

RECOMMENDED AMENDMENT TO KURE BEACH SIGN ORDINANCE  
(Deleted B1, B2 and B3)

ARTICLE VI. SIGNS

NEW SECTION: Intent

*The purpose of the following sign requirements is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.*

*The sign ordinance applies to the incorporated Town limits unless otherwise identified. It applies to commercial buildings in all zones.*

Sec. 19-371. Definitions.

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

*Billboard* shall mean an independent advertising device used to disseminate information concerning a person, place, activity or thing not pertaining to the use of the land upon which the advertising device is located.

*Freestanding sign* shall mean an outdoor sign when such sign is supported by uprights or braces in or upon the ground. Ground sign does not mean billboard.

*Canopy sign* shall mean a projecting sign attached to or hung from a marquee and such marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building line or property line.

*Portable sign* shall mean any sign which is not securely and permanently attached to the ground or a building.

*Projecting sign* shall mean an outdoor sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line or property line.

*Roof sign* shall mean an outdoor sign erected, constructed or attached above or to the roof of any building.

*Shingle Sign* shall mean a projection or wall sign attached to a building.

*Sign* shall mean any outdoor device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations designed to advertise, inform, identify or to attract the attention of persons. A sign shall be construed to be a display or device containing elements organized, related and composed to form a single unit. In the event material is displayed in a random or unconnected fashion without organized relationship of the components, each component or element shall be considered a single sign.

*Temporary sign* shall mean a sign to be used on an interim basis.

*Wall sign* shall mean an outdoor sign that is affixed to or painted on the wall of any building, providing it does not project more than twelve (12) inches from the building.

(Ord. of 8-19-03)

*Extraterritorial Jurisdiction* shall mean the area adjacent to the Town where Town land development regulations can be applied.

**Sec. 19-372. Application of regulations.**

All signs within the jurisdictional area shall be covered by these regulations and shall be erected, constructed and maintained in accordance with the provisions of this article, the North Carolina Building Code, and the National Electrical code. Only those signs that are permitted shall be erected within the jurisdictional areas of this article. See the table on file in the town clerk's office for a list of signs that are prohibited by zone.

**Sec. 19-372(a) to read:**

Computation of area of individual signs.

The area or "surface area" of a sign is defined by the smallest perimeter (formed by a rectangle) fully enclosing the total surface devoted to the sign's message, together with any ornamentation, embellishment, and associated background, excluding any necessary supports or uprights on which the message is placed and excluding any architectural ornamentation. As an aid to interpreting this formulation, the following is to be employed:

If the message is on a surface, structure or frame specifically employed for holding signage, the entire surface area within the frame's border is counted;

If the message is on a door, wall or other structural part of a building, only that portion of the door, wall or structure actually devoted to the message and associated symbols and back ground, if any, is counted.

If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign and the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area.

**19-372(b) to read:**

Total Sign Area Allowed for Permanent Non-Residential Signs

Each commercial and business property is allowed a total aggregate surface area not to exceed one and one-half (1½) square feet for each linear foot of building frontage. Buildings located on corner lots (fronting upon two (2) public commercial street right-of-ways, excluding alleys, walkways, side streets and residential streets) and multi-story buildings with upper floor non-residential occupants or tenants are allowed a maximum sign surface not to exceed one and one-half (1½) square feet for every linear foot of building frontage. Suspended and projecting signs shall be calculated separately from other wall signs.

**19-372(c) to read:**

Signs Not Included in Total Area Allowance

All permanent signs permitted and regulated through the ordinance shall count as part of the property's total allowed signage except: building markers, flags and flagpoles, identification, incidental, wall mounted directory of no larger than three (3) square feet, suspended signs of no larger than two (2) square feet in total area. In addition, signs specifically associated with

sidewalk cafes, sandwich boards and street furniture shall not be calculated as part of the establishment's total sign area.

Sec. 19-373. Exceptions.

The signs listed below are excluded from these regulations:

- (1) Signs not exceeding four (4) square feet in area and bearing only property numbers, post office box numbers, name of occupants of premises or other identification of premises not having commercial connotations and are on owner's property.
- (2) Flags, signs and insignias of current governmental agency, except where displayed in connection with commercial promotion; items in this category are not to exceed thirty-two square feet. ~~Only one flag per property is allowed.~~
- (3) Signs directing and guiding traffic, parking and safety signs on private property, but bearing no advertising matter. Items in this category are not to exceed six (6) square feet.
- (4) Yard sale and for sale signs which are temporary. Items in this category are not to exceed six (6) square feet. All signs in this category must be set off street right-of-ways in all zones except commercial. All signs in this category in the commercial districts must be set back three (3) feet from the right-of-way. If three (3) feet is not available the sign must be behind the sidewalk or attached to the structure.
- (5) Signs located on church property not exceeding thirty-two (32) square feet. A maximum of two (2) church signs directing persons to churches located within the town not exceeding four (4) square feet each.
- ~~(6) All existing signs which existed at the time of adoption of the ordinance from which this section was derived shall be allowed to continue to exist and to be repaired or replaced provided the square footage of the sign areas remain the same.~~
- (6) One may erect non-illuminated political signs, **not greater than six (6) square feet**, for a period of fifteen (15) days prior to any primary or general election. Political signs shall be removed within seven (7) days after the general or run-off election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Political signs will not be allowed within the right-of-way in the town limits or its extraterritorial jurisdiction. **No political signs are allowed on public property.**  
(Ord. of 8-19-03)
- (7) Current residential monument signs erected prior to 2008 are allowed. Monument signs must be approved and are subject to the subdivision approval process.
- (8) *Historically significant signs.* The Federal Point Historic Preservation Society, the committee charged with protecting historical districts, may nominate signs located in such districts as historically significant signs. The Town Council shall hold a public hearing and make final determination as to the historical significance of such nominated sign, and if such sign is found to be historically significant, then the prohibition herein shall not regulate such sign. However, such sign may only be maintained and shall not be enlarged, diminished or significantly changed, and in the event of such notification of change, it shall lose the protection as an historically significant sign.

Sec. 19-374. Permit required; administration.

- (a) The code enforcement officer shall issue a permit for the erection or construction only for a sign which meets the requirements of this article.

- (b) Filing procedures for permits to erect, hang, place, paint or alter the structure of a sign shall be submitted on forms obtainable from the code enforcement officer.
  - (c) Each application shall be accompanied by a plan showing the following:
    - (1) Area of the sign;
    - (2) Size, character, general layout and designs proposed for painted displays;
    - (3) The method and type of illumination, if any;
    - (4) The location proposed for such signs in relation to property lines, zoning district boundaries, right-of-way lines, and existing signs;
    - (5) If conditions warrant it, the code enforcement officer may require such additional information as to enable him to determine if such sign is to be erected in conformance with the requirements of this article; and
    - (6) Payment of fee to obtain building permit.
- (Ord. of 8-19-03)

Sec. 19-375. [Prohibited signs.]

*Unless expressly permitted elsewhere in this chapter, the following commercial signs are prohibited:*

- (1) *No commercial sign shall be erected within or encroach upon any public property or within any public right-of-way, or which obstructs the sight distance at intersections.*
- (2) *Flashing, moving, pulsating or intermittently lighted signs, electronic reader boards, programmable signs, time and temperature signs, laser lighting and search lights.*
- (3) *Signs which conflict with or imitate any traffic control device due to color, wording, design, location or illumination, or which interfere with the safe and efficient flow of vehicular and/or pedestrian traffic.*
- (4) *Animals, or human beings, live or simulated, designed or used so as to attract attention to the premises.*
- (5) *Loudspeakers, or signs which emit sound, odor or visible matter.*
- (6) *Signs with mechanical movement.*
- ~~(7) *Changeable copy signs except theater marquees specifically approved by the Code Enforcement Officer.*~~
- (7) *Flags, kites, pennants, balloons, spinners, streamers, or other such advertising devices or displays – except seasonal holiday decorations.*
- (8) *Signs which constitute a nuisance or hazard due to their intensity of light.*
- (9) *Signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the owner of the sign within 60 days of the business' closing date.*
- (10) *Vehicle signs, trailer signs, signs affixed to automobiles, trucks, trailers, or other vehicles parked on any property within the Town for the principal purpose of advertising or display. The following shall constitute a prima facie violation of this section:*
  - (a) *The advertising medium utilized on the vehicle is a sign, device, or structure separate from the vehicle.*
  - (b) *The copy is readily changeable, including but not limited to, repainting such sign, device or structure.*

