

CHAPTER 16 - LAND USE ORDINANCE

Article XVII - Signs

Section 16-270 Purpose.

(A) The purpose of this Article is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, and consistent sign standards and requirements. Consistent with this objective, the Town Council finds that Blowing Rock is an historic mountain-resort community that has traditionally depended upon a tourism-based economy. Tourists, in large part, are attracted to the history, natural environment, scenic beauty, and aesthetic character of the community.

(B) A proliferation of signs in the Town would result in visual blight and unattractiveness and would convey an image that is inconsistent with a high-quality, resort environment. In order to preserve the quality, character, and economic vitality of the community, these sign regulations are intended to:

- (1) Create a balance between the need to advertise, identify, and communicate and the desire to maintain a safe, healthful, and attractive resort community environment.
- (2) Enhance the general welfare of the community by protecting property values and preserving the natural environment, the unique character, and the aesthetic integrity of the community. The preservation of Blowing Rock's appearance and natural beauty from excessive and obtrusive signs is a matter of critical importance to the Town because of its reliance on tourism.
- (3) Enhance the identification of public and private buildings and the effectiveness of visual communication by controlling the number, location, size, appearance, and illumination of signs.
- (4) Allow signs that are appropriate for the zoning district in which they are located and are consistent with the category of use to which they pertain.
- (5) Permit signs that are compatible with their surroundings and that are consistent with the scenic beauty and aesthetic quality of the community.
- (6) Improve pedestrian and traffic safety through the proper placement of signs.
- (7) Protect the public from the dangers of unsafe signs, and require that signs be constructed, installed, and maintained in a safe and satisfactory manner.
- (8) Lessen the confusion, visual clutter, and sight impairment that can be caused by the proliferation, improper placement, excessive illumination, and disproportionate sizes of signs when such signs are not properly controlled or regulated.

[Adopted March 11, 1997]

Section 16-271 Applicability.

No sign shall be erected, constructed, placed, painted, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town of Blowing Rock, including its Extra Territorial Jurisdiction (ETJ),

except in conformance with the standards, procedures, and other requirements of this Article. [Adopted March 11, 1997]

Section 16-272 Definitions.

(A) Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the Land Use Ordinance of the Town, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

(1) **Abandoned Sign.** A sign, other than a billboard, that advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 270 consecutive days, shall not be considered an abandoned sign.

(2) **Administrator.** The Zoning Officer for the Town of Blowing Rock or such other person that the Town Manager shall designate to administer the provisions of this Article.

(3) **Animated Sign.** Any sign that uses movement, change of lighting, or other means to depict action or create a special effect.

(4) **Awning or Canopy Sign.** Any sign that is a part of or attached to an awning, canopy, or other structural protective covering above a door, entrance, window, or walkway.

(5) **Backlighting or Backlit Sign.** Illumination of a sign in which lights are placed within or behind raised opaque letters, thereby casting light upon the background of the letters rather than through the letters.

(6) **Banner Sign.** A sign made of fabric or any non-rigid material with no enclosing framework. National, state, or municipal flags shall not be considered banners.

(7) **Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source. Also, any light with one or more beams that rotate or move.

(8) **Billboard.** An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

(9) **Building Frontage.** The length of an outside building wall parallel to and visible from a public or private street right-of-way.

(10) **Building Marker.** Any sign indicating the name of a building or date and incidental information about its construction, often cut into a masonry surface or made of bronze or other permanent material.

(11) **Commercial Message.** Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(12) **Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

(13) **Freestanding Sign.** A sign that is attached to, erected on, or supported by a structure (such as a pole, column, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign. Freestanding signs, as used in this Article, shall include the following:

(13.1) **Ground-mounted Sign.** A freestanding sign, supported by a contiguous structural base or planter box that is permanently affixed to the ground, shall be considered a ground-mounted sign.

(13.2) **Column Sign.** A sign supported by one or more columns or poles or other similar support. [Amended April 10,1985; Amended March 11,1997]

(14) **Illegal Sign.** A sign that did not meet the applicable sign restrictions and regulations at the time that it was erected, does not meet the current sign restrictions and regulations, and does not qualify as a nonconforming sign.

(15) **Internally Illuminated Sign.** A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs. [Amended April 10,1985]

(16) **Informational Sign.** Any sign that serves solely to provide direction or information to persons using the property, such as entrance/exit, parking, or telephone, and that does not include business names, brand names, or information regarding product lines.

(17) **Lot.** Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

(18) **Maintenance.** For the purposes of this Article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(19) **Message Board Sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a message board sign for purposes of this Article.

