

C-UDO-62
AN ORDINANCE AMENDING CHAPTER B, ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCE

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article III, Section 2, Sign Regulations:

(A) General Requirements

- (1) Applicability.** Signs, in the districts where they are permitted, shall hereafter be erected or placed only in compliance with the provisions of this section, provided that any sign permitted by this Ordinance, regardless of location on- or off-premises, orientation, sign structure, or subject matter, may display noncommercial messages.
- (2) Zoning Permit Required.** A zoning permit shall be secured from the Zoning Officer prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration.
- (3) Prohibited Signs.** The following signs or use of signs is prohibited.
 - (a) Flashing Lights.** Signs displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.
 - (b) Use of Warning Words or Symbology.** Signs using the words *stop*, *danger*, or any other word, phrase, symbol, or character similar to terms used in a public safety warning or traffic signs.
 - (c) Temporary, Nonpermanent Signs.** Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.
 - (d) Moving and Flashing Signs** (excludes electronic time, temperature, and ~~message signs~~electronic fuel pricing). Moving and flashing signs, excluding electronic time, temperature, and message signs, are not permitted in any zoning district. This includes pennants, streamers, banners, spinners, propellers, discs, any other moving objects; strings of lights outlining sales areas, architectural features, or property lines; beacons, spots, searchlights, or reflectors visible from adjacent property or rights-of-way.
 - (e) Exterior exposed neon signs** are prohibited.
 - (f) Electronic message boards** are prohibited.

~~(g)~~ Abandoned Sign. A freestanding sign relating to or identifying an activity or establishment that is no longer conducted on the premises. Such signs include the sign's structure if the structure cannot be used for a legal use or does not comply with the height, area, or other physical requirements of this Ordinance. Such sign shall be in violation of the zoning ordinance if not brought into conformance or removed within 365 days after notification of the property and sign owners(s) by the Zoning Officer. A sign which meets the height and area requirements of this ordinance shall not be removed from its supporting cabinet structure unless a new sign will replace that sign in the aforementioned structure. An Abandoned sign not replaced shall be left in its cabinet structure and shall be painted or otherwise masked using a solid, uniform color covering the sign. Abandoned cabinets as described above shall be in violation of the zoning ordinance if not brought into conformance or removed within 180 days after notification of the property and sign owners(s) by the Zoning Officer.

~~(h)~~ Human Supported signs. Any sign which is carried, handled, held or supported by a human being for display or promotion, including a human that is dressed in attire for the display or promotion.

(4) Illumination. Illuminated signs shall be so shielded as not to cast direct light onto any residential district.

(B) Permitted Signs

(1) Signs Permitted in Any District. The following signs or uses of signs which meet the additional provisions of this Section are permitted in any zoning district, unless otherwise specified, with no permit required:

(a) Entrance and Exit Signs. One entrance and one exit sign containing a maximum of six (6) square feet each and a maximum height of three (3) feet shall be permitted per driveway. Entrance and exit signs shall contain no commercial content other than a symbol, name or logo of the establishment it serves.

(b) Emergency, Safety, Warning, or Traffic Signs. Emergency, safety, warning, or traffic signs installed by or at the direction of a governmental authority or with its approval shall be permitted without size limitations.

(c) Local, State, and National Flags. Local, state, and national flags shall have no size limitations.

(d) Real Estate Signs. In all RS and RM Districts, a real estate sign is limited to six (6) square feet. In all other districts, real estate signs shall not exceed eighteen (18) square feet. Lead-in (directional) signs are allowed from Friday noon to Monday noon.

(e) Political Signs. Political signs shall not exceed two (2) square feet in size.

