

ARTICLE X SIGNS

Section 10.1 Purpose.

The purpose of this Article is to support and complement the various land uses allowed in the City of Kings Mountain and its extraterritorial jurisdiction by the adoption of policies and regulations concerning the placement of signs.

The City Council of the City of Kings Mountain does hereby find and declare outdoor advertising signs to be a legitimate use of private property; however the erection of signs must be controlled and regulated in an effort to promote the health, safety and general welfare of the public and insure convenience and enjoyment of travel. Use of outdoor advertising must also protect the public investment in streets and roads in the Kings Mountain area while providing for the reasonable, orderly and effective display of such signs, displays and devices. Furthermore, it is the intent of this ordinance to prevent signs from dominating the visual appearance of the area in which they are located.

Section 10.2 General Provisions

(1) Permits required

- a. Except as provided by this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign, or cause the same to be done without first obtaining a Zoning Permit for such from the building official as required by this Ordinance.
- b. Additional permits may be required pursuant to the regulations set forth in Volume I (General Const.) and Vol. IV (National Elec. Code) of The N.C. State Building Code.
- c. Permits referenced in a. and b. above shall not be required to change or replace the copy on an existing lawful sign provided the copy change does not change the nature of the sign such as to render the sign a violation of this Ordinance.

(2) Protection Under First Amendment Rights

Any sign, display or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback and other requirements of this Article. This includes signs requiring and not requiring a permit.

(3) Unsafe signs

Any sign which is insecure, in danger of falling, or otherwise endangering the public safety shall be removed or repaired in accordance with the provisions set forth in Vol. I (General Const.) of the latest adopted edition of the N.C. State Building Code.

(4) Sign illumination

(a) The letter "N" means the sign shall not be lighted.

(b) The letter "L" means the sign may be illuminated.

(c) All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.

(5) Sign area

(a) Sign area shall be deemed to be the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentation, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed.

(b) Structural supports such as posts or poles bearing no sign copy shall not be included in the sign area. However any free standing sign support structure constructed primarily to support advertising copy, constructed of materials such as masonry, plywood, siding, lattice, etc. which would limit or prevent persons from seeing through or under the structure shall be included in the sign area.

(c) For signs attached to entrance walls or fences, only that portion of that wall or fence into which the sign face or letters are placed shall be calculated in the sign area.

(d) Only one side of a sign shall be included in the calculation.

(6) Sign height

The height of a sign shall be measured from the highest point of a sign or support whichever is greater to the grade immediately below it.

(7) Identification of signs

Every permanent outdoor advertising sign hereafter erected, constructed or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign by the building official pursuant to

Section 10.3 Free Standing Sign Requirements

- (1) All free-standing signs shall be located behind the street right-of-way. Any such sign greater than three (3) feet in height as measured from the grade of the roads upon which it fronts shall be located outside the required sight triangle as described in Section 4.15 of this Ordinance.
- (2) The bottom of all free-standing signs which are located within fifteen (15) feet of a street right-of-way shall be at least ten (10) feet in height as measured from the grade; provided, however, free-standing signs are twenty-four (24) feet or less in copy areas and less than seven (7) feet in height as measured from grade may be placed no closer than ten (10) feet from the street right-of-way or three (3) feet from the sidewalk whichever is less.
- (3) No free-standing sign shall be located closer than five (5) feet to any adjacent side lot line.

Section 10.4 Supplemental Wall Sign Requirements

- (1) The maximum permitted aggregate area of wall sign per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:
 - a. If a free-standing sign is not used on the premises, the aggregate area of wall sign may be increased by twenty (20) percent per premises.
 - b. The aggregate area of all wall signs per premises may be increased based on the distance the principal building is set back from the required front setback line. Said increase shall be in accordance with the following Table:

Principal Building Distance Setback From the <u>Required</u> <u>Front Setback</u>	Allowed Aggregate Wall Sign <u>Area Increase</u>
0 - 49 Feet	0 Percent
50 - 99 Feet	25 Percent
100 - 149 Feet	50 Percent
150 - 199 Feet	75 Percent
200 - 249 Feet	100 Percent
250 - 299 Feet	125 Percent
300 - 349 Feet	150 Percent
350 - 399 Feet	175 Percent
400 - Feet or More	200 Percent

- (2) No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.
- (3) Canopy and awning signs may be substituted for part of all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning.
- (4) A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than four feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

Section 10.5 Prohibited Signs

- (1) Any sign which obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or a signal shall be prohibited.
- (2) Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.
- (3) Signs, lights, rotating disks, words, and other devices which resemble traffic signals, traffic signs, or emergency vehicle lights.
- (4) Signs, other than government signs, which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning sign.
- (5) Any exterior sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- (6) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- (7) Signs with flashing or intermitted lights or lights or reflective devices of changing degree in intensity or color. With the exception of governmental signs and approved not for profit establishments, signs with devices which produce flashing light and signs which produce scrolled messages are prohibited. However, signs which give time and temperature are permitted provided such messages are limited to only time, date and/or temperature. If a time, date and temperature sign alternates between time, date and temperature it shall continuously show one message a minimum of three (3) seconds time before switching to the other message.