(20) **Nature Blending Colors.** Those colors selected and approved by the Architectural Review Commission as being appropriate for the mountain resort setting of Blowing Rock.

(21) **Nonconforming Sign.** A sign that was erected legally but that does not comply with subsequently-enacted sign restrictions and regulations. [Amended March 11,1997]

(22) **Off-Premises Sign.** A sign that communicates a commercial message about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists, or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. [Amended April 10, 1985; Amended March 11, 1997]

(23) **On-Premises Sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, enterprise, or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

(24) **Parapet.** The extension of a false front or a false wall above the roofline.

(25) **Pennant.** Any lightweight plastic, fabric, or other material, whether containing a message of any kind, suspended from a rope, wire, or string, usually in series, and designed to move in the wind.

(26) **Political Sign.** A sign that announces the candidacy of a person or slate of persons running for elective office, or a political party, or an issue.

(27) **Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Includes, but is not limited to, signs designed to be transported by means of wheels, runners, castors, trailers, or other mobile devices; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is regularly and customarily used in the normal day-to-day operations of the business.

(28) **Projecting Sign.** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. A projecting sign is affixed to the building or wall so that it is perpendicular to such building or wall.

(29) **Roof Line.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

(30) **Roof Sign.** Any sign erected, constructed, or maintained upon or over the roof of a building, or extending above the highest wall of the building, and having its principal support on the roof or walls of the building.

(31) **Setback.** The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

(32) **Shopping Center.** A building or group of buildings, either connected or free-standing, under unified ownership of land parcels, that is designed and has been approved by the Town Council as a shopping center with common parking, pedestrian movement, ingress, and egress, and is used or is intended to be used primarily for the retail sale of goods and services to the public. [Amended September 9, 1997]

(33) **Sign.** Any object, device, display, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, to call attention to, to announce or identify the purpose of any person, place, or entity, or to communicate information of any kind to the public. Any flag, streamer, pole, or architectural device shall be construed a *sign* when it is intended to draw attention to or announce or identify an enterprise.

(34) **Sign Area.** The surface area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will enclose the writing, graphic, emblem, or other display on the face of the sign. The sign area shall include any material or color that is an essential part of the background of the display or that is used to differentiate the sign from the wall, structure, or backdrop against which the sign is placed. The sign area shall not include any supporting framework, bracing, decorative fencing, or wall that otherwise meets the zoning and building regulations and is clearly incidental to the display itself.

(35) **Sign Height.** The distance between the average grade of the land beneath the sign and the top of the highest attached component of the sign.

(36) **Sign Structure.** Any structure that is built to support, supports, or has supported a sign.

(37) **Streamer.** A long, narrow, ribbon-shaped flag or pennant.

(38) **Subdivision Sign.** A sign identifying a recognized subdivision, condominium complex, or residential development.

(39) **Temporary Sign.** A sign that is not intended for permanent use, is used only temporarily, and/or is not permanently mounted.

(40) **Town Council.** The Blowing Rock Board of Commissioners.

(41) **Unified Development.** Development covering more than one tract, parcel, or lot, which has common ownership and is interrelated.

(42) **Value of Sign.** The value for tax purposes of any sign so listed. If tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to original cost submitted by the sign owner, the Administrator shall estimate the original cost based upon the best information reasonably available.

(43) **Visible.** Capable of being seen without visual aid by a person of normal visual acuity.

(44) **Wall Sign.** Any sign attached to, or erected against or within the wall of a building or structure, having the exposed face of the sign in a plane parallel to the plane of such wall.

(45) **Window Sign.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, sale, or service, that is placed inside a window, or upon the window panes or glass, and is visible from the exterior of the window. For the purposes of this Article, a sign that rests against a window, a sign that is separated from the window by a bumper pad, or a sign that is placed within two inches of the window through the use of a hanging device, shall be considered a "window sign".

[Editor's note: This section was previously numbered as 16-270; Amended March 11, 1997]

Section 16-273 Restrictions and Prohibitions.

(A) The following signs shall be prohibited, regardless of zoning district:

(1) Any sign that, by reason of size, location, shape, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety. Any sign that substantially interferes with

the view necessary for motorists to proceed safely through intersections, or to enter onto or exit from public streets, private roads, or driveways. Any sign that obstructs the view of any authorized traffic sign, signal, or device.

(2) Any sign that uses the words “STOP”, “SLOW”, “CAUTION”, “DANGER”, or otherwise has a design, color, shape, size, or location that could cause it to be confused with official traffic signs or other signs erected by governmental agencies.

