

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

NOTE CHANGE FROM USUAL LOCATION!!

**WHITTED BUILDING
300 WEST TRYON STREET, 2ND FLOOR
HILLSBOROUGH, NORTH CAROLINA 27278**

Wednesday, January 2, 2019

Ordinance Review Committee Meeting – ~ 8:00 pm
(immediately following the regular Planning Board meeting)

Note: This is a meeting of the Ordinance Review Committee (ORC) for Planning Board members who would like to review and comment on proposed amendments before the items are formally considered by the Planning Board. Attendance is not mandatory and a quorum is not necessary for meetings of the ORC.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	2 - 19	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – SIGNS - To review and discuss proposed amendments to the UDO regarding signs. Presenter: Michael Harvey, Current Planning Supervisor
3.		ADJOURNMENT

**ORANGE COUNTY
PLANNING BOARD ORDINANCE REVIEW COMMITTEE
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 2, 2019**

**Action Agenda
Item No. 2**

SUBJECT: Unified Development Ordinance (UDO) Text Amendment – Sign Regulations

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|--------------------------------------|--|
| 1. DRAFT UDO Text Amendments - Signs | Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575 |
|--------------------------------------|--|

PURPOSE: To begin review and comment upon Planning Director initiated Unified Development Ordinance (UDO) text amendments modifying existing sign regulations. Specifically staff is recommending modifications to address recent court proceedings and ensure legal sufficiency by making the County's sign regulations content neutral.

BACKGROUND: Recent court decisions, most notably *Reed versus the Town of Gilbert*, have significantly impacted how local governments are able to regulate signage. Current regulations create distinctions from various types of signs that are permitted or prohibited based on:

- Location (commercial property, residential property, public property, etc.),
- Between types of signs (free-standing, wall signs, electronic signs, etc.), and
- Between the message on the signs (commercial, safety, political, etc.).

The *Reed* decision, which can be viewed utilizing this link: https://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf, invalidates distinctions on sign regulations that are based on the 'message content' of signs requiring local governments to re-evaluate existing regulations.

In reviewing the impact of *Reed*, it would appear local governments still have the ability to regulate:

- a. Size of signs;
- b. Location;
- c. Illuminated versus unilluminated;
- d. Fixed message versus electronic including duration a message is visible on a digital sign;
- e. Creating distinctions for signs on public and private property so long as that distinction is not based on the content of the message;
- f. Creating distinctions for signs on residential and non-residential property;
- g. Number of allowable signs on a given parcel; and
- h. Restrictions on signs advertising temporary or 'one time' events.

Local governments can no longer establish regulation(s) based on the content of a sign.

There are several examples of content based sign regulations within the UDO, including:

- i. Orange County strictly regulates the location of Outdoor Advertising (i.e. billboards) and restricts the use of off-site directional/advertising signs. Current regulations (Section 6.12.11) allow, however, a church to have an *off-site directional sign* allowing motorists to find the facility. This is an example of a content based regulation, specifically we are allowing a sign that calls attention to the location of one specific type land use while prohibiting the same allowance for other land uses. This is not permitted in the wake of *Reed*.
- ii. Current sign regulations (Section 6.12.5) create exemptions from permitting requirements for certain signs based on size and message. For example, the County exempts the erection of a 6 sq.ft. sign with the wording '*No Trespassing*' on a parcel of property but requires permits for other signs of similar size containing a different message.

The County is not alone in dealing with this issue. Other local governments have to address the impacts of *Reed* and numerous other court decisions in revising existing sign regulations.

The UNC School of Government has authored a detailed blog post providing additional insight on the issue of regulating signs in the wake of several court proceedings, which can be accessed utilizing the following link: <http://canons.sog.unc.edu/?p=8167>.

Attachment 1 contains initial efforts on the revision and reorganization of existing sign regulations and does not constitute the full ordinance as it currently exists. Staff has completed an initial rough first draft in an effort to review the proposed new format/organizational framework, as well as discuss our initial thoughts on required modifications, to existing standards. Staff does not need to proceed with incorporating a totally new format unless said methodology is accepted by various parties (i.e. staff, Planning Board, Attorney).

The goal for the ORC meeting is to simply begin a dialogue on this topic. This is the first step in this process, which will undoubtedly take several months. At this time there is no anticipated timeframe to bring this matter back for final review and recommendation.

RECOMMENDATION(S): The Planning Director recommends the Board review and offer comment on possible amendments.

It is the intent of this section to require minimum light levels during established business hours or in those instances where members of the general public will be on-site to ensure public safety.

