

ARTICLE 7

SIGNS

Sec. 7-1. **Intent**

It is the general intent of this article to prohibit signs of a commercial nature in districts in which commerce is barred; to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings; and to control the number, area and location of signs in other districts.

Sec. 7-2. **Signs Subject to Control; Exceptions**

All signs visible from the public right-of-way shall be erected, maintained, and operated in accordance with this ordinance and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this ordinance are listed in Sec. 7.3. All signs and sign structures shall be kept in good repair and maintained in proper state of preservation.

Sec. 7-3. **Signs Not Subject to Control**

The following signs are not subject to control provided the signs comply with Sections 7-4, 7-5, and 7-6:

- A. Non-illuminated signs not exceeding two per lot and two square feet per face, not of a commercial nature and bearing only property identification numbers and names or post office box numbers and names of occupants of the premises.
- B. Flags and insignia of any government.
- C. Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic on private property, not exceeding four square feet per face, and bearing no advertising matter.
- F. Signs, not exceeding 16 square feet per face and limited to two single-faced signs or one double-faced sign at each point of egress, giving the name of residential subdivisions, multiple family housing developments, or manufactured housing parks.
- G. Internally lighted or unlighted church bulletin boards and identification signs, not exceeding one per abutting street and 50 square feet in area per face.
- H. Signs not exceeding 16 square feet in area per face advertising agricultural products produced on the premises.

- I. Unlighted directional signs of non-profit organizations not exceeding 6 square feet in area per face.
- J. Signs of religious, charitable, civic, fraternal, political, or similar organizations, or of candidates for political office; such sign shall not exceed 16 square feet in area per face.
- K. Community civic association signs identifying the community, not exceeding 18 square feet in area per face.
- L. Historical markers erected or placed by a bona fide historical association or by a governmental agency.

Sec. 7-4. Traffic Safety Precautions

Notwithstanding any other provisions in this ordinance, the following practices in relation to signs are prohibited in order to preserve the safety of pedestrian and vehicular movement:

- A. No sign shall be erected so that any part of it intrudes into the sight preservation triangle established by Section 4-9.
- B. No sign shall use such words as "stop", "slow", "caution", "danger", or similar admonitions which can be confused with traffic directional signs erected by governmental agencies.
- C. No sign shall be erected so that, by its location, color, nature or message, it would tend to be confused with or obstruct the view of traffic signals or signs or would tend to be confused with the warning lights of an emergency or public safety vehicle.

Sec. 7-5. Restrictions on Direct Illumination, Banners, Streamers, Flashing Lights

No source of illumination on a sign, such as a floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district or from adjacent premises. Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs, and similar installations are not permitted. Animated, rotating, or other moving or apparently moving installations are prohibited.

Except as used to display time and temperature, no permanent or temporary sign shall contain flashing lights.

Sec. 7-6. Prohibited and Required Locations for Signs

- A. No sign, including the supports, frames and embellishments, shall be located within any public right-of-way.
- B. No sign shall be erected within 25 ft. of any permanent welcome signs that have been installed by the Town of Midway.

C. Wall-mounted signs shall not extend/project more than six inches from any wall surface when less than eight feet above finish grade.

D. Freestanding signs shall be setback from the property line/right-of-way minimum of five feet. This would include any portion of the sign. No freestanding business signs shall be placed on a vacant piece of property.

Sec. 7-7. Zoning Compliance Permit Required

Before any sign, except those specifically exempted from the requirements of this Article, is erected or structurally altered, a Zoning Compliance Permit must be obtained.

Applications for permits shall be submitted on forms obtained at the office of the zoning enforcement officer. Each application shall be accompanied by plans, which shall:

- A. Indicate the proposed site by identifying the property by ownership, location and use.
- B. Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs.
- C. Show size, character, complete structural specifications and methods of anchoring and support.
- D. If warranted, the zoning enforcement officer may require additional information that will enable him to determine whether or not the sign will be erected in conformance with this article.

Sec. 7-8. Temporary Signs not Requiring Permits

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Compliance Permit:

- A. Real estate signs. For lots of less than five acres, a single sign on each street frontage may be erected. It shall not exceed four square feet in area per face, and may contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. Such signs shall be removed immediately after sale, lease or rental. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding 32 square feet in area per face may be permitted.
- B. Construction sign. A single construction site identification sign shall be permitted. It shall not exceed 32 square feet in area per face, and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. Such signs shall not be erected prior to issuance of a Building Permit and shall be removed within seven days of issuance of the Certificate of Occupancy.

