

ARTICLE 17

SIGN REGULATIONS. (*amended October 13, 2015*)

17.1 Title.

This Article shall be known and may be cited as the “Town of Midland Sign Regulations.”

17.2 Applicability and Purpose.

This Article applies to all *signs* erected in the Town of Midland and its extraterritorial jurisdiction. The purpose of this ordinance is to ensure the installation of safe and effective signage that promotes both business activity and the aesthetic character of the Town and its extraterritorial jurisdiction, as well as communicating essential information to the public. The following statements elaborate on this purpose:

- (A) To provide opportunities for neighborhoods and commercial endeavors to be identified in an effective and equitable fashion.
- (B) To promote public safety by reducing hazards associated with distracting or excessive signage.
- (C) To establish and promote enhanced community character through signage that is reflective of the historic nature of the Town and its scale of development.
- (D) To promote the integration of signage with the architectural characteristics and aesthetic quality of the Town’s development.
- (E) To provide for flexibility in amount, type and scale of signage depending on the context of the development and the surrounding area.
- (F) To facilitate efficient, thorough, consistent and effective enforcement of the *sign* regulations.

17.3 Definitions.

Please see definitions in Article 3 of this Ordinance.

17.4 Applicability.

Except as specifically exempted in this ordinance, no *sign* shall be erected, altered or displayed without a *sign* permit issued by the Town of Midland confirming compliance with the provisions of this ordinance. *Signs* made nonconforming by this Ordinance shall be grandfathered until altered, abandoned, relocated, or removed with the exception of prohibited *signs*, which shall be removed within three days as required in Section 17.5 of this Article.

17.5 Prohibited Signs (amended October 13, 2015)

Signs prohibited by the enactment of this Article shall be removed within ten days from the date of notification by the *Planning, Zoning and Subdivision Administrator* or duly authorized code enforcement agent of the Town; however, where deemed dangerous or prejudicial the *Planning, Zoning and Subdivision Administrator* may act in accordance with Section 23.11 of this Ordinance. The following signs are specifically prohibited by this Ordinance:

- (A) *Snipe signs*.
- (B) *Signs* attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
- (C) Windblown *signs* not specifically permitted in this Article such as pennants, streamers, spinners, balloons, inflatable figures, and similar *signs*, except as specifically permitted herein.
- (D) *Signs* which prevent free ingress to or egress from any door, window, or fire escape.
- (E) *Signs* erected or displayed in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway.
- (F) Any *sign* which interferes with vehicular or pedestrian traffic as a result of its position, size, shape, movement, color, fashion, manner, or intensity of illumination, including *signs* with the potential to be confused with any authorized traffic *sign*, signal, or device.
- (G) *Signs* erected or displayed on or over public rights-of-way or other public property, other than those erected by governmental agencies or for which appropriate encroachment agreements have been executed pursuant to this ordinance. Exception is made for signs governed by G.S.136-32.(amended May 13, 2014)
- (H) *Portable signs*, except as specifically permitted herein.
- (I) *Signs* that move or flash or have moving or flashing components, except as permitted under Section 17.6 below; *signs* that are intermittently lighted; *signs* that revolve; or any other similarly constructed *signs*.
- (J) *Signs* attached to the roofs of buildings or are otherwise located above the roofs of buildings or are part of roofing finish and/of materials.
- (K) *Signs* carried by or attached to people, including costumes worn for the purpose of attracting commercial attention.
- (L) Off-premises *signs*, including outdoor advertising *signs*, except those placed by governmental agencies for public purposes. The exception being that existing off-premises billboard *signs* that are non-conforming may be disassembled and replaced with a newer structure upon approval by the *Planning, Zoning and Subdivision Administrator*. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not exceed 30' in height; shall be designed to limit lighting to the *sign* face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the *Planning, Zoning and Subdivision Administrator*, who shall have the authority to deny permits for *signs* that do not meet the intent of this Ordinance.