- (B) Pedestrian walkways and plazas must be lighted and fixtures mounted at a lower height for security and to create an inviting pedestrian environment.
- (C) Accent lighting must also be provided to illuminate such key locations as building and driveway entries, and activity areas.
- (D) Lighting for the purpose of illuminating landmarks and unique features of the site is also encouraged.
- (E) All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.
- (F) Security lighting fixtures or floodlights must not project over the fascia or roof line of the building(s).
- (G) Parking area and driveway fixtures should be mounted at or below a maximum height of 25 feet above the surface of the parking area or driveway.
- (H) The design of light fixtures and structural supports must be compatible with the architecture of the principal building(s) and identification signs.
- (I) Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.
- (J) Ground-mounted lighting fixtures must be weather-proof and vandal resistant.
- (K) **Hillsborough EDD**

In addition to the standards established above, the following standards shall apply within the Hillsborough EDD:

- (1) Lighting must be high efficiency lighting systems and lighting levels must be reduced during non-use hours to promote energy conservation.
- (2) 12:1 minimum/maximum glare ratio.
- (3) Maximum footcandles = 80

SECTION 6.12: SIGNS¹

6.12.1 Purpose and Intent Findings, Purpose, and Intent

- (A) The purpose of this Section is to regulate the size, color, illumination, movement, materials, type, placement, height, condition, and physical dimensions of all signs placed on private property for exterior observation in the interest of preserving property values, the character of various neighborhoods, the creation of a convenient, attractive, and harmonious community, and the public health, safety and general welfare, while recognizing their need.²
- (B) This Section shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.³

¹ Staff is recommending modifying existing sign regulations in an effort to address recent court decisions, most notably *Reed versus the Town of Gilbert*. In revising the Ordinance, staff has utilized a model sign code prepared by the International Municipal Lawyers Association (IMLA) as well as the ordinance for Washington County Oregon, which was found to be content neutral by US District Court, as a guide.

² This section has been expanded in an effort to articulate what the standards are designed to accomplish.

³ As a general reminder recent court decisions indicate sign regulations shall be content neutral. Regulations cannot be seen as restricting free speech. To that end staff is recommending adding language recognizing same.

- (C) Signs placed on land or a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified herein.⁴
- (D) Regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound condition.
- (E) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of Orange County. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth herein.
- (F) These regulations do not entirely eliminate all harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.
- (G) Signs not expressly permitted as being allowed by right or otherwise expressly allowed by the Board of County Commissioners or Board of Adjustment consistent with the provisions of this Ordinance are deemed prohibited.⁵
- (H) These regulations are not intended, and do not apply, to signs erected, maintained or otherwise posted, owned or leased by the local State, or Federal governments.
- (I) It is the intent of this ~~section~~ Section to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as described on the official Zoning Atlas whether a sign is directly visible from a street right-of-way or not.

6.12.2 Outdoor Advertising⁶

The provisions of this ~~Article~~ Section establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards).

The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between County regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent.

In cases where there is no applicable State/Federal standard, then existing County regulations shall be enforced.

⁴ Subsection(s) (C), (D), (E), and (F) were taken directly from the model IMLA ordinance. Staff believes that an essential is establishing legal sufficiency of our Ordinance with applicable court proceedings.

⁵ This language is being recommended to address how special use permits, variances, conditional zoning processes are applied to signs. You may have an instances where a sign may become a requirement as part of a special use permit or variance approval. Staff is adding language to recognize this potential circumstance and avoid unnecessary conflict.

⁶ Staff is continuing to review this section with the UDO. There is some concern we are pre-empted from regulating same based on State and Federal law.

6.12.3 General Requirements

- (A) ~~No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations. Signs are prohibited in all zoning districts unless-~~
- ~~(1) Constructed pursuant to a valid Zoning Compliance Permit, when required, issued in accordance with this Ordinance; or~~
 - ~~(2) As authorized herein.⁷~~
- (B) ~~No person~~A property owner shall not erect or maintain a sign, ~~and no property owner shall~~ allow a sign to be erected or maintained, on ~~his~~their property except in conformity with these regulations.
- ~~(C) A Zoning Compliance Permit approved in accordance with the provisions of this Ordinance shall be required prior to erecting a sign, unless otherwise permitted.⁸~~
- ~~(D)~~(C) A ~~permit~~Zoning Compliance Permit shall be required for:
- ~~(1) change~~Changing of copy or sign face of an existing sign, ~~for any sign when the use of the premises changes, or~~
 - ~~(2) when~~When an existing sign is altered,⁷
- ~~however no~~No permit ~~will~~shall be required for ~~change of~~the copy on a changeable message or reader board sign.
- ~~(E)~~(D) ~~In no case shall decorative~~Decorative features and/or landscaping, located at the base of a sign, shall not obstruct the view of motorists.
- ~~(F)~~(E) Sign Locations
- (1) All signs shall be located outside the sight visibility triangle (see Section 6.2.10).
 - (2) No sign, including supporting frames or base, shall be located within five feet of a public right-of-way.
 - (3) No sign may be attached, affixed, or painted upon any utility poles, governmental signs, trees, rocks, or other similar natural object within the public right-of-way.
 - (4) For parcels zoned non-residential, no sign shall be permitted within 100 feet of a residential district.
- ~~(G)~~(F) Illuminated Signs
- (1) No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties.
 - (2) Signs shall be illuminated in accordance with the provisions of this Ordinance.
- ~~(G) Flags lawfully in existence on the date this provision was first advertised, which do not conform to the provisions of this Unified Development Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming.~~
- ~~(1) For the purpose of amortization, nonconforming flags may be continued from the effective date of this subsection for a period not to exceed one year.~~
 - ~~(2) Flags which were unlawful under the prior versions, and which do not~~

⁷ In an attempt to revised existing regulations to be content neutral, staff is recommending revising the section as denoted. This language and methodology is consistent with several example ordinances staff reviewed in preparing this amendment package.

