



Planning Board Agenda

Town of Swansboro

Tuesday, November 03, 2026

I. Call to Order

II. Approval of Minutes

- [a.](#) October 6, 2026 Regular Meeting Minutes

III. Business

- [a.](#) **Overview of Municipal Code Enforcement**

Presenter: Mikey Tata, Town Planner

During the October 6, 2026, meeting, the Planning Board expressed an interest in how code enforcement operates and exploring ways to address zoning violations across town.

Recommended Action: This report is provided for informational purposes only. No formal action is requested.

- [b.](#) **Regulation of Moving & Blinking Lights**

Presenter: Mikey Tata, Town Planner

During the October 6, 2026, meeting, the Planning Board raised concerns regarding an increasing prevalence of blinking, flashing, and intrusive light displays on commercial properties throughout town. In response, staff has conducted a regulatory review of existing town standards governing exterior lighting and illuminated signs.

Recommended Action: Direct staff to draft a UDO amendment clarifying prohibited illuminated lighting types for Planning Board and Board of Commissioners review.

IV. Chairman/Board Thoughts/Staff Comments

V. Public Comments

VI. Adjournment

**Town of Swansboro
Planning Board
Regular Meeting Minutes
October 6, 2026**

Item II - a.

Call to Order

The meeting was called to order at 5:47pm. Board members in attendance were Tom Pieratti, Frank Tursi, Doug Rogers, and Sherrie Hancock. Jamie Petani, Frank Jones and Christina Ramsey were absent.

Approval of Minutes

On a motion by Mr. Tursi, seconded by Mrs. Hancock the July 7, 2026, Regular Meeting Minutes were unanimously approved.

Business

Employee Introduction

Town Manager Jon Barlow introduced the new Town Planner, Mikey Tata, describing him as energetic, hardworking, and committed to pursuing a career in planning.

Town Manager Barlow explained that there was no business requiring Board action due to limited planning activity in recent months. He anticipated an increase in activity in the near future and thanked the Board for its patience.

Chairman/Board Thoughts/Staff Comments

The Board discussed concerns about excessive flashing and blinking signs and lighting throughout Town and asked whether an ordinance could be developed to regulate their brightness, direction, appearance, and flashing frequency due to the potential discomfort they could cause viewers.

The Board discussed concerns regarding property maintenance, development activity, and code enforcement within the Town. The Board requested that staff review current code enforcement practices and explore a more consistent approach to identifying and addressing potential violations. Concerns were also raised that relying primarily on citizen complaints placed an undue burden on residents and could lead to inconsistent enforcement, particularly between property owners who complied with permitting requirements and those who did not.

The Board further discussed the importance of holding scheduled meetings during periods of limited business and using the time for educational discussions on planning topics, zoning, and the Board's responsibilities. Members emphasized the importance of remaining involved in discussions regarding the proposed Emergency Operations Center (EOC) property, including responsible development, protecting wetlands and waterways, and exploring appropriate development practices and grant funding.

Town Manager Jon Barlow advised the Board that staff did not have information available on these topics at the time but could provide updates at future meetings.

Public Comments

Citizens were offered an opportunity to address the Board. No public comments were made.

Adjournment

On a motion by Mr. Rogers, seconded by Mr. Tursi, the meeting was adjourned.



Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Overview of Municipal Code Enforcement**

Board Meeting Date: **November 3, 2026**

Prepared By: **Mikey Tata, Town Planner**

Overview: During the October 6, 2026, meeting, the Planning Board expressed an interest in how code enforcement operates and exploring ways to address zoning violations across town.

Code enforcement in Swansboro functions strictly on a complaint-driven basis. The process is initiated upon receipt of complaint, alongside instances where issues are directly observed by town staff during regular duties. Staff do not conduct dedicated field patrols prying for violations, which is congruent with most municipalities across the country.

The administration and execution of code enforcement is exclusively an administrative responsibility handled by town staff. All received complaints and staff observations are diligently followed up on, and no cases are overlooked.

When a violation is confirmed, staff must follow a legally regulated process:

- Formal written notice is delivered to responsible parties, outlining required corrective actions and rights of appeal to the Board of Adjustment. Violations carry an initial \$50 civil citation with a 48-hour compliance window, after which daily penalties accrue (\$50 to \$100 per day for continuing violations). Severe or uncorrected issues may involve Stop Work Orders, permit revocations, or civil debt actions/litigation.

Because of mandatory due process and statutory notice windows, code enforcement requires significant administrative time and is not an instantaneous remedy. However, it is important to note that all complaints are diligently and equitably followed up on, and no cases are overlooked.

Background Attachment(s): Enforcement Ordinance

Recommended Action: This report is provided for informational purposes only. No formal action is requested.

Action: _____

ORDINANCE 2026-06
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
152.130-135 ENFORCEMENT AND REVIEW

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendments to the Unified Development Ordinance regarding referenced above to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019, and amended August 28, 2023.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended.

TITLE XV: LAND USAGE

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

§ 152.130-135 ENFORCEMENT AND REVIEW

ENFORCEMENT AND REVIEW

§ 152.130 COMPLAINTS REGARDING VIOLATIONS.

Whenever the administrator receives a written, signed complaint alleging that a violation of this chapter (or state law subject to enforcement by the Town) has occurred, he shall investigate the complaint, and take whatever action is warranted is reasonably determined to be warranted, including an appropriate investigation of relevant facts and applicable ordinance provisions. The Administrator will provide a timely response to the complaining party regarding and inform the complainant in writing what actions have been or will be taken: in response to the complaint.

(Ord. 2005-03, passed 3-15-2005)

§ 152.131 PERSONS LIABLE. ENFORCEMENT PROCEDURE; NOTICE OF VIOLATION

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(A) *Generally.* Any use or condition of property, or other act or omission constituting a violation of this chapter, shall be actionable by the Town in accordance with applicable provisions of this Chapter. Any action taken by the Town in the enforcement of its land use and land development regulations shall be non-exclusive, and the Town reserves the right to pursue cumulatively or in the alternative all remedies available under applicable legal authority.

(B) *Parties Responsible.* The property owner, tenant, or occupant of the property where a violation occurs, and/or any builder, contractor, agent, or other party or individual who participates in, assists, directs, creates, or maintains any use of or condition on property, or that is otherwise in violation of the provisions of this Chapter, may be held responsible for such violation and be subject to the remedies provided for in this Chapter.