17.6 Exempt Signs. (amended October 13, 2015)

The following *signs* are exempt from the requirements of this ordinance although, in some instances, building permits may be required, such as an electrical permit for a machine *sign* or a time and temperature *sign*.

- (A) Warning and security *signs*, including *signs* placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to *signs* identifying fire department connections or high voltage, public telephone, or underground cables and/or gas pipe lines.
- (B) Government *signs* and *signs* for non-profit organizations sponsored by governments including insignia, legal notices, informational, directional, way-finding, and traffic *signs*. This exemption shall not include permanent and temporary *signs* covered in section 17.8 of this Article but may include *signs* or flags erected on public property or private property immediately proximate to public property to commemorate public holidays recognized by the Town Council.
- (C) Warning and security *signs*, including *signs* placed by private property owners restricting activity such as "No Dumping", "No Hunting" and "No Trespassing" *signs* containing less than two square feet in copy area per *sign* face.
- (D) *Signs* placed inside ball fields and outdoor amphitheaters that face toward the interior of the field or amphitheater and are primarily intended for viewing by persons attending events and/or performances.
- (E) Accent lighting, as defined herein, provided that not more than two architectural elements are accented per occupancy (e.g., two windows or a window and a roofline, etc.).
- (F) *Signs* associated with events of short duration for a nonprofit or charitable organization having a duration of 14 days or less, provided that not more than a total of 24 square feet of signage is posted per property per street frontage and they are removed within two (2) days thereafter provided such events happen six (6) or less times per calendar year on a particular premises.
- (G) Incidental *signs* affixed to windows containing no more than two square feet in copy area provided that not more than a total of six square feet of incidental signage is displayed per occupancy. An incidental *sign* may flash provided it is located within a building and no more than one such *sign* is displayed per occupancy.



Example of Incidental Signs

- (H) Machine *signs* containing no more than six (6) square feet in copy area, except drive-through menu kiosk machine *signs* may contain up to twelve (12) square feet in copy area provided the portion of the *signs* devoted to a logo or business name contains no more than six (6) square feet of the total *sign* copy area.



Example of Machine Signs

- (I) Menus displayed outdoors at restaurants provided they contain no more than six (6) square feet in copy area.
- (J) *Signs* attached to donation bins provided they contain no more than six (6) square feet in copy area.
- (K) Any *sign*, public notice or warning required by a valid and applicable federal, state, or local law, regulation, approved development plan, or ordinance, including traffic control *signs* on private property.
- (L) Address *signs* no greater than six (6) square feet in copy area.
- (M) Retail store window displays of merchandise.
- (N) *Signs* attached to licensed roadworthy vehicles, provided the vehicles are not parked unattended and in such a manner as to create the effect of additional signage, whether on-premises or off-premises (see 17.5, Prohibited Signs).
- (O) *Signs* attached to umbrellas provided no more than 25% of the total surface area of the umbrella is devoted to signage.
- (P) Political *signs* containing no more than six square feet in copy are in residential districts and no more than 24 square feet in copy area in nonresidential or mixed use districts, provided that no more than one sign per candidate or issue is displayed per zone lot frontage and such signs are erected no more than 45 days prior to the applicable election and removed no more than seven days after the applicable election. Exception is made for signs governed by G.S. 136-32.
- (Q) Flags of the United States, the State of North Carolina, Cabarrus County or the Town of Midland provided that they do not exceed 50 square feet in area, that they are displayed on flagpoles not exceeding 45 feet in height, that no more than three flags are displayed on a zone lot of less than one acre in size and not more than five flags are displayed on zone lots of one acre or more in size, and that all flagpoles are setback at least the height of the flagpole from all property lines. Flagpoles may be roof or wall-mounted provided size, height and setback requirements are met.