- (f) Religious Institution Bulletin Boards. On-premises bulletin boards for religious institutions shall not exceed fifty (50) square feet in size.
- (g) Religious Institution Directional Signs. Only two (2) directional signs are permitted for each religious institution, provided the signs shall not exceed six (6) square feet each and are located on the same street as the religious institution the signs identify. Lettering on the signs shall consist only of the name of the religious institution and a directional arrow.
- (h) Occupancy Signs. Occupancy signs shall be limited to one sign per dwelling unit or principal use, and no such sign shall exceed one square foot in area.
- (i) Historical Markers. Historical markers shall be erected or placed by a bona fide historical association or by a governmental agency and shall not exceed twelve (12) square feet in area.
- (j) Landmark Indicators. Landmark indicators including signs, banners or streamers displayed in the downtown, center city, or other limited areas, which promote special points of interest and events and do not exceed fourteen (14) square feet in area are permitted. Said signs shall be installed by the jurisdiction, its agents, or employees, at the direction of, or with the approval of, the Elected Body.
- (k) Information, Direction, and Identification Signs. Information, direction, and identification signs installed by or at the direction of a governmental authority or with its approval and institutional use signs: On-premises ground and projecting signs not to exceed thirty-six (36) square feet. Signs shall be so located to not obstruct the vision of drivers of motor vehicles. Wall and roof signs shall also be permitted.
- (l) Agricultural Signs. Up to two (2) off-premises directional signs are permitted for agricultural produce grown and sold on the premises. One twenty-four (24) square foot sign is permitted on-site for the off-premises sale of agricultural produce sold by the grower.
- (m) Yard Sale Sign. An on-premises sign advertising a yard or garage sale shall not exceed two (2) square feet in size and shall be limited to one sign per lot. Such signs may be erected forty-eight (48) hours prior to the event and shall be removed within twenty-four (24) hours after the event. Lead-in (directional) off-premises yard sale signage shall not exceed two (2) square feet in size. Lead-in (directional) off-premises yard sale signs are permitted from Friday noon to Monday noon. Directional signage shall be located within one thousand (1,000) feet of the nearest intersection to the yard sale. Yard sale signage shall not be allowed in the public rights-of-way adjacent to an interchange.

- (n) On-Premises Temporary Special Event Signs or Banners for Religious, Charitable, Civic, Educational, Fraternal, Governmental or Similar Non-Profit Organizations. Temporary signage for the previously stated groups is allowed provided:

- (1) No more than one sign per street frontage shall be permitted per event.
- (2) The sign/banner shall be located on the property on which the event will occur.
- (3) The sign/banner shall be erected no sooner than seven (7) days before and removed twenty-four (24) hours after the event.
- (4) A period of no fewer than seven (7) days shall exist between the removal of one sign/banner and the installation of another.
- (5) The specific date or time period of the event being advertised shall be present on the sign/banner.
- (6) The sign/banner shall not be any larger than thirty-two (32) square feet.

(o) Construction, Development, and Lender Sign. Construction, Developer and Lender Signs will be permitted one temporary on-premises sign per development under construction, not to exceed thirty two (32) square feet in area and ten (10) feet in height for developments of five (5) acres or less and sixty four (64) square feet for developments of more than five (5) acres. Developments of five (5) or more with five hundred (500) feet or more of linear frontage shall be permitted an additional on-premise sign of the same dimensions. Construction and Development signs shall not be illuminated.

- (2) Application of Table of Permitted Districts for Signs. The following signs shall be permitted in the zoning districts as indicated in Table B.3.6, and shall comply with all regulations of the applicable district unless otherwise regulated by specific regulations of this section.

Table B.3.6
Permitted Districts for Signs

	R M	N O	L O	C P O	G O	N B	P B	L B	N S B	H B	G B	C B	M R B - S	L I	C P I	G I	C I	I P	C	M U S
Off-Premises Signs																				
Ground Sign										Z				Z		Z	Z			
On-Premises Signs																				
Ground Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Awning		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Projecting Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z
Roof Sign																				
Wall Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

Z = Districts in which signs permitted; zoning permit required.

(C) Off-Premises Ground Signs

- (1) Zoning Districts.** Ground signs (off-premises) are permitted only in the districts as shown in Table B.3.6 and only along designated roads which are not identified as view corridors listed in Section B.3-2.1(C)(2).
- (2) View Corridors.** No off-premises sign shall be permitted in any view corridor as described below and shown on the *View Corridor Map* located in the office of the Planning Board.