(C) *Informal Notice of Violation.* Excepting violations which pose a substantial and immediate threat of bodily harm or property damage, the Town will, upon determining that a violation has occurred, make reasonable efforts to provide informal notice by telephone, email, or otherwise to

the property owner and/or other responsible party, that a violation has occurred. Such informal notice will generally describe the use, condition, act, or omission constituting the violation, and the measures required to correct the violation.

(D) *Formal Notice of Violation ("NOV")*. After giving informal notice of the violation, or reasonable attempts at same, the Administrator may in his or her discretion issue a formal Notice of the Violation (NOV). Such NOV shall be in writing and state upon its face the specific use, condition, act, or omission constituting the violation, citing the applicable provision(s) of this Chapter. The notice of violation shall also be posted on the property in accord with applicable law. The NOV shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment pursuant to G.S. § 160D-405.

The NOV shall also specify the measures which must be taken to comply with the relevant Code provisions, including a time period which, in the discretion of the Administrator, is a reasonable period for correcting the violation. Following issuance of the NOV, the period for correcting the violation shall typically not exceed fifteen (15) days; provided however, the Administrator may, in his or her reasonable discretion, and based upon the scope of correction measures required, specify a longer correction period. The NOV shall also state that, if the owner or other responsible party fails to correct the violation(s) within the time period specified in the NOV, then the owner or other responsible party may, in accordance with N.G.S 160A-175, be subject to a civil penalty, with the initial amount of such civil penalty being \$50 per day, with each day's violation constituting a separate offense.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.132 PROCEDURES UPON DISCOVERY OF VIOLATIONS. CIVIL PENALTIES FOR VIOLATIONS

(A) When staff determines work or activity has been undertaken in violation of an adopted development regulation or other local development approval, a written notice of violation will be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may also be posted on the property. *Imposition of Civil Penalties; Notice.* Civil Penalties for violation(s) as provided above will be assessed upon the Administrator's determination that the use, conditions, acts, or omissions constituting the violation of this Chapter have continued to exist, and reasonably sufficient corrective measures have not been taken to correct such violation(s). The Administrator shall provide notice of the Town's assessment of civil penalties by personal delivery, first class mail or email to the property owner and/or other responsible party, specifying the amount of the daily penalty, and the date upon which the assessment of civil penalties will commence. Such Notice of Civil Penalties shall also state upon its face the specific violation(s) for which the penalties are being assessed and shall inform the offender that failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the penalties, plus interest and the costs of the action to be taxed by the court. The Notice of Civil Penalties shall provide that the property owner or responsible party may "clear" the assessed civil penalties by mailing the Notice of Civil Penalties, together with full payment for such penalties, to 601 W. Corbett Avenue, Swansboro, North Carolina 28584, or by personal payment at Swansboro Town Hall (address). As used in this section, the word "cleared" shall mean either: payment of the penalties in full or arrangement with the Administrator for payment or settlement of the penalties, and satisfactory correction of those uses, conditions, actions, or omissions constituting the violation(s).

(B) The written notice of violation shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed

to the Board of Adjustment pursuant to G.S. § 160D-405. Additional Civil Penalty. Following issuance of the NOV and the Notice of Civil Penalties, should the use, condition, acts, or omissions constituting the violation(s) continue and, as determined by the Administrator, reasonable corrective measures shall not have been made, then additional civil penalties for each successive day's violation(s), totaling \$100 per day, may be assessed. Notice of such additional civil penalties shall be provided in accord with the procedures as outlined in Subsection (A.), above.

(C) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in § 152.133. Settlement of Claim for Civil Penalties. The Administrator is hereby authorized to negotiate and accept payment in full and final settlement of the claim or claims, right or rights of action which the Town may have to enforce and collect civil penalties for violation(s), subject to the express condition that the use, condition, act, or omission giving rise to the violation(s) is/are abated or otherwise corrected in full. Further, the authority granted above to the Administrator is limited to those circumstances at which accrued civil penalties are \$1,500 or less.

(D) Whenever any work or activity is undertaken in substantial violation of any state or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved by personal delivery, electronic delivery, or first-class mail. A stop work order may be appealed pursuant to G.S. § 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor. Other Remedies for Violations Reserved. In addition to the remedy of civil penalties (and foregoing procedures for imposition of such civil penalties) the Town reserves all its rights and options for enforcement of its ordinances under applicable statutes, including without limitation, the right to commence civil actions for collection of civil penalties, equitable relief, including mandatory or prohibitory injunctions, and actions for summary abatement, as allowed by law.

(E) (Ord. 2005-03, passed 3-15-2005; Am. Ord. 2021-03, passed 5-24-2021)

§ 152.133 CIVIL PENALTIES; AVAILABILITY OF REMEDY. ORDER TO STOP WORK OR ACTIVITY

(A) Generally. Any act or omission constituting a violation of this chapter shall subject the offender to a civil penalty in the amount of \$50 to be recovered by the town in a civil action in the nature of a debt or as otherwise provided herein or by statute if the offender fails to pay the penalty within 48 hours after the receipt of a citation of a violation.

(B) Citation contents. Any citation issued pursuant to this section may contain such information as the Administrator deems appropriate, and shall at least:

(1) State upon its face the specific violation(s) being cited and the amount of the penalty for each specific violation if such penalty or penalties is/are paid within 48 hours after the issuance of the citation;

(2) Notify the offender that a failure to pay the penalty or penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty or penalties plus any additional penalties assessed pursuant to this section or otherwise, together with interest and the costs of the action to be taxed by the court;

- (3) ~~Provide that the offender may answer the citation by mailing the citation and the stated penalty or penalties to 601~~

W. Corbett Avenue, Swansboro, North Carolina 28584, or may pay the amount at the Town Hall, corner of W. Corbett Avenue and Church Streets, Swansboro, North Carolina; and

- (4) ~~State that the penalty or penalties must be cleared with the Administrator, Town Hall within 48 hours of the issuance of the citation. The notice shall further state that court action may be taken if the violation citation is not cleared within 48 hours after the issuance of the citation. As used in this section, the word "cleared" shall mean either:~~

- (a) ~~Payment of the penalty or penalties in full;~~
- (b) ~~Arrangement for payment of the penalty or penalties in full and correction of the violation(s);~~
~~or~~
- (c) ~~A prima facie showing to the Administrator that the citation was received as a result of mistake, inadvertence, or excusable neglect.~~

(C) ~~Settlement of civil claim.~~ The Administrator is authorized to accept payment in full and final settlement of the claim or claims, right or rights of action which the town may have to enforce such penalty by civil action in the nature of debt only if the act(s) or omission(s) which gave rise to the violation(s) is/are abated or otherwise made lawful.