⁸ This requirement is now captured in subsection (A) above.

conform to the current ordinance, must be removed immediately.

(3) Any flag or flagpole which is altered, relocated, or replaced, must be immediately brought into compliance with all provisions of this code.

(4) Depictions of flags, when placed on structures, shall comply with the remaining provisions of this Section.⁹

6.12.4 Determination of Sign Area

- (A) For the purposes of this Ordinance, the area of display surface of a sign shall be computed as including the entire area visible from any one point, within a regular geometric form or combination of forms, comprising all of the display area of the surface and including all of the elements within the display area and the sign frame, including the lattice work, frame, border molding, lettering and display area incidental to the sign's decoration. This does not include structural members or other support mechanisms not bearing advertisement material.
- (B) In the case of wall-mounted signs without a border or frame, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used:
- (C) Examples:

Figure 6.12.4: Sign Size Measurement



All three of these signs would have the same size sign face, as measured by the smallest rectangle encompassing the outer limits

6.12.5 ~~Exempt Signs~~ Authorized Signs

The following ~~permitted~~ signs are considered ~~exempt and do not require the issuance of a Zoning Compliance Permit~~ authorized under the provisions of Section 6.12.3 (A) (2) and are permitted in every zoning district:

- (A) Signs erected by a governmental agency to regulate, control, or direct vehicular or pedestrian traffic;
- (B) Legal notices, warnings, regulatory or informational signs erected, or required, by a public agency to ensure the public health, safety, or general welfare;
- ~~(C)~~ Signs required by law;¹⁰
- ~~(D)~~(C) "No trespassing" signs, not exceeding six square feet in area Where a local, State, or Federal law requires a property owner to post a sign on their property to warn of a danger or to prohibit access, the owner shall comply with said law to exercise that authority;¹¹

⁹ **Red Bold Underlined** text is existing regulations moved from Section 6.12.12 (A).

¹⁰ Moved under subsection (B) above.

- ~~(E)~~ — Real estate signs, not exceeding four square feet in area;
- ~~(F)~~ Property number signs not exceeding two square foot in area and bearing only address numbers of premises or other identification of premises not having commercial connotations;¹²
- ~~(D)~~ Holiday decorations in season ~~that do not contain or display a commercial message;~~
- ~~(G)~~~~(E)~~ Temporary signs allowed at any time:
- ~~(1)~~ A property owner may place one sign with a sign face no larger than 6 square feet on the property at any time.
- ~~(2)~~ A maximum of 3 temporary signs may be located on the owner's property for a period of 45 days prior to an election involving candidates for a local, State, or Federal office or involves an issue on the ballot of an election within the district where the property is located.
- ~~(3)~~ One temporary sign may be located on a property when:
- ~~(a)~~ The owner consents and that property is being offered for sale through a licensed real estate agent;
- ~~(b)~~ If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale; and
- ~~(c)~~ For a period of 30 days following the date on which a contract of sale has been executed by a person purchasing the property.
- ~~(4)~~ One temporary sign may be located on a day when the property owner is opening the property to the public subject to the following:
- ~~(a)~~ Within a residential zoning district a property owner may not use this type of sign on more than XXX consecutive days in a year;
- ~~(b)~~ Within a non-residential zoning district a property owner may not use this type of sign on more than XXX consecutive days in a year.
- For purposes of this Section a year is XXXX.
- ~~(5)~~ During the 40 day period between December 1 and January 10, a property owner may place a maximum of 5 temporary signs on the property. These signs may use lights that do not exceed 0.5 foot-candles at all property lines.¹³
- ~~(6)~~ A property owner may place and maintain a maximum of 2 temporary signs on the property on Easter, Memorial Day, July 4th and Veterans Day.¹⁴
- ~~(7)~~ For the purposes of this subsection the lessor of a property is considered the property owner.
- ~~(H)~~ — Signs on trash receptacles, indicating the owner or party responsible for maintenance;

¹¹To address content neutral requirements, staff is revising the Ordinance to establish sign size and number limit(s) within the various zoning districts. What a property owner chooses to do with that allowance will be their prerogative.

¹² The Ordinance cannot establish an allowance for a specific 'type' of sign based on what same advertises. Staff believes this requirement is now captured in Section 6.12.5 (B) as the County Address Ordinance requires the erection of an address sign for all property to ensure public safety access and identification.

¹³ This is intended to address holiday decorations. Staff is still reviewing how to address same with the County's Attorney.

¹⁴ The provisions of subsection (E) numbers 1 through 6 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. Staff believes this provision is consistent with the allowances within *Reed v Town of Gilbert* as we are not regulating the 'message' of the sign.

