



**VILLAGE COUNCIL
AGENDA FOR WORK SESSION OF DECEMBER 10, 2019
ASSEMBLY HALL
395 MAGNOLIA RD.
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING REGULAR MEETING

1. Call to Order.
2. Discuss Political Sign Ordinance
3. Other Work Session Business.
4. Motion to Recess the Work Session and Enter a Closed Session.
Pursuant to NCGS §143-318.11(a)(5)(i) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Specifically, the Council will discuss a potential real estate transaction.
5. Motion to Adjourn the Closed Session and Re-enter the Work Session.
6. Adjournment.

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



**DISCUSS POLITICAL SIGN ORDINANCE
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Sanborn

DATE OF MEMO:

11/25/2019

MEMO DETAILS:

This agenda item is for Council to discuss the current regulations for political signs in the Village of Pinehurst. Attached is the current restrictions set the the Pinehurst Development Ordinance as well as the North Carolina State Statute.

ATTACHMENTS:

Description

- ☐ Temporary Signs- PDO
- ☐ NCGS

9.7.1.7 Temporary signs

In addition to the permanent signs, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth in this section. All temporary signs may be two (2)-sided, except for construction signs, special event signs, and window signs. Such signs shall be located on a property only with permission of the property owner or the owner's agent. No development permit is required except when expressly stated that one is required.

(A) Real Estate Signs

In all zoning districts, signs advertising the sale, rental or lease of the property on which the sign is located are permitted, provided that:

- (1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.
- (2) Maximum Area: 12 x 18 inches.
- (3) Color: Exclusively dark (forest green and white).
- (4) Maximum Height: 3 feet.
- (5) Illumination: Not permitted.
- (6) Time Duration: Such signs shall be removed within 3 days following the sale, rental, or lease.
- (7) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Any attachment to the sign such as information tubes or boxes shall count toward the square feet recommended.

(B) Construction signs for subdivisions, multi-family and non-residential developments

In all zoning districts, temporary construction site identification signs shall be permitted as follows:

- (1) Maximum Number: 1 sign per development entrance not to exceed 2 entrances.
- (2) Maximum Area: 16 square feet.
- (3) Color: Exclusively dark (forest green and white).
- (4) Maximum Height: 6 feet.
- (5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit, special use permit, subdivision approval, general concept plan or a site plan approved and shall be removed within 3 days after 80% of the subdivision or all structures within the multi-family or non-residential development has received a final Certificate of Occupancy permit.
- (6) Setback from Edge of Pavement: 10 feet (modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs).

(C) Construction Signs for Single-Family Structures

Temporary construction site identification signs connected with the construction or alteration of single-family residential structures on individual lots are permitted, provided that:

- (1) Maximum Number: 1 sign for lots of less than 5 acres in area and 2 signs for lots of more than 5 acres with street frontage exceeding 400 feet.
- (2) Maximum Area: 12 x 18 inches. Address identification sign, not exceeding 8 x 10 inches, may be attached or separate to such construction sign.
- (3) Color: Exclusively dark (forest green and white).
- (4) Maximum Height: 3 feet.
- (5) Time Duration: Such signs shall not be erected prior to the issuance of a building permit and grading is begun and shall be removed within 3 days after the issuance of a final Certificate of Occupancy.
- (6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(D) Political Signs

Signs for political candidates, parties, or groups supporting the candidacy of any individual for office or encouraging public support of or opposition to any public issues to be voted upon are permitted provided that:

- (1) Maximum Area: 6 square feet.

(2) Maximum Height: 4 feet.

(3) Illumination: Not permitted.

(4) Support: Where not attached to a building or other structure, such signs shall be self-supporting.

(5) Time Duration: Political signs may be displayed during a period beginning thirty (30) days prior to the beginning date of "one-stop" early voting under G.S. §163-227.2 and concluding ten (10) days after the election.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.) Political signs located along State highways may be exempt from portions of this section and are in such cases regulated by G.S. §136-32.

(E) Holiday Decorations

Signs, lighting, and displays that are part of customary holiday decorations or annual civic events are permitted provided that:

(1) Duration: Such signs, lighting, or displays shall be on display for no more than sixty (60) successive days.

(2) Such signs, lighting, and displays shall not flash or produce running patterns.