(D) ~~Additional civil penalty.~~ If any penalty or penalties prescribed by this section is/are not cleared within 48 hours after issuance of a citation therefore, then beginning on the third day after issuance of such citation, an additional penalty of \$50 per day violation shall be imposed until each respective cited violation is cleared and either abated, or otherwise made lawful. The imposition of additional civil penalties as provided herein shall be subject to the terms of division (E) of this section.

(E) ~~Continuing violations.~~ After the initial 48 hour period after issuance of a citation, each day's continuing violation shall be a separate offense, but no civil penalty shall be levied against the same person for the same continuing violation at the same location more than once unless the Administrator or his designee has delivered a written notice by personal service or by registered or certified mail, return receipt requested, to the person responsible for such violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period within which corrective measures must be completed. The notice shall state that failure to correct the violation within the specified time will result in the assessment of additional civil penalties and other enforcement action. If, after the allotted time period has expired and after the hearing of any appeal, the corrective action has not been completed, the civil penalty shall be assessed in the amount of \$100 per day of continuing violation.

(F) ~~Continuing violations a misdemeanor.~~ Violation of any provisions of this chapter or any of the codes incorporated therein by reference, and violation of any stop work order issued by the Administrator or his or her designee shall be a misdemeanor.

In addition to any other measures or remedies for enforcement of the provisions of this chapter, the Town may issue orders to stop work, activities, or uses as provided herein, whenever any work or activity is undertaken on property is taking place which constitutes a substantial violation of this chapter (or state law subject to enforcement by the Town) or which endangers life or property in substantial violation of any state or local law, or in a manner that endangers life or property, staff the Administrator may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work property owner or other responsible party engaged in the work or activity, or use and shall state the specific work or activity ordered to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the and to the owner of the property involved of any permit or other development approval, the party

responsible for the work or activity constituting the violation, and/or to the property owner, if a different party by personal delivery, electronic delivery, or first-class mail. A stop-work order The Administrator shall certify to the Town's file the timing, content and delivery of the Order. The Order to stop the work or activity may be appealed pursuant to G.S. § 160D-405. No further work or activity constituting the violation shall take place in violation of a stop-work order pending a ruling on the appeal. Violation of a stop-work order shall constitute a Class 1 misdemeanor, so long as the order remains in effect. In addition to any other remedies, measures, or sanctions for violations, violation of an order to stop unlawful work or activities shall constitute a Class 1 misdemeanor in accordance with applicable statutes.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2016-O11, passed 9-13-2016)

§ 152.134 DEVELOPMENT APPROVAL/PERMIT REVOCATION.

(A) In addition to any other remedial measures or enforcement actions initiated by the Town, A zoning, sign, special use, conditional zoning district permit, or land improvement a permit for development or construction, or any other action constituting a development approval under applicable statutes or ordinances of the Town may be revoked by the Town permit-issuing authority (in accordance with the provisions of this section) if the permit or development approval recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the permit-issuing board Town.

(B) The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice of hearing, in the review and approval of any revocation of that approval. Before a special use or conditional zoning district any development approval or permit may be revoked, all of the notice and hearing and other requirements of § 152.064 through 152.070 shall be complied with. A notice of revocation of any development approval shall be delivered to the recipient. The notice shall inform the permit recipient of the development approval of the alleged grounds for the revocation and shall be delivered in accordance with applicable statutory requirements.

(C) Before a zoning, land improvement, or sign permit may be revoked, the Administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

(D) No person party may continue to make use of land property or buildings in the manner authorized by any zoning, sign, special use, or conditional zoning district permit permit or development approval after such permit or approval has been revoked in accordance with this chapter.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2014-O9, passed 4-15-2014)

§ 152.135 JUDICIAL REVIEW. (RESERVED)

(A) Every decision of the Board of Commissioners granting or denying a special use or conditional zoning district permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Onslow County by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the Onslow County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the board's decision has been filed in the office of the planning department;
and

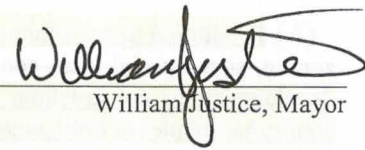
(2) A written copy of the board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(C) A copy of the writ of certiorari shall be served upon the Town of Swansboro.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2014-O9, passed 4-15-2014)

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, July 23, 2026.


William Justice, Mayor

Attest:


Alissa Fender, Town Clerk





Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Regulation of Moving & Blinking Lights**

Board Meeting Date: **November 3, 2026**

Prepared By: **Mikey Tata, Town Planner**

Overview: During the October 6, 2026, meeting, the Planning Board raised concerns regarding an increasing prevalence of blinking, flashing, and intrusive light displays on commercial properties throughout town. In response, staff has conducted a regulatory review of existing town standards governing exterior lighting and illuminated signs.

Background Attachment(s):

1. Staff Report
2. Lighting Ordinance
3. Signage Ordinance

Recommended Action: Direct staff to draft a UDO amendment clarifying prohibited illuminated lighting types for Planning Board and Board of Commissioners review.

Action: _____

Regulation of Moving & Blinking Lights – Staff Report

Summary & Background

During the previous meeting, the Planning Board raised concerns regarding an increasing prevalence of blinking, flashing, and intrusive light displays on commercial properties throughout town. In response, staff has conducted a regulatory review of existing town standards governing exterior lighting and illuminated signs.

Currently, this type of illumination is regulated under two sections of the town's Unified Development Ordinance. Section B of the Prohibited Signs regulations explicitly prohibits "signs with flashing or moving lights if the sign and/or flashing lights are visible from any residence, or any street or thoroughfare open to vehicular traffic." In addition, § 152.509 (Lighting of Buildings and Landscaping) establishes performance criteria for general site lighting, requiring that "lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way."

Together, these sections establish clear intent: exterior lighting must remain static, direct glare must be fully shielded from public roads and adjacent parcels, and light trespass into right-of-ways or residential areas is prohibited.

Proposed Staff Action Plan

To align town standards with the Planning Board's goals, staff recommends a strategy combining regulatory updates with proactive outreach:

- **UDO Text Amendment:** Staff proposes drafting an amendment to clarify prohibited lighting types across all commercial districts. This will include explicit prohibitions on pulsing, chasing, animated, and strobe effects, as well as clear rules for LED accents.
- **Outreach & Voluntary Compliance Period:** Following board feedback and ordinance clarification, staff will issue a courtesy guidance memo to affected commercial properties summarizing town lighting and sign standards. To encourage cooperation, staff will establish a 30-day voluntary compliance window, allowing business owners ample time to come into compliance before formal Notices of Violation are issued.