(3) Any sign that revolves, or is animated, or that utilizes movement or apparent movement to attract the attention of the public. This prohibition shall include, but not be limited to, propellers, discs, banners, pennants, streamers, animated display boards, and flags. However, this shall not include flags of any governmental or nonprofit organization provided: (a) that such flags are not being displayed in conjunction with a commercial promotion or as an advertising device; (b) that not more than three such flags, including not more than one of any particular government or nonprofit organization, are being displayed at the same time; (c) that any such flag does not exceed 60 square feet in area; and (d) that any such flag is flown from a standard flag pole attached to a building, with the height of the pole not to exceed 15 feet above ground level; or from a freestanding standard flag pole not to exceed a height of 20 feet above ground level.

(4) Any sign with lights that flash, move, rotate, or flicker, except for current time and temperature, changing not less than every five seconds.

(5) Any portable signs. This prohibition shall not apply to signs erected by or pursuant to the authorization of the Town of Blowing Rock for events of a community nature.

(6) Any sign that is placed on or affixed to a vehicle or trailer and that is parked in the public right-of-way, on public property, or on private property so as to be visible from the public right-of-way, where the apparent purpose of the display is to attract the attention of the public to a business, product, service, or activity. This prohibition shall not apply to a sign on a vehicle that is regularly and customarily used as a vehicle in the normal day-to-day operations of the business.

(7) Any sign that is located within any public right-of-way, except publicly-owned or publicly-authorized signs (for example, traffic control signs and directional signs); or any sign (other than a publicly-owned or publicly-authorized sign) that is attached, affixed, or painted on any utility pole, light standard, tree, rock, or other natural feature. This prohibition shall not apply to subdivision signs that are authorized to be placed in the landscaped median of a public or private street.

(8) Any sign that is portable or not securely attached to a structure or to the ground, including A-frame, sandwich board, sidewalk, or curb signs. This prohibition shall not apply to signs erected by or pursuant to the authorization of the Town of Blowing Rock for events of a community nature.

(9) Any inflatable signs or balloons.

(10) Any roof signs or signs that extend above the roof line of a building.

(11) Any painted advertising on a building wall or roof.

(12) Any sign that identifies or advertises an activity, business, product, or service that is no longer in existence, sold, produced, etc.

(13) Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, edges of walls, trees, or other landscaping. This prohibition shall not apply to holiday lighting allowed during the period from November 15 through the following January 15.

(14) Any sign that exhibits statements, words, or pictures of an indecent, obscene, or pornographic nature.

(15) Any sign that obstructs or interferes with any window, door, sidewalk, or fire escape.

(16) Any searchlights or beacons.

(17) Any abandoned sign or any sign that advertises a business or product no longer existing or sold on the premises. Whenever the use of a building is discontinued for a period of 30 days, all signs shall be removed. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 270 consecutive days, shall not be considered an abandoned sign.

(18) Any sign that communicates a commercial message about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists, or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. This restriction shall not apply to special event signs erected or approved by the Town.

(19) Any sign or sign structure that is structurally unsafe.

(20) Any sign that incorporates a television screen, a computer screen, electronic images, or electronic characters.

[Adopted March 11, 1997; Amended June 8, 1999]

Section 16-274 General Sign Regulations.

(A) All signs shall comply with the following:

(1) ***Electrical Wiring.*** An electric sign that has internal wiring or lighting equipment, or external lighting equipment that directs light onto the sign, shall not be erected or installed until and unless an electrical permit has been obtained from the office of the Town Building Inspector. All wiring to electric signs or free-standing equipment that lights a sign shall be installed underground.

(2) ***Applicable Building and Technical Codes.*** All signs shall comply with applicable provisions of the North Carolina State Building and Technical Codes and any applicable sections of the Blowing Rock Town Code.

(3) ***Structural Stability.*** Each sign shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Each sign shall meet the standards for wind loads for the Blowing Rock area as contained in the North Carolina State Building Code.

(4) ***Maintenance Responsibilities.*** All signs and all components thereof, including but not limited to supports, braces, and anchors, shall be kept in a state of good repair. To ensure that signs are erected and maintained in a safe and attractive condition, the following maintenance requirements shall apply to all signs:

(a) A sign shall have no more than 10 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period more than 15 successive days.

(b) A sign shall not have bent or broken sign facing, bent or broken supports, loose appendages or struts, or be more than 10 degrees from vertical for a period of more than 15 successive days.

(c) A sign shall not have weeds, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than 15 successive days.

(d) An illuminated sign shall not have only partial illumination for a period of more than 15 successive days.

