

10.6 NONCONFORMING SIGNS

10.6.1 Notification of Nonconformities

As soon as reasonably possible after the effective date of this Ordinance, the Planning Director shall make every reasonable effort to identify all the nonconforming signs within the Town and its ETJ. The Planning Director shall then contact in writing the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from the former) and inform such person (i) that the sign is nonconforming, (ii) how it is nonconforming, (iii) what must be done to correct it and by what date, and (iv) the consequences of failure to make the necessary corrections. The Planning Director shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

10.6.2 Removal of Nonconforming Signs

Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on July 1, 1993 (which is the effective date of the adoption of the amortization provisions) may be continued until they are required to be removed pursuant to Sec. 10.6.10 *Amortization of nonconforming signs*.

10.6.3 Nonconforming Signs Not Altered

No person may cause an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Illumination may not be added to a non-conforming sign.

10.6.4 Moving or Replacing Nonconforming Signs

A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.

10.6.5 Damage to Nonconforming Signs

If a non-conforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a non-conforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.

10.6.6 Changing Message of Nonconforming Signs

The message of a nonconforming sign may be changed so long as this does not create a new nonconformity (for example, by creating an off-premise sign), and so long as a change of use has not occurred. If there is a change of use, then the sign must be brought into conformity with this Ordinance.

10.6.7 Repair and Renovation of Nonconforming Signs

Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within a 12-month period, 50% of the value (tax value if listed for tax purposes) of such sign. Proof of value is required. A permit is required.

10.6.8 Discontinuation of Business

If a nonconforming sign, other than a billboard, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 90 days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign.

10.6.9 Nonconforming Billboards Left Blank

If a nonconforming billboard remains blank for a continuous period of 90 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

- A) ***Advertises Business or Commodity***
It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
- B) ***Advertising Message Becomes Illegible***
The advertising message it displays becomes illegible in whole or substantial part; or
- C) ***Advertising Copy Removed***
The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

10.6.10 Amortization of Nonconforming Signs

- A) ***Nonconforming Signs***
Subject to the other subsections of this Section, a nonconforming sign is a sign that exceeds:
 - 1) *Square footage limitation.* The square footage limitation by more than 10% of that permitted in Sec. 8.7.3.A (Surface area and heights); or
 - 2) *Pole sign.* For a pole mounted sign, 12 feet in height (see Sec. 8.7.3.A (Surface area and heights)); or
 - 3) *Ground mounted sign.* For a ground mounted sign, six (6) feet in height (see Sec. 8.7.3.A (Surface area and heights)).
- B) ***Time Period for Amortization***
Subject to the other subsections of this Section, a nonconforming sign that exceeds the limits in Sec 10.6.10.A *Nonconforming signs*, shall, within 10 years from July 1, 1993 (which is the effective date of the adoption of these amortization provisions), be altered to comply with the provisions of this Ordinance or be removed.
- C) ***Excess of Signs or Sign Area***
If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformity with the provisions of this Ordinance.