(8) Portable signs except as permitted in Section 10.7 of this ordinance.

(9) Vehicular signs.

- (10) All off premise advertising and other signs not expressly permitted by this Ordinance.

Section 10.6 Signs Not Requiring A Zoning Permit.

The following types of signs are exempted from zoning permit requirements set forth in Section 10.2 of this Ordinance and may be placed in any zoning district. Such signs shall be in conformance with any and all applicable requirements of this ordinance, and nothing contained in this Section shall obviate the responsibility to comply with requirements of Vol. I (General Const.) or Vol. IV (National Elec. Code) of The N.C. State Building Code. All such signs (except government signs) shall be located outside of publicly dedicated right of ways. (N.C. State Building Code reference (Vol. I, Chap. 23, Section 2301,3.1, Page 386, 1993 Edition) and (Vol. IV, Chapter 6, Article 600, Page 633, 1993 edition) and (Vol. IA, Chap. 3, Sect. 31.1, Page 9, 1994 edition, GS #160A-417))

- (1) Government signs.
- (2) Memorial signs, plaques or grave markers which are non-commercial in nature and erected in established cemeteries or memorial parks.
- (3) Public interest signs.
- (4) On premise instructional signs not exceeding four (4) square feet in area each.
- (5) Identification signs not exceeding three (3) square feet in area (one (1) only per premises).
- (6) Incidental signs.
- (7) Temporary real estate signs advertising specific property for sale, lease, rent or development shall be located as follows:
 - a. One (1) sign advertising real estate "For Sale", "For Rent", "For Lease", or "For Development", not greater than ten (10) square feet in any residential district; thirty-two (32) square feet in any business district; and sixty-four (64) square feet in any industrial district may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot, a second sign may be permitted so long as said signs are at least two hundred (200) feet apart, as measured by the shortest straight line.
 - b. In addition to the on site sign(s), a maximum of three (3) directional signs, each not exceeding three (3) square feet in area, shall be permitted to be located off the subject

premises. The message of said sign shall be limited to the name of the property being advertised, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", or "For Development", etc.

- c. All such signs shall be removed within seven (7) days of property being sold, rented, leased, etc.
 - d. No more than three (3) temporary directional signs advertising a specific shopping center, development, subdivision, etc. may also be permitted off site. Each sign shall not exceed three (3) square feet in area.
- (8) Temporary construction signs up to fifty (50) square feet for each project provided:
- a. Only one (1) sign per street front per premises may be erected.
 - b. Signs shall not be illuminated.
 - c. Signs shall be removed within seven (7) days after the completion of the project.
- (9) Temporary farm produce signs provided:
- a. Only one sign per premises shall be erected.
 - b. Such signs shall be located on the premises where the products are sold.
 - c. Signs shall not exceed twelve (12) square feet in area.
 - d. Signs shall be removed within seven (7) days of the termination of sales activities.
- (10) Temporary banners in non-residential district provided:
- a. For a continuous period not to exceed fourteen (14) days, up to two (2) on premises banners, or flags, for special events, sales, and grand openings are permitted at one time. The signs must not be located in the street right-of-way, and must not obscure the view of traffic entering or exiting the premises.
 - b. Temporary banners or flags of this nature are permitted on premises of any use in a non-residential zoning district. However, the display of said flags or banners shall be limited to six (6) fourteen (14) day periods annually.
 - c. No such flag or banner shall extend above the second floor

level of a building.

(11) Yard sale signs.

One (1) on premises and three (3) off premise yard sale signs shall be permitted provided:

- a. All such signs shall not exceed three (3) square feet in area.
- b. All such signs shall be removed within twenty-four (24) hours after termination of yard sale.
- c. No such signs shall be attached to utility poles.

Section 10.7 Signs Requiring Zoning Permits, No Zoning Permit Fee Assessed.

(1) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations provided:

- a. Signs shall be erected no sooner than fourteen (14) days and removed no later than seven (7) days after the event.
- b. All signs shall be located on private property except such signs may be located within a street right of way subject to city Council approval.
- c. Portable signs for such use may be allowed.
- d. Campaign and election signs provided:
 - i. Each sign shall not exceed sixteen (16) square feet in area and be placed on private property out of public and private right of ways.
 - ii. All such signs shall be removed within seven (7) days after the election for which they were made.
 - iii. Candidate shall be held responsible for violations.
 - iv. Campaign and election signs shall neither be attached to utility poles nor placed in public and private right-of-ways.