(5) ***Removal of Signs Upon Discontinuation of Use.*** Whenever the use of a building or premises by a business or other establishment is discontinued for a period of 30 successive days, all signs pertaining to that business or establishment shall be removed. If a sign 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, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign. These regulations shall not apply to a business, enterprise, or other activity that is closed for the off-season, provided that such closure does not exceed 270 consecutive days.

If the message portion of a sign is removed, the owner of the sign or the owner of the property where the sign is located, or other person having control over such sign, shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 16-286, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

(6) ***Maintenance of Landscaping.*** Where this Article requires that a landscaped area be provided at the base of a sign, the landscaped area shall include hardy shrubs, grasses, or evergreen ground cover, in addition to any flowers that may be planted in the area. The landscaped area shall be maintained in good condition at all times. The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all plantings and physical features. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation.

[Adopted March 11, 1997]

Section 16-275 Signs Excluded From Regulation

(A) Because of their historical significance, the following signs are excluded from the regulations of this Article, except as otherwise provided, so long as the signs do not pose an imminent safety hazard. The signs, as they currently exist on the effective date of this Article, may be maintained or replaced; provided that the replacement signs must be similar in size, design, and style to the signs in place on the effective date of this Article.

(1) A sign providing direction to the Blowing Rock, and located along U.S. Route 321 across from the Green Park Inn.

(2) A sign providing direction to the Farm House Inn, located along U.S. Route 321 Business (Main Street), across from the entrance to the Farm House Inn.

(B) The signs shall meet all requirements of this Article with regard to maintenance and safety.

[Editor's note: This section was previously numbered as 16-272; Amended March 11, 1997]

Section 16-276 Approval Requirements.

(A) Except as otherwise provided in this Article, no sign shall be erected, constructed, placed, painted, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town of Blowing Rock or its Extra Territorial Jurisdiction (ETJ) unless the person erecting the sign, business owner, or property owner has obtained an appropriate sign permit from the Administrator.

(B) All applications for sign permits of any kind and for approval of a master sign plan shall be submitted to the Administrator on the designated form. At minimum, the application shall include the following information:

(1) Name, address, and telephone number of the applicant.

(2) Street address or legal description of the premises or property upon which the sign is to be located.

(3) Two blueprints or ink drawings of the sign plans with color designation, dimensions, materials, letter style, type of illumination, and method of construction. Master sign plans may require additional information.

(4) For a ground sign or column sign, a scaled drawing or survey showing property lines, existing and proposed site improvements, the proposed sign location, and landscaping.

(5) For a wall, awning, window, or projecting sign, a scaled drawing showing the entire facade, the proposed sign location, and any existing facade signs.

(6) Name of the person, firm, or corporation that will be constructing and/or erecting the sign.

(7) Written consent of the owner of the building, structure, or land upon which the sign is to be erected.

(8) Any electrical permit required and issued for said sign. The application requesting an electrical permit for the proposed sign, if applicable, must be attached to the sign application.

(9) Such other information that the Administrator may require to verify full compliance with all applicable provisions of this Article.

(C) Each application for a sign permit or for approval of a master sign plan shall be accompanied by the applicable fees, as shall be established by the Town Council.

(D) If the sign permit or master sign plan is requested for a lot within the CB, GB, OL, or PGS Zoning Districts, the Administrator shall not issue the permit or approve the plan until the application has been reviewed and approved by the Architectural Review Commission. However, individual signs that are to be erected or displayed pursuant to an approved master sign plan, and are consistent with such plan, do not require additional review by the Commission.

(E) In the case of a lot occupied or intended to be occupied by multiple business enterprises (for example a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign.

[Editor's note: This section was previously numbered as 16-271; Amended March 11, 1997; Amended July 14, 1998]

Section 16-277 Master Sign Plan.

(A) A master sign plan shall be required for all residential subdivisions, multi-family and townhouse developments, planned unit developments, office complexes, and commercial properties having multiple tenants. The master sign plan shall specify the following elements for all signs to be located within the affected development: location of signs, sign materials, size of signs, sign shapes, letter styles, colors, and mounting brackets.

(B) The master sign plan shall be signed by all owners or their authorized agents in such form as the Administrator may require.

(C) After approval of a master sign plan, no sign shall be erected, placed, painted, or maintained on the subject property, except in conformance with such plan. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved plan. The provisions of the plan may be enforced in the same way as any other provision of this Article. In case of any conflict between the provisions of such a plan and any other provision of this Article, the more restrictive provision shall apply.

[Adopted March 11, 1997]

Section 16-278 Signs Permitted in All Zoning Districts.