Board Action Requested

Staff requests that the Planning Board review the provided ordinances, provide feedback on desired lighting standards, and direct staff to prepare a formal UDO text amendment for consideration at a future meeting.

§ 152.500 INTENT AND PURPOSE.

(A) All outdoor lighting, such as that used in and around buildings, recreation areas, parking lots and signs, shall be designed to protect against the spillover of light to adjacent properties. It shall also be designed to protect against glare onto public rights-of way thereby impairing the vision of motorists and adjoining properties.

(B) All outdoor lighting shall be shielded from adjacent properties by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights.

(C) Outdoor lighting shall be architecturally integrated with the building's style, materials, and colors in the selection and design of light poles, brackets, and fixtures. Only in the B-2 portion of the Historic District Overlay is an exception to allow low lumen lighting to illuminate the historic commercial buildings to create night time ambiance.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2016-O14, passed 10-25-2016)

§ 152.501 LIGHTING PLAN REQUIRED.

(A) A lighting plan indicating illumination intensities shall be submitted with site plans, plot plans and subdivision plats. The Town Planner is authorized to waive this requirement for small independent development projects on less than an acre if the fixture types are specified on the site plan or plat.

(B) Any changes to the lighting plan must be approved by the Town Planner through a site or plot plan revision and/or subdivision plat revision.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2013-O13, passed 5-21-2013)

§ 152.502 LIGHT MEASUREMENT TECHNIQUE.

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light- registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus 5%. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated, and measured in footcandles (FC). All FC values below are maintained footcandles.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.503 GENERAL STANDARDS FOR OUTDOOR LIGHTING.

(A) Unless otherwise specified in §§ 152.503 through 152.508, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care, or congregate living structure, and 2.0 maintained footcandle at any public street right-of-way, unless otherwise approved by the Planning Board and Board of Commissioners.

(B) All flood lights, spotlights and other types of outdoor lighting shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way. These type lights shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan. On-site lighting may be used to accent architectural elements and not be used to illuminate entire portions of building(s).

(C) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

(D) All wall pack fixtures on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. All wall pack fixtures shall be true cutoff fixtures.

(E) Service connections for all freestanding fixtures installed after application of this subchapter shall be installed underground.

(F) Within the B1, B2, and B3 districts, all outdoor lighting fixtures shall be at minimum full-cutoff fixtures.

(G) All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation. For regulations regarding street Lighting, see §§ 152.350 through 152.367.

§ 152.504 LIGHTING IN PARKING LOTS AND OUTDOOR AREAS.

(A) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures, or comply with division (C) of this section.

(B) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 41 feet above finished grade, unless approved by the Planning Board and Board of Commissioners as having no adverse effect.

(C) *Exceptions.*

(1) Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens per fixture.

(2) All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium, and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

(3) All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

(4) All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.505 LIGHTING FOR VEHICULAR CANOPIES.

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of § 152.504. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

(A) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

(B) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.

(C) Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.

(D) Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least 2% white fill diffusion material.

(E) Lighting shall be restricted to lighting fixtures (including lenses) that do not project below the bottom of the canopy. Lighting for canopies for service stations and other similar uses shall not exceed an average of 20 footcandles as measured at ground level at the inside of the outside edge of the canopy.

(F) Canopies used for building accents over doors, windows, etc. shall not be internally lit (i.e. from underneath or behind the canopy).

(G) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

(H) Other methods approved by the Planning Board.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2013-O13, passed 5-21-2013)

§ 152.506 OUTDOOR SPORTS FIELD/OUTDOOR PERFORMANCE AREA LIGHTING.

(A) The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade unless approved by the Planning Board as having no adverse effect or approved by the board of commissioners as part of a special use permit.

(B) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(C) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.507 LIGHTING OF OUTDOOR DISPLAY AREAS.

(A) Parking lot outdoor areas shall be illuminated in accordance with the requirements for Section § 152.503. C display areas shall have a maximum point of illuminance of 24 maintained footcandles (FC).

Item III - b.

(B) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way . Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with § 152.502(A) and (B).

(C) The mounting height of outdoor display area fixtures shall not exceed 41 feet above finished grade , unless approved by the Planning Board and Board of Commissioners as having no adverse effect.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.508 SIGN LIGHTING.

Lighting fixtures illuminating signs shall comply with the requirements of §152.265 through 152.277, Signs, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2013-O13, passed 5-21-2013)

§ 152.509 LIGHTING OF BUILDINGS AND LANDSCAPING.

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade , plantings, and other intended site feature and away from adjoining properties and the public street right-of-way .

(Ord. 2005-O3, passed 3-15-2005)

§ 152.510 TIMER DEVICES.

Timer devices shall be employed to shut off luminaries or to reduce light levels when full lighting is not required, such as after normal business hours. Special attention shall be given to protecting adjoining residential properties from off-site illumination after 10:00 p.m.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2013-O13, passed 5-21-2013)

§ 152.511 PERMITS.

(A) The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this subchapter. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this subchapter:

(1) A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this subchapter.

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture , wall pack , flood light , and the like]).

(B) The Administrator or his/her designee(s) may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this subchapter.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.512 NONCONFORMITIES.

(A) Following application of this regulation, the installation of outdoor lighting, replacement of outdoor lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this subchapter. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to division (B) of this section.

(B) All outdoor lighting that fails to conform with §152.502 above which is either located in a residential zoning district or which affects a lot occupied by a dwelling , congregate care, or congregate living structure located in a residential zoning district shall be discontinued, removed, or made to conform with § 152.502 within five and one-half years from the effective date of this provision. All such lights which are made nonconforming by a subsequent amendment to this subchapter or extension of areas in which this section is applicable shall be discontinued, removed, or made to conform within five and one-half years after the date of such amendment or extension.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.265 PURPOSE.

The purpose of this subchapter is to prevent the unrestricted proliferation of signs and to regulate signs in the interest of promoting the safety of vehicular and pedestrian traffic, protecting the public health and comfort, facilitating police and fire protection, protecting the identity and integrity of public rights-of-way, preventing over-crowding of land, and promoting an aesthetically pleasing visual environment.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.266 APPLICATION.