Table B.3.7
View Corridors

Designation	Location
1. "A"	The north side of Business 40 from Broad Street on the west to Cameron Avenue on the east
2. "B"	The south side of Business 40 from Cherry Street on the west to Salem Avenue on the east
3. "C"	The west side of US 52 from 16th Street on the north to the Southern Railroad line on the south
4. "D"	The west side of US 52 from the Southern Railroad line on the north to Stadium Drive on the south
5. "E"	The east side of US 52 from I-40 on the north to Stadium Drive on the south
6. "F"	The south side of Business 40 from US 52 on the west to US 158 (Reidsville Road) on the east
7. "G"	Both sides of I-40 from Jonestown Road on the west to the City zoned jurisdiction on the east
8. "H"	Both sides of US 311 from I-40 on the west to the Forsyth County line on the east
9. "I"	Both sides of US 311 connector from Business 40 on the north to I-40 on the south
10. "J"	Both sides of the Northern Beltway from Stratford Road (US 158) on the south to US 52 on the north
11. "K"	Both sides of the Northeast connector from US 52 on the west to the eastern terminus of the connector on the east
12. "L"	Both sides of I-40 in the unincorporated area of Forsyth County
13. "M"	Both sides of US 421 from I-40 on the east to the Winston-Salem City limits on the west, and within the jurisdiction of the Town of Lewisville."
14. "N"	Both sides of Lewisville-Clemmons Road from I-40 on the south side to the northern

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore
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	Clemmons Municipal Limits at US 421
15. "O"	Both sides of I-40 from Lewisville-Clemmons Road on the east side to a point five hundred (500) feet west of Harper Road on the west side

(3) Designated Roads.

- (a) Permitted Areas.** Ground signs (off-premises) are permitted only along Interstate 40 and Lewisville-Clemmons Road.

(4) Location and Setbacks.

- (a) Distance from the centerline.** Ground signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.
- (b) Spacing.** Ground signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.
- (c) Setback.** Ground signs (off-premises) shall be set back from each property line a minimum of one-half the distance required by the *Zoning Ordinance* for principal structures as defined in Section B.2-1 and Tables B.3.1 and B.3.2.
- (d) Distance from Residential Zones.** Ground signs (off-premises) shall be located no closer than the following distances from residentially zoned property:
 - (i) Freeways/Expressways in the Interstate System.** On freeways/expressways in the Interstate System:
 - [A]** Twenty-five (25) feet from any residence;
 - [B]** Fifty (50) feet from any residential zone abutting the permitted zone away from the roadway; and,
 - [C]** One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.
 - (ii) Other Roads in the National Highway System.** On other roads in the National Highway System:
 - [A]** Twenty-five (25) feet from any residence;
 - [B]** One hundred (100) feet from any residential zone abutting the permitted zone away from the roadway; and,

[C] One hundred (100) feet from any residential zone abutting the permitted zone parallel to the roadway.

(5) Size Measurement.

(a) Area Calculation. The sign area for ground signs (off-premises) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass the entire sign designated to attract attention, including any molding, trim, border, or frame. Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both sides of any permitted sign.

(b) Maximum Sign Area. The maximum sign area of an off-premises ground sign shall be limited, depending on location, as follows:

(i) On freeways/expressways in the Interstate System, maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.

(ii) On other roads in the National Highway System maximum sign size shall be three hundred (300) square feet.

(c) Height. Off-premises ground signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher. Sign height shall be measured to the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, excluding any extensions.

(6) Number of Faces. Off-premises ground signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

(D) On-Premises Signs - Awning Signs

(1) Zoning Districts. Awning signs are permitted only in the districts as shown in Table B.3.6. Only one awning sign is permitted for each tenant per each exposed wall.

(2) Illumination. No background illumination of an awning sign is permitted.

