

## Dare County, NC Code of Ordinances

**CHAPTER 158: SIGNS, CAMPAIGN SIGNS AND OUTDOOR  
ADVERTISING STRUCTURES**

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**§ 158.01 INTENT.**

The purpose of this section is to coordinate the type, placement, and physical dimensions of signs within all unincorporated areas of Dare County; to recognize the commercial communication requirements of all sectors of the business community; to promote both renovation and proper maintenance of signs; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public, and in part, to achieve the following:

(A) Safety; to promote the safety of persons and property by providing that signs:

- (1) Do not create a hazard due to collapse, fire, decay, collision or abandonment;
- (2) Do not obstruct fire, police or other emergency services; and

(3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, cyclists, obstacles or other vehicles, or to read traffic signs.

(B) Communications efficiency; to promote the efficient transfer of information in sign messages by providing that:

- (1) Those signs which provide messages and information most needed and sought by the public are given priorities;
- (2) Businesses and services may identify themselves;
- (3) Customers and other persons may effectively locate a business or service;

- (4) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
- (5) Persons exposed to signs are not overwhelmed by the number or size of messages presented.
- (C) Landscape quality and preservation; to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
- (1) Do not interfere with scenic views;
  - (2) Do not create a nuisance to persons using the public rights-of-way;
  - (3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
  - (4) Are not detrimental to land or property values; and
  - (5) Contribute to the special character of particular areas of the community.

(Res. passed 5- -2004)

## **§ 158.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMATED SIGN.** Any sign, which uses movement or change of lighting to depict action or to create a special effect or scene.

**BUSINESS SIGN.** A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to the type of products sold, manufactured or assembled or to services or entertainment offered on the premises, but not a sign pertaining to the preceding if the activity is only minor and incidental to the principal use of the premises.

**BULLETIN BOARD.** A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar non-commercial place of public assembly.

**DIRECTIONAL SIGN, OFF-PREMISE.** A sign used to identify a business, profession, or agency that is located off NC 12, US 64, NC 345, SR 1217, or other main transportation routes in unincorporated Dare County. The signs shall contain the name of the business, profession or agency and specific directional information and/or address of the business, profession or agency location.

**FLAG.** A piece of cloth, paper or other similar flexible material displayed on a flagpole.

**FLASHING SIGN.** An illuminated sign of direct or indirect lighting on which the artificial light flashes on and off in regular or irregular sequences.

**FREESTANDING SIGN ON-PREMISES.** A business sign that is used to identify and direct

attention to a business, profession, service or industry located on the same premises of the business.

**IDENTIFICATION SIGN.** A sign used to identify only the name of the individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed.

**MULTI-UNIT SIGN.** A freestanding sign that contains 3 or more identification signs for multi-occupancy premises, such as a shopping center.

**NONCOMMERCIAL SIGN.** A sign designed and intended to promote, support, call attention or give notice to a cause, nonprofit and noncommercial services, or political message of an individual, charitable organization, political group or other similar entity.

**OUTDOOR ADVERTISING SIGN AND STRUCTURE.** A sign and structure that directs attention to a business, commodity, service or entertainment conducted, sold or offered either off premises or as a minor or incidental activity upon the premises where the sign is located.

**PORTABLE OR MOVABLE SIGN.** A sign that is not permanently attached to the ground, a structure or a building and that can be moved from one location to another and used for a temporary purpose. This shall include A-frame signs, and sandwich board signs.

**REVOLVING/ROTATING SIGN.** A sign that revolves 360 degrees.

**ROOF SIGN.** A sign erected, constructed or maintained above or on the roof of any building.

**SIGN.** Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure, including billboard or poster panel, designed to carry visual information.

**SIGN AREA.** The area of signs, composed in whole or in part of free-standing letters, devices or sculptured matter not mounted on a measurable surface, shall be construed to be the area of the least square, rectangle or circle that will enclose the letters, devices or sculptured matter. The area of a double faced sign shall be the area of one face of the sign; provided, that the 2 faces are of the same size and are parallel to one another with no more than 24 inches between each sign face.

**SIGN HEIGHT.** As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is highest, and the ground.

**SPECIAL PURPOSE SIGN.** A temporary sign to announce sales, new products, openings or closeouts and other special events.

**TEMPORARY SIGN.** A sign or advertising display constructed of cloth, fabric, plywood or other lightweight material and designed or intended for a period not to exceed 30 days.

**TIME AND TEMPERATURE SIGNS.** A sign containing numerals that may be alternately displayed to show the time and/or temperature. A time and/or temperature sign shall not be considered a flashing or animated sign; time and temperature signs shall not change or alternate messages more frequently than once every 3 seconds.

**UNDER-CANOPY SIGN.** A sign that is affixed or attached to a canopy located over a storefront,

doorway, entrance, window.

**WALL SIGN.** A sign affixed to the wall of any building that projects not more than 12 inches from the building.

**WINDOW SIGN.** A sign that is attached directly to the inside or outside of a window or located in such a manner within a building that it is visible from the exterior (outside) of the building through a window.

**WIND DEVICE.** Any flag, banner, balloon, pennant, streamer or similar device that moves freely in the wind. All **WIND DEVICES** are considered to be flags and are regulated as flags.

(Res. passed 5- -2004)

### **§ 158.03 GENERAL PROVISIONS.**

(A) *Compliance with Building and Electrical Codes.* All signs shall be constructed in accordance with the requirements of the local and state Building Code and the National Electrical Code, including applicable wind load standards.

(B) *Anchoring.*

(1) All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations, concrete footings or concrete embedment.

(2) All special purpose signs shall be braced or secured to prevent motion.

(C) *Additional construction specifications.* No sign shall be erected, constructed or maintained so as to obstruct any ingress or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, egress, for any room or building as required by law.

(D) *Maintenance and removal.* Should any sign become in danger of falling or is deemed unsafe by the Building Inspector, the owner or the person or firm maintaining the sign, shall upon written notice from the Building Inspector, secure or remove the sign within 10 business days. In the case of immediate danger, the sign shall be secured or removed as specified by the Building Inspector. If the sign is not removed or secured, the Inspector or his or her designated agent may initiate legal procedures to obtain the necessary court orders to remove such signs at the expense of the owner or lessee thereof.

(E) *Abandoned signs.* Any freestanding sign relating to any business or other use shall be removed by the owner of the sign or property owner within 60 days after the business or activity has been vacated or terminated. If the sign has not been removed after the removal time has expired and after proper written notification has been issued, the Dare County Zoning Officer may initiate legal procedures to remove such signs at the expense of the owner or lessee thereof.

(F) *Sign measurements.*

(1) *General.* For the purpose of this chapter, the area, in square feet, of any sign shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign. In computing the sign area in square feet, standard mathematical formulas for

known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used.

(2) *Multiple faces.* Where a sign has 2 or more faces, the area of all faces shall be included in determining the area of the sign, except that where 2 such faces are placed back-to-back and are at no point more than 2 feet from one another. The area of the sign shall be taken as the area of the larger face if the 2 faces are of unequal area; if the areas of the 2 faces are equal, then the area of 1 of the faces shall be taken as the area of the sign.

(G) *Lighting.* Unless otherwise specified by this chapter, all signs may be illuminated in a manner that the light and glare are reflected away from streets and adjacent properties. However, no sign regulated by this chapter may utilize a revolving beacon light, flashing, revolving and/or rotating light.

(H) *Exemptions.* This section shall not relate to building design, nor shall the chapter regulate official traffic signs, gravestones, lighting or displays of a seasonal religious or traditional nature (e.g., Christmas or Chanukah lights or decorations, Thanksgiving decorations, Halloween lights or decorations and the like) which are not commercially-oriented, scoreboards on athletic fields, or any display or construction not defined herein as a sign.

(I) *Exceptions.* Roanoke Voyages Corridor on Roanoke Island: These regulations do not apply to properties on Roanoke Island, adjacent to US 64/264 from William Umstead Bridge and The Virginia Dare Memorial Bridge along US 64 Business and US 64/264 Bypass to the Washington Baum Bridge. Other regulations apply created by the NC General Assembly in 1981, Sessions Laws 1194, created The Roanoke Voyages Commission to effect and encourage restoration, preservation and enhancement of the appearance and aesthetic quality of the US Highway 64/264 traveled corridor through Roanoke Island.

(J) *Permits required.* Unless otherwise specifically provided, a sign permit shall be obtained before commencing the construction, alteration, erection, addition to or moving of any sign.

(Res. passed 5- -2004)

## **§ 158.04 PROHIBITED SIGNS.**

(A) In all areas of unincorporated Dare County, the erection, construction, location or the use of any sign is prohibited as follows.

(B) The signs, if deemed to create a public safety hazard by the Building Inspector, may be removed immediately by the county; otherwise, prohibited signs shall be removed within 10 business days following written notification from Dare County.

(1) No sign shall be permitted on or protrude into a public or private right-of-way, street or passageway.

(2) No sign shall be posted on any telegraph, telephone, electric or other utility pole or structure or any tree.

(3) No sign shall be permitted whereby its location, nature or type constitutes a hazard to the safe and efficient operation of vehicles upon any public or private right-of-way, street or passageway. No sign shall be permitted that obstructs the line of sight of motorists or pedestrians at intersections,

driveways or along any public or private right-of-way, street or passageway. No sign shall be permitted that obstructs or resemble traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle.

(4) No sign shall contain statements, words or pictures which describe or display specified anatomical areas or specified sexual activities, as defined in the Dare County Code of Ordinances or which contain words which are classified as vulgar, vulgar slang, offensive slang, or obscene in The New College Edition of the American Heritage Dictionary of the English Language.

(5) No sign shall be permitted that contains or consists of banners, posters, pennants, ribbons, balloons, streamers, spinning parts or other similarly moving devices or ornamentation, except as specifically provided herein.

(6) No sign shall be permitted which contains or utilizes revolving or rotating beams of light. No sign shall be erected which flashes, except for time and temperature signs as defined in this chapter.

(7) No sign shall be placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign (this does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business).

(8) No business sign shall be located in any public or private waterbody, canal, ditch or other waterway, including the Atlantic Ocean and the surrounding waters of Dare County. This prohibition does not apply to official federal state or local navigational signs.

(9) Off-premise directional real estate signs.

(10) Temporary, portable signs including sandwich board, A-frame, or wind driven signs such as tethered balloons or other inflatable objects. This prohibition does not apply to signs under § 158.05 (B)(12).

(11) Outdoor advertising structures, as defined in § 158.02.

(Res. passed 5- -2004)

## **§ 158.05 ADMINISTRATION AND PERMITS.**

(A) The Building Inspector shall issue a permit for the erection or construction only for a sign which meets the requirements of this chapter. Applications for a sign permit to construct, or alter the structure of a sign shall be submitted to the Dare County Planning Department and accompanied by a plan showing the following:

(1) Area of the sign;

(2) Size, character, general layout and designs of sign display;

(3) The method and type of illumination, if any;

(4) The location proposed for such signs in relation to property lines, zoning district boundaries (if applicable), right-of-way lines, public waterways and existing signs;

(5) If conditions warrant it, the Planning Department may require additional information as needed to determine if the sign to be erected is in conformance with the requirements of this chapter;

(6) Payment of fee to obtain building permit.

(B) The following types of signs are exempted from the sign permit requirements, but must comply with all other requirements of this chapter:

(1) Free-standing off-premise directional signs used by churches, synagogues or civic organizations under the following provisions:

(a) The signs are located on private property with written permission from property owner.

(b) Signs are not located in public or private right-of-way.

(c) Signs contain the name of the church, synagogue or civic organization; location of the site; and directions to the site.

(d) Signs do not exceed 24 square feet in area;

(2) One, non-illuminated sign for each street frontage of a construction project, not to exceed 12 square feet in sign area in residential zones or 24 square feet in all other zones. This sign shall be used by all general contractors, sub-contractors, architects, landscape professionals or other firms or organizations involved in the construction project. The sign may be erected 5 days prior to construction and shall be removed within 10 days following completion of the construction. This sign shall be used in lieu of individual sign for each professional involved in the construction project;

(3) Four directional/information signs per lot, not to individually exceed 3 square feet in sign area or 20 inches in height (see definition);

(4) Public signs or notices or any sign relating to any emergency;

(5) One non-illuminated real estate sign per street frontage, not to exceed 6 square feet in sign area. The signs shall be removed within 10 business days following sale of the property;

(6) Real Estate Signs (For Rent, daily or weekly) - One non-illuminated real estate sign per street frontage, not to exceed 6 square feet in sign area. Such signs shall be affixed to the structure offered for rent;

(7) Residence Signs - Nameplate or street address numbers, not to exceed 4 square feet in sign area;

(8) Signs used for bona fide navigational aids;

(9) Flags, as defined in § 158.02;

(10) Temporary signs or banners for the promotion of noncommercial events or activities provided they do not exceed 50 square feet in sign area and do not encroach on any public or private right-of-way. The temporary signs or banners may be installed 20 business days before the event or activity and must be removed within 5 business days following the event or activity;

(11) Banners at commercial or business properties provided such banners do not exceed 48 square feet in area;

(12) One temporary sandwich board or A-frame signs used for the promotion of weekly or bi-weekly non-commercial events or activities provided they do not exceed 12 square feet in size and do not encroach on any private or public right-of-way; and

(13) Campaign signs which advocate for or against the election of a named candidate, group of candidates, or candidates of a named political party in any election, or which advocate for or against a referendum ballot question, so long as the sign:

(a) Does not exceed six square feet in total display area;

(b) Is not more than 6 feet above the ground at its highest point (unless affixed to a pre-existing eligible structure on private property);

(c) Is not placed:

1. On public property, public buildings, and public structures, including traffic control signal poles and other traffic control signs;

2. In public rights-of-way, including the rights-of-way along state maintained roads;

3. On utility poles and power company structures; and

4. Within any polling location buffer zones established pursuant to North Carolina law and/or by the Dare County Board of Elections.

(d) Does not impede traffic safety and is not placed in the line of sight of motorists;

(e) Is placed on private property only with the property owner's permission;

(f) Is erected no sooner than 6 weeks prior to and removed within 10 days after the date of the election for which the sign was erected; and

(g) Is otherwise not in violation of state or federal law.

(C) *Signs that require a permit.*

(1) Subdivision Identification Signs - Two subdivision identification signs per entrance, not to exceed 35 square feet each in sign area.

(2) Identification Signs - One identification sign per apartment or condominium complex entrance, not to exceed 35 square feet in sign area.

(3) Freestanding Signs in residential zones - For permitted nonresidential uses in residential zoning districts, including churches and synagogues, one freestanding sign per frontage, not exceeding 35 square feet in sign area. An additional 10 square feet of message board area shall be allowed. All permitted freestanding signs shall have a maximum height limit of 6 feet and shall have a minimum setback of 5 feet from any property line. For permitted freestanding signs, which are to be illuminated,



such illumination must come from a light source that is external to the sign itself and oriented in a manner that the light and glare reflects away from streets and surrounding residential uses.

(4) **Freestanding Business Signs** - One freestanding sign per premises not to exceed 64 square feet in area and not to exceed 20 feet in height. An additional 10 square feet of message board area shall be allowed. Multi-unit structures (3 or more businesses per structure) shall be allowed 1 free-standing sign not to exceed 64 square feet of area with an additional 10 square feet of message board allowed. Multi-unit signs shall not exceed 20 feet in height. Individual signs for each business shall be located on the freestanding sign and shall be designed to reflect a unified graphic appearance (e.g., size and material type). Individual freestanding signs for each business shall not be allowed. Individual commercial logos are permitted on multi-unit signs.

(5) **Wall Signs** - The amount of wall signage allowed shall be based on the location of the building and the setback distance from the street right-of-way. These standards are designed to encourage the maximum use of wall signage to replace the use of temporary sandwich board or A-frame signs and numerous free-standing signs. Individual businesses shall display wall signs that contain the name of their establishment.

(a) For businesses located up to 50 feet from minimum building setback line, walls signs may not exceed 20% of the finished wall surface of the front wall or facade of the structure including window and door openings.

(b) For businesses located more than 50 feet from the minimum building setback line, wall signs may not exceed 40% of the exposed finished wall surface including window and door openings.

(c) For multi-unit structures, the wall signage standards shall be applied to the exclusive use area or individual unit area assigned to each business.

(d) Marquee signs for movie theaters shall not be considered wall signage and may exceed the standards detailed above but shall not to exceed 200 square feet in sign area.

(6) **Under-Canopy Signs** - One under-canopy sign per occupancy, not to exceed 4 square feet in sign area.

(7) **On-Premises Window Signs** - Permanent window signs - not to exceed 25% of the total ground floor glassed window area

(a) One neon window sign per occupancy may be allowed.

(b) Window signs are prohibited above the first floor occupancy for the same individual business.

(8) **Off-premises directional business signs** shall be permitted provided:

(a) Each business is allowed one off-premise directional sign;

(b) Such signs are located on private property with written permission from property owner;

(c) Signs are not located in any public or private right-of-way;

(d) Signs do not exceed 24 square feet in area;

(e) Are used only for businesses that are located off NC 12, US 64, NC 345, SR 1217 or other main transportation route; and

(f) Does not conflict with standards contained in prohibited signs.

(9) Special regulations and allowances for business signs:

(a) Corner Lots -Where an occupancy is on a corner or has more than 1 street frontage, additional wall signs and additional freestanding signs are allowed on the additional frontage, not to exceed the number and size limitations of other allowed wall and freestanding signs.

(b) Minimum Clearance - All awning, marquee, and under-canopy signs shall have a minimum clearance of 9 feet over any pedestrian use area.

(c) Awning Signs - Awning signs shall be considered wall signs and subject to the same standards.

(D) *Temporary and special event signs.*

(1) Flags - ground-mounted flagpoles at business sites shall not exceed the maximum building height limit of the applicable zoning district. Roof-mounted flagpoles are prohibited. The United States, North Carolina, city and county flags are exempt from all restrictions of this section. Other flags may be permitted according to the following:

(a) Up to 100 feet on linear road frontage - maximum of 2 poles for a total of 4 flags per site.

(b) Over 100 feet of linear road frontage - maximum of 2 poles per 100 feet or a maximum of 5 poles and 10 flags per site.

(c) Sails, sailboards, kites, or other similar apparatus shall be considered as flags and subject to these restrictions.

(d) All flagpoles shall be located outside of any right-of-way of easement area.

(e) Flagpoles shall be located 15 feet from all property lines.

(f) Flags shall not contain business names, logos, advertising, or other representations for that specific business or activity associated with that business. Flags that contain such information shall be considered as wall signage and subject to wall sign regulations.

(2) Pennants - Prohibited except as navigational aids, or if used by a religious activity or by an educational or charitable organization.

(Res. passed 5- -2004)

## **§ 158.06 NONCONFORMING SIGNS.**

(A) All signs in existence on March 3, 2003, which are located in unincorporated areas of Dare County that were zoned as of that date, and all signs in existence on May 5, 2004, which are located in areas of Dare County that were unzoned as of that date that do not conform to the specific provision of this chapter will be considered to be nonconforming signs.

(B) Nonconforming signs shall be removed or brought into compliance within the timeframes specified in the table below:

<i>Sign Type</i>	Timeframe for Removal
Temporary or portable signs including sandwich boards and A-frame signs	60 days
On-premise free-standing	5 years
Off-premise billboards, outdoor advertising	3 years
Prohibited signs	60 days
Non-conforming wall signs	2 years

(1) Loss of Nonconforming status - A nonconforming sign may lose its nonconforming designation if:

(a) The sign is relocated or replaced; or

(b) The structure of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance.

(2) Maintenance and Repair of Nonconforming Signs - Nonconforming signs are subject to all requirements of this Chapter regarding safety, maintenance and repair. However, if the sign suffers more than 50% appraised damage or deterioration, it must be removed or brought into conformance with this chapter.

(3) Other standards for non-conforming signs:

(a) No replacement - Another nonconforming sign shall not replace a nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

(b) Repair - Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repairs shall be permitted.

(c) Alteration, Relocation or Replacement - Nonconforming signs, which are structurally altered, relocated or replaced, shall comply in all respects with the provisions of this chapter, except as specifically excepted herein.

(d) Legally Established Nonconforming Uses - New signs related to legally established nonconforming uses may be erected provided they comply with the sign requirements of the district in which the use is located.

(Res. passed 5- -2004)

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