- ~~(I) Hazardous chemical identification/notification signs on residential and non-residential structures;¹⁵~~
- ~~(J) Signs on newspaper boxes;~~
- ~~(K) Private drive signs, one per drive entrance, not exceeding two square feet in area, with the message content limited to the words "Private Drive" and the address of any residences utilizing the private roadway;~~
- ~~(L) Security and warning signs posted on private property warning the public against trespassing, or similar messages, provided that any such sign does not exceed two square feet in area; and~~
- ~~(M) Political Signs, in accordance with the following standards:¹⁶~~
 - ~~(1) Political Signs are allowed in all zoning districts.~~
 - ~~(2) A Zoning Compliance Permit shall not be required to allow for the placement of a political sign on private property.~~
 - ~~(3) There shall be no limit to the number of political signs that can be placed on private property so long as the placement of these signs complies with the provisions of this Ordinance and the signs do not create a public safety hazard.~~
 - ~~(4) Within residential zoning districts, political signs shall not exceed nine square feet in area or four feet in height.~~
 - ~~(5) Within non-residential zoning districts, political signs shall not exceed the maximum allowable sign area permitted for freestanding signs.~~
 - ~~(6) Political signs shall only be erected 90 days prior to the established date of a general election, school board election, referendum, special election, primary, or other similar political activity.~~
 - ~~(7) Political signs shall be removed within 21 days after an election.~~
 - ~~(8) Political signs shall be allowed within rights-of-way of the State highway system only in accordance with State law.~~
 - ~~(9) Political signs shall not be allowed on telephone poles, utility poles, trees, other similar natural objects, and other signs or sign structures.~~

6.12.6 Prohibited Signs

The following signs ~~are prohibited in all zoning districts~~ or lights are prohibited which:

- ~~(A) Advertising signs resembling~~ Resemble traffic signals, traffic signs, emergency vehicles' flashing lights, ~~non-governmental sanctioned signs utilizing the words 'stop', 'slow', 'caution', 'danger', or any sign that is likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings~~ ~~or which by their distracting nature create a hazard to motorists;~~
- ~~(B) Signs, except for off-premises signs allowed under this Section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of such activity. Upon failure of the owner to remove such signs within the prescribed time, the Planning Director shall take appropriate legal action to have such sign removed;¹⁷~~
- ~~(C)~~ (B) Flashing Have flashing, blinking, pulsating, fluttering lights, illuminating devices or exhibit movement or animation other than electronic moveable copy, scrolling messages or other similar electronic displays designed to change display no more than once an

¹⁵ Staff has added language to Section 6.12.5 (B) to address this issue.

¹⁶ To address the need for content neutral regulation, political signs are now considered temporary signs regulated in accordance with subsection (E) above.

¹⁷ This constitutes a content based regulation and can no longer be enforced.

~~hour or a maximum of 8 times in a 24 hour period~~ signs or signs with moving parts except for signs showing time of day and temperature that are part of an approved sign advertising a permitted business activity on a parcel of property;

- ~~(D)~~ — Signs with electronic moveable copy, scrolling messages or other similar electronic displays designed to change display more than once an hour or a maximum of 8 times in a 24-hour period;
- ~~(E)(C)~~ Signs Erected within a street right-of-way, other than ~~traffic, governmental, street name~~ signs, political signs erected in accordance with State law, or other official governmental or public agency sign, shall not be permitted within any street right-of-way ~~those required and/or permitted by local, State, or Federal law~~;
- ~~(F)(D)~~ Are defined as a ~~Roof, roof, snipe, and trailer~~ signs;
- ~~(G)~~ — Snipe signs;
- ~~(H)~~ — Beacon lights, animated signs, trailer signs and snipe signs;
- ~~(I)(E)~~ Are ~~Portable, portable~~ signs, unless approved ~~for a special event~~ in accordance with Section 6.12.11 ~~(D)~~;
- ~~(J)(F)~~ Signs ~~Are~~ supported in whole or in part by water, gas, air, or could otherwise be designated as inflatable signs; Individuals erecting an inflatable sign shall be subject to an immediate notice of violation and shall be required to remove the sign within the time frame it would normally take to deflate the sign, unless approved ~~for a special event~~ in accordance with Section 6.12.11 ~~(D)~~;
- ~~(K)(G)~~ Signs ~~Are~~ mounted on a single pole or mast;
- ~~(L)~~ — Signs that contain ~~rotating sign panels or objects~~;
- ~~(M)(H)~~ Signs that ~~obstruct~~ ~~Obstruct~~ ingress and egress to any door, window, fire escape, stairway, ladder, or other opening intended to provide light, air, ingress, or egress for any room or building; and
- ~~(N)(I)~~ Signs that ~~violate~~ ~~Violate~~ any provision of any law of the State of North Carolina relative to outdoor advertising.

6.12.7 Permit Required - Submittal Requirements

In order to erect a sign, other than ~~exempt signs~~ ~~authorized within Section 6.12.5~~, a ~~Zoning Compliance Permit~~ ~~zoning compliance permit~~ application must be submitted and approved in accordance with ~~the provisions of Section 2.4~~ ~~the Ordinance~~ and the following specific submittal requirements:

- (A) A drawing to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination. If attached to a structure, the drawing must indicate where on the structure it will be installed;
- ~~(B)~~ — A plot plan drawn to scale indicating the location of the sign relative to property lines, easements, buildings, streets and other on-premise signs;¹⁸
- ~~(C)(B)~~ Sign copy shall be submitted for all proposed signs to the Planning department for review and approval. No sign shall have lewd or lascivious letters, words, or characters designating the same; and¹⁹
- ~~(D)~~ — Sign plans shall be submitted to the Planning Department for approval prior to the Building Inspector issuing a Building Permit. A record of such applications and actions taken shall be kept in the Planning Department.²⁰

¹⁸ Submittal requirements are contained in Section(s) 2.4 and 2.5 and do not need to be repeated here.