No signs which are visible from any street, road, highway, sidewalk, or other public way may be erected, posted, reposted, placed, replaced, hung, painted, or repainted in any district except in compliance with this chapter. No provision of this chapter shall be construed as relieving any person, corporation, or other entity from any requirement or obligation he, she, or it has pursuant to the Town of Swansboro's Historic District Ordinance.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.267 COMPUTATION OF SIGN AREA.

(A) The surface area of a sign shall be computed by including the entire area that forms the extreme limits of the writing, representation, emblem, or other display, forming a square, rectangle, triangle, circle, or other shape, as appropriate, together with any material or color forming an integral part of the background for the sign. Surface area does not include the supporting framework or bracing.

(B) If the sign is made up of modules, the area between modules shall be included in the sign area computation.

(C) The sign area computation shall include all sides of the sign in which there is sign copy which can be seen.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.268 SIGNS REQUIRING NEITHER PERMIT NOR FEE.

The following types of sign shall be permitted in all districts, without issuance of a permit and without payment of any fee.

(A) Real estate residential signs provided that all of the following conditions are met:

- (1) The sign shall be located upon the property which is being advertised for sale, rent, or lease;
- (2) The sign has no more than two sides;
- (3) The area of the sign is six square feet or less per side;
- (4) The sign is not illuminated;

(5) An attachment with an area not exceeding two square feet may be added to such sign for purpose of identifying the agent or agency listing the property for sale or lease;

(6) Sign cannot be a banner, pennant, mobile, flag, or balloon signage; and

(7) Any sign permitted by this subsection shall be removed within five days after the sale, rental, or lease becomes final.

(B) *Festival area signs.* Temporary advertising, directional, and public information signs and banners placed on exhibit booths, buildings, and other structures or supports (except utility poles and traffic signs) within a town-approved festival area, provided that such signs and banners are allowed on the days of the festival only, that no unsafe conditions are created, and that the area of signs and banners for any individual booth, building, or structure do not exceed 32 square feet.

(C) Political campaign signs, provided the following are met:

(1) Candidates or their representatives must obtain a copy of the ordinance requirements from Town Hall and sign that they received a copy prior to installation of any signs;

(2) Signs shall be confined to private property and not located within any street-right-of-way unless otherwise permitted by state law;

(3) No more than one sign per candidate shall be placed on any parcel;

(4) Permission must be obtained from the property owner where the sign(s) are to be placed or the adjacent property owner if placed in the state-maintained right-of-way;

(5) The owner of any property upon which the sign(s) are placed shall ensure the sign(s) are placed no sooner than 30 days prior to the first date of "one-stop" early voting and are removed within ten days of the election or referendum;

- (6) Signs shall not create any unsafe conditions;
- (7) The placement of leaflets, signs, posters, or bulletins on vehicle windshields, utility poles, trees, or other signposts is prohibited;
- (8) The supporting structure is not included in the calculation of square footage. Signs shall not exceed six square feet in size or 42 inches in height measured from the ground. Signs outside of these parameters are prohibited.
- (9) Signs may not be composed of multiple modules or segments, or be illuminated, and must be reasonably secured to prevent windblown debris or other damage to adjacent property;
- (10) Signs affixed to or placed in parked utility trailers or in parked truck beds are prohibited;
- (11) Mobile signs require a special use permit pursuant to §152.270(F); and
- (12) Signs placed unlawfully in accordance with this section may be removed pursuant to §152.273 and G.S. § 136-32(f).

(D) Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until a certificate of occupancy is issued for the final portion of any construction at that site, or 24 months from the time the fence wrap was installed, whichever is shorter.

(1) If construction is not completed at the end of 24 months from the time the fence wrap was installed, the town will require a sign permit, but shall continue to allow the fence wrap to be affixed to the perimeter fencing.

(2) No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2009-18, passed 11-17-2009; Am. Ord. 2017-O1, passed 1-10-2017; Am. Ord. 2021-O3, passed 5-24-2021; Am. Ord. 2022-O5, passed 5-23-2022)

§ 152.269 SIGNS REQUIRING PERMIT BUT NO FEE.

The following types of sign shall be permitted in all districts, upon issuance of a permit approving the location of any such sign by the Administrator or his or her designee. No fee shall be charged for permits issued pursuant to this section.

(A) Real estate commercial signs must be located on the property which is being advertised for sale, rent, or lease, provided that all of the following conditions are met:

- (1) The sign has no more than two sides;
- (2) The area of sign is 32 square feet or less per side;
- (3) An attachment with an area not exceeding two square feet may be added to such sign for purpose of identifying the agent or agency listing the property for sale or lease;
- (4) Any sign permitted by this subsection shall be removed within five days after the sale, rental, or lease becomes final;
- (5) The sign shall not be attached to trees, utility poles, or their support lines; and
- (6) Sign cannot be a banner, pennant, mobile, flag, or balloon signage.

(B) Directional signs, such as those identifying an entrance, exit, or parking location provided that such signs shall be located entirely upon the parcel or tract of land to which the directional signs apply and does not exceed two square feet.

(C) Governmental signs with any legal notice, informational or directional sign required or authorized by any governmental agency or by law.

(D) Agricultural signs advertising the sale of agricultural products produced on the premises, provided that such signs shall not exceed 32 square feet in area total.

(E) Business banners, and feather flags which are used to advertise sales or announcements provided:

- (1) Signs are located on the property of the business or leased unit that the sign relates to and are not displayed in undeveloped outparcels;
- (2) Signs are not used more than 60 days in any calendar year per business;
- (3) Signs shall not be larger than 32 square feet;
- (4) Only one banner or feather flag is permitted per business at any time;
- (5) Business banners and feather flags are prohibited in the Historic District;
- (6) No unsafe condition is created; and
- (7) Feather flags shall be displayed only during the times the business being advertised is open for business.

(F) Temporary event banners , yard signs and post-mounted signs for town-approved festivals and for events sponsored by non-profit organizations such as civic groups, church organizations, schools , and government agencies, provided they are located in business, office and institutional, or government zoning districts along NC 24 or major thoroughfares and the following conditions are met:

- (1) Signs are not installed more than 14 days prior to event and are removed within two days of event's end;
- (2) No more than eight devices are allowed for the same event at one time;
- (3) Devices are not placed in rights-of-ways and are placed only with the permission of the property owners;
- (4) Unsafe conditions are not created, and devices are not placed in unsafe locations;
- (5) Signs and banners are not displayed above a highway without town and NCDOT approval in writing;
- (6) Signs and banners are not placed within Historic District unless along Highway 24, on Town-owned property, or on private property within the B-2 HDO zoning district;
- (7) The maximum size for each sign or banner is 32 square feet. The maximum height shall not exceed six feet; and
- (8) Mobile signs , including trailer or vehicle-mounted signs, are prohibited, except directional or public information signs placed by the town at the Town Manager's discretion, or by the North Carolina Department of Transportation.