- (R) Holiday lights and decorations with no message provided that such lights are not illuminated and/or decorations are not displayed for longer than a total of 60 days per calendar year in any nonresidential or mixed use zoning district.
- (S) *Signs* for “temporary businesses” such as, but not limited to, produce stands, street vendors, and vendors at special events that shall operate for a specified time period, not to exceed seven consecutive days, are exempted. If the business is a recurring operation, such as produce stands that operate on weekends or on select days during the week, then said “temporary business” shall comply with the regulations set forth in this Ordinance; the exception being that the *Planning, Zoning and Subdivision Administrator* may permit “temporary businesses” to use banners and temporary signage that comply with the standards and intent of this Ordinance to be used as signage, provided that the business puts the *sign* up at the start of the business day and takes it down at the close of each business day.

17.7 Requirements for Permanent *Signs* Requiring a Permit. (*amended October 13, 2015*)

- 17.7-1 Requirements for *signs* extending over pedestrian and vehicular travel areas. *Signs* extending over pedestrian and vehicular travel areas shall maintain a minimum clear distance between the finished grade surface material and any portion of the *sign* and its associated support structure of nine (9) and 14 feet respectively.
- 17.7-2 Permanent *sign* requirements. The following tables and text provide the design and dimensional requirements for permanent *signs* that require a permit. Requirements include copy area, number, type of illumination, and letter height for both attached and freestanding *signs*. Setback and height requirements are established for freestanding *signs* and detailed design requirements are provided for monument and pole *signs*.
 - (A) Only one general attached *sign* (blade, V-type, or flat) is allowed per street or parking frontage.
 - (B) Only one monument or pole freestanding *sign* is allowed per street frontage.
 - (C) Height of freestanding *signs* shall be measured from the elevation of the ground at the point of contact with the *sign* provided that the grade of the site is not artificially altered to increase the allowable height of the *sign*. For sloping sites, the applicable point of contact shall be the point having the highest elevation.
 - (D) One *sign* per approved Home Occupation within a residential zoning district, not to exceed four (4) square feet in area, and within a non-residential zoning district, not exceeding twelve (12) square feet in area.
 - (E) The following permanent special purpose *signs* are in addition to general attached and freestanding *signs* under the limitations provided in the following tables and elsewhere in this Article.
 - (1) Window.
 - (2) Directional.

(3) Directory.

(4) Community identification.




(F) Time and Temperature *signs* are allowed as either attached or freestanding *signs* provided they are:




- a. incorporated into the general or attached signage for a nonresidential property,
- b. no more than one such *sign* per property,
- c. limited to time and temperature information and changes no more frequently than once every five seconds, and
- d. the illuminated and/or copy area of the time and temperature *sign* does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable advertising *sign* type.


(G) Changeable Copy *signs* are allowed as either attached or freestanding *signs* provided they are:





- a. incorporated into the general or attached signage for a nonresidential property,
- b. not more than one such *sign* is allowed per occupancy,
- c. the *sign* message changes no more frequently than once every four hours for manually and mechanically changing *signs* and once every eight seconds for digitally changing *signs*. Digitally Changing *signs* are allowed only on properties zoned MS, OM, C601 or C24/27. Unlike time and temperature *signs*, no area bonus is allowed for changeable copy *signs*.

(H) All subdivisions requiring the development of new public roads within the Single Family Residential District (SFR) and Agriculture District (AG) must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the Town of Midland or its area of jurisdiction and must be approved by Cabarrus County's emergency address coordinator. The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. Commercial subdivisions are not required to use identification signage. (See Article 16)


Sign Type	Sign Copy Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – General					
Blade (or Projecting)					Only one <i>sign</i> (blade, V-type or flat <i>sign</i>) allowed per occupancy per street or parking frontage
V-type					One square foot of signage copy area for each one square foot of occupancy frontage up to the maximum allowed
Flat (or Wall)		32	Ambient External Internal	6”	<p>One per street or parking frontage per occupancy</p> <p>Internally-illuminated <i>signs</i> –<i>sign</i> face can be illuminated</p> <p>No attached signage above second story except in monolithic multi-story buildings fronting major thoroughfares</p> <p>Signs replicating historical signs existing prior to the year 1975 may exceed copy area allowance, with documentation in sufficient detail to determine authenticity) may be established in the MS and OM district only.</p>