~~(3) CB District Restriction. In the CB District, printed information, limited to the name, street number, and address, or logo of the establishment(s) occupying the building to which the awning is attached, may be printed on the outside surface area of the awning. Printed information and/or logo shall not exceed one square foot per linear foot of building frontage on the street or thirty percent (30%) of the total outside surface area of the awning, whichever is less.~~

~~(4)~~(3) Restrictions in NO and NB Districts. In the NO and NB Districts, only one of the following signs is permitted for each business: awning, ground (on-premises), projecting, or wall.

(E) On-Premises Signs - Ground Signs, Projecting Signs

(1) Zoning Districts. Ground signs (on-premises) and projecting signs are permitted only in the districts as shown in Table B.3.6 or as specified in Section B.3-2.1(E)(9). Only one projecting sign is permitted for each tenant per each exposed wall.

(2) Location and Setbacks.

(a) All parts of ground signs (on-premises) must be completely out of the right-of-way. The sign location shall not interfere with pedestrian or vehicular circulation.

(b) A projecting sign may extend a maximum of eighteen (18) inches into the right-of-way.

(c) Ground signs (on-premises) shall be set back a minimum of one linear foot per square foot of sign area from any structure used exclusively as a residence.

(3) Sign Measurement.

(a) Area Calculation. Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, measuring the copy area. The outside dimensions of the sign, exclusive of structural support shall not increase the overall dimensions by more than seventy-five percent (75%).

(b) Sign Area and Height. Sign heights are measured to top of copy and shall be measured using the surrounding average grade or road height, whichever is greater. The total copy areas of ground signs are not to exceed eighteen (18) square feet for five (5) feet high signs; thirty-six (36) square feet for ten (10) feet high signs; fifty-four (54) square feet for fifteen (15) feet high signs. Total face of the sign area shall not increase the overall dimensions by more than seventy-five percent (75%) of the total copy area. Copy area and total face area calculations are based on zoning district height allowances for each zoning classifications, not actual sign height.

Zoning District	Maximum Sign Height
• NSB	15 feet
• HB, GB, CB, MRB-S, GI greater than 25,000 square feet total building footprint	15 feet

• LI, CPI, CI, GI (less than 25,000 square feet)	10 feet
• GB, HB, LB, PB, MRB-S, LO, GO, CPO, CB, greater than 4,000 square feet total building footprint	10 feet
• RM-5, RM-8, RM-12, RM-18, RM-U, MH, IP, C	5 feet
• GB, HB, LB, PB, MRB-S, LO, GO, CPO, CB, less than 4,000 square feet total building footprint	5 feet
• YR, AG, RS-40, RS-30, RS-20, RS-15, RS-12, RS-9, RS-7, RSQ, NO, NB, MU-S, I-40 Thoroughfare Overlay District	UDO standards apply

All above building square footage amounts shall include attached canopies.

- (4) Number of Faces. Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this section. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. ~~A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.~~
- (5) Number.
- (a) Maximum. Each zoning lot frontage of less than two hundred fifty (250) feet shall be limited to one ground (on-premises) and one projecting sign per street or right-of-way frontage. If the lot frontage contains more than two hundred fifty (250) feet, then two (2) signs of each type may be used on that street frontage, except in any RM District, with a minimum separation of one hundred twenty-five (125) feet between these two (2) signs or between them and any other ground signs on the lot.
- (b) Restrictions in NO and NB Districts. In the NO and NB Districts, only one of the following signs is permitted for each business: awning, ground (on-premises), projecting, and wall.
- (6) Exceptions.
- (a) Corner Lots and Lots with Two Hundred Fifty (250) Feet of Frontage. Corner lots and lots with two hundred fifty (250) or more feet of frontage are permitted a fifty percent (50%) addition in maximum ground and projecting sign size for using one sign where two (2) would be allowed. The fifty percent (50%) additional size applies to the copy area only. The sign height is limited to that authorized in the underlying district.
- (b) Lots on Freeways/Expressways in the Interstate System. Signs located within four hundred (400) feet of the centerline of a freeway/expressway in the Interstate System, except in any RM District, may display additional sign area up to a maximum of two

hundred (200) square feet and a maximum height of fifty (50) feet. This exception will become void along any highway which installs a government sponsored highway logo sign system. Lots located within four hundred (400) feet of the centerline of a freeway/expressway in the Interstate System, except in any RM District, are permitted sign height of thirty-five (35) feet. The maximum sign area shall be limited to current standards as listed in Section B.3-2(E)(3)(b).