- (c) *The sign, device or structure exceeds nine (9) square feet in area and the vehicle is parked on the street or on the business premises to which the advertising relates or in reasonable proximity thereto and the location of the advertising is reasonably calculated to direct an observer toward the business. It shall be considered that advertising was the principal purpose of the parking of the vehicle, notwithstanding the fact that the vehicle is driven to and from the business premises on a daily basis. The vehicle is not parked in a manner to circumvent the standards of this chapter for the amount or type of signing permissible on a site by either parking on the site or on public right-of-ways immediately adjoining the site in such a manner as to call attention to the sign or vehicle.*
- (11) *Exposed neon conduit or tubing, interior or exterior neon window signs, interior or exterior LED signs, or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries, unless approved as part of a planned sign program. An attractive and artistic ~~traditional small~~ exposed neon “open” sign is allowed.*
- (12) *Window signs, except as expressly permitted by this division, or as required by law. The definition of window signs is any sign that is placed within 4 feet of a window for the purposes of being able to view the sign from outside the business.*
- (13) *Price signs, except as required by law and approved by the Code Enforcement Officer of community development.*
- (14) *Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of North Carolina.*
- (15) *Painted-on-the-wall signs, signs constructed on cloth, canvas, fabric, cardboard, wall board, or other light flimsy material with or without frames.*
- (16) *Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way public sidewalk, crosswalk, curb, lamppost, hydrant, tree, alley, telephone pole, public telephone, vehicle, lighting system, or other public alarm or communication system.*
- (17) *Obscene or offensive signs containing statements, words or pictures of an obscene or indecent character which appeals to a prurient interest in sex, or which are patently offensive;*
- (18) *Portable signs, except moveable commercial A-frame, or easel type signs may be permitted for businesses to advertise menus, sale items, or other business promotions. These signs shall be designed to complement the décor of the business or building where they occur and shall comply with the following standards: One moveable, freestanding sign shall be permitted for each business; All signs shall be located on private property and must allow sufficient access to doors/pathways and not impede pedestrian movement; All signs must be removed when business is closed. The maximum allowable size of the sign and supporting structure shall not exceed 48 inches in height, 30 inches in width and 36 inches in depth. The maximum sign area shall not exceed 10 square feet; Signs shall not contain illumination*
- (19) *Temporary “grand opening” signs are allowed no more than two months.*

- (20) Signs affixed to trees or other natural vegetation or rocks.
- (21) All roof signs and signs projecting above the roof-line.
- (22) Internally illuminated can signs with translucent copy and field. Low luminance internally illuminated channel letter and halo signs (reverse channel letter signs are permitted). It is encouraged that all signs major business signs be externally illuminated. External Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination from being cast upon neighboring buildings and/or vehicles approaching from either direction. No blinking illuminations shall be permitted.
- (23) Billboards are prohibited in any district.
- (24) No pole signs are allowed.

No sign shall be erected that:

- ~~(1) Obstructs the sight distance at intersections or along public right of ways; or~~
  - ~~(2) Would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle;~~
  - ~~(3) Might be confused with traffic directional signals and signs such as “stop”, “go”, “slow”, “danger”, etc; or~~
  - ~~(4) Is a flashing or intermittently illuminated or moving sign that impairs or distracts a motorist or pedestrian’s vision or attention.~~
- ~~(Ord. of 8-19-03)~~

#### Sec. 19-376. Maintenance and Replacement

Any permitted or nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 30 days and completed within 90 days of such damage. Any repair to a non-conforming sign does not change the amortization schedule for bringing that particular sign into conformance. However, if the sign should be declared unsafe by the Town of Kure Beach Building Inspector, the owner of the sign or the owner of the property whereon the sign is located shall immediately correct all unsafe conditions in a manner satisfactory to the Town of Kure Beach Building Inspector. For purposes of this section a nonconforming sign (or its structure) shall be considered destroyed, and therefore shall not be repaired or replaced except in full conformance with the Sign Code, if it receives damage to the extent of more than fifty percent of its value as determined by the Town of Kure Beach Building Inspector. Signs destroyed by proven vandalism may be replaced, but may not be changed, altered, enlarged, from their original state. If damaged by less than fifty percent (50%) of the estimated total value, but repairs are not made within 60 days of the time such damage occurs, the nonconforming sign shall not be allowed to continue and must be removed.

#### Sec. 19-377. Location.

~~No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or sign post erected by any governmental agency. This includes manmade objects or natural objects not intended to support a sign.~~

~~(Ord. of 8-19-03)~~

Sec. 19-378. Illumination.

Illumination devices such as, but not limited to, flood or spot lights shall be placed and shielded to prevent the rays of illumination from being cast upon neighboring buildings, pedestrians in public right-of-ways, and/or vehicles approaching from either direction.  
(Ord. of 8-19-03)

Sec. 19-379. Temporary signs.

Temporary signs *announcing an opening of a new business* may be used one (1) time for a period of not longer than sixty (60) days.  
(Ord. of 8-19-03)

Sec. 19-380. Prohibited signs.

~~No signs shall be permitted advertising or directing persons to services, places or products not in the jurisdiction of this article. Billboards are prohibited in any district.~~  
(Ord. of 8-19-03)

Sec. 19-381. Nonconforming signs.