¹⁹ Staff is reviewing this specific language with the County's Attorney office to ascertain if same is prohibited under *Reed*.

6.12.8 Expiration of Permits

- (A) Notwithstanding other provisions of this Section, zoning compliance permits for signs shall expire within 180 days from the date of issuance unless within that time the work authorized by the permit has been completed.
- (B) If a zoning compliance permit for a sign expires, no further work to construct, erect, move, enlarge, illuminate, or alter the sign may take place unless a new zoning compliance permit is obtained. The applicant shall be subject to all regulations applicable at the time a new application is submitted.
- (C) No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than 30 days after the permit authorizing such sign has expired, unless a new sign application has been submitted and the Planning Director authorizes the sign, or portion thereof to remain

6.12.9 Permit Revocation

- (A) The Planning Director may revoke any zoning compliance permit for a sign issued in accordance with this Section and Section 2.4 for any of the following reasons:
 - (1) Issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;
 - (2) Misrepresentation of a material fact by the applicant for a sign permit; and
 - (3) Failure to comply with any of the provisions of this Section, except that a permit for a nonconforming sign may not be revoked so long as the nonconforming situation is allowed to continue pursuant to the provisions of this Ordinance.
- (B) Before revoking a zoning compliance permit for a sign, the Planning Director shall give the permit holder 20 days notice by certified mail of his/her intent to revoke the permit and shall inform the permit holder of the reasons for the proposed revocation and of his/her right to obtain an informal hearing on the allegations.
- (C) If the permit is revoked, the Planning Director shall provide to the permit holder owner a written statement of the decision and the reasons thereof. The Planning Director shall also inform the permit holder of his/her right to appeal the decision to the Board of Adjustment.
- (D) No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than 30 days after the permit authorizing such sign has been revoked in accordance with this Section.

6.12.10 Maintenance

All signs, together with braces, guys and other supports shall be kept in good repair. If at any time a sign should be abandoned, declared unsafe, or deemed poorly maintained, the Planning Director shall notify the owner of the sign of such condition. Failure of the owner to correct the maintenance condition shall cause the Planning Director to take appropriate legal action to have the sign removed.

6.12.11 Signs ~~Permitted in All Zoning Districts~~ Regulations by District

The following signs are permitted in all zoning districts with the issuance of a zoning compliance permit, in accordance with the requirements of this Section and the additional standards for each sign established herein:

- (A) All residential and non-residential zoning districts:
 - (1) Permanent Identification Signs for Subdivisions, Multi-family Developments,

²⁰ As previously indicated this requirement is spelled out in Section(s) 2.4 and 2.5 and does not need to be repeated.

Assembly, Home Parks, and Schools land uses:

~~(a)~~ Size: Identification signs shall~~Shall~~ not exceed 32 square feet in area.

~~(1)(b)~~ Height: Shall not exceed~~and six feet in height.~~

~~(2)(c)~~ Number: Developments shall be limited~~Limited~~ to two one~~signs~~ at each point of ingress/egress.

~~(3)~~ Signs shall be placed outside of the site visibility triangle so as not to obstruct the view of traffic.²¹

~~(d)~~ Location: In addition to the requirements of Section 6.12.3, signs shall observe the following setbacks:

~~(i)~~ _____

~~(4)(e)~~ Illumination: Signs may be illuminated in such a fashion so as not to affect the view of motorists.

~~(B)~~ Signs for Non-profit Organizations on Premise²²

~~(1)~~ Signs shall not exceed 12 square feet in area.

~~(2)~~ Signs may not display any advertising matter or logo.

~~(3)~~ Signs may not be illuminated.

~~(C)~~ Off-Premise Religious Facility Signs²³

~~(1)~~ Signs shall identify the name and/or location of a religious facility.

~~(2)~~ Signs shall not exceed six square feet in area and may not be illuminated or contain moving parts.

~~(3)~~ Signs must be placed on a legal lot of record and the applicant shall provide a notarized statement from all owners of property allowing the off-premise sign to be erected on their property. There shall be only one off-premise religious facility sign permitted per parcel and a maximum of two per intersection.

~~(4)~~ The placement of a off-premise religious facility sign shall be treated as an accessory use of property.

~~(D)(2)~~ Special Event Displays

~~(a)~~ Size: Signs or banners shall~~Displays shall~~ not exceed:

~~(1)(i)~~ Banners: 32 square feet in area.

~~(2)(ii)~~ Portable Signs: 16 square feet in area per face.²⁴

~~(b)~~ Height: Displays shall observe:

~~(i)~~ Banners: 6 feet from grade.

~~(ii)~~ Pennants: Installed a minimum height of 18 feet above grade.²⁵

~~(iii)~~ Inflatable Sign: Shall not exceed 25 feet in height.²⁶

²¹ There are general development criteria for all signs contained in Section 6.12.3 eliminating the need for this reference.