- (c) Lots of Three (3) Acres or More. On zoning lots containing three (3) acres or more, the maximum size of ground and projecting signs shall be that permitted in the zoning district where the sign is permitted, regardless of the amount of road frontage of the lot.
- (d) Shopping Centers.
 - (i) Number and Size. Any shopping center or multiple proprietorship in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area provided that such signs shall be of the marquee type. If the lot frontage is greater than one hundred fifty (150) feet, two (2) ground signs may be used with seventy-five (75) feet separation between signs and the fifty percent (50%) addition applies to both signs. The fifty percent (50%) additional size applies to the copy area only. The sign height is limited to that authorized in the underlying district.
 - (ii) Freestanding Building Signs. A freestanding building located within designated shopping center parking lots and containing eight hundred (800) square feet or more shall be permitted one additional ground sign (on-premises) not to exceed thirty-six (36) square feet.
 - (iii) On Premise Wall Signs. On premise wall signs shall follow the standards set forth in Section 3-2.1(F)(2)(a) Maximum Size.
- (7) Movie Theaters and Performance Halls. A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the district.
- (8) Illumination in RM Districts. In any RM District, internally illuminated signs are not permitted, except such internally illuminated signs in RM District which existed as of the effective date of this Ordinance.
- (9) On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts.
 - (a) Permitted Districts and Uses. On-premises ground and projecting signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

- (i) Agriculture production
 - (ii) Cemetery, licensed or unlicensed
 - (iii) Child day care center accessory to a church or school
 - (iv) Church or Religious Institution, Neighborhood or Community
 - (v) Fish hatchery
 - (vi) Golf course
 - (vii) Manufactured housing development
 - (viii) Park and shuttle lot
 - (ix) Planned residential development and subdivision
 - (x) Riding stable
 - (xi) Shooting range, outdoor
 - (xii) Utilities
- (b) Number and Size. Only one sign per use with a maximum of eighteen (18) square feet per zoning lot per street or right-of-way frontage. If a zoning lot is permitted more than one sign, there shall be at least fifty (50) feet of spacing between each sign.
- (c) Height. Fifteen (15) feet maximum, measured from the road or grade of the site to which the sign is oriented, whichever is higher.
- (d) Illumination. Internally illuminated signs are not permitted for these uses, except such internally illuminated signs which existed as of the time of the adoption of this Ordinance.

(F) On-Premises Signs - Roof Signs, Wall Signs

- (1) Zoning Districts. Roof and wall signs are permitted only in the districts as shown in Table B.3.6 or as specified in Section B.3-2.1(F)(5). Only one wall sign is permitted for each tenant per each exposed wall. Roof signs are not permitted.
- (2) Size.
- (a) Maximum Size: Total sign area shall not exceed one and one half (1 ½) square foot of sign area per linear foot of building frontage. The maximum area shall not exceed 200 square feet. For multi-tenant developments and shopping centers the linear footage shall be calculated based on the linear footage of tenant space. ~~There shall be no maximum size restriction, but, in no case shall a~~

wall sign extend horizontally beyond the main wall of a building more than twelve (12) inches.

(i) Maximum Area for little or No Building Frontage: Establishments with little or no building frontage, such as interior office establishments, shall have a maximum sign area twenty-four (24) square feet provided the that the total maximum permitted sign area allowed for the building is not exceeded.

(b) Restrictions in NO and NB Districts. In the NO District, sign size shall be limited to eight (8) square feet; in the NB District, sign size shall be limited to four (4) square feet.

(3) Height.

(a) Flat Roof Building. On a flat roof building, no roof signs are allowed. No wall sign shall project more than fifty percent (50%) of its height above the wall on which it is placed, but in no case shall extend more than two (2) feet above the wall. This height limitation shall include the use of parapet walls for signage. The top of the signage area shall be calculated from the line of the flat roof behind the parapet wall.