(A) The following signs are allowed in all zoning districts, subject to the standards outlined in this section and elsewhere in this Article, and do not require a permit, unless otherwise provided:

(1) Signs that are customarily associated with residential uses and that are not of a commercial nature, including the name and address of occupants, signs on mailboxes, or paper tubes, etc. (Limited to an area of four square feet or less.)

(2) Signs erected by or pursuant to the authorization of a governmental body, including legal notices, traffic signs, directional signs, informational signs, or regulatory signs.

(3) Official signs of a noncommercial nature erected by public utilities to identify line or facility locations or to advise or warn the public.

(4) Flags of any governmental or nonprofit organization provided: (a) that such flags are not being displayed in conjunction with a commercial promotion or as an advertising device; (b) that not more than three such flags, including not more than one of any particular government or nonprofit organization, are being displayed at the same time; (c) that any such flag does not exceed 60 square

feet in area; and (d) that any such flag is flown from a standard flag pole attached to a building, with the height of the pole not to exceed 15 feet above ground level; or from a freestanding standard flag pole not to exceed a height of 20 feet above ground level.

(5) Signs that are posted upon property to guide or direct traffic, to identify restricted or public parking areas, or to warn the public against trespassing or danger from animals. The signs shall not contain any commercial advertising. However, entrance or exit signs are only permitted when the driveway is not obvious or otherwise identifiable with a particular business or activity. Entrance and exit signs, directional signs, and parking area signs shall require a permit to assure that the style, size, and location are consistent with the requirements of this Article. (Limited to an area of four square feet.)

(6) Signs painted on or otherwise attached to currently-licensed motor vehicles, provided that the vehicle is not parked in a public or private right-of-way, on public property, or on private property so as to be visible from an adjacent right-of-way, so that the apparent purpose is to advertise a business, product, service, or activity.

(7) Signs proclaiming religious, political, or other non-commercial messages. One such sign may be erected along each street abutting a property. Signs erected in conjunction with an election or political campaign shall not be limited in number, but such signs may not be displayed more than 30 days prior to the election and shall be removed within three days following the election. (Limited to 16 square feet in area.)

(8) Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, along with information identifying the owner or agent. In all zoning districts except the General Business zoning district, such signs shall not exceed four square feet in area. In the General Business zoning district, such signs shall not exceed sixteen square feet in area. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of four hundred feet, a second sign may be erected.

Signs offering tenant space at a commercial center shall not be free-standing, but may be placed as a tenant panel on a directory sign.

(9) Temporary residential development or construction sign, not exceeding thirty-two square feet in area, and not extending more than six feet above grade. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information, including sales or leasing information. Not more than one such sign may be erected per site. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days after the issuance of a final occupancy permit.

(10) Decorations temporarily displayed in conjunction with traditional holidays or annual civic events. Strings of lights may be used for outline lighting or tree decoration during the period from November 15 through the following January 15. Decorations shall contain no commercial message or graphics.

(11) Signs indicating that a special public event such as a fair, carnival, horse show, circus, festival, or similar happening is to take place on the lot where the sign is located. Such signs may be erected not more than two weeks before the event and must be removed not later than three days after the event. Commercial and sponsor identification must be minimal and secondary to the event name. (Limited to an area of 16 square feet.)

(12) Banners or pennants for a special campaign or event of a non-commercial purpose, provided that such banners or pennants shall not be displayed in excess of fourteen days.

(13) Signs that are not visible from public streets or adjacent properties.

(14) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

(15) Building markers, historical markers, or memorial tablets.

(16) A sign that advertises the sale of personal property, such as a garage, yard, porch, or moving sale. The sign shall not be more than four square feet in area and may not be displayed for more than three consecutive days.

(17) Any sign located inside a building.

(18) A ground sign or column sign identifying the schedule, rules, and regulations for municipal, school, recreational, and club-sponsored activities, provided that: (a) the sign is no higher than six feet above the ground, as measured from the ground to the top of the sign; (b) the surface area of the sign is no more than 16 square feet; (c) the sign is located at least 10 feet from any public or private street right-of-way; and (d) the sign does not obstruct the sight triangle at an intersection or driveway. The signs that fall under this category shall require a permit, although there shall be no fee for the issuance of the permit.

(19) Banners for a business grand opening, provided that such banners shall not be displayed in excess of fourteen (14) consecutive days, and not more than 10 days prior to the official grand opening. A business shall be allowed a banner for a grand opening which may be displayed on the outside of the business building. This also includes businesses that relocate and those that have completed a major renovation of at least \$50,000 in costs. Such banners may not exceed 16 square feet, and must be secured to the business building to prevent waving loosely in windy conditions. Each banner may not have more than three colors which must be nature-blending and/or meet the Town-approved color chart. The signs in this category shall require a permit, although there shall be no fee for the issuance of the permit.

