

P10-53
Spring Lake Code of Ordinances Text Amendment
Chapter 154: Signs and Chapter 155: Zoning Code

REVISION AND AMENDMENT TO THE SPRING LAKE CODE OF ORDINANCES, BY AMENDING CHAPTER 154: SIGNS, §§ 154.01 DEFINITIONS; 154.03 EXEMPTIONS; 154.11 APPLICATION, ISSUANCE OF PERMIT; 154.12 APPROVAL OF PERMIT FOR SIGNS REQUIRING WIRING UPON COMPLIANCE WITH ELECTRICAL CODE; 154.13 BOND REQUIREMENTS; 154.40 GROUND SIGNS; 154.41 WALL SIGNS; 154.42 ROOF SIGNS; 154.44 POLE SIGNS; 154.45 TEMPORARY SIGNS; AND 154.56 REMOVAL OF UNSAFE AND CERTAIN SIGNS, PROCEDURE;; AMENDING CHAPTER 156: ZONING CODE, SIGN REGULATIONS §§ 156.110 THROUGH 156.123;; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

Chapter 154: Signs

§ 154.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIGN. Includes any manmade artifice, whether mounted on the ~~every sign, billboard,~~ ground ~~sign,~~ wall ~~sign,~~ or roof ~~sign,~~ and including those that are illuminated ~~sign,~~ projecting ~~sign,~~ and/or temporary ~~sign~~ and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

§ 154.03 EXEMPTIONS.

(l) Any sign exempt under the provisions of § 156.112.

§ 154.11 APPLICATION; ISSUANCE OF PERMIT.

(B) It shall be the duty of the building Inspector upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the town, the Building Inspector ~~he~~ shall then issue the permit.

§ 154.12 APPROVAL OF PERMIT FOR SIGNS REQUIRING WIRING UPON COMPLIANCE WITH ELECTRICAL CODE.

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications with respect to all wiring and connections to determine if the same complies with the electrical code of the town. The Electrical Inspector ~~He~~ shall approve the permit if the plans and specifications comply with the electrical code or disapprove the application if noncompliance with the code is found. This action of the Electrical Inspector shall be taken after submission of the application to the Building Inspector for final approval or disapproval of the erection permit, but before illumination of such sign.

(78 Code, § 8.64)

§ 154.13 BOND REQUIREMENTS.

Before any person shall be granted a permit under this chapter, the person ~~he~~ shall present evidence that ~~he has filed with the Town Clerk~~ a current bond in the sum of \$1,000 with securities has been filed with and ~~to be~~ approved by the Town Clerk. The condition of such bond shall be that such person so engaged in the business of erecting or maintaining a sign or other advertising structure regulated by this chapter shall comply faithfully with all the provisions of this chapter, and all laws and ordinances relating to signs and other advertising structures, and further shall indemnify and save harmless the town and its officials from all damages, liabilities, losses, or judgments that may be claimed against the town, or such officials by reason of the granting of the permit.

(78 Code, § 8.74)

§ 154.40 GROUND SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GROUND SIGN. Includes any freestanding sign suspended or supported by one or more ~~the ground or~~ uprights or braces anchored placed in or upon the ground with no more than 30 inches clearance from the bottom of the sign to the ground below ~~and not attached to any building.~~

(78 Code, § 8.77)

§ 154.41 WALL SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WALL SIGN. Includes any all flat signs that is mounted directly on any exterior wall of ~~solid face construction which are placed against~~ a building or other structure ~~and attached to the exterior front, rear or side wall of any building or other structure.~~

(78 Code, § 8.79)

§ 154.42 ROOF SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ROOF SIGNS. Any sign erected, constructed or displayed ~~maintained~~ wholly upon or above ~~over~~ the eaves ~~roof~~ of any building with the principal supports on the roof structure.

(78 Code, § 8.82)

§ 154.44 POLE SIGNS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

POLE SIGNS. Includes any freestanding sign that is mounted on a hanging from or supported by one pole or other one support structure and is not attached to other than a building.

(78 Code, § 8.88)

§ 154.45 TEMPORARY SIGNS.