²² We cannot have sign regulations for profit and non-profit entities. Regulations have to be based on similar standards and not on ownership or tax status.

²³ This represents a content based sign regulation and has to be eliminated.

²⁴ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (4) (b).

²⁵ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (3) (b).

²⁶ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (5) (b).

~~(3)~~(c) Number:

~~(i) Banner: 2 on-site at any one time.~~

~~(ii) Pennants: 4 sets on-site at any one time.~~

~~(iii) Inflatable Sign: **No more than 1 shall be permitted on-site at any one time.**~~²⁷

~~(d) Location: In addition to the requirements of Section 6.12.3, displays shall observe the following setbacks:~~

~~(i) Banners: 10 feet from all property lines.~~

~~(ii) **Pennants: Shall only be erected within 30 feet of the principal area where the special event is occurring and shall be no closer than 10 feet from all property lines.**~~²⁸

~~(iii) **Inflatable sign: 25 feet from all property lines.**~~²⁹

~~(e) Illumination: No illumination shall be permitted.~~

~~(f) Duration: **Special Event Displays may only be erected for a two week period and must be removed within five days following the event.**~~³⁰

~~(4) All displays must be located outside of the right-of-way and have approval of property owners when located on private property.~~

~~(5) Pennants~~

~~(a) Pennants may be displayed during the special event to attract attention but only within 30 feet of the principal area where the special event is occurring.~~

~~(b) Pennants must be installed at a minimum height of 18 feet above grade to ensure adequate height clearance for vehicles underneath.~~

~~(6) Portable Signs~~

~~(a) Sites shall be limited to one portable sign per right-of-way frontage. However, there shall be no more than two portable signs permitted on-site at one time.~~

~~(b) Signs shall be limited to 16 square feet in area, per sign face.~~

~~(c) Signs shall be located in accordance with Section 6.12.3(F).~~

~~(7) Inflatable Signs~~

~~(a) No more than one inflatable sign shall be permitted on-site at one time.~~

~~(b) Inflatable signs shall not exceed 25 feet in height.~~

~~(c) Signs shall be located a minimum of 25 feet from all property lines.~~

~~Special Event Displays may only be erected for a two week period and must be removed within five days following the event.~~

~~(E)(3) **Signs Advertising Agricultural Products Produced on the Premises**~~

²⁷ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (5) (a).

²⁸ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (3) (a).

²⁹ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (5) (c).

³⁰ **Red Bold Underlined** text denotes existing regulations moved from Section 6.12.11 (D) (6).

Agricultural Land Uses³¹

- ~~(1)~~(a) Size: Shall not exceed 32 square feet.
- ~~(b)~~ Height: Shall not exceed six feet.
- ~~(c)~~ Number: ~~Shall be limited~~Limited to two signs per parcel.
- ~~(d)~~ Location: In addition to the requirements of Section 6.12.3, signs shall observe a 10 foot setback from all property lines.
- ~~(e)~~(e) Illumination: Shall not be illuminated.

~~(F)~~ Temporary Construction and Financial Institution Signs³²

- ~~(1)~~ Shall not exceed 24 square feet in area, per sign;
- ~~(2)~~ May not to exceed two signs per building site;
- ~~(3)~~ Signs shall be erected only after a Building Permit authorizing construction on-site has been issued; and
- ~~(4)~~ Signs must be removed within seven days after construction work has been completed and the certificate of occupancy has been issued.

~~(G)~~ Directional/Informational Signs

- ~~(1)~~ May be displayed on parcels of property utilized for non-residential purposes.
- ~~(2)~~ May not exceed two square feet in area.
- ~~(3)~~ May contain corporate logos or other similar graphical displays so long as they provide some necessary information to patrons (i.e. entrance and exit locations, one-way entrance ways, drive through entranceways, ATM location, etc.).
- ~~(4)~~ A maximum of three directional/informational signs may be displayed on a non-residential parcel of property.

~~(H)~~ Temporary Real Estate Signs, in excess of four square feet in area³³

- ~~(1)~~ One sign shall be permitted per building site, not to exceed 24 square feet in area.
- ~~(2)~~ Signs shall not be placed within any public street right-of-way.
- ~~(3)~~ Signs must be removed after property has been transferred.

~~(I)~~ Landmark Signs

~~Signs shall be erected only after the historical significance of the particular site has been verified and that proposed location of the sign has been approved by the Orange County Planning Department and all other related agencies (i.e. NC Department of Transportation).~~

6.12.12 Signs Permitted in Specific Zoning Districts

~~The following signs shall be permitted in the zoning districts indicated, in accordance with all other provisions of this Section and specific standards for each sign established herein:~~

~~(A)~~(B) Flags Signs Permitted in Residential Zoning Districts

~~For purposes of this section residential zoning districts include RB, AR, R1, R2, R3, R4, R5, R8, and R13~~

³¹ While included as part of this review, staff is reviewing with the Attorney if we can even regulate such signage based on State law.

³² This could represent a content based regulation. Staff is reviewing with the Attorney.

³³ This represents a content based regulation.