C. Yard sale signs. Yard sales conducted upon residential premises shall be limited to three (3) consecutive days, and no more than four (4) such sales shall take place in any one calendar year. A subsequent sale must take place more than thirty (30) days after the last day of the preceding sale.

1. One sign may be placed upon a residential premise where the yard sale is taking place. For those yard sales taking place on a side street, one additional sign advertising the yard sale may be placed at the nearest intersection of a major road. For purposes of this ordinance, a major road shall mean Hickory Tree Rd, Hartman Rd., Gum Tree Rd., Midway School Rd., Payne Rd., and Old Hwy 52. Yard sale signs must not be attached to telephone poles or street signs and must be taken down at the end of the yard sale.

2. For the purpose of this ordinance, a yard sale is considered to be an accumulation of the personal property being offered for sale and displayed in a yard, garage, barn, or porch of a residential premises.

All other temporary signs, including but not limited to any temporary sign that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, private building without the permission of the building owner, fence, railing, utility or light pole, traffic control device, or tree or to the ground, are hereby prohibited.

Sec. 7-9. Permitted Signs, Size and Number of

The number and size of permitted signs shall be as follows for the districts enumerated:

A. Signs in Residential Districts

The following signs may be erected in the RA-1, RA-2, RA-3, RS, RM1, and RM-2 districts in the manner prescribed upon issuance of a Zoning Compliance Permit:

1. A single non-illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of a residential subdivision, multiple family housing development, or manufactured housing park may be erected at each point of access to such development.
2. A single non-illuminated wall sign not exceeding three square feet in area and containing the name of a home occupation may be erected on the lot on which such home occupation is located.
3. A single non-illuminated or internally illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of the non-residential use permitted in a residential district may be erected on the lot on which such use is located.
4. The requirements and limitations for signs located in a Planned Development District shall be established in Article 5.

B. Signs in Non-Residential Districts

The size and number of permitted signs shall be as follows for the districts enumerated:

1. RC District. The total sign area shall be limited to two square feet for each linear foot of building footage on a street. The maximum number of signs permitted on a lot shall be two per establishment up to a maximum of six signs.
2. CS District. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street. The number of signs on a lot shall be one per establishment up to a maximum of ten signs.
3. HC District. The total sign area shall be limited to two square feet for each linear foot of lot frontage along a street. The maximum number of signs on a lot shall be three per establishment up to a maximum of 10 signs.
4. LI and HI Districts. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street up to a maximum of 300 square feet per face. The maximum number of signs on a lot shall be two per establishment up to a maximum of five signs.
5. O & I. The total sign area shall be limited to one square foot for each linear foot of building frontage on a street. The maximum number of signs permitted shall be one per establishment.
6. Outdoor Advertising Signs.
 - a. Outdoor Advertising signs, where allowed as a permitted principal use, shall be limited to a maximum area of 400 square feet per sign for each sign.
 - b. No two signs shall be spaced less than 300 feet apart.
7. Height of Free Standing Signs:
 - a. A limit of thirty-five (35) feet in height. In calculating the sign height the height of any sign located on a constructed berm or mound shall include the height of the berm or mound.
 - b. Signs located along interstate highways may not exceed fifty (50) feet in height unless the condition on additional height is met in the Table of Area, Height, and Placement Regulations.

Sec. 7-10 Effective Date

The effective date of this Article shall be _____, 2009.

Sec. 7-10 Prohibited and nonconforming signs in existence on effective date

A. Prohibited Signs. Any prohibited sign in existence on the effective date must be immediately removed and is subject to immediate removal by or on behalf of the Town.

B. Nonconforming Signs. Any nonconforming sign erected prior to the effective date of this Article shall be removed, changed, or altered to conform to the provisions of this ordinance within five years of the effective date of this Article. All nonconforming signs shall be identified and recorded at the effective date of this Article.

Notwithstanding anything in this article to the contrary, nothing in this Article shall require the removal of any “off-premises outdoor advertising” as that term is defined in N.C.G.S. § 160A-199.