(D) Every temporary wall sign shall be attached to the wall with wire or steel cables, and no strings, ropes or wood slats for anchorage or support purposes shall be permitted.

(78 Code, § 8.93)

(E) Permits for temporary signs shall authorize the erection of such signs and the maintenance for a period not exceeding 30 calendar days, except in instances where the temporary sign is event specific the temporary sign shall be authorized and maintained for a period of not more than seven calendar days following cessation of the event.

(78 Code, § 8.94)

§ 154.56 REMOVAL OF UNSAFE AND CERTAIN SIGNS; PROCEDURE.

(A) If the Building Inspector shall find that any sign or other advertising structure regulated by this chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Building Inspector ~~he~~ shall give written notice to the permittee thereof. If the owner or the person maintaining the sign fails to remove or alter the structure so as to comply with the standards required by this chapter within 30 days after such notice, such sign or other advertising structure may be removed, or altered to comply, by the Building Inspector at the expense of the permittee or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(78 Code, § 8.68)

CHAPTER 156: ZONING CODE

SIGN REGULATIONS

§ 156.110 PURPOSE.

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses; and to ~~ensure~~ ensure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated or maintained shall be in accordance with the provisions of this subchapter.

(78 Code, § 12.106) (Ord. passed 1-10-72)

§ 156.111 SIGN DEFINITIONS ZONING PERMIT REQUIRED.

[Editor's note: The current § 156.111 Zoning Permit Required has been relocated in its entirety to § 156.114]

[Editor's note: All sign-related definitions are proposed to be relocated to this section governing signs for clarity and to facilitate the reader's ease of use of the ordinance. Upon the re-write of the remaining portions of the Town Zoning Ordinance, the existing sign-related definitions currently in § 156.008 will be deleted. The definitions below reflect all changes from the existing sign definitions.]

For purposes of interpreting this subchapter, the following words and terms are herein defined:

Sp Lk Code of Ord Text Amd

4

Chpt 154, Signs

Chpt 156, Zoning Code, §§ 156.110 – 156.121

Adopted: February 14, 2011

(A) Attached sign. A sign connected to or painted on a wall and including signs connected to or otherwise displayed on or through a façade window. The following are not attached signs: wall identification signs and commemorative plaques not more than two square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

(B) Billboard (Off-premises sign). A sign which directs attention to a business, ~~industry, profession, commodity, service, or entertainment~~ or other message not conducted, sold, ~~produced~~ or offered ~~upon~~ the premises ~~upon which~~ where such sign is located.

(C) Business sign. A sign ~~that which~~ directs attention to a business, industry, profession, commodity, service or entertainment sold, produced or offered upon the premises where such sign is located or to which it is attached.

(D) Flashing sign. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a “flashing sign”; such signs shall not be deemed to include time and temperature signs, mechanical/digital signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight seconds.

(E) Freestanding sign. Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains. For purposes of this subchapter, this definition shall not include “billboard” which is defined above.

(F) Governmental sign. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(G) Ground sign. A freestanding sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.

(H) Identification sign (Directory). A sign used to display ~~identify~~ only the name, ~~and/or~~ address, crest or trademark of the business, individual, family, organization, or enterprise ~~subdivision, group housing development, or other such facility~~ occupying the premises; the profession of the occupant practiced on the premises, the name of the building ~~on the premises~~ on which the sign is displayed, or the name of the owners or developers. A directory sign is an identification sign with information on multiple occupants.

(I) Informational sign. Any on-premises sign containing no other commercial message, copy, announcement or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction and prices.

(J) Mechanical/Digital sign. Any sign with changeable copy and the message changes in increments of at least eight seconds shall be considered as a "sign" under this article.

(K) Obscene matter. Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.

(L) Pole sign. Any freestanding sign that is mounted on a pole or other support structure and is not attached to a building.

(M) Portable sign. Any sign not permanently attached to the ground or to a building or other structure and which, because of its relatively light-weight, is meant to be moved from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting and may or may not have wheels. "Sandwich boards" are considered as portable signs.

(N) Public information sign. A sign usually erected on public property or right-of-way and maintained by a public agency that provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs and directional signs.