(2) Directional sign provided:

- (a) Such signs may only be used in conjunction with a religious, charitable, civic, fraternal, or similar organization.
- (b) No more than three (3) directional signs per principal use may be erected.

- (c) All such sign shall be located outside of any street right of way.
 - (d) All such signs located on corner lots or intersections and greater than three (3) feet in height shall not be placed inside the sight triangle as described in Section 4.15.
 - (e) All such signs shall not be illuminated.
 - (f) All directional signs shall be free standing. Portable signs shall be prohibited.
 - (g) There shall be no more than four (4) directional sign poles at the intersection of any two (2) roads.
 - (h) More than one (1) sign may be hung from the same pole.
 - (i) In no case shall any sign be located closer than one (1) foot above grade.
 - (j) No two (2) directional signs hung from separate poles shall be located within five (5) feet of each other.
 - (k) The maximum area of any directional sign shall be six (6) square feet.
- (3) Nothing contained in this section shall obviate the responsibility to comply with the requirements of Vol. I (General Const.) or Vol. IV (National Elec. Code) of the N.C. State Building Code. (N.C. State Building Code reference, Vol. I, Chap. 23, Sect. 2301.3.1, Page 386, 1993 edition; Vol. IV, Chap. 6, Art. 600, Page 633, 1993 edition; Vol. I-A, Chap. 3, Sect. 3.1.1, Page 9, 1994 edition; GS #160A-417).

Section 10.8 Signs Associated With Permitted Uses In Residential Districts.

- (1) Permanent subdivision identification sign when part of an approved subdivision.
 - a. Types of sign permitted: Identification
 - b. Permitted number of signs: One (1) per entrance into the development from a dedicated public Right of Way
 - c. Maximum sign area: Thirty-Two (32) square feet
 - d. Permitted illumination: "L", "N"
- (2) Signs on premises of multi-family developments and mobile home parks shall be regulated as follows:

- a. Types of signs permitted: Identification
- b. Permitted number of signs: One (1) per entrance into the development from a dedicated public Right of Way
- c. Maximum sign area: Twenty-Four (24) square feet
- d. Permitted illumination: "L", "N"
- (3) Signs on premises of small group day care centers, bed and breakfast inns, and permitted customary home occupations.
- a. Types of signs permitted: Identification
- b. Permitted number of signs: One (1) per establishment
- c. Maximum sign area: Three (3) square feet
- d. Permitted illumination: Not permitted
- (4) Signs on premises of day care centers, nursery homes, rest homes, and homes for the aged.
- a. Types of signs permitted: Identification
- b. Permitted number of signs: One (1) per premises
- c. Maximum sign area: Fifteen (15) square feet
- d. Permitted illumination: "L", "N"
- (5) Signs on premises of schools, churches, and privately owned and operated recreational facilities:
- a. Types of signs permitted: Identification and Bulletin Board
- b. Permitted number of signs: One (1) identification and one (1) Bulletin Board
- c. Maximum sign area: Thirty (30) square feet for the identification and fifty (50) square feet for the Bulletin Board
- d. Permitted illumination: "L", "N"

(6) Cemeteries and public safety stations:

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| a. | Types of signs permitted | Identification |
| b. | Permitted number of signs | One (1) identification sign |
| c. | Maximum sign area | Twenty (20) square feet |
| d. | Permitted illumination | "L", "N" |

(7) Signs on the premises of single family residence and vacant residential lots:

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| a. | Types of signs permitted | *Non-commercial |
| b. | Permitted number of signs | Two (2) |
| c. | Maximum sign area | Three (3) square feet each |
| d. | Permitted illumination | Not Permitted |

*For the purpose of this section campaign signs and for sale signs shall be included. For the purposes of Section 10.8 (7), non-conforming signs shall be amortized over a six-month period beginning at the effective date of the ordinance. (9/28/04)

Section 10.9 Signs Associated With Permitted Uses In The Residential-Office (R-O) Zoning District And the Office (O) Zoning District

- (1) Condominiums, Multi-Family Dwellings, Town Houses shall be regulated as in Section 10.8 (2) of this Article.
- (2) Signs associated with all other permitted uses in this district shall be regulated as follows:
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| a. | Types of signs permitted: | Identification, advertising, and business. |
| b. | Permitted number of signs: | <u>Wall</u> – one sign per public street front.
<u>Free Standing</u> – one per establishment except on thru lots or lots fronting on three (3) or more public streets, in which case two (2) free standing signs will be permitted. |
| c. | Maximum sign area: | <u>Wall</u> – a maximum of ten percent (10%) of any wall facing a dedicated public Right of Way not to exceed fifty (50) square feet aggregate sign area.
<u>Free Standing</u> – fifty (50) square feet per sign. |
| d. | Permitted illumination: | "L", "N". |

Section 10.10 Signs Associated With Permitted Uses In The Neighborhood Business (N-B) Zoning District.

