

Proposed amendment to Chapter 19 (Zoning), Article VI (Signs)

Section 381 – Nonconforming signs

*Currently reads:*

‘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’

*Proposed amendment deletes existing language and replaces with following language:*

‘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: sixty (60) days after notification
  - (b) Signs of less than \$100.00 (one-hundred dollars) in valuation: sixty (60) days after notification
  - (c) Signs painted on buildings, walls or fences: two (2) years after notification
  - (d) All off-site advertising signs together with all other signs: twelve (12) years after notification.
  - (e) However, an owner or lessee having been authorized by the owner to act as agent may be granted, one time only, an extension for non-conforming signs to exist beyond the statutory amortization period so long as it does not exceed three years, and further provided that all of the following conditions are met:
    - (a) The lease was entered into prior to effective date of ordinance.
    - (b) Lease is duly executed and includes date and time stamp indicating it was recorded in the office of the Town of Kure Beach.
    - (c) The extension is granted personally to the petitioner only with no assignment right of any kind.

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’.

- (f) After the automatic extension for property owners, property owners may petition the Town of Kure Beach Planning and Zoning Commission for a three year extension to

the prescribed amortization schedule. Applicants may appeal the decision of the Planning and Zoning Commission to the Town of Kure Beach Council. After an extension has expired, property owners may apply for additional three year extension. Extension from the prescribed amortization schedule of the ordinance may only be granted based on the evidence presented that all of the following standards have been met.

(1) There are practical difficulties or unnecessary hardships that will exist if the extension is not granted. The applicant must demonstrate that the alleged practical difficulty or hardship, or both, are exceptional and peculiar to the appellant's situation and result from conditions, which do not generally exist through the city. (In other words, what are the conditions or circumstances that prevent you from complying with the requirements of the Sign Ordinance?)

(2) The practical difficulty or hardship is not self-created. (In other words explain whether or not some action on your part created a situation which now requires an extension from the Sign Ordinance.)

(3) The terms "practical difficulties" and "hardships" shall relate to the use of a particular parcel of land. "practical difficulty" or "hardship" shall not be deemed solely economic, such as the cost of the sign, the size of the sign, or the fact that the sign has already been constructed. The fact that the sign is only available in standardized size and/or material (example: franchised business signs) shall not constitute a "practical difficulty" or "hardship." (In other words, what is the practical difficulty or hardship that results from the requirement of the Sign Ordinance?)

(4) The practical difficulty or hardship which is alleged to result from a failure to grant the extension must include substantially more than mere inconvenience or the mere inability to attain a higher financial return. (In other words, explain how the requirements of the Sign Ordinance will affect your business or use)

(5) It must be demonstrated by the appellant that granting the extension will result in substantial justice being done, which consideration is given to the impacts on the public health, safety and welfare.

(6) The granting of the extension shall not impose a negative impact on the rights of others (Explain how granting the extension may affect others nearby.)

(7) A prior extension does not constitute a basis for additional extension to the amortization schedule.

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Section 382 Schedule of sign regulations

Add '15% of façade' to Wall signs in the B-2 and B-3 districts

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

The following is a schedule of the sign regulations:

| ZONES                          | BILL BOARD | FREESTANDING size & ht (max)   | CANOPY                                   | PORTABLE See exceptions 19-375* | PROJECTING   | ROOF SIGN | SHINGLE | TEMPORARY See exceptions 19-375* | WALL          |
|--------------------------------|------------|--|--|---------------------------------|--|-----------|---------|----------------------------------|---------------|
| <b>Maximum Sign Dimensions</b> |            |  |  |                                 |  |           |         |                                  |               |
| <b>X = PROHIBITED</b>          |            |  |  |                                 |  |           |         |                                  |               |
| 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                                |               |
| RA-2A                          | X          | X  | X  | X                               | X  | X         | X       | X                                | X             |
| RA-2T                          | X          | X  | X  | X                               | X  | X         | X       | X                                | X             |
| RA-3<br>On Ft.<br>Fisher       | X          | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated<br>changeable<br>copy sign | 1 sign<br>20% of projecting<br>structure | X                               | 1 sign<br>12 SF<br>Min. 8 FT<br>clearance<br>from ground | X         | 4 SF    | X                                | X             |
| RA-3A<br>Off Ft.<br>Fisher     | X          | X  | X  | X                               | X  | X         | X       | X                                | X             |
| RA-3A<br>On Ft.<br>Fisher      | X          | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated<br>changeable<br>copy sign | 1 sign<br>20% of projecting<br>structure | X                               | 1 sign<br>12 SF<br>Min. 8 FT<br>clearance<br>from ground | X         | 4 SF    | X                                | X             |
| RA-4<br>On Ft.<br>Fisher       | X          | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated<br>changeable<br>copy sign | 1 sign<br>20% of projecting<br>structure | X                               | 1 sign<br>12 SF<br>Min. 8 FT<br>clearance<br>from ground | X         | 4 SF    | X                                | X             |
| RB-1<br>On Ft.<br>Fisher       | X          | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated<br>changeable<br>copy sign | 1 sign<br>20% of projecting<br>structure | X                               | 1 sign<br>12 SF<br>Min. 8 FT<br>clearance<br>from ground | X         | 4 SF    | X                                | X             |
| B-1                            | X          | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated<br>changeable<br>copy sign | 1 sign<br>20% of projecting<br>structure | X                               | 1 sign<br>12 SF<br>Min. 8 FT<br>clearance<br>from ground | X         | 4 SF    | X                                | 15% of facade |
| B-2                            | X          | 1 sign<br>40 SF<br>14' FT  | 1 sign<br>20% of                         | X                               | 1 sign<br>12 SF<br>Min. 8 FT                             | X         | 4 SF    | X                                |               |

|     |   |  |                                       |   |  |   |      |   |   |
|-----|---|--|---------------------------------------|---|--|---|------|---|---|
|     |   | 18 SF may be illuminated changeable copy sign                              | projecting structure                  |   | clearance from ground                              |   |      |   |   |
| B-3 | X | 1 sign<br>40 SF<br>14' FT<br>18 SF may be illuminated changeable copy sign | 1 sign<br>20% of projecting structure | X | 1 sign<br>12 SF<br>Min. 8 FT clearance from ground | X | 4 SF | X |   |
| B-4 | X | X  | X                                     | X | X  | X | X    | X | X |

(Ord. of 8-19-03; Ord. of 11-16-10)