Sign Type	Sign Copy Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements	
Permanent Attached Signs – Special Purpose						
Window		8	Ambient	N/A	One per each 100 square feet of display or doorway window area or fraction thereof	A maximum allowance of three signs per street or parking frontage per occupancy
Directional	 	4 12*	Ambient External Internal	4"	N/A	*Only allowed for signs placed above a common entrance shared by multiple tenants of the same building; one sign per entrance
Outdoor Directory		6	Ambient External	N/A	One per street or parking frontage per building	
Awning		6	Ambient	4"	One per street or parking frontage per awning	Not more than two awning signs per occupancy per street or parking frontage.

Sign Type	Sign Copy Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – Special Purpose					
Canopy		16	Ambient Internal	6"	One per street frontage Properties fronting on more than one street may have one canopy <i>sign</i> per street frontage

Sign Type		Sign Copy Area Allowance (sq ft)	Max. Sign Height (feet)	Sign Illumination	Minimum Letter Size	Maximum Number	Minimum Setback from Property Line(s)	Other Requirements
Permanent Freestanding Signs – General and Special Purpose								
Monument		48	8	Ambient External Internal	6"	One per street frontage having access to the site	5 ft	Monument <i>signs</i> shall comply with the design requirements of Subsection 17.7-3
Pole		12	10	Ambient External Internal		One per street frontage providing access to the site	4 ft	Pole <i>signs</i> shall comply with the design requirements of Subsection 17.7-4
Community Identification		32	6	Ambient		One per each gateway or primary entrance	0 ft*	Shall comply with design requirements for monument <i>signs</i>
Directory		24	6	Ambient External Internal	4"	One per street frontage having access to the site	25 ft	Only allowed for sites with multiple buildings Shall not be displayed so as to be prominently visible from off-site locations

*May encroach into adjoining street right-of-way pursuant to an encroachment agreement.

Sign Type	Sign Copy Area Allowance (sq ft)	Max. Sign Height (feet)	Sign Illumination	Minimum Letter Size	Maximum Number	Minimum Setback from Property Line(s)	Other Requirements	
Permanent Freestanding Signs – General and Special Purpose								
Directional		3	2.5	Ambient External Internal	4"	Two per each driveway access to the site	0 ft*	Not more than 25% of <i>sign</i> face shall contain a logo; no other commercial message is allowed

*May encroach into adjoining street right-of-way pursuant to an encroachment agreement.

17.7-3 Monument sign design requirements. Monument *signs* are intended to serve a wider range of aesthetic and architectural purposes than pole *signs*. Consequently, the following design requirements are established for monument *signs*.

(A) General design requirements and *sign* copy area measurement for monument *signs*. As in traditional building design, monument *signs* shall be designed to include a base, middle, and cap. The following illustration shows a monument *sign* having these architectural characteristics, as well as how *sign* copy area is to be measured on a monument *sign*.

Monument Sign Design Elements



(B) Sign structure materials. In general, monument *sign* structures should be constructed of materials that are similar to or complementary to the principal building(s) on the premises where they are located. Only the following materials shall be used in monument *sign* structure construction, singly or in combination:

- (1) Brick (painted or unfinished)
- (2) Wood
- (3) Concrete or stucco
- (4) Natural stone or manufactured stone having a natural appearance
- (5) Metal

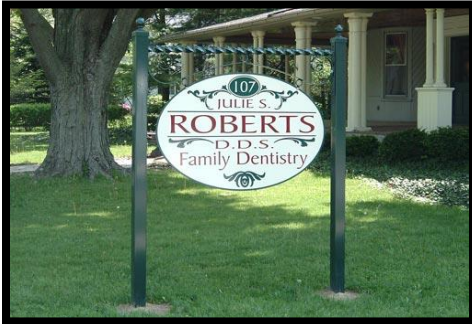
(6) Glass

(C) Sign copy materials. Sign copy materials for monument *signs* shall include the *sign* structure materials listed above. For internally illuminated monument *sign* copy, acrylic may be utilized, provided not more than 50% of the *sign* face is illuminated.