- ~~(1) **Flags** All flags shall comply with the following provisions, except for those in cemeteries which are regulated by Section 6.12.13(C).~~
- ~~(a) **Size: Twenty-four square feet in area.**³⁴~~
- ~~(b) **Height: Twenty-four (24) feet in height or no higher than the highest point of the principal building's roof, whichever is lower.**~~
- ~~(c) **Number: Up to three flags and one flagpole per lot shall be allowed per property.**~~
- ~~(d) **Location: Flagpoles shall be setback at least fifty (50) feet from all property lines.**~~
- ~~(e) **Illumination:**~~
- ~~(1)(f) In residential zoning districts (RB, AR, R1, R2, R3, R4, R5, R8, and R13), up to three flags and one flagpole per lot shall be allowed. Each flag shall be a maximum of twenty four (24) square feet in area. The flagpole shall be a maximum of twenty four (24) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flagpoles shall be setback at least fifty (50) feet from all property lines.³⁵~~
- ~~(2) **Freestanding Sign:**~~
- ~~(a) **Size: 16 square feet.**~~
- ~~(b) **Height: Shall not exceed 6 feet in height.**~~
- ~~(c) **Number: 1 per property.**~~
- ~~(d) **Location: 25 feet from all property lines.**~~
- ~~(e) **Illumination: No illumination shall be permitted.**~~
- ~~(2)~~
- ~~(3) In all other zoning districts, up to three flags and three flagpoles shall be allowed. Each flag shall be a maximum of ninety six (96) square feet in area. Each flagpole shall be a maximum of fifty four (54) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flagpoles shall be setback at least fifty (50) feet from all property lines.~~
- ~~(4) Flags lawfully in existence on the date this provision was first advertised, which do not conform to the provisions of this Unified Development Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming.~~
- ~~(a) For the purpose of amortization, nonconforming flags may be continued from the effective date of this subsection for a period not to exceed one year.~~
- ~~(b) Flags which were unlawful under the prior versions, and which do not conform to the current ordinance, must be removed immediately.~~
- ~~(c) Any flag or flagpole which is altered, relocated, or replaced, must be immediately brought into compliance with all provisions of this code.~~
- ~~(5) Depictions of flags, when placed on structures, shall comply with the remaining provisions of this Section.³⁶~~

(C) Signs Permitted in Non-residential Zoning Districts

³⁴ **Red Bold Underlined** text identifies existing regulations currently contained in Section 6.12.12 of the UDO.

³⁵ Regulations have been broken out consistent with proposed revised formatting for the sign regulations.

³⁶ Flag regulations have been relocated.

(1) Flags:³⁷

- (a) Where permitted: Flags shall be permitted in all non-residential zoning districts subject to the standards detailed herein.**
- (b) Size: Ninety-six square feet in area.**
- (c) Height: Fifty-four (54) feet in height or no higher than the highest point of the principal building's roof, whichever is lower.**
- (d) Number: Up to three flags and three flagpoles per lot shall be allowed per property.**
- (e) Location: Flagpoles shall be setback at least fifty (50) feet from all property lines.**
- (f) Illumination:**

~~(B)~~(2) On-Premise Commercial Signs

(1) ~~These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.~~³⁸

(a) Where permitted: On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ, HP-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.³⁹

(b) Size:⁴⁰

(i) Single or double faced signs shall not exceed 32 square feet in area, per sign face.

~~(+)~~(ii) For parcels zoned CC-3, GC-4, O/RM, I-1, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 72 square feet in area for parcels that:⁴¹

- a. Are larger than 60,000 square feet in area, and
- b. Have more than 300 linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.

~~(2)~~(iii) Three-dimensional signs shall not exceed a maximum volume of 54 cubic feet with no dimension exceeding six feet.⁴²

³⁷ As with existing flag regulations for residentially zoned property, the following represents the re-location of regulations for the placement of flags for non-residential zoning districts.

³⁸ This is unnecessary language as all signs have to be reviewed and acted upon by the Building Inspections Department and demonstrate compliance with applicable standards.

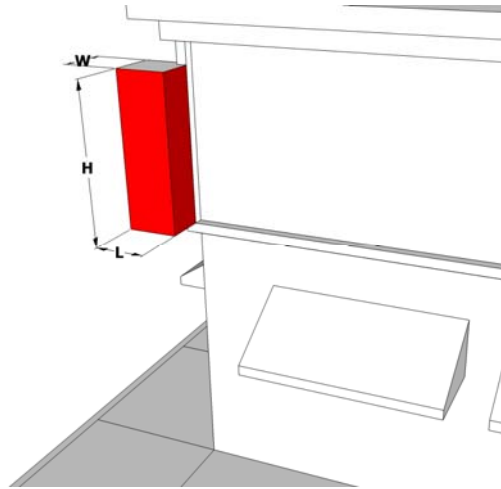
³⁹ Existing regulations moved from Section 6.12.12 (B) (2) and amended as indicated.

⁴⁰ Existing regulations moved from Section 6.12.12 (B) (6) and amended as indicated.

⁴¹ Staff is continuing to review with the Attorney if we can 'spell out' size restrictions for difference districts in this manner or if further modifications are necessary.