(G) Construction signs , may be placed identifying the project, the owner or developer , architect, engineer, contractors, subcontractors, and funding sources or other related information provided the following conditions are met:

- (1) Signs must be entirely on property where construction is taking place;
- (2) Total residential signs area shall not exceed 32 square feet total. If a two-sided sign, each side counts toward total if NOT same copy;
- (3) Total commercial signs area shall not exceed 100 square feet total. If two-sided sign, each side counts toward total if NOT same copy;
- (4) All signs shall be removed prior to the certificate of occupancy or when applicable to the certificate of compliance; and
- (5) Grouping of all signs shall be in the same area (adjacent to each other) without creating a traffic safety problem.

(H) Home occupation signs are allowed provided:

- (1) There shall be not more than one sign per parcel of land;
- (2) Signs shall be attached flat to the wall of the building and shall be non-illuminated; and
- (3) Signs shall not exceed eighteen inches in any dimension nor a total area of 324 square inches.

(I) Subdivision signs (temporary) are signs advertising the sale of lots or buildings within new subdivisions in which they are located shall be permitted provided:

- (1) Signs shall be non-illuminated;
- (2) No more than one two-sided not exceeding 32 square feet per side shall be located at each major approach to the subdivision ;
- (3) Signs shall be well maintained and in good structural condition;
- (4) Display of such signs shall be limited to a period until 70% of all lots within the subdivision are sold; and
- (5) Any and all signs must be on subdivision 's property.

(J) Safety/warning Signs (i.e., "low clearance") shall be permitted provided:

- (1) The sign has no more than two sides;
- (2) The area of the sign is six square feet or less; and
- (3) The sign is not illuminated.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2009-18, passed 11-17-2009; Am. Ord 2013-O13, passed 5-21-2013; Am. Ord. 2022-O4, passed 5-23-2022; Am. Ord. 2022-O5, passed 5-23-2022)

§ 152.270 SIGNS REQUIRING A PERMIT AND FEE.

No sign can exceed the allowed square footage without a variance.

(A) *Awning and canopy signs* . Shall not exceed the total allowed tenant signage square feet per tenant linear frontage. Shall maintain a clearance of eight feet minimum from bottom of awning sign to public walkway, including any skirt attached to the awning or canopy. Sign shall not create unsafe conditions for persons on property.

(B) *Billboard signs (off-premise/outdoor advertising)*. These signs shall be permitted subject to the following conditions: Item III - b.

- (1) No billboard sign shall be placed within 2,000 feet of any residential district;
- (2) No billboard shall exceed the following dimensions:
 - (a) Signs located 150 feet or more from the nearest street or highway right-of-way shall not exceed 20 feet in height, 20 feet in width, nor 200 square feet; and
 - (b) Signs located less than 150 feet from the nearest street or highway right-of-way shall not exceed 20 feet in height, 20 feet in width, nor 100 square feet;
- (3) The following restrictions shall apply to spacing of outdoor advertising signs:
 - (a) No billboard sign may be located within 2,000 feet of any other billboard ;
 - (b) No more than two billboard signs facing in any one direction may be located within any one mile distance;
 - (c) No billboard sign may be located within 500 feet of any intersection of any two or more streets or highways as measured from the nearest point of intersection to such sign;
 - (d) No billboard sign may be located where there is less than ten feet from the bottom of the sign to grade ;
- (4) All billboards shall be plainly marked with the name, address, and phone number of the person , firm or corporation responsible for the sign and its maintenance; and
- (5) Billboards made nonconforming by the provisions of this section shall be brought into conformity.
 - (a) The town shall give written notice of its intent to require removal of a billboard sign by sending a letter by certified mail to the last known address of the owner of the sign and the owner of the property on which the sign is located.
 - (b) The payment of monetary compensation for the removal of any nonconforming, lawfully erected, billboard sign is required as provided in G.S. § 160D-912(d-f).
 - (c) In lieu of monetary compensation, the town may enter into an agreement to allow the relocation or reconstruction of the sign as provided in G.S. § 160D-912(g-k).

(C) *Cemetery, public signs*. Maximum size of sign shall be 36 square feet, and there is a limit of one sign per street frontage.

(D) *Directory signs* . Directory signs shall meet all of the following:

- (1) The premise shall contain no more than one directory sign ;
- (2) The maximum area of copy shall not exceed three inches by 15 inches for each identified activity, business, firm or tenant on the premise;
- (3) The outdoor directory sign may either be changeable copy sign or fixed professional nameplates; provided that the standards of each are met; and
- (4) The directory sign may take the form of any sign permitted in the zoning district provided that such sign shall comply with its applicable specification sign regulations.

(E) *Marquee signs* . Shall not exceed the total allowed tenant signage square feet per tenant linear frontage. Bottom most portion of sign remains a minimum of 8 feet above public walkways. Sign shall be securely anchored and supported to protect the safety of persons and property.

(F) *Mobile signs*: a special use permit is required from the Board of Commissioners .

- (1) The following mobile sign types are allowed by special use permit (See figures 152.270.1 and 152.270.2)



Figure 152.270.1

Figure 152.270.2

(G) *Monument (ground) signs* .

(1) Each tract of land shall be required to use a monument sign whether the tract is subject to the multiple use requirement or not. Multi-tenant establishments will be allowed one monument sign per road frontage .

Item III - b.

(2) Monument signs shall not exceed 64 square feet in sign area.

(3) No part of the sign, footing or anchorage shall extend beyond the plane of the property line upon which the sign is located or into any easement .

(4) The sign shall not be located in any part of a side yard .

(5) Where a building fronts on two streets , the total allowable square footage for the site can be equally distributed allowing for additional monument sign .

(6) A monument signs ' total vertical height as measured perpendicularly to the ground shall not exceed the signs total width as measured from the ground. The ground cannot be altered more than 12 inches from the current natural grade .