17.7-4 Pole sign design requirements. The following design requirements are established for pole *signs*:

(A) General design requirements. Pole *signs* in Midland have traditionally been supported by two posts or suspended from a single post as shown in the following illustrations. Pole *signs* shall use one of these two forms of design.

Examples of Allowable Types of Pole Signs



(B) Materials. In general, pole *signs* should use materials that complement the principal building(s) on the premises where they are located. The following materials are acceptable for use in pole *signs*, singly or in combination:

- (1) Wood
- (2) Metal
- (3) Brick (painted or unfinished)
- (4) Concrete or stucco
- (5) Natural stone or manufactured stone having a natural appearance

17.8 Temporary Signs (amended October 13, 2015)

The following tables provide the design, dimensional, and time of display requirements for temporary *signs*. Additionally: Nonconforming temporary *signs* shall not be grandfathered (see section 17.12 of this Article).

17.8-1 Requirements for temporary signs that require a permit.

The temporary *signs* listed in the following table require a permit and shall comply with the indicated zoning location and other requirements. All such *signs*, with the exception of searchlights, shall be illuminated solely by ambient light sources.

Temporary Sign Type	Allowable Zoning Districts	Requirements
Sandwich board signs	MS, OM, MSP, OMP, CIV, C24/27, C601, IND, AG	One <i>sign</i> per occupancy having direct access onto any public or private sidewalk where <i>sign</i> is placed. "Direct access" shall mean an occupancy having a public entrance immediately from the sidewalk where the <i>sign</i> is placed. See additional sandwich board <i>sign</i> requirements in section 17.8-3 of this Article.
Banners and flags	MS, OM, MSP, OMP, CIV, C24/27, C601, IND, AG	Up to 60 square feet of banner/sail/feather/flag materials per occupancy space. Display time limit: 21 days, four times per calendar year with a 60 day separation between permits.
Signs erected or mounted on fixed structures without permanent foundations or anchors		Up to 24 square feet per <i>Sign Face</i> may be displayed off-premises with the permission of the property owner. <i>Sign</i> shall not exceed three feet in height. If attached, shall not be attached to any tree or other vegetation, post, utility pole, wall, or other structure except the building containing the event.

17.8-2 (Reserved)

17.8-3 Additional requirements for sandwich board signs.

Sandwich board *signs* offer businesses in pedestrian-oriented zoning districts an effective and creative way to market products or services. However, unless carefully regulated, sandwich board *signs* can create

hazards for pedestrians and a cluttered and unattractive appearance. The following design standards are established to permit sandwich board *signs* to be utilized in a fashion which meets community safety and design expectations, as well as the need for businesses to market their products and services.

- (A) Sandwich board *signs* shall not exceed four feet in height and 30 inches in width.
- (B) Sandwich board *signs* shall be located only where facing parallel to the street oriented sidewalks serve the occupancy with which they are associated.
- (C) Five feet of sidewalk clearance shall be provided along at least one side of the *sign* to allow for unobstructed pedestrian access in accordance with ADA regulations.
- (D) Sandwich board *signs* are intended to inform and orient pedestrians to business locations and available products and services. Consequently, such *signs* shall be placed in close proximity to the public entrance to the occupancy with which they are associated and shall be oriented to communicate information primarily to pedestrian traffic utilizing the sidewalk on which they are located as opposed to vehicular traffic utilizing nearby public or private streets or private drives and parking areas.
- (E) Sandwich board *signs* shall be moved to an indoor location for storage during times when the associated businesses are not open for customers.
- (F) Standard design for sandwich board *signs*. Sandwich board *signs* shall be located in frames constructed of black anodized aluminum, black wrought-iron, or wood which has been painted black, as illustrated in the following photographs. Plastic, PVC, or other similar materials shall not be used as the frame. The display area within the frame shall be constructed of durable metal or wood if containing permanent messages; such permanent messages shall be applied to the display area with paint, metal or durable vinyl or shall consist of carved wood or cut metal lettering or images. Sandwich board *signs* containing changeable message display areas may be constructed of chalkboard style materials, durable plastic (such as a “dry erase” board), or similar materials, provided the display area background is either black, dark green or white in color and that the changeable message is applied using erasable chalk or erasable ink in a handwritten application. Unless otherwise specified, a muted color palette shall be used for any background or message, including lettering and images.