(O) Roof sign. A sign erected, constructed, or displayed wholly upon or over above the eaves of any building with the principal supports on the roof structure.

(P) Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, trade names or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service or entertainment, which are visible ~~from any public way~~ and used to attract attention. The word "sign" does not include ~~the flag, pennant, or insignia of any nation, state, or other political unit, nor does the word sign include~~ official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning, traffic or informational structures required by or authorized by law or by Federal, State, other local government or Town authority.

(Q) Sign Area. The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual

shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. are designed to attract attention.

(R) Sign height. The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within this ordinance. In the case of a sign not adjoining a street or highway, the “height of a sign” is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

(S) Wall sign. Any sign that is mounted directly on any exterior wall of a building or other structure.

§ 156.112 SIGNS EXEMPT FROM REGULATION ~~COMPUTATION OF SIGN AREA.~~

[Editor’s note: The current § 156.112 Computation of Sign Area has been relocated in its entirety to § 156.114(A)]

The following signs are exempt from regulation under this ordinance except that any lighted sign shall require an electrical permit:

(A) Governmental signs;

(B) Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays;

(C) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures;

(D) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;

(E) Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles;

(F) Signs not legible from a public or private street;

(G) Flags of the governmental jurisdictions of the United States of America or the State of North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or

sanctioned by the Town Board of Aldermen, subject to U.S. Congressional protocol; and

(H) Public information signs.

§ 156.113 ~~156.120~~ SIGNS PERMITTED IN ANY DISTRICT.

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district zone.

[Editor's note: Recent court cases have held that singling out political campaign signs is a violation of the First Amendment (freedom of speech). The courts have held that effective regulation of signs must be content-neutral; therefore, campaign signs should be treated the same as any other "temporary sign"

(A) Temporary signs. For the purpose of advertising a specific property, individual or event, signs not exceeding eight square feet in area are permitted provided the temporary signs are setback a minimum of five feet from a property line, not located within any public right-of-way, do not constitute a hazard to public safety, do not contain obscene matter and are removed within seven calendar days of cessation of the temporary occasion the sign is purporting to advertise.
~~Campaign signs at polling places. Political campaign signs erected on election day at officially designated polling places are permitted for a period not to exceed 24 hours. Nothing in this~~ This provision shall not be construed to authorize the posting of ~~political campaign~~ signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by ~~the any other~~ provisions of ~~this chapter or other sections~~ of the Town's this Code of Ordinances.

~~(B) Temporary real estate sales signs. For the purpose of advertising a specific lot, building, or premise for sale, lease, or rent, temporary real estate sale signs are permitted not exceeding eight square feet in area and provided only one such sign shall be displayed for each street abutting the lot or premise set back at least five feet from any property line.~~

~~(B) (C)~~ Temporary signs advertising real estate developments subdivisions. For the purpose of advertising real estate developments subdivisions for which a plat has been officially recorded, one sign is permitted at each main entrance to the development named on the sign, such sign shall not ~~to~~ exceed 32 square feet in area.

~~(D) Temporary political signs. Temporary political campaign signs may be permitted off-site in any district subject to the following conditions:~~

~~(1) No one such sign shall exceed 32 square feet in area, and no free-standing sign shall exceed eight feet in height.~~

~~(2) No signs shall be erected for more than 75 days prior to the nomination, election or referendum which they purport to advertise.~~

~~(3) All signs shall be removed within 15 days after the nomination, election or referendum.~~

~~(4) Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by the provisions of this chapter or other sections of this Code.~~

~~(E) Temporary signs pertaining to construction. For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one sign for each firm, company, or use, not exceeding 20 square feet for each sign and setback at least five feet from any property line.~~

(C F) *Traffic control signs.* Signs which only regulate traffic on private property are permitted.

~~(G) Transportation facilities signs. For the purpose of identifying public transportation facilities, signs are permitted provided that such signs shall not contain commercial advertising or related messages.~~

(D H) *Special information signs.* For the purpose of giving directions and information, onsite and signs pertaining to special uses where not otherwise permitted, and off-premises non-commercial advertising signs may be approved by the Board of Adjustment Aldermen subject to a special use permit specifying the size, location, lighting, design, and display in accordance with §156.114. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the board ~~of Aldermen~~ may judge to be beneficial to the total community.

(78 Code, § 12.109) (Ord. passed 1-10-72) Penalty, see § 156.999; Amd 11-26-07

(E) Special entrance signs. A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this chapter or Chapter 155, estate, farm, or other entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special entrance sign is utilized no other main entrance identification sign is permitted.

§ 156.114 GENERAL SITE AND SIGN SPECIFICATIONS.

(A) ~~§ 156.111~~ *Zoning permit required.* No sign requiring a permit shall hereafter be erected or attached to, suspended from or supported on a structure nor shall any existing sign be enlarged, replaced or relocated until a zoning permit has been issued by the Town Code Enforcement Officer Zoning Inspector.
(78 Code, § 12.107(A)) (Ord. passed 1-10-72) Penalty, see § 156.999

(B) ~~§ 156.112~~ *Measurement Computation of sign area.* The area of a sign mounted on a board or within a frame box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. ~~Sign area shall be computed by measuring the smallest shape to encompass each portion of the sign devoted to conveying a message, making anything known or attracting attention, excluding structural supports.~~ Signs that employ moving or extending parts shall be measured when moved or extended to form the largest possible silhouette. The total sign area for a double-faced or “V” type sign shall be measured on the largest face of the sign; however, advertising matter may be posted on both sides of such permitted signs, provided that any “V” type sign with a “V” angle of greater than 45 degrees shall be subject to measurement of sign area on both sides. Sign area does not include support structures unless the coloration, lighting, etc. are designed to attract attention.
[78 code, § 12.107(b)] (Ord. passed 1-10-72)

(C) *Freestanding sign location – all districts (excluding billboards).* Freestanding signs shall be set back from the existing road right-of-way (normally the front property line) or proposed future road right-of-way, whichever is the greater distance, according to the tables below. Freestanding signs shall be set back from all other property lines a minimum distance of five feet, except that development signs may be located on a median of a public right-of-way provided that the Town Public Works Director or the NC Department of Transportation, as applicable, permits the sign, and freestanding signs located on a median of a private street shall be located no closer than 20 feet of the street intersection. In no instance shall a sign between the heights of three and 15 feet be permitted within 20 feet of the right-of-way line at the intersection of two streets. Freestanding signs may be placed on the same or separate support structures.

(1) *Ground Signs.* The following table establishes the minimum setback requirements for ground signs provided that all other requirements of this article are complied with.

<u>Sign Height</u>	<u>Minimum Setback from Right-of-Way Line</u>
<u>0-15 feet</u>	<u>5 feet</u>
<u>Greater than 15 feet and up to 30 feet</u>	<u>10 feet</u>
<u>Greater than 30 feet</u>	<u>10 feet, plus 1 foot for each foot of height exceeding 30 feet</u>

(2) Pole Signs. Pole signs, in addition to all other requirements of this subchapter, shall be setback a minimum of five feet from the existing or proposed right-of-way line provided that no portion of the sign projects any closer than two feet, measured in horizontal distance, from the proposed or existing right-of-way line. Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths. Pole signs shall not exceed a maximum sign height of 30 feet unless specifically otherwise allowed within this subchapter. Pole signs more than 100 feet in height shall be set back from any property line a distance of one foot for each foot of height above ground level when otherwise allowed within this subchapter. Regardless of the foregoing, signs shall not be attached to a building so as to extend more than ten feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof of the principal structure for which the sign serves.

(D) § 156.113 Maintenance and appearance of signs. All signs together with braces, guys and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint or other surface deterioration.

[78 Code, § 12.107(C)] (Ord. passed 1-10-72) Penalty, see §156.999

(E) § 156.114 Signs facing residential districts. ~~No billboard shall face or be oriented toward any adjoining or abutting residentially zoned district within 200 feet of the residential district within 200 feet of the residential district boundary line.~~ Illuminated ~~Illumination~~ signs shall be so placed as not to be a nuisance to residents of neighboring residential property.

[78 Code, § 12.107(d)] (Ord. passed 1-10-72) Penalty, see § 156.999

(F) § 156.115 On-site interference with off-street parking prohibited. The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas including aisle ways and access driveways.

[78 Code, § 12.107(e)] (Ord. passed 1-10-72) Penalty, see § 156.999

(G) § 156.116 Unsafe and Unlawful prohibited signs; removal procedures signs. ~~(A) If the Code Enforcement Officer Zoning Inspector shall find~~ that any sign is unsafe or is a menace to the public or has been constructed, erected or is being maintained in violation of this chapter, the Code Enforcement Officer ~~he~~

shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located, or both. If the owner of the sign, or the property owner, fails to remove or alter the structure so as to comply with the required standards within 30 days after receipt of said ~~such~~ notice, such sign may be removed, or altered to comply, by the Code Enforcement Officer Zoning Inspector at the expense of the property owner of the property where the sign is located. The Code Enforcement Officer Zoning Inspector may cause any sign or other advertising structure ~~that which~~ is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner.

(H B) Cessation of purpose and removal. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land or structure upon which such sign may be found. Such sign shall be removed within 30 days after receipt of written notification by the owner of the property on which the sign is located from the Code Enforcement Officer, Zoning Inspector except that temporary activities sign posting shall be removed by the permittee within seven calendar days following the date of termination of such events. Upon failure to comply with any notice within the time specified, the Code Enforcement Officer Zoning Inspector is authorized to cause removal of such sign, and the owner of the property on which the sign is located shall pay any expenses incurred incident thereto shall be paid by the owner of the sign.

[78 Code, §§ 12.107(f), (g)] (Ord. passed 1-10-72) Penalty, see § 156.999

~~(I) § 156.117 Signs permitted in conjunction with nonconforming uses~~. Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regards to sign size.

[78 Code, § 12.107(h)] (Ord. passed 1-10-72)

~~§156.118 SIGNS TO BE BROUGHT INTO COMPLIANCE OF SUBCHAPTER.~~

~~Signs identifying the current business or use conducted within the building shall be brought into compliance or removed within one year if less than \$100 in value. Any signs valued at \$100 or more and less than three years old shall be brought into compliance with this chapter or removed within five years; any sign valued at greater than \$100 and more than three years old shall be removed or brought into compliance within three years unless the owner of the sign shall present to the Building Inspector competent evidence that the sign has not been fully amortized based upon its value and age, in which case the sign shall be brought into compliance with this chapter or removed within the time that such evidence established amortization to be complete.~~

~~(78 Code, § 12.107(i)) (Ord. passed 1-10-72)~~

§§ 156.115 – 156.120 Reserved for future use.

§ 156.121 SIGNS PERMITTED BY DISTRICTS.

In addition to the aforementioned signs, the following signs are also permitted:

(A) *Residential and mixed use or planned neighborhood development districts.*

(1) *Dwelling identification sign.* One identification sign not exceeding two square feet in area is permitted for each residential dwelling unit. For one- and two-family dwelling units, identification signs shall be at least five feet from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building. Identification signs may be illuminated but non-flashing and motionless.

(2) ~~*Large-scale residential Development signs.*~~ A permanent sign is Identification signs are permitted as an integral part of an entrance structure which identifies a subdivision, on the premises of residential group development, estate, farm or other entity, provided there are not more than two signs for each main entrance, with a total sign area for each entrance limited to one sign for each public street front, each sign not to exceed 32 ten square feet in area. Such signs may be lighted, but non-flashing and motionless, and located according to the criteria of § 156.114 not less than five feet from any street right-of-way line.

(3) *Agricultural products signs.* In the Rural Residential District, signs which advertise handicrafts or agricultural products produced on the premises are permitted, provided there are no more than two such signs, each of which shall not exceed 12 square feet in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within seven ~~30~~ days of cessation of the activity advertised.

~~(4) *Special gate signs.* A permanent sign is permitted as an integral part of a gate or entrance which identifies a subdivision, group housing development, estate, farm or other residential entity, provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this section, if such a special gate sign is utilized no other main entrance identification sign is permitted.~~

(4) *Institutional, commercial and industrial signs located in rural, residential, and mixed use or planned neighborhood development districts. Any institutional, commercial or industrial use, which is a permitted or special use or an approved use through conditional zoning in a rural residential or residential may erect and maintain signs as follows:*

a. One freestanding sign not to exceed 100 square feet in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one freestanding sign not to exceed 50 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. Attached signs for all principal uses on the site shall not exceed 50 square feet in area, except where the non-residential use is located within an approved mixed use or planned neighborhood development. In addition, the attached signs may be placed on any side of the building. If there is more than one principal use, the property owner will determine the allocation of attached sign area. For non-residential uses within mixed use or planned neighborhood developments, one attached sign per occupant is allowed provided the attached signage does not exceed two square feet in area for each front foot of structure the occupant occupies. In the event a shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies.

(B) Professional, commercial and industrial districts ~~O&I Districts.~~

(1) O&I office and institutional district. Signs for uses permitted in the O&I district shall be regulated as follows:

a. One freestanding sign not to exceed 50 square feet in area will be allowed per building. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. One attached sign per occupant not exceeding two square feet in area for each front foot of structure the occupant occupies will be allowed. Attached signs may be placed on any side of the building.

~~(1) Signs permitted. One identification and one bulletin board sign are permitted per building except on through lots or lots having frontage on three or more streets, in which case two of each such signs per building shall be permitted. In the event more than one building is located on a lot, buildings permitted to have two signs shall be permitted to those having both front and rear yards adjacent to streets.~~

~~(2) Sign area. Identification signs shall have a maximum area of ten square feet, bulletin boards shall have a maximum sign area of six square feet.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.~~

~~(4) *Location.* No sign shall be located less than five feet from any street or property line.~~

(2 G) *C-1 local business and HS(P) districts.* Signs for uses permitted in the C-1 ~~and HS(P)~~ districts shall be regulated as follows:

[Editor's note: Provisions for HS(P) district have been relocated to the C(P) district in this proposed amendment; upon the complete ordinance re-write, the HS(P) district will be proposed to be made dormant.]

a. One freestanding sign not exceeding 100 square feet in area is allowed for sites with a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum area for each occupant over five, with a total maximum freestanding sign area not to exceed 200 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. One attached sign per occupant is allowed. Attached signs shall not exceed two square feet in area for each front foot of structure the occupant occupies. Attached signs may be placed on any side of the building.

~~(1) *Signs permitted.* An unlimited number of business signs are permitted which are located in the buildable area of the lot. One sign per establishment may be placed in the required yard space, except on through lots or lots having frontage on three or more streets, in which case two detached signs per establishment shall be permitted.~~

~~(2) *Sign area.* No detached sign shall exceed 50 square feet in area. The combined total sign area of all signs on the premises shall not exceed 400 square feet or two square feet of sign area per linear foot of frontage on a public street, whichever is the lesser.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district.~~

~~(4) *Sign height.* No sign shall be attached to a building so as to extend more than ten feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof. No part of any detached sign shall be more than 35 feet above the ground at its base.~~

~~(5) Location. No sign shall be located closer than five feet to any street line. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than feet to any street or property line. In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building, if such building be located within 100 feet or a residential district.~~

(3) ~~CB~~ central business districts. Signs for uses permitted in the CB district shall be regulated as follows:

~~(a. 1) Signs permitted.~~ Two attached signs are permitted per business except on through lots or lots having frontage on two or more streets, in which case two signs per business for each frontage shall be permitted. ~~(2) Sign area.~~ The maximum total area of all signs shall be limited to two ~~four~~ square feet per front of the lot. When two or more buildings are on the same lot, the sign area will be proportioned in accordance with the frontage of the buildings.

~~(3) Illumination. Any illuminated sign shall be lighted only with non-flashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.~~

~~(b. 4) Location.~~ All signs shall be attached to the principal structure. Signs may be placed perpendicular to the building with the lower edge being no less than eight feet above the ground. Signs shall not project over public right-of-way.

(78 Code, § 12.110) (Ord. passed 1-10-72) Penalty, see § 156.999

(4) ~~D~~ C(P) planned commercial, HS(P) planned highway service and C-3 heavy commercial districts. Except for billboards (off-premises) which are regulated by § 156.122, signs for uses permitted in the C(P), HS(P) and C-3 Planned Commercial districts shall be regulated as follows:

a. Sites with no more than two occupants may have one freestanding sign. This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding signs. Each sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of 100 square feet in area; or one freestanding sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding sign area for each occupant over ten, with a total maximum freestanding sign area not to exceed 400 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Sites approved as a zero lot line development such as a shopping center, where the

site has one primary lot with one or more outlots, shall constitute one integral development for purposes of this sub-section. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building. In the event a shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies.

~~(1) Signs Permitted.~~

~~a. Business signs are permitted with no limitation on the number of signs which are integral with or attached to the building.~~

~~b. Two detached business signs are permitted bearing the name of the shopping center and the names of the types of business, except that three such detached signs are permitted for shopping centers having frontage on two or more public streets with no more than two such signs for each street front.~~

~~c. One detached business sign is permitted bearing the name of a single business occupant on each separate lot or parcel. Through lots or lots having frontage on three or more streets, in which case two detached signs shall be permitted, each sign fronting a separate street.~~

~~d. Billboards are permitted as regulated below.~~

~~(2) Sign area.~~

~~a. The detached sign area of general shopping centers or single business occupants bearing the name of the business or businesses shall be calculated on the basis of total land area. One hundred square feet of sign area is permitted for each acre or portion thereof, or one hundred square feet whichever is the greater. In any case the maximum sign area shall not exceed 650 square feet for each sign.~~

~~b. Occupancy signs attached to the building of general shopping centers or single unit buildings shall be calculated on the basis of three square feet in area for each foot of frontage of the structure or portion wherein the use referred to is conducted, or fifty square feet whichever is the greater. In any case the maximum sign area shall not exceed 650 square feet.~~

~~c. Billboard signs shall be of monopole design and constructed of noncombustible material. Billboard signs shall not exceed 600 square feet in area.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted with non-flashing and motionless illumination.~~

~~(4) *Height.*~~

~~a. Detached signs shall not exceed 35 feet in height.~~

~~b. No attached sign shall extend more than ten feet above any part of the roof or if projected from the outer walls of the building, so as to have any part of the sign ten feet higher than the nearest edge of the roof.~~

~~c. Billboard signs shall not exceed 50 feet in height.~~

~~(5) *Location.*~~

~~a. Detached signs shall be set back from any street line a distance of one foot for each foot of height above ground level provided that no detached sign shall be located closer than 15 feet to any street line, or closer than five feet from any side or rear property lines.~~

~~b. Attached signs shall be placed on the building in which the use referred to takes place. Signs placed on buildings or canopies, shall extend no more than 18 inches from the surface.~~

~~c. Billboard signs shall not be located any closer than 35 feet from any street line, or closer than 20 feet from any side or rear property lines. No billboard sign shall be located any closer than 1500 feet of any other billboard.
(Amd 11-25-02)~~

~~(E) *C-3 Districts.* Signs for uses permitted in the C-3 District shall be regulated as follows:~~

~~(1) *Signs permitted.* Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three or more streets, in which case two detached signs per business occupant shall be permitted. Billboards are permitted as regulated below:~~

~~(2) *Sign area.* The combined total sign area of all signs for a single business occupant shall not exceed 750 square feet or four square feet of sign~~

~~area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed 100 square feet in area. No billboard sign shall exceed 650 square feet in area.~~

~~(3) *Illumination.* Any illuminated sign shall be lighted only with non-flashing and motionless illumination.~~

~~(4) *Height.* Detached business and billboard signs shall not exceed a height of 35 feet above ground from the base.~~

~~(5) *Location.* Business signs shall not be located closer than five feet to any street line and no sign not integral with or attached to a building shall be located closer than 30 feet to any street line, closer than five feet to any side property line, or closer than 50 feet to any detached sign or structure located on the same lot or on land in the same ownership or located within 300 feet of any billboard.~~

~~(6) Temporary activities sign posting for the purpose of endorsing or advertising temporary activities such as displays, festivals, circuses, fairs, contests, fund drives, elections, campaigns, exhibits, meetings, conventions, sales, performances, dances, drives, and the like, signs are permitted in the C-3 District after first obtaining a sign permit from the Zoning Inspector for such a temporary sign or group of signs. The Zoning Inspector may refer the request to the Board of Adjustment for final determination if there is doubt as to the merits of such a request.~~

~~(5 F) M-1(P) *planned light industrial* and M(P) districts. Signs located in the M-1(P) ~~and M(P)~~ districts shall comply with the dimensional criteria as for signs ~~be the same as~~ permitted in the C(P) *planned commercial* C-1 and HS(P) districts.~~

~~(6 G) M(P) *planned industrial* and M-2 *heavy industrial* districts. Except for billboards (off-premises signs) which are regulated by § 156.122, signs in the M(P) and M-2 districts shall be regulated as follows: ~~the same as permitted in the C-3 District.~~~~

a. One freestanding sign is allowed at each main entrance to the site. The total entrance signage shall not exceed a maximum sign area of 500 square feet with each individual entrance sign not exceeding a maximum sign area of 300 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Freestanding signs shall be located in accordance with the criteria found in § 156.114.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies.

On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

~~(H) *Planned Neighborhood Districts.* Signs in the PND District shall be in accordance with the signs permitted in the conventional zoning districts in which the planned neighborhood development is designated. The signs for commercial areas shall conform to the sign regulation in the Planned Commercial District C(P).~~

§ 156.122 BILLBOARDS (OFF-PREMISES SIGNS).

In addition to other applicable standards contained within this subchapter, the following provisions shall apply to all billboards:

(A) *General provisions.*

(1) Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares;

(2) Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;

(3) Billboards shall not exceed a sign height of 35 feet;

[Editor's note: The current Spring Lake provisions for billboards limit the height to a maximum of 35 feet.]

(4) All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C-3 heavy commercial district upon approval of a special use permit by the Board of Adjustment (§ 156.148), and the M(P) planned industrial district upon approval of the site plan by the Board of Aldermen (§156.153) as a permitted use, provided that the dimensional criteria outlined below is complied with;

(5) All Federal, State, and other local regulations shall be complied with; and

(6) Billboards are exempt from the landscaping and buffering provisions of this chapter.

(B) *Dimensional criteria by district.*

[Editor's note: The current Spring Lake provisions for billboards limit the area of the sign to 650 square feet in the C-3 and M-2 zoning districts.]

[Editor's note: The current Spring Lake provisions for billboards restrict all detached business signs from being located within 300 feet of any billboard.]

(1) C-3 heavy commercial district. Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

(2) M-2 heavy industrial district. Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

§ 156.123 ~~156.119~~ PROHIBITED SIGNS.

Erection or maintenance of signs having any of the following characteristics is prohibited:

(A) *Signs not to constitute traffic hazards.* No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or ~~that which~~ makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. In any case, signs shall be prohibited within 20 feet of a street intersection measured to the intersection of the two nearest street lines.

(B) *Signs erected on public streets.* No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

(C) *Obstruction of ingress or egress of building.* No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

(D) *Obscene matter prohibited.* No sign shall be erected or maintained which bears or contains statements, words, or pictures of ~~an~~ obscene matter character.

(E) *Signs on private property; consent required.* No sign may be erected by any person on private property of another person without first obtaining the verbal or written consent of such owner.

(F) *Portable signs.* Any sign, which is manifestly designed to be transported from one place to another, whether on its own trailer, wheels or otherwise, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an “A” or “T” frame sign and typically has space provided for advertising messages that may be changed at will by the replacement of lettering or symbols is prohibited.

(G) *Novelty signs.* Signs which emit visible smoke, vapor particles, odor or noise are prohibited.

(H) *Signs attached to trees.* No signs, except a “No Trespassing” or “Posted” sign, shall be attached to any tree.

(I) Flashing signs.

(’78 Code, § 12.108) (Ord. passed 1-10-72) Penalty, see § 156.999