(20) Anniversary banners not exceeding 16 square feet for businesses that celebrate their 5th year anniversary and every 5 years after. These banners may be displayed up to 14 consecutive days around the anniversary date and shall be secured to the building. The signs in this category shall require a permit, although there shall be no fee for the issuance of the permit.

[Adopted March 11, 1997, Amended July 14, 2009]

Section 16-279 Computation of Sign Area.

(A) The surface area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will enclose the writing, graphic, emblem, or other display on the face of the sign. The sign area shall include any material or color that is an essential part of the background of the display or that is used to differentiate the sign from the wall, structure, or backdrop against which the sign is placed. The sign area shall not include any supporting framework, bracing, decorative fencing, or wall that otherwise meets the zoning and building regulations and is clearly incidental to the display itself.

(B) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(C) With respect to a two-sided, multi-sided, or three-dimensional sign, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the preceding statement: when two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 36 inches apart, the sign area shall be computed by the measurement of one of the faces.

[Editor's note: This section was previously numbered as 16-275; Amended March 11, 1997]

Section 16-280 Computation of Height.

The height of a sign shall be computed as the distance between the average grade of the land beneath the sign and the top of the highest attached component of the sign.

[Adopted March 11, 1997]

Section 16-281 Signs Permitted in Residential Districts.

(A) In addition to the signs allowed in all zoning districts (Section 16-278), the following signs shall be allowed in all residential zoning districts, subject to the standards set forth in this section and other applicable provisions of this Article:

(1) Where the owner or occupant of the property is selling produce grown from a garden on the property, one sign advertising the sale of the produce may be displayed, provided that it has a surface area of four square feet or less and is located at least 10 feet from any street right-of-way. A sign of this type shall not require a permit.

(2) A ground sign with the name of the subdivision or multi-family development may be located on one or both sides of each major entrance into the development. A single side of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs exceed 32 square feet (per major entrance). The sign(s) shall be part of a decorative wood, brick, stone, or masonry wall of similar design compatible with the character of the subdivision or development. Each sign shall have a minimum of 50 square feet of landscaped area at the base of the sign. Any such sign shall be located at least 10 feet from any street right-of-way, and may not exceed six feet in height. Signs of this type shall require a permit.

Alternatively, a single ground sign with the name of the subdivision or multi-family development may be located within the right-of-way of a major entrance into the residential development, provided that the major entrance is divided by a median that is a minimum of 50 feet long and 10 feet wide. The sign shall not exceed 16 square feet in surface area. The sign shall be part of a decorative wood, brick, stone, or masonry wall of similar design compatible with the character of the subdivision or development. Each sign shall have a minimum of 50 square feet of landscaped area at the base of the sign. Any such sign that is located within the median shall be setback at least 10 feet from the right-of-way line when projected across the entrance to the development, and may not exceed six feet in height.

The subdivision covenants shall provide that any subdivision sign and landscaping shall be perpetually maintained by the property owners within the subdivision.*[Adopted March 11, 1997]*

Section 16-282 Signs Permitted in the Non-Residential Zoning Districts.

(A) ***Applicability.*** The requirements and standards of this Section shall apply to signs within all non-residential zoning districts. In addition to the signs allowed in all zoning districts (Section 16-278), the following signs shall be allowed in the non-residential zoning districts, subject to the standards set forth in this Section and other applicable provisions of this Article.

(B) ***Sign Materials, Colors, and Message.*** Materials, colors, and shapes of proposed signs and sign structures shall be compatible with the related buildings. All signs shall be of sandblasted, routed, or carved wood, individual wood letters, or of high-density sign foam that have the appearance of sandblasted or carved wood and individual letters; stained or colored glass; gold leaf; bronze; or masonry; unless otherwise provided by this section. The minimum amount of relief on sandblasted, routed, or carved signs shall be one-quarter (1/4) inch. Sign structures and supports may be of stucco, natural and painted wood, brick, stone, or other materials with similar texture and appearance that are considered appropriate to the mountain resort character. Colors of paints, stains, and other finishes or materials shall be nature-blending, with no more than four colors, including black and white, used on any sign. Fluorescent colors are prohibited. Signs shall respect the overall architectural composition of the building and its scale, and not overwhelm the facade. Signs shall not cover up or interrupt major architectural features of a building.

[Amended May 13, 2003]

(C) ***Signs in the Non-Residential Zoning Districts.*** In the non-residential zoning districts, each business may have one of the following: a *ground-mounted sign*, a *column sign*, a *wall sign*, or an *awning sign*, except where the business is located in a building with multiple tenants. (See Subsection (C)(7) below.) Businesses opting to use the wall sign or awning sign may also have a *projecting sign*. Each business may also have a *window sign*.

