

ARTICLE VII: SIGNS**DIVISION 60 PURPOSE, DEFINITIONS AND REQUIREMENTS****Section 60.01 Purpose**

The purpose of this Division shall be to allow certain signs of a residential and commercial nature in areas designated for such uses in a manner which will best provide and insure 1) The health, safety, and general welfare of the public, 2) The adequate supply of light and air to adjacent properties, 3) Adequate and proportionate advertisement displays which promote and protect the economic vitality of the community, 4) That signage displayed adjacent to and visible from a public right-of-way will not distract or confuse the motoring public, thereby causing a public hazard 5) That the aesthetic quality of the Town is maintained for the benefit of all the citizens.

Section 60.02 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Division.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth plastic or waterproof paper.

Building Façade. The face or faces of a building oriented in the same direction, or within a forty-five (45) degree angle of the same direction, including roof and wall.

Flag. A device generally made of flexible materials such as cloth, paper or plastic, and displayed on a flagpole

Freestanding Sign. A sign that is attached to, erected on, or supported by some structure (such as a pole, post, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign, is considered a freestanding sign, but is also considered a portable sign, as defined below.

Internally Illuminated Sign. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Nonconforming Sign. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standard and restrictions of this ordinance.

Official Business Directional Sign. A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

Off-Premise Sign. A business sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Portable Sign. A sign that is designed to be moved from place to place and which is not permanently installed or permanently anchored to either the ground or a wall

Projecting Sign. A sign which is attached to and projects more than twelve (12) inches from a building façade or wall.

Sign. Any device that is sufficiently visible to persons not located on the lot where such devices is located to accomplish the objective of directing attention to a business, commodity, service, entertainment or other activity sold or offered exclusively on the premises where the sign is located, or of communication information to them.

Temporary Sign. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more that thirty (30) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Wall Sign. Any sign attached to, painted on, or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of said wall and which does not extend more than twelve (12) inches from the wall. Wall signs also include any sign erected against, installed on or painted on a parapet above the roof of a building as long as the wall of the parapet is on a plane parallel to the wall of the building. Wall signs also include a sign attached to, painted on, or erected against a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the adjoining wall elevation.

Window Sign. A window sign is a sign attached directly onto the outside of the window of a building.

Section 60.03 Permit Required

- A. Except as otherwise provided in Section 60.04 and Section 60.05, no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of the sign shall not, in and of itself, is considered a substantial alteration, unless a change of use or occupancy occurs. If a change of use or occupancy occurs, or if a sign is replaced, then a sign permit shall be required.

- B. Signs may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the Town of Hobgood. Violations of this provision shall be handled in accordance with Article X, Administration, Enforcement, Penalties.

Section 60.04 Signs Not Requiring a Sign Permit

The following signs are permitted without a sign permit from the Town, subject to the limitations as listed below, as well as all other applicable requirements of this Article. (Note: Certain temporary signs, as listed in Section 60.05 are also permitted without a sign permit.)

- A. Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing, danger from animals, or other dangers.
- B. Signs erected by or on behalf of our pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- C. Official signs of a noncommercial nature erected by public utilities.
- D. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with commercial promotion or as an advertising device.
- E. Signs directing and guiding traffic, such as entrance and exit signs, on private property that do not exceed four (4) square feet each.
- F. Signs painted on or otherwise permanently attached to currently licensed motor vehicles and trailers that are not parked, and used as signs.
- G. Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures that are not intended to be seen from the exterior of said building or structure.
- H. Memorial and historical plaques or markers.
- I. Sign painted to or attached to vending machines, or similar devices which indicate the contents of the machine, the price, or operating instructions.

Section 60.05 Temporary Signs, Permit Exemptions and Additional Regulations

- A. The following temporary signs are permitted without a sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Article.
1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area and having a street frontage of more than four hundred (400) feet, a single sign not exceeding thirty-two (32) square feet in area may be erected on each street frontage.
 2. Construction site/opening soon identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding source, and may not contain related information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final certificate of occupancy. One (1) “opening soon” sign may be permitted per building site provided such sign does not exceed thirty-two (32) square feet in area and is erected for a period not to exceed sixty (60) days.
 3. Signs attached temporarily to the interior of a building window or glass door. Such sign, individually or collectively, may not cover more than fifty (50) percent of the surface area of the transparent portion of the window or door to which they are attached.
 4. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.
- B. Other temporary signs not listed in subsection “A” above shall be regarded and treated in all respects as permanent signs.

Section 60.06 Determining the Number of Signs.

- A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

- B. Without limiting the generality of subsection “A” above, a multi-sided sign shall be regarded as one (1) sign.

Section 60.07 Computation of Sign Area.

- A. For the purpose of this ordinance, the area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination there of which will encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to- back and are at no point more than one and a half (1.5) feet from one another. The area of the sign shall be taken as the area of the larger face if the two (2) faces are of unequal area; if the areas of the two faces are equal, then the area of one of the faces shall be taken as the area of the sign.

Section 60.08 Total Allowable Sign Surface Area.

- A. Unless otherwise provided in this Article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- B. Unless otherwise provided in this Article, the maximum sign surface area permitted on any lot in any residential district is four (4) square feet. The maximum sign surface area allowed for approved home occupation is set out in Article III.
- C. Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in an O&I district shall be determined by multiplying the number of linear feet of street frontage by 0.75 feet. However, in no case may the total sign surface area exceed two hundred (200) square feet.
- D. Subject to the other provisions of this ordinance, the maximum sign surface area permitted on any lot in a B-1, B-2, or L-I district shall be determined by multiplying the number of linear feet of street frontage of the lot by 1.5 feet. However, in no case may the total sign surface area exceed four hundred (400) square feet.
- E. If a lot has frontage on more than one (1) street, then the total surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot’s total sign surface area allocation that is derived from the frontage on that street.

Section 60.09 Freestanding Sign Surface Area.

- A. For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 60.07. For example, wall signs typically have one (1) side. Freestanding signs typically have two (2) sides (back-to-back), although four-sided and other multi-sided signs are common.
- B. Subject to subsection (c) below a single side of a freestanding sign may not exceed 0.5 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed two hundred (200) square feet.
- C. Freestanding signs are not permitted in the Central Business District.
- D. With respect to freestanding signs that have no discernible “sides” such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum surface area allowed under subsection (b) above for a single side of a freestanding sign.

Section 60.10 Wall Sign Surface Area.

- A. The surface area of all signs located on a wall of a structure may not exceed twenty-five (25) percent of the total surface area of the wall on which the sign(s) is located. In computing the area of a wall sign, areas (such as writing, logos, etc) that do not convey any information and are not internally illuminated, may be excluded from the sign area calculation.
- B. The sign surface area of any sign located on a wall of a structure on any lot within the Central Business District may not exceed five (5) percent of the total surface area of the wall on which the sign is located.
- C. Wall surface area is calculated by multiplying the vertical distance of the building wall (measured at the average finished grade) times the horizontal distance of the building wall.

Section 60.11 Number of Freestanding and Wall Signs.

- A. Except as authorized by this section, no lot may have more than one (1) freestanding sign. Freestanding signs are not permitted in the Central Business District.
- B. If a lot has frontage on two (2) or more thoroughfare streets, then the lot may have a maximum of one (1) freestanding sign along each side of the lot bordered by such streets.

Section 60.12 Location and Height Requirements.

- A. No portion of any freestanding sign shall extend closer than two (2) feet to a street right-of-way line or property line.
- B. No sign may extend above the parapet or be placed upon any roof surface, except that for purposes of this section, roof structures constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of structures.
- C. No wall sign attached flat to a building may project more than twelve (12) inches from the building wall. Projecting signs may, however, exceed the twelve (12) inch requirement, as long as there is only one (1) projecting sign per separate business establishment, the projecting sign does not project more than five (5) feet from the building wall, the projecting sign does not exceed six (6) square feet in area, and the bottom edge of the projecting sign is located at least eight (8) feet above the sidewalk. In the Central Business District, projecting signs may be located only underneath any awning, may be no larger than three (3) square feet in area and must have a clearance of eight (8) feet from the sidewalk.
- D. No sign or supporting structure may be located on or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town.
- E. No part of a freestanding sign, as measured from ground level, may exceed a height as set out in the following table:

| <u>District</u> | <u>Height</u> |
|---------------------------------|---------------|
| Residential Districts | 8' |
| O&I | 15' |
| B-1 (Central Business District) | Not Allowed |
| B-2, L-I, | 25' |

Section 60.13 Special Provisions for Certain Signs.

- A. Subdivision entrance, subdivision directory, and multi-family development entrance signs. At any entrance to a subdivision or multi-family development, there may be not more than one (1) sign identifying such subdivision or development. A single side of any such sign may not exceed thirty-two (32) square feet. In cases where such signs are mounted on decorative functional or nonfunctional walls, the wall area shall not be utilized to calculate total sign surface area.

- B. Grand opening/Going out of business signs. No such sign shall be displayed for more than ten (10) days.
- C. Directory signs. Such signs may be allowed provided they do not exceed eight (8) square feet in display area, four (4) feet in height, and are located no closer than ten (10) feet from the property line. There shall be no more than two (2) directory signs on any lot. Such signs shall contain no commercial advertisements. Such signage shall be allowed in addition to the maximum sign allowance for the lot on which such signage is located.
- D. Restaurant menu reader boards not to exceed twenty (20) square feet in area or six (6) feet in height. Such displays shall be set back not less than twenty (20) feet from any property line. One (1) menu reader board shall be allowed per each drive-through facility, and such display shall contain no commercial advertisement that can be viewed from any adjacent street right-of-way or property line. Such signage shall not be included in the calculation of or count toward the total allowable sign surface area.
- E. Signs displayed in connection with an approved home occupation shall not exceed two (2) square feet in total sign surface area.
- F. Shopping Center Signs.
 - 1. Shopping center developments, regardless of the zoning district in which located, shall conform to the sign regulations contained in this section.
 - 2. Wall signs for individual businesses in shopping center developments shall be calculated as provide in subsection (3) below. The intent of these provisions is to allow each separate business establishment to have a reasonable means of identification. Because shopping centers include many individual businesses, the cumulative total wall sign area permitted by subsections (3) and (4) below may exceed the total sign area authorized in Section 60.08.
 - 3. Wall signs are permitted for separate business establishments. Allowable wall sign area is determined as follows:

The surface area of all signs located on a wall of a structure may not exceed thirty (30) percent of the total surface area of the wall on which the sign(s) is located or 0.5 square feet of sign area for each linear foot of building frontage, whichever is less. In no case may any wall sign exceed two hundred (200) square feet in area.
 - 4. One freestanding sign per street frontage for shopping centers shall be permitted in accordance with Section 60.09.

Section 60.14 Sign Illumination

- A. Unless otherwise prohibited by this Division, signs may be illuminated if such illumination is in accordance with this section.
- B. No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 10:00 P.M. and sunrise.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- D. Subject to subsection (f) below, illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
- E. Subject to subsection (f) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity -- except for signs erected by a government entity and signs indicating only the time, date, and/or weather conditions.
- F. Subsection (d) and (e) above do not apply to temporary signs erected in connection with the observance of holidays.

DIVISION 65 MISCELLANEOUS SIGN REGULATIONS**Section 65.01 Miscellaneous Restrictions and Prohibitions.**

- A. No temporary or permanent sign shall be attached to a tree or pole. No temporary or permanent sign shall be placed on any public street right-of-way in accordance with Section 60.12.
- B. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely thorough intersections or to enter onto or exit from public streets or private roads.
- C. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the preceding, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that move only occasionally because of wind are allowed if their movement is not a primary design feature of the sign and is not intended to attract attention to the sign. The restrictions of this subsection shall not apply to signs specified in Section 60.04 D, signs erected by a government entity, and to signs indicating only the time, date, and weather conditions.
- D. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by units of government.