(3) Setback from Edge of Pavement: 10 feet of the edge of pavement (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(F) Special Event Signs

Signs and banners advertising the place and date of auctions, carnivals, church events, fairs, golf tournaments, horse shows, tennis tournaments, and similar events are permitted provided that:

(1) There shall be no more than one (1) such sign or one (1) such banner that shall be located on the event property;

(2) The on-site sign, including support, shall be no larger than six (6) square feet in surface area and no taller than four (4) feet in height from grade. The banner shall be no larger than thirty-two (32) square feet and such signage may be displayed for no more than thirty (30) days prior to the event. Signs and banners shall be removed within one (1) day after the end of the event by the person who erected the sign;

(3) Off-site signs shall not exceed a surface area of four (4) square feet. Such signs shall remain in place for no longer than three (3) days prior to the event and the signs shall be removed within one (1) day after the end of the event by the person who erected the sign;

(4) Up to four (4) off-site signs are permitted for all events held in Pinehurst. For events deemed by the Village Manager to be of community-wide significance, signage requirements may be waived following the review and approval of the sign plan.

(5) Such sign shall not be located within ten (10) feet of the edge of the pavement. A modification as to use of the ten (10) foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the ten (10) foot setback, for example, by existing plantings such as shrubs;

(6) Any lighting that is erected or utilized to illuminate signs shall only be used during event hours.

(G) Yard Sale/Estate Sales Signs

Signs are permitted provided that:

(1) Maximum Number: 1 sign on lot where sale is located and 4 signs off-site.

(2) Maximum Area: 4 square feet.

(3) Maximum Height: 4 feet.

(4) Illumination: Not permitted.

(5) Time Duration: The signs shall remain in place for no longer than 3 days and in any event must be removed within 1 day of completion of the event.

(6) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(H) Window Signs

In non-residential zoning districts only, signs may be placed on the interior of window glass which is greater than thirty (30) square feet in area, provided that they denote only special events on the premises or special sales and the sign covers no more than 4 square feet of the gross glass area on any window. Not by way of limitation, but an example of such event or sale would be a golf tournament or a temporary sale of merchandise. These signs shall have a thirty (30) day limitation and shall be removed within twenty-four (24) hours of the conclusion of such event.

(I) Open House Signs

Signs advertising an "open house" for the purpose of selling a dwelling are permitted provided that:

(1) Maximum Number: 1 on-site and 4 off-site.

(2) Maximum Area: 12 x 18 inches.

(3) Time Duration: The signs shall be placed the day of the "open house" and must be removed by the end of the first regular work day after completion of the event. In the case of a model home, signs shall be removed when the model home is not occupied.

(4) Setback from Edge of Pavement: 10 feet (A modification to the 10-foot setback may be permitted upon prior written approval by the Village Planner. Such approval will be granted provided safety is not compromised, and demonstrable facts show that a sign is visually obscured by application of the 10-foot setback, for example, by existing plantings such as shrubs.)

(J) Temporary/New business Signs - Wall and/or Window Signs

New Businesses in non-residential zoning districts only, may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 wall sign or 1 window sign. Signs permitted by Sections 9.7.1.6 and 9.7.1.7 shall not count towards this total.

(2) Maximum Area: 6 square feet.

(3) Color: Sign shall be muted in color.

(4) Content: Sign shall contain only the name of the business and/or the nature of the business and may contain a phone number.

(5) The sign shall be professionally etched, painted or is a professionally printed decal.

(6) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

(K) Temporary/New business Signs - Ground Signs

New Businesses in non-residential zoning districts only may obtain a temporary signage permit provided that:

(1) Maximum Number: 1 ground sign.

(2) Maximum Size: 6 square feet.

(3) Maximum Height: 4 feet.

(4) Color: Sign shall be muted in color.

(5) Content: Sign shall contain only the name of the business and/or the nature of the business and may contain a phone number.

(6) The sign shall be professionally etched, painted or is a professionally printed decal.

(7) Time Duration: The applicant shall obtain development permit from the Village Planner. The development permit will expire ninety (90) days after issuance, and the sign shall be removed. In addition, upon installation of permanent signage, temporary sign shall be removed.

(L) Official Notices

Official notices or advertisements that are posted or displayed by or under the direction of any court official in the performance of official or directed duties, or by trustees under deeds of trust or other similar instruments are permitted and not regulated. Such signs shall be temporary in nature.

Littering Statutes for Political Candidates in North Carolina

§ 14-156. Injuring fixtures and other property of electric-power companies.

It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.

(2) No sign shall be closer than three feet from the edge of the pavement of the road.

- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.
- (e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
- (f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

19A NCAC 02E .0415 Advertising signs within right of way

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on a n y highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain o n state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30;
Eff. July 1, 1978.