[Shopping centers and multi-tenant buildings and developments shall be regulated in Section 10.14 of this Article]

(1) Types of signs permitted

Advertisement, Identification, Business.

(2) Permitted number of signs:

Wall - no limit.

Free Standing - one per establishment except on thru lots or lots fronting on three (3) or more public streets, in which case two (2) free standing signs will be permitted.

(3) Maximum sign area:

Wall - a maximum of ten percent (10%) of any building wall may be used, not to exceed an aggregate wall sign area of one hundred (100) square feet. However an additional fifty (50) square feet of signage may be displayed at any service station or fuel dispensing store or station with a fuel dispensing canopy, bringing the total aggregate wall sign area at these establishments to one hundred fifty (150) square feet. No one sign may exceed one hundred (100) square feet. Free Standing - shall not exceed seventy-five (75) square feet per sign.

(4) Maximum height:

Wall - signs shall not be allowed to extend above the parapet wall or eave height of the building, whichever is greater.

(5) Permitted illumination:

Free Standing - twenty-five (25) feet.

"L", "N"

[Nothing in this section will prohibit temporary signs, banners, flags, etc. as provided in Section 10.6(10) of this Article]

Section 10.11 Signs Associated With Permitted Uses in the General Business (G-B) Zoning District.

- (1) Signs permitted in this district shall be regulated as in the Neighborhood Business (N-B) Zoning District, with the following exceptions:

a. Sign Height:

Free standing signs may extend twenty (20) feet above the parapet wall or eave height of the building, whichever is greater.

Section 10.12 Signs Associated With Permitted Uses In The Central Business (C-B) District.

- (1) Types of signs permitted:

Advertising, Identification, Business

- (2) Permitted number of signs:

Wall - no limit
Free standing - one per establishment provided the primary building setback is no less than twenty five (25) feet from the Right of Way on the side of the property where the sign is to be placed.

- (3) Maximum sign area:

Wall - a maximum of ten percent (10%) of any wall facing a public street not to exceed an aggregate sign area of one hundred (100) square feet.
Free standing - seventy-five (75) square feet.

- (4) Maximum height:

Wall - signs not permitted to extend above the parapet wall or eave height of the building, whichever is greater.

Free standing - Twenty Five (25') Feet.

- (5) Permitted illumination

"L", "N"

Section 10.13 Signs Associated With Permitted Uses In The Light Industrial (L-I) and Heavy Industrial (H-I) Zoning Districts.

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| (1) Types of signs permitted: | Advertisement, Business, and Identification. |
| (2) Permitted number of signs: | <u>Wall</u> - one sign per public street front
<u>Free Standing</u> - one sign per public street front |
| (3) Maximum sign area: | <u>Wall</u> - Ten percent (10%) of any building wall facing a public street, not to exceed one hundred fifty (150) square feet per sign
<u>Free Standing</u> - One hundred (100) square feet per sign. |
| (4) Sign height: | <u>Wall</u> - signs shall not extend above the parapet wall or eave of the building, whichever is greater.
<u>Free Standing</u> - Thirty-five (35) feet |
| (4) Permitted illumination: | "L", "N" |

Section 10.14 Signs Associated With Shopping Centers, Multi-Tenant Buildings And Developments.

[For the purpose of this section, shopping centers, multi-tenant buildings and developments shall be defined as more than one (1) separate and distinct business being operated in one (1) building or group of buildings.]

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| (1) Types of signs permitted: | Advertising, Business, Identification |
| (2) Permitted number of signs: | <u>Wall</u> - one (1) per separate and distinct business per public street front.

<u>Free Standing</u> - one (1) per business except on thru lots or lots fronting on three (3) or more public streets in which case two (2) free standing signs will be permitted. All signs to be mounted on one (1) support structure. |

(3) Maximum sign area:

Wall - a maximum of ten percent (10%) of any building wall facing a public street for each separate and distinct business, provided aggregate sign area shall not exceed one hundred (100) square feet.

Free Standing - a maximum of twenty-five (25) square feet of sign area may be erected for each separate and distinct business. Furthermore an additional twenty-five (25) square feet may be erected to identify the development.

(4) Maximum height:

Wall - signs shall not be allowed to extend above the parapet wall or eave height of the building, whichever is greater.

Free Standing - signs shall not exceed the maximum height requirement for the zoning district in which the development is located.

(5) Permitted illumination

"L", "N"

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