more than four feet from the building facade. In the CBD, where buildings are adjacent to a right-of-way a projecting sign shall be allowed to encroach up to two feet.

- c. Canopy/awning sign shall be considered as attached signs. In no instance shall a canopy/awning sign exceed the canopy awning area.

~~(2) Construction signs. Construction signs shall be permitted as described in subsection (a)(1) of this section with size limitations of 40 square feet in area and 15 feet in height.~~

~~(3)~~(2) Directional signs.

- a. On-premises directional signs.

- 1. On-premises directional signs shall be limited to four square feet and three feet in height.

~~2. Directional signs at shopping centers may contain the name of the shopping center but not the names of the individual businesses within the shopping center.~~

~~2.3.~~ For every driveway cut, two directional signs shall be allowed on private lot adjacent to the right-of-way.

- b. Off-premises parking signs.

- 1. The maximum size shall be ~~one foot by two feet~~ 2 square feet.

~~2. Off-premises parking signs may only delineate the name of the business, logo, and distance the business is from the site of the sign, no other advertisement of products or services is permitted.~~

~~2.3.~~ Off-premises parking signs shall not be lighted.

~~(4)~~(3) Permanent freestanding signs.

- a. Maximum size equals one-half a square foot of sign area per one linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Type of Development	Max. Area Per Face
Multi-Family Residential	50
Nonresidential up to 2,500 sq. ft. of building area	50
Nonresidential 2,500 sq. ft. up to 15,000 sq. ft. of building area	64
Nonresidential greater than 15,000 sq. ft. of building area	100

- b. Maximum height of 20 feet in the CBD, NB, MB-1, T-1, MF, and MX zoning districts.
- c. Maximum height of 25 feet in the HB and I-1 zoning districts.
- d. A permanent freestanding sign shall have a minimum setback of ten feet from all lot lines.
- e. Unless stated elsewhere in the ordinance, no business/property shall have more than 1 freestanding sign.

~~(5)~~(4) *Temporary signs which require a sign permit.*

- a. Each business shall be allotted one temporary freestanding or attached sign year round. Permits for temporary signage shall be issued annually with the following limitations:
 1. A-frame signs not exceeding eight square feet per side in area with a maximum height of four feet.
 2. Portable signs not exceeding ten square feet and five feet in height.
 3. Banner signs not exceeding 24 square feet and 15 feet in height.
 4. Commercial flagging shall be limited to 24 square feet and shall have the same height restrictions as permanent freestanding signs.
 5. ~~Future development signs shall be limited to 30 square feet and 15 feet in height.~~
- b. Temporary signs may be placed on public sidewalks in the CBD. No temporary sign shall be placed where the unobstructed space for the passageway of pedestrians is reduced to less than 4½ feet.

~~(6)~~(5) Temporary yard signs not requiring a permit

- a. Four temporary signs related to noncommercial activities or events may be placed on a parcel 30 days prior to said activity/event, remain up during said activity/event, and must be removed within 10 days of the conclusion of said activity/event.
 2. The sign must be non-illuminated and may not exceed 20sqft or 5ft in height.
 3. The must be setback at least 5' from the road and not impose upon the intersection sight triangle (Sec. 40-232 c)
 4. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly liable for the removal of such signs.
 5. The lot occupant or, in the case of unoccupied lot, the lot owner, shall be responsible for violations on a particular lot.
 6. No temporary signage is permitted in the public right-of-way.
 7. Off-site directional signage must be related to an event, will only be permitted while the activity/event is on-going, and must be removed within 48 hours of the conclusion of said activity/event.

~~Open signs. Each business shall be allowed one attached open sign and one open flag. An attached open sign shall not exceed four square feet. Open flags shall not exceed 15 square feet.~~

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(Code 1986, app. A, § 11.6; Ord. No. 10-825, 4-13-2010; Ord. No. 11-857, 1-11-2011; Ord. No. 11-866, 5-10-2011; Ord. No. 11-871, 7-12-2011; Ord. No. 12-888, 6-12-2012; Ord. No. 12-899, 8-14-2012)

Sec. 40-233. - Nonconforming signs, illegal signs, violations and penalties.

All signs shall be subject to article XIV of this chapter, nonconforming situations, and article XV of this chapter, administration, enforcement, and review.

(Code 1986, app. A, § 11.7; Ord. No. 10-825, 4-13-2010; Ord. No. 12-888, 6-12-2012)

Secs. 40-234—40-259. - Reserved.



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director

DEPARTMENT: Planning

MEETING: Planning & Zoning – 11 MAR 2021

SUBJECT: A discussion regarding potential changes to the Chapter 40 Article VII - Fences

BACKGROUND:

Staff will present about a range of topics related to potential updates to the fence ordinance

ACTION REQUESTED:

Please discussion and provide feedback for future ordinance adjustments

RECOMMENDED MOTION: