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Adopted by the Town Council November 14, 2006

## **ARTICLE VII**

### **SIGNS**

#### **7-1 SIGN REGULATIONS**

##### **7-1.1 General**

All signs located in the Jurisdiction, with the exception of those erected by State or Federal government, are subject to the provisions of this Section. Signs under this Ordinance are treated three ways:

- (1) some types of signs are specifically prohibited everywhere;
- (2) certain signs are allowed by right and do not require permits prior to installation;
- (3) a third group of signs are considered to be accessory uses and may be installed provided that they meet the provisions of this Section and a permit is obtained.

##### **7-1.2 PROHIBITED Signs**

Unless otherwise permitted under this Section, the following signs are prohibited in all zoning districts:

- A) Windblown devices such as pennants, streamers, spinners, balloons, gas-filled figures and other similar devices.
- B) Animated signs.
- C) Portable signs, but not including signs which cannot be read from the public right-of-way.
- D) Signs which project over a public right-of-way, except that wall signs may project up to 18 inches over a public right-of-way in zones which permit structures to be built at the property line adjoining the street.

- E) Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- F) Signs which are affixed to trees, rocks or other natural features.
- G) Signs of any type which imitate traffic control devices.
- H) Signs which extend vertically above the highest portion of the roof of any structure.
- I) Billboards. A freestanding sign designed for the display of information and/or advertising in public places or alongside highways, and erected as a principal use in accordance with the provisions of this ordinance.
- J) Directional, instructional, or warning signs that contain a commercial message (including a business logo or name for a transaction/event not occurring in town of Whitsett).
- K) Banners, except those announcing public events sponsored by non-profit organizations.

### **7-1.3 Signs EXEMPT from regulation:**

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

- A) Government signs.
- B) Works of art with no commercial message.
- C) Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- D) Hand carried signs.
- E) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of such structures.
- F) Signs affixed to vehicles and trailers in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

- G) Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.
- H) Signs not legible from a public or private street.
- D) Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Jurisdiction, subject to U.S. Congressional protocol.

#### **7-1.4 Signs that DO NOT REQUIRE a permit**

The following signs are permitted in all zoning districts any may be installed without obtaining a sign permit provided that they conform to the specifications shown on Table 7-1-1.

- A) Directional, instructional, or warning signs provided that such signs contain no commercial message except business logo or name for a transaction/event occurring in town of Whitsett. (Refer to Table 7-1-1, footnote b.)
- B) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organization.
- C) Certain temporary signs conforming to the provisions of Table 7-1-1. Other types of temporary signs may be allowed by permit following the provisions of Table 7-1-2 and 7-1-3. Allowed without a permit are:
  - 1) Temporary real estate and construction signs which are removed within seven (7) days of the end of completion of construction, or sale or lease of property.
  - 2) Temporary yard sale/auction signs which are posted for no longer than three (3) days per sale.
  - 3) Temporary political signs located on private property which are removed within seven (7) days after the election.
- D) Historical or memorial plaques, tablets or markers.
- E) Identification signs including:
  - 1) Name and address plates, including those identifying home occupations and rural family occupations.
  - 2) Directory Signs in developments with multiple occupants.

- 3) Building Name and Address signs for buildings with multiple occupants.
- 4) Building Markers (cornerstones or plaques).
- F) Signs painted or attached to vending machines, gas pumps, ice machines or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- G) Information Board signs, in non-residential districts and for institutional uses (e.g. churches, schools, or cemeteries) permitted in residential zones that list activities or events which will take place on the premises where the sign is located, provided that no advertising of any type is displayed.
- H) Window signs painted on or attached to a window.

### **7-1.5 Signs REQUIRING a Permit**

All signs except those listed in 7-1.3 and 7-1.4 above, shall not be installed until a permit has been obtained. The size, height and number of signs permitted is specified in Tables 7-1-2 and 7-1-3.

**TABLE 7-1-1**  
**Specifications for Signs NOT REQUIRING a Permit**

<b>TYPE</b>	<b>Number Permitted</b>	<b>Area (sq. ft.)</b>	<b>Set back (ft.)</b>	<b>Height (ft.)</b>	<b>Illumination<sup>a</sup></b>
Directional Signs with No commercial message (All Districts)	NA	4	R/W <sup>b</sup>	6	indirect
Instructional and Warning Signs (All Districts)	NA	6	NA	6	direct
Window Signs (Non-residential Districts)	Maximum 25% of window area	NA	NA	NA	direct
Historical, Memorial Markers (All Districts)	1 per lot	4	R/W <sup>b</sup>	6	indirect
Flags, Emblems, Insignia (All Districts)	1 per lot frontage	60	R/W <sup>b</sup>	40	indirect
Temporary Real Estate, Yard Sale/Auction and Construction Signs (All Districts)	1 per lot Frontage	6	R/W <sup>b</sup>	6	none
Temporary Real Estate Signs (Non-residential Districts and Major Subdivisions in RS Districts)	1 per lot Frontage	50	R/W <sup>b</sup>	6	none
Temporary Political Signs (All Districts)	NA	6	R/W <sup>b</sup>	6	none
Identification Signs	1 per building unit	4 per unit	R/W <sup>b</sup>	6	indirect
Vending Machine Signs	NA	18	NA	6	direct
Information Boards (All Districts)	1 per building unit	50	15	6	indirect
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (All Districts)	1 per lot frontage	6	R/W <sup>b</sup>	6	direct
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (Non-Residential Districts and Major Subdivisions in RS Districts)	1 per lot frontage	50	R/W <sup>b</sup>	6	direct

<sup>a</sup> Electrical permit required if sign is illuminated.

<sup>b</sup> Signs must be located outside public street right-of-way (Per NC General Statutes 136-32 and 136-32.1) and outside any sight distance area (See Table 6-17-1). Obtain property owner's permission when sign is placed on property not owned by seller.

**TABLE 7-1-2**

**Specifications for Accessory FREE-STANDING Signs REQUIRING a Permit**

<b>Zoning District</b>	<b>Rules</b>
PI (Public and institutional), LO(Limited Office), HB (Highway Bus.), NB(Neighborhood Bus.)	<ul style="list-style-type: none"> <li>a. Limited to one sign per lot frontage</li> <li>b. Maximum sign area 50 square ft. per side</li> <li>c. Sign must be located outside public street right-of-way and outside any traffic sight distance area (See Table 6-17-1).</li> <li>d. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 7 feet.</li> <li>e. Maximum sign width 10 ft.</li> </ul>
Outparcel Sign	<ul style="list-style-type: none"> <li>a. Limited to one sign per lot frontage</li> <li>b. Maximum sign area 50 square ft.</li> <li>c. Sign must be located outside public street right-of-way and outside any traffic sight distance area (See Table 6-17-1).</li> <li>d. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 6 feet.</li> <li>e. Maximum sign width 10 ft.</li> </ul>
Development Entrance (All Zones)	<ul style="list-style-type: none"> <li>a. Limited to one pair per entrance</li> <li>b. Maximum sign area 50 square ft.</li> <li>c. Sign must be located outside public street right-of-way and outside any traffic sight distance area (See Table 6-17-1).</li> <li>d. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 6 feet.</li> <li>e. Maximum sign width 10 ft.</li> </ul>
PI, AG Banners announcing public events sponsored by non-profit organizations	<ul style="list-style-type: none"> <li>a. Limited to one sign per lot frontage</li> <li>b. Maximum sign area 20 square ft.</li> <li>c. Sign must be located outside public street right-of-way and outside any traffic sight distance area (See Table 6-17-1).</li> <li>d. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 6 feet.</li> <li>e. Maximum sign width 10 ft.</li> </ul>

Notes:

- 1) Free-standing signs shall be allowed only as accessories to a principal use.  
(See note 3 below for exception.)
- 2) Any sign greater than six (6) feet in height shall not be located within one hundred (100) feet of any residential zone.
- 3) For HB with a secondary use as “Produce Stand – Seasonal,” an additional free-standing sign will be permitted, not to exceed ten (10) square feet, located out of DOT right-of-way. Sign must be removed during off season.  
(Item #3 adopted by Town Council 6/10/14.)

**TABLE 7-1-3**

**Specifications for Accessory ATTACHED Signs REQUIRING a Permit**

Type	Rules
<p><b>Wall Signs</b> for            PI (Public &amp; Institutional),            LO(Limited Office),            NB(Neighborhood Business),            HB (Highway Business)</p>	<ul style="list-style-type: none"> <li>a. Size may be up to 10% of ground floor facade area or 50 square feet, whichever is less. Signs of this size may be installed only on buildings facing a public street. In the case of a group of buildings or shops that act as a unit, one wall sign per business unit is allowed.</li> <li>b. One additional wall sign, up to 6 square feet in area, is permitted on any side or rear entrance open to the public.</li> <li>c. Applied letter signs may substitute for wall signs.</li> <li>d. Maximum height is 18 feet above the ground level.</li> </ul>
<p><b>Awning, or Canopy and Marquee Signs</b></p>	<ul style="list-style-type: none"> <li>a. 25% of the canopy, or awning or marquee face.</li> <li>b. Maximum height is to Top of Canopy and must be ten (10) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.</li> <li>c. No part of the marquee sign should project above the top of the wall</li> </ul>
<p><b>Suspended Signs</b> (All non-residential districts)</p>	<ul style="list-style-type: none"> <li>a. Limited to one sign per entrance</li> <li>b. Maximum sign area is 6 square feet per side</li> <li>c. Minimum height is ten (10) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.</li> <li>d. Distance from the building to the signboard will not exceed 8 inches.</li> <li>e. Width of signboard will not exceed three feet.</li> </ul>
<p><b>Banners</b> for            PI (Public &amp; Institutional),            AG (Agriculture) announcing public events sponsored by non-profit organizations</p>	<ul style="list-style-type: none"> <li>a. Limited to one sign per lot frontage</li> <li>b. Maximum sign area 20 square ft.</li> <li>c. Minimum height is ten (10) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.</li> <li>d. Banner may be displayed for up to 30 days prior to event and are to be removed within 7 days after the event.</li> </ul>



## 7-1.6 Computation of Sign Area

- A) **Area:** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.
- B) **Area For Multi-Faced Signs:** For multi-faced signs, the sign area shall be computed by including all sign faces visible from anyone point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

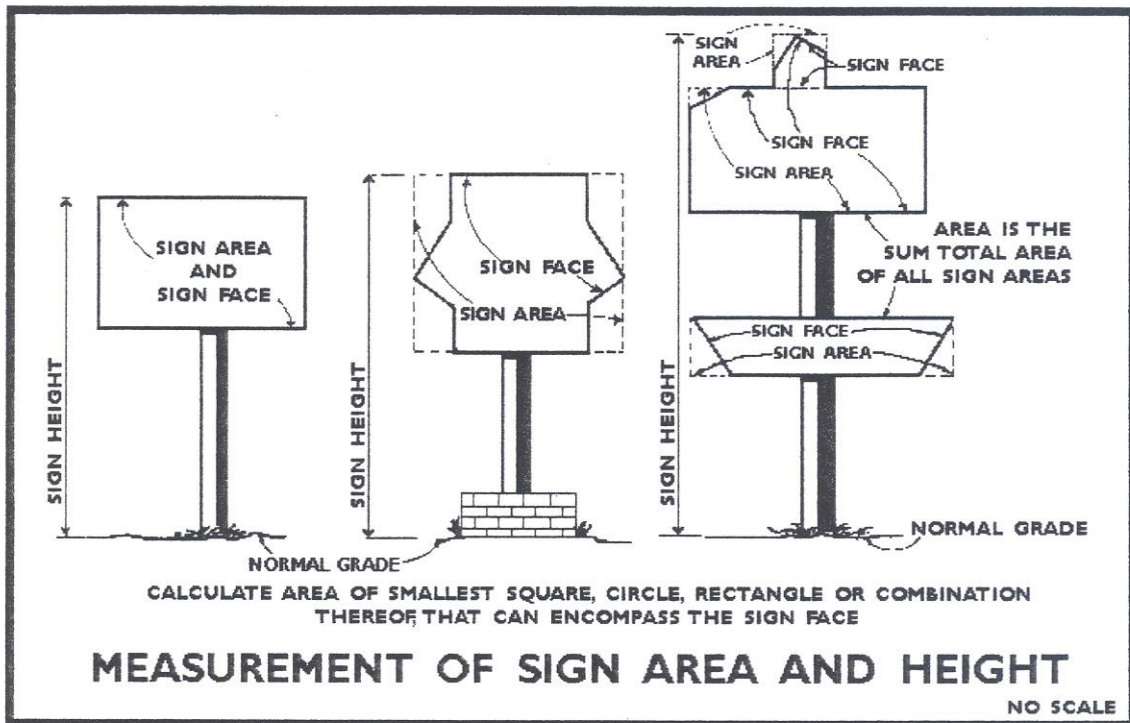


Figure 7-A

- C) **Height:** Sign height shall be computed as (1) the distance from the base of the sign at finished lot grade or (2) from the nearest adjacent street grade to which the sign is oriented and the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

## 7-1.7 Location, Construction and Maintenance Specifications

All signs permitted by this Section shall be constructed and maintained in accordance with the following provisions:

- A) **Obstruction:** No sign shall be erected so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B) **Ventilation Interference:** No signs shall be erected so as to interfere with any opening required for ventilation.
- C) **Above Ground Clearance:** All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the NC Life Safety Code. Further, all signs shall be located so as to avoid obstruction of pedestrian and vehicular traffic and to maintain safe sight distances at the intersection of all streets, drives and sidewalks.
- D) **Ground Clearance:** All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of signs and their supporting structures shall not interfere with natural or artificial drainageways.
- E) **Interference To Warning Or Instructional Sign:** No sign shall be erected so as to interfere with any existing warning or instructional sign.
- F) **Permanence:** Except for banners, flags, temporary signs and window signs conforming with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another

structure by direct attachment to a rigid wall, frame or structure. Banners and flags shall be constructed of a fire retardant material or treated to be fire retardant.