(1) ***Ground-mounted Sign.*** Limited to one sign per lot; except where a unified development consists of more than one lot, then limited to one sign per development. However, where the lot or unified development has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The height of the ground-mounted sign shall not exceed six feet and the height of its structure or support shall not exceed eight feet; the length of the sign shall not exceed 10 feet; and the sign area shall not exceed 35 square feet. The sign shall be attached to a structural base or planter box that is at least two feet high. A structural base shall be at least two feet longer than the dimensions of the sign; and a planter box shall be at least two feet wider and two feet longer than the dimensions of the sign. Maximum of two sides per sign. A ground-mounted sign shall be placed no closer to a street curb or edge of pavement than 10 feet or 50% of the building setback, whichever is less; provided that, in any event, the sign shall not be placed within the public right-of-way or obstruct a sidewalk or public walkway. At least 30 square feet of landscaped area shall be located at the base of each ground-mounted sign.

(2) ***Column Sign.*** Limited to one sign per lot, except where a unified development consists of more than one lot, then limited to one sign per development. However, where the lot or unified development has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The sign area of the column sign shall not exceed 45 square feet. Within the Central Business District, no portion of the sign shall exceed eight feet in height and its structure or support shall not exceed 10 feet in height. Within the other non-residential zoning districts, no portion of the sign shall exceed 10 feet in height and its structure or support shall not exceed 12 feet in height. The sign shall be attached to a structural base

or planter box that is at least two feet high. The base or planter box shall be at least two feet wider and two feet longer than the dimensions of the sign. A column sign shall be placed no closer to a street curb or edge of pavement than 10 feet or 50% of the building setback, whichever is less; provided that, in any event, the sign shall not be placed within the public right-of-way or obstruct a sidewalk or public walkway. At least 30 square feet of landscaped area shall be located at the base of each column sign.

(a) With respect to column signs in the General Business District, where the average ground elevation of the proposed sign location is below the road edge elevation of HWY 321 or 321-Bypass, the overall height of the sign may be increased to an elevation up to, and not to exceed, 10 feet above the road edge. In no case, however, may a sign be taller than 20 feet above the average ground elevation, nor shall the height of a sign structure exceed 22 feet above the average ground elevation. 50 percent of the sign height must be screened by landscaping when the sign is built according to the standards listed above.

[Amended May 13, 2003]

(b) In the General Business District, where the posted speed limit on Hwy 321 or the Hwy 321-Bypass exceeds 35 mph, the sign area of ground-mounted signs may be increased from 35 to 45 square feet. Similarly, the sign area of column signs may be increased from 45 to 60 square feet.

[Amended May 13, 2003]

(3) **Wall Sign.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The sign area shall be limited to one square foot of sign area per linear foot of the tenant's contiguous exterior wall in the non-residential zoning districts. The sign surface area oriented toward a specific street shall not exceed the allocation derived from the building frontage on that street. The size of any attached wall sign shall not exceed 60 square feet. If a building does not front on a street, the sign area for the building shall be determined by the Administrator as if the building had street frontage. The sign shall not extend more than six inches from the building. No portion of the sign shall extend above the parapet or eave line. A wall sign may be attached to an overhanging eave, but the sign must be at least seven feet above the surface of any pedestrian walkway underneath the sign. No sign or supporting structure may be located over the traveled portion of any right-of-way, sidewalk, or public walkway without an encroachment permit.

[Amended April 8, 2003]

(4) **Awning Sign.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. Lettering and the logo, trademark, or service mark of the business or establishment may be displayed on the drop flap of the awning, and the letters shall not exceed nine inches in height. No portion of the sign message may be displayed on the "main sheet" of the awning. The framing for the awning must be at least eight feet above the ground or sidewalk and the skirt on the bottom of the awning must be at least seven feet above the ground or sidewalk.

(5) **Window Sign.** A window sign, consisting of individual letters applied directly to the inside surface of the window glass, shall be allowed. The sign must be in proportion to window size. Window signs shall not exceed 12 square feet nor fill up more than 20% of the window area, whichever is less. Maximum letter height is 8 inches. Lettering may be black, gold, or white letters, but other colors may be approved by the Architectural Review Commission.

In addition to the above, temporary window signs, constructed of paper, cloth, or similar material, are permitted for the purpose of advertising a special sale or special promotion. Such a sign may be attached to the interior of a building window. The sign may not cover more than 25% of the window in which it is placed. The sign must be removed within 15 days after placement.