(b) Peaked Roof Building. Signs on a peaked roof building shall not extend above the peak of the roof.

(4) Number.

(a) Maximum Number. There shall be one wall sign per tenant per each exposed wall: awning, projecting and wall as long the maximum square footage requirements of Section 3.2.1(F)(2)(A) Maximum Size are met. ~~no restriction on the number of roof and wall signs.~~

(b) Restrictions in NO and NB Districts. In the NO and NB Districts, only one of the following signs is permitted for each business: awning, ground (on-premises), projecting, and wall.

~~(c) Only one of the following signs is permitted for each tenant per each exposed wall: awning, projecting and wall.~~

(5) Wall Signs in the YR, AG, MH, and RS Districts. Wall signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

(a) Agriculture production

(b) Cemetery, licensed or unlicensed

- (c) Child day care center accessory to a church or school
 - (d) Church or Religious Institution, Neighborhood or Community
 - (e) Fish hatchery
 - (f) Golf course
 - (g) Manufactured housing development
 - (h) Park and shuttle lot
 - (i) Planned residential development
 - (j) Riding stable
 - (k) Shooting range, outdoor
 - (l) Utilities
- (6) Rooftop Penthouses or Unenclosed Screening. No signage is permitted on either roof top penthouses or unenclosed screening of roof top mechanical equipment.
- (7) Roof Signs Not Permitted. Roof signs are not permitted, except such roof signs which existed as of the effective date of this Ordinance.

(G) Other Sign Regulations

- (1) Menu Boards, Fast Food Restaurants. Menu boards for fast food restaurants must be located in such a way as to be viewed from a designated drive-through lane and not located within the required front, side, or rear yards.
- (2) Adult Establishment Advertisements. Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.
- (3) Convenience Stores. Electronic digital fuel pricing shall be allowed in this use. The electronic prices shall not be allowed to flash, blink or move at any time. The allowance of digital technology shall solely be used to display the numerical price of fuel and shall only be changed when the price of fuel is modified.

(i) Square footage of fuel pricing. The square footage of the electronic fuel pricing shall be encompassed in the overall square footage requirements of the said sign as determined in Section 3-2:1.D.3(Sign Measurement)

(ii) Brightness: The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during the daylight hours and a maximum of 750

nits (candelas per square meters) between dusk and dawn, nor shall the sign have varying light intensity during the display of any single message.

(iii) Every sign shall be equipped with a dimming mechanism that adjusts display brightness to accommodate varying ambient light conditions. This function can be performed manually or automatically with the use of a light sensing device.

- ~~(3)~~(4) Nonconforming Uses. Nonconforming uses shall be permitted on-premises ground, projecting, roof, or wall signs, provided such signs are on the premises of the use and provided:
- (a) Existing signs as of the time of adoption of this Ordinance which advertise a nonconforming use on a site shall comply with the requirements of any zoning district which would permit such use. These existing signs may be replaced, or may be replaced and increased by a maximum of twenty-five percent (25%) provided that such increase would not exceed the requirements of any zoning district which would permit such use. Existing signs meeting these requirements may be replaced due to deterioration or destruction.
 - (b) Signs existing as of the time of the adoption of this Ordinance which advertise a nonconforming use on a site that do not comply with the requirements of any zoning district which would permit such use, shall have one hundred eighty (180) days after the time of the adoption of this Ordinance to come into compliance or the signs shall be removed.
 - (c) Nonconforming uses which do not have ground (on-premises) signs on the site as of the time of the adoption of this Ordinance shall not be permitted to install such signs.
- (4) Parks and Recreation Areas Open to the Public With One Thousand (1,000) Acres or More. On-premises ground and projecting signs not to exceed seventy-five (75) square feet. Maximum height of signs shall be fifteen (15) feet. Signs shall be spaced at least four hundred (400) feet apart. Exempt from this spacing requirement are signs located within fifty (50) feet of the centerline of the main entrance to the park or recreation area. The main entrance shall be defined as the one major controlled access point from a major or minor thoroughfare to the park or recreation area. The nearest sign located to the main entrance signs shall meet the four hundred (400) foot spacing requirement. Signs shall be so located as to not obstruct the vision of drivers of motor vehicles.
- (5) Removal of Nonconforming Temporary Sign. Town employees and their designees may remove nonconforming temporary signs in the Town's right-of-way. Whenever a noncompliance sign on private property is found to exist within the Town, the Town Manager or his assigns shall give written notice to the owner or occupant of the

property upon which such sign exists or upon the person causing or maintaining the sign. The issued notice to remove a sign shall contain:

- (a) An order to remove the sign or to request, in writing, a hearing within a stated time which shall be reasonable under the circumstances;
- (b) The location of the sign;
- (c) A description of the sign;
- (d) A statement of acts necessary to abate the situation;
- (e) A statement that if the sign is not removed or the situation abated as directed and no request for hearing is made within the prescribed time, the Town will remove such sign and assess the cost thereof against such person.

(H) Amortization Schedule

(1) On-Premises Signs.

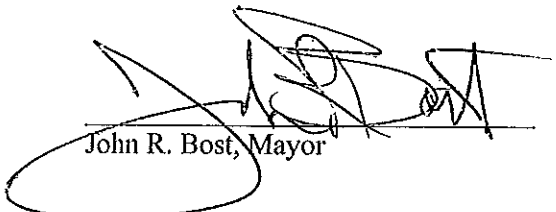
- (a) **Nonconforming Signs.** One on-premises sign per zoning lot or business not conforming to these standards may be allowed to remain in its present location provided that the sign was legally erected in compliance with all laws existing prior to October 14, 1985, and provided that the owner filed notice with the Inspections Division within ninety (90) days of that date. Said notice shall contain documentation on the location, height, size, and dimensions of the sign to remain, as well as a photograph showing the entire sign and its supporting structure. Said sign shall be allowed to remain at its present location for the remaining life of the sign, and any such sign removed, renovated, altered, destroyed, or damaged by fifty percent (50%) or more of its value shall not be rebuilt or replaced except in compliance with this Ordinance.
- (b) **Other Nonconforming Signs.** All other nonconforming signs shall be removed or brought into compliance with the requirements of this Ordinance within seven (7) years from October 14, 1985, or until removed, renovated, altered, destroyed, or damaged as specified in this section, whichever is earlier.
- (c) **Nonconforming Signs Existing Prior to May 14, 2001.** All nonconforming signs shall be removed or brought into compliance with the requirements of the Ordinance within ten (10) years from May 14, 2001, or until removed, renovated, altered, destroyed, or damaged by fifty percent (50%) or more of its physical replacement value, whichever comes first.

(2) Off-Premises Signs.

- (a) Setbacks. All nonconforming off-premises signs shall be removed or brought into compliance with all requirements of this Ordinance except Section B.3-2.1(C)(4)(c), within seven (7) years of October 14, 1985.
- (b) View Corridors. The seven (7) year amortization of off-premises signs provided in this section shall not apply to the view corridors listed in Table B.3.7. Off-premises signs, existing or for which a valid permit has been issued in these view corridors prior to February 6, 1989, may remain and be maintained and repaired. Such signs may not, however, be expanded or replaced in any manner with regard to their support structure, decking, sign face structure, lighting or any other component or group of components of their structure or foundation.
- (c) Nonconforming Signs Existing Prior to May 14, 2001. Any off-premises sign at its current location may be allowed to remain at the present location for the remaining life of the sign, and any such sign removed, renovated, altered, destroyed, or damaged by fifty percent (50%) or more of its physical replacement value shall not be rebuilt or replaced except in compliance with this Ordinance.

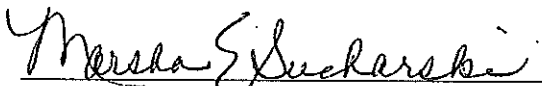
Section 2. This ordinance shall be effective upon adoption.

Adopted the 14th day of November, 2011.



John R. Bost, Mayor

Attest:



Marsha E. Sucharski, CMC, Village Clerk