(H) Multiple use signs (non-residential) provided:

(1) The principal use located on the property is one of the following: shopping center , shopping area, office center, or other unified commercial developments that are located in a non-residential zoning district;

(2) The allowed signage will be proportionally reduced for any properties less than three acres. If the property is greater than three acres, the sign may not exceed 160 square feet;

(3) The multiple use sign is not located on a vacant lot ;

(4) No part of the sign shall extend beyond the plane of the property line upon which the sign is located or into any easement ;

(5) Each tenant shall be allowed building signage, not to exceed 20% of the allowed useable wall area ;

(6) The multiple use sign does not exceed the maximum height for a monument sign - see division (G) of this section; and

(7) The maximum height for a monument sign shall not exceed 12 feet measured from grade or the most nearly adjacent road surface whichever is lower to the highest point of the sign.

(I) *Principal use signs*. Principal use signs shall be permitted on the premises of the business to which they apply in districts in which the principle use is permitted or in districts, in which the principle use is allowed as a special use , provided the special use has been allowed pursuant to applicable law. This provision is subject to the following conditions and limitations;

(1) *Freestanding signs* . Each tract of land shall be permitted one monument sign , unless the property is within the Historic District and is therefore subject to the Historic District Design Guidelines. . See division (G) of this section.

(2) *Building sign*.

(a) Each separate business shall be permitted signage on the building, not to exceed one square foot per one linear foot of building frontage .

(b) The total combined area of building sign(s), freestanding or monument sign area shall not exceed 200 square feet.

(J) *Projecting signs* . The sign cannot project more than eight feet from the building or into any street or upon other property. Signs may project over public walkways where there is at least eight feet clearance from walk to sign bottom. Square footage of sign cannot exceed the buildings allowance per ordinance. Sign shall be supported to protect the safety of persons and property.

(K) Portable signs provided:

(1) No part of a sign shall extend beyond the plane of the property line upon which the sign is located or into any easement ;

(2) No more than one portable sign is allowed per business or occupancy;

(3) Display area shall not exceed 16 square feet. If copy is different on each side of sign, then both sides count towards total area;

(4) Signs shall be displayed only during times when the business being advertised is open for business;

(5) Portable signs must be properly secured to prevent the sign from becoming windblown debris;

(6) Portable signs shall not be connected to or utilize an external power source, including (without limitation) by use of an electrical extension cord or cable;

(7) Certain Portable Signs are prohibited, due to their poor aesthetic appearance and detractive value (See Figures 152.270.3 and 152.270.4).



Figure 152.270.3



Figure 152.270.4

(8) Portable signs must be post-mounted or sandwich board-style signs (See Figures 152.270.5 and 152.270.6).



Figure 152.270.5



Figure 152.270.6



Figure 152.270.7

(L) Roof signs shall require a special use permit from the Board of Commissioners (see Special Uses - Roof Signs).

Item III - b.

(M) *Subdivision signs (permanent)*. Subdivision signs without any advertising may be located at each entrance to the subdivision provided they are monument signs .

(1) Signs shall be maintained in good repair and appearance.

(2) Signs shall be non-illuminated or indirectly illuminated.

(3) Signs shall not be erected in any street right-of-way .

(4) There shall be only one sign along street frontage provided that, if the subdivision has more than 400 feet of street or road frontage and two entrances, then two signs shall be permitted.

(5) Copy area shall not exceed 16 square feet per sign.

(6) No extremity of the sign, including copy, shall exceed 64 square feet.

(7) No support column shall exceed a height of eight feet.

(N) *Wall signs* . Shall not exceed the total allowed tenant signage square footage per tenant linear footage. Sign shall be properly attached to wall to ensure the safety of persons and property.

(O) *Window signs* . Wherein the area of the sign does not exceed one-third of the tenants frontal window area. Window signs cannot exceed 0.1 tenant total allowed signage per ordinance.

(P) *Church, school and public building (non-governmental) signs*. Shall meet the following criteria:

(1) Each tract of land shall be permitted one monument sign. See division (G) of this section.

(2) Signage on the building shall not exceed one square foot per one linear foot of principal building frontage. The square footage permitted can be equally distributed on the site allowing for signage on multiple structures not to exceed the total allotted.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2009-18, passed 11-17-2009; Am. Ord 2013-O13, passed 5-21-2013; Am. Ord. 2022-O4, passed 5-23-2022; Am. Ord. 2022-O5, passed 5-23-2022)

§ 152.271 RESERVED.

§ 152.272 PROJECTION INTO STREET RIGHTS-OF-WAY AND SIDE YARDS.

(A) No principal use signs, canopies, wooden or metal marquees, or other structures shall project beyond any public right-of-way line or into an easement . No signs shall occupy any of the area required by this chapter as side yard .

(B) Site line requirements at intersections shall meet the site line triangle requirements of the North Carolina Department of Transportation.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.273 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts unless otherwise noted. Any sign located, placed, or allowed to remain in violation of this section may be impounded by the Administrator or his designee. Any sign impounded under this section shall be returned to the owner(s) thereof upon the following conditions: (a) The owner(s) shall provide the Administrator or his designee satisfactory proof of ownership of such sign; and (b) The owner(s) shall pay all applicable penalties assessed on account of such sign. Any such sign not claimed within ten days after its impoundment shall be considered abandoned by the owner(s) thereof and the Town of Swansboro may thereafter dispose of any such sign not reclaimed by the owner thereof within ten days after its impoundment.

(A) Signs which are a copy of or deceptively similar to any official highway sign.

(B) Signs with flashing or moving lights if the sign and/or flashing lights are visible from any residence, or any street or thoroughfare open to vehicular traffic.

(C) Signs that obstruct visibility on any street , highway, or thoroughfare or at any intersection thereof.

(D) Signs which are erected or maintained upon trees, painted or drawn upon rocks or other natural features, or attached to utility poles.

(E) Signs that obstruct access to or from any window, door, fire escape, or any other opening intended to provide light, air, ingress, or egress to or from any room or building as required by law.

(F) Signs located in or over any street , highway, or any other public right-of-way .

(G) Signs which are illegal under state or federal law.

(H) Signs not in good repair.

(I) Signs not securely affixed to a substantial structure, except for mobile signs allowed as a special use in § 152.270.7 Item III - b.

(J) Signs which are painted on buildings which conduct a use not advertised by said sign.

(K) Signs which are not designed or constructed according to generally accepted engineering practices to withstand wind pressures and load distribution as set forth in the North Carolina Building Code and other applicable codes. Provided, however, that this division shall not apply to prohibit freestanding signs :

(1) Which have an area less than or equal to 32 square feet per side; and

(2) Which are not more than six feet from the ground to the top of the sign; and

(3) Which are supported by at least two support posts equivalent to two 4" x 4" treated wooden posts, buried at least four feet in the ground.