- E. Freestanding sign shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or other supportive structure may be moved by the wind or other forces of nature and cause injuries to persons or property, in conformity with the North Carolina state Building Code.
- F. Canopy signs are permitted when suspended or attached to the underside of a canopy provided such signs do not exceed six (6) square feet in area and are located at least eight (8) feet above the sidewalk.
- G. The sign area of a sign permanently painted, affixed, or placed in a building window, which is visible from a street right-of-way, shall be restricted to no more than thirty (3) percent of the total window area. The sign area of such signs shall not be included in the total sign surface area established in accordance with the provision of Section 60.08.
- H. All off-premise signs are prohibited and no permit shall be granted for the construction of any off premise signs on or after the effective date of this Article.
- I. All temporary or portable signs, as defined in Section 60.02, except for those specifically exempted in Section 60.04 and Section 60.05, are not permitted.
- J. Any sign made up of or containing strobe lights, ziplights, flashing lights or rotating beacons, flags, streamers, banners, pennants, or strings of light, or permanently installed or situated merchandise (except for those erected by a government entity; those indicating only time, date, and/or weather conditions; or flags specifically exempted in Section 60.04) are not permitted.
- K. No sign shall contain statements, words or pictures which describe or display “Specified Anatomical areas” or “Specified Sexual Activities,” or which contain words which are classified as “vulgar” or “vulgar slang” in The New College Edition of the American Heritage Dictionary of the English Language 1981 Edition.

Section 65.02 Sign Maintenance.

- A. **General:** Should any sign in danger of falling or is deemed otherwise unsafe in the opinion of the Town Clerk, the owner thereof, or the person or firm maintaining said sign, shall upon written notice from the Zoning Administrator, immediately in the case of imminent danger and in any case within ten (10) days, secure said sign in a manner to be approved by the Building Inspector in conformity with the provision of the State Building Code, or remove such sign. If such sign is not removed by the owner, the Zoning Administrator or his/her designated agent may initiate legal procedures to obtain the necessary court orders to remove such signs at the expense of the owner or lessee thereof.
- B. **Off-premise signs:** Should any sign be damaged by acts of God, weather, unintentional harm or negligence or should any off-premise sign deteriorate due to failure to properly maintain said sign to the point that the cost of repair is greater than 50 percent of its current fair market value, the Town shall not grant any permits for the repair or reconstruction of the sign. This prohibition does not apply to signs damaged by vandalism or other criminal acts.

Section 65.03 Sign Removal and Discontinued Signs.

- A. The Zoning Administrator shall order the removal of any sign maintained in violation of the provisions of this Article for which removal procedures are herein prescribed, accordingly: the Zoning Administrator shall give ninety (90) days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Article. If the owner or lessee fails to remove the sign within ninety (90) days after the ninety (90) day written notice has been given, the Zoning Administrator authorize representative may institute removal proceedings according to the procedures specified in G.S. 160A-175.
- B. Any temporary sign erected in violation of the provision of Section 60.05 may be removed immediately, at the direction of the Zoning Administrator. Any sign so removed shall be retained at a designated municipal facility until recovered by the sign owner following payment to the Town of Hobgood) a \$5.00 fee per sign. Any sign not recovered within (10) days may be disposed of.
- C. Upon the discontinuance of a business or occupancy of an establishment of a consecutive period of one hundred eighty (180) days, the Zoning Administrator shall require the removal of the on-premises sign(s) advertising or identifying the establishment. The Zoning Administrator shall give thirty (30) days notice to the property owner to remove the sign(s). Failure to remove the sign(s) within the thirty (30) day period shall constitute a violation of this Chapter and shall be remedied in accordance with Section 110.04 to 110.08 within Article XII, Administration.

Section 65.04 Amortization of Certain Signs.

The following signs shall become nonconforming in all districts, unless otherwise specified, as of the date of adoption of this Ordinance and shall be removed within six (6) months after the date of adoption:

1. All temporary or portable sign, as defined in Section 60.02, except for those specifically exempted in Section 60.04 and Section 60.05. Portable sign shall not be permanently anchored to make them conforming.
2. Any sign made up of or containing strobe light, ziplights, flashing lights or rotating beacons, flags, streamers, banners, pennants, or strings of light, or permanently installed or situated merchandise, except for those specifically authorized by this Article.

Section 65.05 Protection of First Amendment Rights.

Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located.