Example of Standard Sandwich Board Sign Frame

(G) Alternative design for sandwich board signs. As an alternative to the standard design described above, the *Planning, Zoning and Subdivision Administrator* may permit alternative sandwich board sign designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such signs shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the sign using a muted palette of colors. Wooden signs are preferred, but all such signs shall be made of durable materials. An example of an acceptable alternative design is illustrated in the following photograph.



Example of Alternative Sandwich Board Sign

17.9 Signs Located in Local Historic Districts.

Regardless of the other dimensional provisions of this Article, signs that are located in local historic districts shall be governed by the applicable design guidelines and review processes established for the local historic district.

17.10 Master Sign Plan.

Regardless of the other provisions of this Article, the Town Council may, at its sole discretion, approve a master sign plan for specified areas of Town or

for certain development projects listed in this section. The approved master *sign* plan may include *signs* of different sizes, types, locations, placement and height from those otherwise enumerated in this Article.

- 17.10-1 Purpose. The purpose behind this section is to permit creativity in *sign* design and placement to address site issues and constraints associated with topography, pedestrian-orientation, way-finding and other conditions unique to the subject development or area of Town.
- 17.10-2 Application. Master *sign* plans may be submitted for the following types of developments:
- (A) Traditional Neighborhood Development projects.
 - (B) Commercial, institutional, industrial, or mixed use developments containing three or more acres in area.
 - (C) Areas of Town that are governed by a corridor plan or area plan that includes *sign* guidelines.
- 17.10-3 Submittal process. Master *sign* plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a signage plan application and shall be indicated on an application form provided by the *Planning, Zoning and Subdivision Administrator*.
- (A) Owner and contact name, address, telephone number and signature(s), as applicable.
 - (B) A master *sign* plan proposal illustrating the proposed *signs*, their proposed location, and their proposed purpose, along with a statement as to why the existing *sign* code cannot or should not be followed in the subject case.
 - (C) An analysis showing how the proposed signage plan differs from what could be provided under the existing *sign* regulations set forth in this Article.
 - (D) Other similar information determined by the planning director to be necessary for understanding the purpose and intent of the proposed master *sign* plan application.
- 17.10-4 Review procedure. The *Planning, Zoning and Subdivision Administrator* shall schedule the master *sign* plan for Planning and Zoning Commission and Town Council consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments. The protest petition provisions of Article 5 shall not apply to master *sign* plan hearings. In reviewing the proposed master *sign* plan, the Planning and Zoning Commission and Town Council shall take the following matters into consideration.

- (A) The extent to which the proposed master *sign* plan deviates from the *sign* allowances otherwise applicable in this Article.
- (B) The rationale provided by the applicant for the deviations.
- (C) The extent to which the master *sign* plan promotes Town goals associated with community character, way-finding, pedestrian-orientation, and business identification.
- (D) The degree to which the master *sign* plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

The Planning and Zoning Commission shall provide a recommendation to the Town Council whether to deny or approve the proposed master *sign* plan in part or in total and shall further recommend conditions regarding approval where deemed warranted.

The Town Council may deny or approve the proposed master *sign* plan in part or in total and may establish conditions regarding approval. In the event that the master *sign* plan is denied, the applicant must wait at least 365 days before reapplying for a new master *sign* plan *substantially similar* (as defined in Article 3) to the proposed master *sign* plan.