*Any sign located within the zoning jurisdiction of the Town of Kure Beach which on the date of the adoption of this article, or any amendment thereto, does not conform with the provisions of this article, or the amendment thereto, is eligible for characterization as a "legal nonconforming sign," if the sign was in compliance with applicable law on the date of the adoption of this article, or the applicable amendment thereto. A legal nonconforming sign shall immediately lose its legal nonconforming designation upon the happening of any of the following events:*

- (1) It was determined that the sign was not permitted or in conformance with the applicable previous law when the sign was erected.*
- (2) The sign is altered in any way in structure, which tends to make the sign less in compliance with the requirements of the article than it was before the alteration; or*
- (3) The sign structure is relocated to a position making it less in compliance with the requirements of this article; or*
- (4) The sign is replaced; or*
- (5) Signs based upon the following amortization schedule:*
  - a) Temporary, sandwich board, movable freestanding, tire stacks, and wind signs: 60 days after notification*
  - b) Signs of less than \$100.00 in valuation: 60 days after notification*
  - c) Signs painted on buildings, walls or fences: 2 years after notification*
  - d) All off-site advertising signs together with all other signs: 5 7 years after notification*

*On the happening of any of the above events, the sign shall be immediately brought into compliance with this article with a new permit secured therefore, or shall be removed.*

~~All signs or advertising structures located in districts where they would not be permitted as a new use under the terms of these regulations are hereby declared to be nonconforming uses. However,~~

signs that are nonconforming as a result of improper illumination shall be made to conform to the requirements of this article within six (6) months.  
(Ord. of 8-19-03)

Sec. 19-382. Schedule of sign regulations.  
The following is a schedule of the sign regulations:  
TABLE INSET current ordinance

ZONE S	BILLBOARD	FREESTANDING	MARQUEE	PORTABLE	PROJECTING	ROOF SIGN	SHINGLE	TEMPORARY	WALL	MAX. SIZE	MAX. HEIGHT
X = PROHIBITED											
RA-1	X	X	X	X	X	X	X	X	X	N/A	N/A
RA1A	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2A	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-2T	X	X	X	X	X	X	X	X	X	N/A	N/A
RA-3	X			X					X	50 SQ. FT	35'
RA-3A	X			X					X	50 SQ. FT	35'
RA-4	X			X					X	50 SQ. FT	35'
RB-1	X			X					X	50 SQ. FT	35'
B-1	X			X						80 SQ. FT	35'
B-2	X			X						80 SQ. FT	35'
B-3	X			X						80 SQ. FT	35'

(Ord. of 8-19-03)  
Secs. 19-383--19-400. Reserved.

ZONES	BILL BOARD	FREE STANDING size & ht (max)	MARQUEE CANOPY	PORTABLE See exceptions 19-375 *	PROJECT ING	ROOF SIGN	SHINGLE	TEMPORARY See exceptions 19-375 *	WALL
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DRAFT

*AMENDED CHART:*

**Proposed New Sign Table**

**Sec. 19-382 Schedule of sign regulations.**

Maximum Sign Dimensions X = PROHIBITED									
B-4	X	X	X	X	X	X	X	X	X
RA-1	X	X	X	X	X	X	X	X	X
RA1A	X	X	X	X	X	X	X	X	X
RA-2	X	X	X	X	X	X	X	X	X
RA-2A	X	X	X	X	X	X	X	X	X
RA-2T	X	X	X	X	X	X	X	X	X
RA-3A Off Ft. Fisher	X	X	X	X	X	X	X	X	X
RA-3 On Ft. Fisher	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RA-3A On Ft. Fisher	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RA-4 On Ft. Fisher	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
RB-1 On Ft. Fisher	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	X
B-1	X	40 SQ FT 12' 8'	1 sign 20% of projecting	X	12 sq ft Minimum 8 foot	X	4 sq ft		15% of façade

		30% of sign may be illuminated changeable copy sign	structure		clearance from ground			X	
B-2	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	
B-3	X	40 SQ FT 12' 8' 30% of sign may be illuminated changeable copy sign	1 sign 20% of projecting structure	X	12 sq ft Minimum 8 foot clearance from ground	X	4 sq ft	X	

*NEW SECTION: Sec 19-383: Abatement of illegal and abandoned signs.*

*An inventory of illegal and abandoned signs may be undertaken by the Code Enforcement Officer at any time. Every illegal or abandoned sign hereafter identified shall be deemed to constitute a public nuisance.*

*The Code Enforcement Officer is authorized to abate all illegal or abandoned signs. Illegal signs posted in the public right-of-way or upon public property may be removed by the Code Enforcement Officer or a Town code enforcement officer. Said signs shall be retained at Town hall for a period of not less than three working days. Thereafter, any unclaimed signs may be discarded.*

*Should the Town be required to remove any illegal or abandoned sign pursuant in the public right of way to this chapter, the reasonable cost of such removal shall be assessed against the owner of such sign. The cost of removal shall be \$50 per sign.*

*Any violation of the provisions of the Town of Kure Beach Sign Ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00), which shall be due and payable within seventy-two (72) hours after the offender has been cited for violation of the ordinance. Each day's continuing violation shall be a separate and distinct offense. Failure to pay said civil penalty within the specified time shall constitute a misdemeanor. In addition, any civil penalty may be recovered by the Town in a civil action in the nature of debt.*