

Section 408 SIGNS

Section 408.1 General Intent

The purpose and intent of this Section is to support and complement the various land uses allowed in the Village of Misenheimer by the adoption of policies and regulations concerning the placement of signs.

The Village of Misenheimer Council does hereby find and declare that the outdoor placement of signs is a legitimate use of private property, but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on, and protection of, the public investment in streets and roads in Misenheimer and its extraterritorial jurisdiction, and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is also the intent of this Section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of The Village of Misenheimer.

Section 408.2 Sign Illumination

(A) The letter "N" means that the sign shall not be lighted.

(B) The letter "L" means that the sign may be illuminated.

(C) All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. And be in compliance with the Lighting Ordinance of the Village of Misenheimer.

(D) No commercial sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

Section 408.3 Unsafe Signs

Any sign which is determined by the Zoning Officer as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

Section 408.4 Sign Area

The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements

of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of area. See next page for examples.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

Section 408.5 Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. No sign shall exceed fifteen (15) feet in height.

Section 408.6 Permit Required

Except as otherwise provided in Section 408.7 of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Officer as required by this Ordinance. A fee, in accordance with a fee schedule adopted by the Misenheimer Village Council, shall be charged for each sign permit issued.

Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

Section 408.7 Signs Not Requiring Permit

The following types of signs are exempt from permit requirements of Section 408.6 of this Ordinance and may be placed in any zoning district subject to Section 408.2(D). Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs) shall be located outside a road right-of-way. Except where specifically provided for, portable signs shall be prohibited.

(A) Government signs. (City, County, State, National, Military etc.)

- (B) Memorial signs, plaques or grave markers which are noncommercial in nature.
- (C) Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (D) Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.
- (E) On-premise directional and instructional signs not exceeding six (6) square feet in area apiece.
- (F) Identification signs for residential uses not exceeding four (4) square feet in area [one (1) only per premises].
- (G) Incidental signs, however, in no case shall a drive-in service window menu board be oriented to a public right-of-way or exceed thirty-two (32) square feet in area. Any such drive-in service window menu board containing a loud speaker shall be located at least fifty (50) feet from any pre-existing residential structure (as defined in Section 408.2) located in a Residential (R-A, R-R, R-S, R-M) district.
- (H) Campaign and election signs provided that:
- (1) Each sign shall not exceed (32) square feet in area.
 - (2) All such signs shall be removed within seven (7) days after the election for which they were made.
 - (3) Property owner shall be held responsible for violations.
- (I) Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:
- (1) One sign per street frontage advertising real estate "For Sale", "For Rent", "For Lease" or "For Development" not greater than ten (10) square feet, except 32 square feet for an auctioneer sign, in area in a R-S, R-A, R-R, and R-M, Districts and sixty-four (64) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.
 - (2) In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. A one time three week advertising period shall be permitted for up to five (5) signs off the premise not to exceed thirty-two square feet and as long as

the property owner grants permission. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", "Estate Sale", etc.

(3) No more than three (3) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted off-site. Each such sign may have a maximum area of three (3) square feet.

(4) All such temporary signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc.

(5) No sign allowed under this subsection shall be lighted.

(J) Permanent subdivision or planned residential development identification signs not exceeding thirty-two (32) square feet.

(K) Temporary construction signs provided that:

(1) Signs in conjunction with any residential use shall not exceed ten (10) square feet each.

(2) Signs in conjunction with all other uses shall have a maximum area of thirty-two (32) square feet each.

(3) Only one (1) such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.

(4) Such signs shall not be illuminated.

(5) Such signs shall only appear at the construction site.

(6) Such signs shall be removed within seven (7) days after a completion of the project.

(L) Temporary farm product signs provided that:

(1) One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.

(2) A maximum of two off-premise signs shall be permitted. Said off-premise signs

may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way nor within ten (10) feet of a side lot line.

(3) Portable signs shall not be used for any sign allowed under this Subsection.

(4) No signs shall be permitted for longer than 90 days and must be removed for at least 30 days.

(M) Temporary special event signs for religious, educational, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

(1) Signs shall be erected no sooner than thirty (30) days prior and removed no later than two (2) days after the event.

(2) Portable signs for such uses may be allowed.

(3) No such sign shall exceed thirty-two (32) square feet.

(4) No such sign shall be illuminated.

(5) All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Zoning Officer or NCDOT. In no case may any such sign extend onto or over a street pavement or impede the view of any motorists or pedestrians. Location of such signs within a road right-of-way shall be limited to within two days before and two days after the event.

(N) Temporary displays as part of a Christmas, holiday or civic event so long as any such displays are not located within a street right-of-way unless The Misenheimer Village Council or NCDOT first grants permission for such.

(O) One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way. No yard sale shall run for more than three (3) consecutive days with an interval of one month before a subsequent yard sale at the same location.

(P) Bulletin Boards and signs which contains information of a non-commercial nature. Such bulletin boards and signs may have a maximum area of seventy-five (75) square feet.

(Q) Window Signs.

(R) "Warning", "No Trespassing", "No Hunting" and similar informational signs installed

on the property.

(S) Signs located within a stadium intended to be read only by persons seated within the stadium.

(T) Permanent municipal, school, recreational signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.

(U) Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.

(V) Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.

(W) Signs advertising the price of gasoline or designating self service or full service pumps, so long as such signs are attached to the pump island or a permitted free standing sign.

(X) A North Carolina vehicle inspections sign so long as such sign is not located in any right-of-way.

(Y) Relocation of one non-conforming sign with written approval of the Village Zoning Administrator. Requirements for such are as follows:

- (1) Not be moved more than 100 linear feet.
- (2) Sign privately owned by the business advertised and not to be sold.
- (3) Size not to exceed 32 sq. ft.
- (4) Property owners' written permission for new location.
- (5) Can only be moved once under this provision.
- (6) Sign or business must have been erected before 6/26/03.
- (7) Sign shall not increase in the degree of non-conformity. (Setbacks, etc.)
- (8) If at anytime the preceding requirements are not met, the sign shall be removed.

Section 408.8 Prohibited Signs

(A) Any sign that the Zoning Officer determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signals shall be prohibited.

(B) Illuminated, highly reflective signs or spotlights, or flashing signs which hamper the vision of motorists, bicyclists, pedestrians, or stargazers.

(C) Signs, which contain lights, rotating disks, words and other devices not erected by a public authority, which, may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.

(D) Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

(E) Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.

(F) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

(G) Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information). If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of five (5) seconds in time before switching to the other message.

(H) Portable signs [excluding: 1) temporary signs otherwise permitted in Section 408.7(N) and 2) signs containing non-commercial copy messages allowed in Section 408.7 of this Ordinance, and 3) hand portable commercial signs up to 4' X 4' in the C-B zoning district which are brought out at the beginning of the business day, and taken in at the end of the business day)].

(I) Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).

(J) Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.

(K) Roof signs [except for signs containing non-commercial copy messages in Section 408.7]

(L) Signs placed on a piece of property without permission of its owners or agent.

(M) Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet]. Each business shall be allowed a permit for a maximum of 2 weeks each session 4 times a year to have an inflated balloon either on the ground or in the air as part of a special event on site. All other laws apply.

(N) Other signs not expressly permitted in this Ordinance.

(O) Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.

Section 408.9 Signs Permitted In Residential (R-A, R-M, R-R, R-S) Districts

Signs allowed without a permit are listed in Section 408.7 of this Ordinance. The following signs may be placed in such districts subsequent to the issuance of a permit by the Zoning Officer. All other signs shall be prohibited. Additional specifications for sign placement are found in Section 408.12

(A) Signs on premises of multi-family developments are regulated as follows:

- (1) Type of signs permitted: Identification (wall or free-standing)
- (2) Permitted number of One (1) per premises per public street front.
signs: No two signs identifying the same use shall be located closer than two-hundred (200) feet from each other measured by using the shortest straight line distance
- (3) Maximum area of signs: Thirty-two (32) square feet apiece
- (4) Permitted illumination: see lighting ordinance
- (5) Maximum height: Free-standing: Ten (10) feet.
Wall: Sign shall not be allowed to extend above the parapet of the building.

(B) Signs on premises of churches, schools, community center, park, playground, public safety station, public library, golf course, club or lodge:

- (1) Type of signs permitted: Identification (wall or free-standing)
- (2) Permitted number of signs. One (1) sign per street front provided that no two signs:
 - (a) signs are located within a straight line distance of two-hundred (200) feet

(b) In addition, for any use which contains more than one (1) principal structure, one free-standing identification sign may be placed within twenty (20) feet of each building provided that building does not contain any wall identification signs

(3) Maximum area of signs: Thirty-two (32) square feet.

(4) Permitted illumination: L

(5) Maximum height: Free-standing. Ten (10) feet

Wall. Sign shall not be allowed to extend above the parapet of the building

(C) Signs on premises of all other uses allowed in residential districts are regulated as follows:

(1) Type of signs permitted: Identification (Wall or Free-Standing)

(2) Permitted number of signs: One (1) sign only.

(3) Maximum area of signs: Twenty-four (24) square feet.

(4) Permitted illumination: none

(5) Maximum height: Free-standing: eight (8) feet.

(6) Wall: Signs shall not be allowed to extend above the parapet of the building.

(D) Signs for customary home occupations, rural home occupations, family day care centers, family care homes, rooming houses and Bed and Breakfast Inns. (ZA 02-04)

(1) Type of signs permitted: Identification (Wall or Free-Standing)

(2) Permitted number of signs: One (1) sign only. In addition such sign shall be 30 feet from the road right of way and be located on the same lot as the subject being advertised.

(3) Maximum area of signs: 432 square inches.

(4) Permitted illumination: N

(5) Maximum height: Free-standing: Six (6) feet.

Wall: Signs shall not be allowed to extend above the parapet of the building.

Section 408.10 Signs Permitted In the C-B (Central Business) District

Except as otherwise permitted by this Ordinance, signs in the C-B District shall be limited to wall, canopy and awning signs. Regulations governing these signs are as follows:

(A) Wall Signs

- (1) On-structure signs shall be considered either attached signs or painted wall signs.
- (2) No sign painted on a building or wall shall exceed forty (40) percent of the wall area upon which the sign is located.
- (3) No wall sign shall exceed 18 inches from the wall face into the right-of-way unless at least 10 feet above grade.

(B) Canopy and Awning Signs

A sign message on a canopy or awning shall contain only the name of the business, street address, and/or the type of business, type of goods sold, or services rendered.

- (1) Each business is permitted up to one (1) sign hung under a canopy or awning provided the message on the sign is perpendicular to the building and the sign is at least eight and one half (8-1/2) feet above the surface of the sidewalk and is no more than four (4) square feet in size.
- (2) If a wall sign is not used, a business is permitted to use up to one (1) canopy or awning sign. Said sign may be of either of the following types of canopy or awning signs:
 - (a) A canopy or awning sign along a canopy or awning edge (fringe or drip-flap) for fabric canopies or awnings or vertical fascia surface (in the case of a rigid canopy or awning) provided the message does not exceed ten (10) inches in height nor extend in any direction above, below, or beyond the canopy edge.
 - (b) A canopy or awning sign above the edge of the canopy or awning on the surface of the canopy or awning covering provided the signing is within the parallel edges of the canopy or awning covering and is an integral part of the canopy or awning covering.

Signage on the canopy or awning sign shall be limited to no greater than one-half of the area bounded by the edges of the canopy or awning not including any drip flap or vertical fascia surface. If signage is only found in fringe drip-flap portion of the canopy, the entire portion of said area may be utilized for signage.

Section 408.11 Signs Permitted in All H-B, G-B, M-1

408.11.1 The following are regulations for all wall signs and free-standing signs for all uses except that such regulations shall not be applicable to free-standing signs in shopping centers, business parks, office buildings and other commercial multi-tenant developments and out parcels in said developments. Signs allowed without a permit are found in Section 408.7 of this Ordinance. Certain pole signs are also allowed in the H-B, G-B, and M-1 zoning districts and are regulated by Section 408.12.3. Wall signs shall also be governed per Section 408.12.1; free-standing signs per Section 408.12.2. Supplemental directory/directional signs are permitted per Section 408.12.3. Certain Off-Premise Signs are permitted per Section 408.12.3 in the M-1 zoning district unless prohibited otherwise. All other signs are prohibited.

(A) Types of sign permitted: Business, Identification

(B) Permitted number of signs: Wall. No limit.

Free-standing. A free-standing sign shall not be permitted if the principal structure containing the use identified for the sign is located less than thirty (30) feet from the edge of that portion of the road right-of-way parallel to the architectural front of said structure. Otherwise, one (1) only is permitted except two (2) shall be permitted if the principal use has direct access from two (2) or more public roads. If two signs are allowed, they shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two signs.

(C) Maximum area of signs: Wall. A maximum of ten (10) percent of the wall area of any wall on the building. Except as provided herein and in Section 408.12.1, in no instance shall any principal use, be allowed to have an aggregate wall sign area in excess of one hundred (100) square feet.

Free-standing. sixty-four (64) square feet.

(D) Permitted illumination: see lighting ordinance

(E) Maximum height: Wall: Signs shall not be allowed to extend above the parapet of the building.

Free-standing: Twenty (20) feet.

408.11.2 Shopping center (S-C) and other multi-tenant identification signs.

(A) Types of sign permitted: Identification (for the shopping center itself and for the uses located within the shopping center other than in outparcel lots)

(B) Permitted number of signs:

(1) A shopping center which contains two (2) or more non-residential uses located in a unified building or group of buildings may have one (1) free-standing identification

sign giving the name of the development and/or the name of the businesses and other uses occupying the development.

(2) Notwithstanding Section 408.11.2(B)(1), if the development consists of (i) two or more multi-tenant principal buildings, and (ii) access to each tenant in a building is made by a common entrance and (iii) no wall signs identifying any of the buildings tenants are placed on the building; then one free-standing sign which identifies the tenants of the building may also be placed within twenty (20) feet from the edge of the building.

(C) Maximum area of signs: Sixty-four (64) square feet except thirty-two (32) feet for any sign allowed per Section 408.11.2(B)(1).

(D) Permitted illumination: see lighting ordinance

(E) Permitted height: Fifteen (15) feet except eight (8) feet for any sign allowed per Section 408.11.2(B)(2)

408.11.3 Detached signs on outparcels of shopping centers, office parks and other commercial multi-tenant developments shall be regulated as follows:

(A) Type of Sign Permitted: Ground Mounted Identification (such sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying said lot)

(B) Permitted Number of Signs: One per outparcel

(C) Maximum Area of Sign: Twenty-four (24) square feet

(D) Permitted Illumination see lighting ordinance

(E) Maximum Height: Eight (8) feet

(F) Location: At least 10 feet behind edge right-of-way line. Said sign may only be placed on the outparcel lot and not elsewhere in the development.

Section 408.12 Specifications for Signs Requiring a Permit

The following are general specifications applicable to the various permitted signs. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

408.12.1 Wall Sign

(A) The maximum permitted aggregate area of wall signs per premises may be increased

beyond that which is normally allowed using either (but not both) of the following methods:

- (1) If a free-standing identification sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of fifty (50) percent per premises in all zoning districts except the C-B district.
- (2) The aggregate area of all wall signs per premises may be increased based on the distance, the principal building is set back from the required front setback line. Said increase shall be in accordance with the following Table:

**Principal Building Allowed Distance Setback Aggregate
From The Required Wall Sign Area**

<u>Front Setback</u>	<u>Increase</u>
0 - 49 Feet	0 Percent
50 - 99 Feet	25 Percent
100 - 149 Feet	50 Percent
150 - 199 Feet	100 Percent
250 - 299 Feet	125 Percent
300 - 349 Feet	150 Percent
350 - 399 Feet	175 Percent
400 Feet or More	200 Percent

(B) No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.

(C) Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way. This paragraph shall not apply to the C-B District. For canopy and awning sign regulations for the C-B District see Section 408.10.

(D) A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than four feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

408.12.2 Free-Standing Signs

(A) All free-standing signs shall be located behind and not extend into the street right-of-way, except as provided elsewhere in this Ordinance. All signs greater than two and one-half (2-1/2) feet in height as measured from the grade of the road or having a vertical

clearance of less than ten (10) feet shall be located a minimum of five (5) feet behind the street right-of-way (unless a greater setback is provided elsewhere in this Ordinance).

(B) No free-standing sign greater than five (5) square feet in area shall be located closer than to ten (10) feet to any adjacent lot line. A twenty (20) foot side-yard setback shall be required if the side lot line abuts a Residential (R-A, R-M, R-R, R-S) district. Greater setbacks shall be provided if otherwise required.

408.12.3 Off-Premises Signs

(A) Off premise signs are not permitted except those installed by state, federal or Village of Misenheimer agencies.