17.11 Permitting.

Applications for *sign* permits and the associated fee schedule may be obtained from the *Planning, Zoning and Subdivision Administrator*. Completed applications, including payment of fees, shall be reviewed for compliance with the requirements of this ordinance and may be approved, approved with conditions, or denied by the *Planning, Zoning and Subdivision Administrator*. *Signs* requiring *sign* permits under the provisions of this ordinance may also require additional permits, including building permits and electrical permits. It shall be the responsibility of the applicant to obtain all applicable permits.

17.12 Nonconforming Signs.

A permanent *sign* which does not comply with one or more of the requirements of this Article shall be grandfathered until such *sign* is removed, physically altered beyond maintenance (as defined), relocated, damaged or destroyed, after which it shall be brought into compliance with all requirements of this Article. Nonconforming temporary *signs* shall not be grandfathered and shall be brought into compliance with all requirements of this Article within ten days from the date of notification by the *Planning, Zoning and Subdivision Administrator* or duly authorized code enforcement agent of the Town.

17.13 Abandoned Signs.

Signs identifying an abandoned occupancy or use shall be considered abandoned *signs* and shall be removed by the owner of the property on which they are located. Failure to remove an abandoned *sign* shall be considered a violation of

this ordinance. In addition, correction of an abandoned *sign* violation may include removal of the abandoned *sign* or *signs* by the Town at the owner's expense after proper notice of the violation and failure to act by the owner within the timeframe established in the notice of violation.

17.14 Maintenance.

All *signs*, including exempt *signs*, shall be maintained in a satisfactory state of repair. This shall include, without limitation, correction of peeling or faded paint, repair or replacement of damaged panels, trimming of vegetation that obscures the *sign(s)*, replacement of defective lighting of illuminated *signs*, secure attachment to the building for attached *signs*, and stable vertical alignment of freestanding *signs*.

17.15 Administration, Enforcement and Interpretation.

The *Planning, Zoning and Subdivision Administrator* shall be responsible for the administration, enforcement and interpretation of these *sign* regulations.

Decisions and interpretations made by the *Planning, Zoning and Subdivision Administrator* may be appealed to the *Board of Adjustment* in accordance with the appeal provisions of the *Board*. Enforcement action taken by the *Planning, Zoning and Subdivision Administrator* shall not be appealable to the *Board of Adjustment*; appeals of enforcement actions are reviewable in Cabarrus County Superior Court.

Enforcement action taken by the *Planning, Zoning and Subdivision Administrator* shall be proactive and/or complaint-based except for exempt *signs* and window *signs* in which case enforcement shall be complaint-based. In no case shall violations of this ordinance be considered a criminal offense.

17.15-1 General enforcement. Except for snipe *signs*, a violation of the *sign* regulations shall be enforced as provided below:

- (A) Notice of violation. The *Planning, Zoning and Subdivision Administrator* shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 30 days after receipt of the notice of violation.
- (B) Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars (\$200.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the *Planning, Zoning and Subdivision Administrator* to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4.
- (C) Appeal to Superior Court. Every decision of the *Planning, Zoning and Subdivision Administrator* to assess a civil penalty shall be subject to review by the Cabarrus County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within 30 days after the decision of the *Planning, Zoning and Subdivision Administrator* to assess a civil penalty.
- (D) Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of Article 17 shall be recovered by the Town in a civil action in the nature of a debt, to be brought in the

Cabarrus County Superior Court if the violator fails to give notice of timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.

17.15-2 Snipe sign enforcement. Snipe signs constitute a particular hazard to public safety due to their tendency to create distracting visual clutter and litter; consequently, for the purposes of this Article, snipe signs are regarded as a nuisance and the illegal placement of snipe signs shall be enforced as provided below.

(A) Confiscation. The *Planning, Zoning and Subdivision Administrator* or any agent of the *Administrator* or Town is hereby authorized to remove or confiscate, without notice, any snipe sign visible from a public roadway that is located within the required setback of the zone lot on which the sign is located or 30 feet from the edge of a road or street, whichever is less, regardless of whether such sign is situated within the right-of-way or beyond it. Confiscated signs shall be stored in a secure facility for not less than seven days, after which they may be disposed of. Within the seven day period after confiscation, any responsible party, as described herein, shall have the right to request a hearing before the *Planning, Zoning and Subdivision Administrator* to present evidence as to why his/her sign(s) may have been erroneously confiscated. The *Planning, Zoning and Subdivision Administrator* shall postpone disposal of the subject confiscated sign(s) and shall schedule the requested hearing within 30 days and shall render a decision with regard to erroneous confiscation within 10 days after the hearing.

(B) Responsible parties. For the purpose of snipe sign enforcement, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of snipe signs:

- (1) The record owner of the property on which the snipe sign is located.
- (2) The entity or person identified in the sign.
- (3) The person placing or affixing the sign.

(C) Civil penalties. Civil penalties of \$200 for each snipe sign determined to be in violation of the regulations of this Article may be imposed on any and all responsible parties by the *Planning, Zoning and Subdivision Administrator* in accordance with the following notice and compliance provisions:

- (1) First violation. The *Planning, Zoning and Subdivision Administrator* shall send a warning/education letter to the responsible party or parties explaining Town regulations pertaining to snipe *signs* and providing a list of penalties for violations thereof.
- (2) Second violation or failure to comply with the warning/education letter. The *Planning, Zoning and Subdivision Administrator* shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 48 hours after receipt of the notice of violation.
- (3) Failure to comply with the notice of violation. Any responsible party or parties who fail to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars (\$200.00) for each snipe *sign* determined to be in violation of the regulations of this Article. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the *Planning, Zoning and Subdivision Administrator* to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4. Civil penalties so imposed may be appealed to the Cabarrus County Superior Court in accordance with the provisions of section 17.15-1(C) above. Failure to appeal and/or pay the civil penalty shall be treated as a debt in accordance with the provisions of section 17.15-1(D) above.

17.16 Suggested Design Guidelines.

In addition to the mandatory standards provided in Sections 17.7 and 17.8 above, the following design guidelines for *signs* are provided in order to promote more attractive and functional design and placement of *signs*.

- (A) Freestanding *signs*. Placement of freestanding *signs* should take into account existing trees and other site landscaping so as to maintain *sign* visibility. Landscaping around the base of freestanding *signs* is strongly encouraged to improve the overall appearance and visibility of these *sign* types as evidenced in the following example.



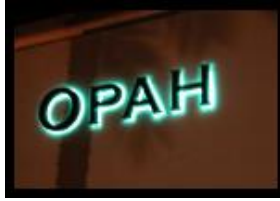
Landscaping Around the Base of a Monument Sign

- (B) Display windows are intended to offer opportunities to display merchandise or services available on the premises. Careful placement of *signs* in display windows will not obscure the visibility of merchandise or services. Additionally, display windows should not be “papered-over,” especially in pedestrian areas.
- (C) General design guidelines. The following general guidelines are provided to guide overall *sign* design in the Town:
 - (1) Use high quality, durable materials.
 - (2) Minimize the need for *sign* lighting by placing *signs* where ambient light sources illuminate the *sign*. Where separate lighting is necessary, external illumination sources are preferred over internal illumination. All electrical conduit and junction boxes should be concealed.



Externally Illuminated Sign

- (3) Backlit, individual letter *signs* (aka, halo lighting) are encouraged where illumination is needed as illustrated below.



Backlit Individual Letters

- (4) Avoid elaborate or confusing styles of text as illustrated in the following example.



Overly-Complicated Style of Text

- (5) Attempt to use symbols rather than text; for example, this Norwegian pharmacy *sign* incorporates a symbol as well as text.



Use of Symbols

- (6) Use *sign* styles and designs that complement the architecture of the site where the *signs* are located. Midland is a historic town so using “period” signage is strongly encouraged.



An Example of a “Period” Pole Sign in a New York City Suburb