- G) **Maintenance:** All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Ordinance at all time.
- H) **Minimum Wind Loads:** All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code.
- I) **Other Codes:** All signs shall comply with applicable provisions of the Building and the Electrical Code.

## **7-1.8 MASTER OR COMMON SIGNAGE PLAN**

This section removed January, 2006.

## **Section 7-1.9 Adopted by the Town Council June 12, 2007**

### **7-1.9 SIGN CERTIFICATES**

The owner of a lot containing signs requiring a permit on Tables 7-1.2 and 7-1.3 above, shall be erected, installed or created only in accordance with a duly-issued and valid sign permit. Such permits shall be issued in accordance with the requirements and procedures of Article III, Permits and Procedures.

- A) **Signs Existing on Effective Date:** For any sign existing on the effective date of this Ordinance, an application for a Sign Certificate must be submitted within one hundred eighty (180) days after the effective date of this Ordinance. Signs which are the subject of permit applications received after this one hundred and eighty (180) day grace period shall be subject to all terms and conditions of this Ordinance and shall not be entitled to protection as nonconforming signs unless the sign has a Sign Certificate.
  - 1) A sign that would be prohibited by this Section and was in existence on November 14, 2006, and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Section, shall be issued a Nonconforming Sign Certificate. If a property contains a greater number of legally-

erected signs than would be permitted by this Section, then such signs shall be entitled to Nonconforming Sign Certificates.

- a. A Nonconforming Sign Certificate shall allow the sign to remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:
  - i. Normal maintenance of such sign shall be allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity.
  - ii. No structural alteration, enlargement or extension of such sign shall be allowed.
  - iii. No relocation of such sign upon the premises shall be allowed unless to correct a location violation.
  - iv. If damage to such sign from any cause is less than fifty percent (50%) of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.
- b. The Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:
  - i. Description of sign(s) in violation;
  - ii. Article of ordinance violated.

This information shall be certified as to its accuracy and completeness by the owner and/or occupant, whoever is in control of the sign(s).

- 2) A sign that would be allowed by this Section only with a sign permit and was in existence on November 14, 2006 and is in compliance with all provisions of the Section but does not have a Sign Certificate may be issued a Sign Certificate.

**B. Sign(s) Erected After Effective Date:** For signs erected after the effective date of this Ordinance, a Sign Certificate shall be issued after approval of all inspections.

**C. Lapse of Sign Certificate or Nonconforming Sign Certificate:** A Nonconforming Sign Certificate shall lapse automatically, and the nonconforming sign shall be brought into compliance with this Section or be removed if one of the following occurs:

1. If such sign is damaged from any cause to an extent of fifty percent (50%) or more of either the original or replacement value, whichever is less;
2. If there is a change in the sign such that a sign or electrical permit is required; or

3. If the business activity on the premises is discontinued for a period of ninety (90) days or more.

- D) **Assignment of Sign Certificate:** A current and valid Sign Certificate or Non-conforming Sign Certificate shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Enforcement Officer may require. The assignment shall be accomplished by filing and shall not require approval.
- E) **Map Amendment or Text Amendment:** Any sign that is made nonconforming by reason of zoning map amendment or any subsequent amendment to the text of this Section, shall be removed or brought into compliance as provided in Section 7-1-9 (A), Signs Existing on the Effective Date.

### 7-1.10 Compliance With the Ordinance

- A) **Removal of Signs:** A sign for which a Certificate has lapsed, or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.
- B) **Signs in Right-of-Way:** Any sign installed or placed on public property or rights-of-way, except in compliance with this Section or under an encroachment agreement with the North Carolina Department of Transportation, shall be forfeited to the public and be subject to confiscation.
- C) **Obsolete Signs:** Any sign which advertises a business no longer conducted on the premises shall be removed within ninety (90) days of cessation of such business.
- D) **Unsafe Signs:** Any sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice by the Enforcement Officer has been given.
- E) **Deteriorated or Abandoned Signs:** Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice by the Enforcement Officer has been given.
- F) **Signs Installed Without Permit:** Any sign which has been installed in violation of the NC Building Code or in violation of this Ordinance shall be removed after due notice by the Enforcement Officer has been given.