⁴² The existing text box providing detail on development of three-dimensional signs is being relocated as well as part of this reorganization.

Figure 6.12. ~~1211-A-6(C) (2) (b)~~: Three-Dimensional Sign Allowable Volume



NOTE: L x W x H may not exceed 54 cubic feet with no dimension exceeding 6 feet.

~~(3)~~(c) Height:

- (i) ~~Pole signs shall be limited~~limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign
- (ii) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign⁴³

~~(4)~~(d) Number:

- (i) One ~~on-premise commercial sign shall be permitted~~ per parcel. ~~However, one~~One additional ~~on-premise commercial sign may shall~~ be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.
- (ii) Under no circumstances shall more than one three-dimensional sign be permitted on-site.
- (iii) For multi-tenant buildings and/or sites permitted as a conditional use or conditional zoning district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.⁴⁴

(e) Location: ~~All on-premise commercial signs~~Signs shall be setback ten feet from ~~the front, side, and rear all~~ property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.⁴⁵

~~(5)~~(f) Illumination:

⁴³ Existing regulations moved from Section 6.12.12 (B) (5) and amended as indicated.

⁴⁴ Existing regulations moved from section 6.12.12 (B) (4) and amended as indicated.

⁴⁵ Existing regulations moved from Section 6.12.12 (B) (3) and amended as indicated.

~~(6)~~(g) An on-premise commercial sign may contain a changeable copy sign as defined in this Ordinance. However, the total sign area, including the area of changeable copy, shall not exceed the maximum allowable area established ~~in Section 6.12.12(A)(6)(a) above~~ herein.

~~(7)~~(h) No on-premise commercial sign shall be oriented in such a manner as to be directly visible from a major transportation corridor as established in this Ordinance.

~~(C)~~(3) **Off-Premise Commercial Signs**

~~(1)~~ ~~These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.~~

~~(a)~~ Where Permitted: Off-premise commercial signs (billboards) shall be permitted within the GC-4, EC-5, I-1, and I-2 zoning districts but shall be prohibited from being located on portions of property located within the Major Transportation Corridor (MTC) Overlay District.⁴⁶

~~(a)~~(b) Size: ~~Off-premise commercial signs shall be limited~~ Limited to 480 square feet of sign area.

~~(b)~~(c) Height: ~~The height of an off-premise commercial sign shall~~ Shall not exceed 25 feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of an off-premise sign shall not be less than eight feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less.⁴⁷

~~(d)~~ Number: One per property.

~~(2)~~(e) Location:

(i) No off-premise commercial sign shall be located closer than 200 feet to the right-of-way of major thoroughfares (i.e. US 70, NC 86, NC 40, and NC 57) and 600 feet to the right-of-way for all other thoroughfares and streets.⁴⁸

(ii) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.⁴⁹

~~(f)~~ Illumination:

~~(b)~~(g) No electric tap outs allowing for an independent light source to receive power shall be allowed.

~~(e)~~(h) Off-premise commercial signs shall be considered the principal use of property. There shall be no additional principal uses allowed on the same parcel. Off-premise commercial signs shall not be permitted as accessory uses.

⁴⁶ Existing regulations moved from Section 6.12.12 (C) (2). The Red Underlined text represents existing standards contained in Section 6.12.12 (C) (9) of the UDO moved here.

⁴⁷ Existing regulations moved from Section 6.12.12 (C) (6) and modified accordingly.

⁴⁸ Existing regulations moved from Section 6.12.12 (C) (5).

⁴⁹ Existing regulations moved from Section 6.12.12 (C) (8).

~~(3) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.⁵⁰~~

~~(4)(i) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:~~

~~(a)(i) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;~~

~~(b)(ii) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,~~

~~(c)(iii) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.~~

(D) Wall Signs

- ~~(1) Shall either be mounted or painted on a building.~~
- ~~(2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.~~
- ~~(3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, O/RM, EI, I-1, I-2, I-3, AS, MPD-CZ, ASE-CZ, REDA-CZ-1 and all of the Economic Development zoning districts.~~
- ~~(4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.~~
- ~~(5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.~~
- ~~(6) Number of Signs Permitted~~
 - ~~(a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.~~
 - ~~(b) For multi-tenant buildings permitted as a conditional use or conditional zoning district additional wall signs may be permitted by the Board of County Commissioners.~~
- ~~(7) The allowable sign area shall be determined as follows:
One square foot of sign area for every foot of building length facing a public right-of-way, not to exceed 32 square feet. For parcels zoned CC-3, GC-4, O/RM, I-2, I-3, AS, EDB-2, EDE-2, EDH-4, EDH-5, and MPD-CZ signage shall not exceed 64 square feet in area for parcels that:~~
 - ~~(a) Are larger than 60,000 square feet in area, and~~
 - ~~(b) Contain a structure with more than 100 linear feet of building length facing a public right-of-way, and~~
 - ~~(c) Have more than 300 feet of linear frontage along a NC Department of Transportation (NC DOT) maintained roadway.~~
- ~~(8) A changeable copy sign may be utilized as a wall sign.~~

⁵⁰ Provision was moved consistent with the revised organizational layout.