(L) Signs which do not meet the National Electric Code, when wiring or electrical connections are used.

(M) Primary freestanding signs which are not monument signs unless the sign is located in the Historic District and is therefore subject to the Historic District Design Guidelines.

(N) Signs commonly referred to as "yard signs" unless related to a town approved festival or non-profit event (see § 152.269 and Figure 152.270.7).



(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. passed 2-19-2013; Am. Ord. passed 6-27-2017; Am. Ord. 2022-O6, passed 4-11-2022; Am. Ord. 2022-O4, passed 5-23-2022)

§ 152.274 NONCONFORMING SIGNS.

Any sign existing as of the date of passage of this amendment which is not in conformity with the provisions of this amendment and other applicable ordinances, shall be deemed a nonconforming sign. Except as otherwise specifically addressed by this chapter, nonconforming signs existing on the date of passage of this amendment shall be allowed to remain in existence subject to the following provisions:

(A) At such time as any nonconforming sign receives structural damage from any source whatsoever, whether accidental, an act of God, or otherwise, and such damage amounts to at least 50% of the sign's supporting structure, the sign must be replaced with a conforming sign. For the purposes of this subsection, damage to the face of the sign which does not otherwise damage the supporting structure of the sign shall NOT require the sign to be replaced; however, the sign area shall not increase beyond what was originally in place. No additional lighting shall be added to any such sign.

(B) If the principal use of the property changes, any nonconforming signage must be replaced by conforming signage or removed from the premises prior to the issuance of a certificate of occupancy.

(C) If an existing building is vacant for more than 180 days without the intent to reestablish the previous use, any nonconforming signage must be replaced by conforming signage or removed from the premises prior to the issuance of a certificate of occupancy.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2022-O6, passed 4-11-2022)

§ 152.275 PERMITS FOR SIGNS.

Item III - b.

No sign shall hereafter be erected, constructed, altered, or maintained except as provided in this chapter, until a permit for the sign has been issued by the Administrator and the fee paid.

(A) *Form:* The Administrator shall create and make available applications for all permits required by this chapter. The information required on such application shall include at least the following:

- (1) Name, address, and phone numbers of the applicant and owner of the property if different from the applicant; and
- (2) A description of the sign for which a permit is requested, including at least the area, size, layout, proposed design, method and type of illumination if any, and such other information as the Administrator reasonably requires in order to pass upon the application.

(B) Altered also includes: change of building use, size of sign, and/or name of business. Exceptions shall include: (1) if same owner or tenant; and (2) color change but same business unless in Historic District.

(C) (1) Any sign erected, constructed, altered, or maintained without the proper permit may be impounded by the Administrator or his designee. Any sign impounded under this section shall be returned to the owner r(s) thereof upon the following conditions:

- (a) The owner (s) shall provide the Administrator or his designee satisfactory proof of ownership of such sign; and
- (b) The owner (s) shall pay all applicable penalties assessed on account of such sign.

(2) Any such sign not claimed within 30 days after its impoundment shall be considered abandoned by the owner (s) thereof and the Town of Swansboro may thereafter dispose of any such sign not reclaimed by the owner thereof within 30 days after its impoundment.

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. passed 2-19-2013; Am. Ord. 2013-O9, passed 4-16-2013)

§ 152.276 MAINTENANCE.

(A) 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 Town of Swansboro to be erected or maintained by any person , other than by a sign contractor properly licensed under North Carolina State Statutes 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 Town of Swansboro and with other parts of this subchapter.

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

(1) No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint or plastic or banner material for a period of more than 30 successive days.

(2) 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 15 degrees away from the perpendicular for a period of more than 30 successive days.

(3) 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 30 successive days.

(4) No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than 30 successive days.

(5) If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the Administrator , any repair or replacement must be done in conformance with this section.

(C) The Administrator may inspect all signs for compliance with these maintenance requirements.

(Ord. 2005-O3, passed 3-15-2005)

§ 152.277 PERMITTED SIGNS.

The Table of Permitted and Special Use Signs delineates the types of signs permitted within the various zoning districts in the Town of Swansboro (see § 152.170 for a complete description of the individual zoning districts).

Signs - Permitted/Special Use

Sign Type	RA	All Residential Districts	PUD	MHP	MHS	MHS-15SF	MHS-O	B1	B2	B3	B2 HDO	MI	CON	O/I	G/E
-----------	----	---------------------------	-----	-----	-----	----------	-------	----	----	----	--------	----	-----	-----	-----

Sign Type	RA	All Residential Districts	PUD	MHP	MHS	MHS-15SF	MHS-O	B1	B2	B3	B2 HDO	MI	CON	Item III - b.	
Accessory Use	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning /Canopy			P					P	P	P	P	P		P	P
Business Banner /Feather Flags			P					P	P	P		P		P	P
Billboard *								P				P			
Cemetery	P							P							
Churches, Schools or Public Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Construction	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Directional	P		P	P				P	P	P	P	P		P	P
Directory								P	P		P	P		P	
Festival Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding											P				
Governmental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	P	P	P	P		P	P	P	P	P	P			P	
Marquee								P	P	P	P	P			
Mobile								S				S			
Monument			P	P				P	P	P	P	P		P	P
Multiple-Use								P	P	P	P	P		P	P
Political Campaign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable			P					P	P	P	P	P		P	P
Principal Use			P					P	P	P	P	P	P	P	P
Projecting								P	P		P	P		P	P
Real Estate Commercial/ Residential	P	P	P	P	P		P	P	P		P	P	P	P	P
Roof								S				S	S		
Safety /Warning	P	P	P	P	P		P	P	P		P	P	P	P	P
Subdivision	P	P	P		P	P	P	P	P	P				P	
Temporary Festival and Event (per § 152.269)								P	P	P	P			P	P
Wall								P	P	P	P	P		P	P
Window								P	P		P	P		P	P
Notes: P = Indicates permitted. S = Special use permit required. *NOTE: Within the Swansboro corporate limits, billboard signs are prohibited on all parcels adjoining the NC 24 right-of-way anywhere within the Town or extraterritorial jurisdiction .															

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2017-O1, passed 1-10-2017; Am. Ord. 2022-O6, passed 4- 11-2022; Am. Ord. 2022-O4, passed 5-23-2022)