(6) **Projecting Sign.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The sign area shall be limited to four square feet per side. The sign may not project more than four feet from the building. No portion of the sign shall extend more than ten feet above ground level or extend above the parapet or eave line. The bottom of the sign must be at least seven feet above the ground or sidewalk. Projecting signs shall be attached to the building through the use of a decorative bracket.

(7) **Multiple Occupancy Buildings/Shopping Centers.** Where a lot or unified development contains a building with multiple tenants or a shopping center, a maximum of one ground sign or column sign may be permitted at each principal point of access to the development from a collector street (limited to one such sign per collector street). That sign may identify the building, shopping center, or project name; the names of the tenants; or a combination thereof. The sign, if multi-tenant, must be designed to allow changes in tenant occupancy. Unused tenant identification areas shall be filled with matching decorative panels.

The following are the size limitations for the ground sign or column sign that is used to identify a multiple occupancy building or a shopping center:

Classification	CB Zoning District	GB Zoning District	<u>OI</u> <u>Zoning</u> <u>District</u>	HMC Zoning District
Multiple Occupancy Building	45 square feet	45 square feet	<u>45 square feet</u>	45 square feet
Shopping Center	45 square feet	70 square feet		

The ground sign or column sign shall meet all other applicable requirements specified in Subsections (C)(1) and (C)(2) above.

Allowable signage for each tenant having a private entrance and building frontage along the parking lot or street shall be governed by the standards specified in Subsections (C)(3) through (C)(6) above. However, the master sign plan for the building or shopping center shall stipulate the type of signage (whether wall signs, awning signs, window signs, or projecting signs), the location of signs, the sign materials, the size of signs, sign shapes, letter styles, and colors. Each tenant's individual signage shall comply with the master sign plan.

The master sign plan may allow for one identifying sign for each upper story occupant or street level occupant that has no street frontage. That sign may be attached to the premises at the point of building access (either a wall sign or a projecting sign), or may be a freestanding sign if a sign attached at the point of building access would not be visible to the public. The maximum area of each tenant sign shall be limited to three square feet for an attached sign and four square feet for a freestanding sign. There shall not be more than one freestanding sign per lot. If there is more than one upper story tenant or more than one tenant without building frontage, then one panel for each such tenant may be displayed on the free standing sign. The freestanding sign shall meet all other applicable requirements

for ground or column signs as specified in Subsections (C)(1) or (C)(2) above. Where more than one sign is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns. All signs within the group shall be of similar size and design.

Each shopping center having a canopy shall be permitted to have coordinated identification signs located under the canopy. The signs shall have a maximum sign area of four square feet. [*Amended July 14, 1998*]

(8) ***Establishments Selling Gasoline.*** Premises from which retail petroleum products are dispensed by pump shall be permitted additional signage area to announce the price per gallon of the products. The freestanding sign or wall sign otherwise permitted for the business may be increased by 10 square feet for the display of the price information.

Signs identifying the location of full-service or self-service areas may be located at and secured to each pump island, provided that each such sign does not exceed a surface area of four square feet per side.

Petroleum product pumps shall be permitted to display only the information required by law, the type of product being dispensed, and the brand name or emblem of the product. The brand name or emblem shall not exceed the limits on the face of the pump.

If the establishment provides inspection services, a State of North Carolina inspections sign may be erected on the service station building, provided that the sign does not exceed a surface area of four square feet.

No signage may be displayed on any canopy that is erected for the purpose of providing cover for the pump islands. However, if the establishment includes a service station building, a convenience store, or other retail store, a wall sign may be erected on the building or store for the purpose of identifying that building or store. The wall sign shall be governed by the applicable provisions of Subsection (C)(3) above.

(9) ***Information/Message Board Signs.***

- (a) As provided in Subsection (C)(8) above, a service station or convenience store that sells petroleum products at retail may display a message board sign that announces the price per gallon of the petroleum products sold on the premises.
- (b) Likewise, a theater or museum, whose primary function is provide musical, cultural, dramatical, or motion-picture performances, may add a message board to its ground, column, or wall sign. The ground, column, or wall sign otherwise permitted for the business or property may be increased by 20 square feet for the purpose of displaying the message board information.

Any message board area shall have colors and materials that are similar to the sign itself. The changeable letters shall be securely fastened to the sign face and shall be neatly maintained.

- (c) In addition to signs otherwise permitted, restaurants and real estate agencies may have message boards to display information to the public. Restaurants may have a flush-mounted, attached, wall sign, no larger than three (3) square feet for display of menu items. Real estate agencies may have up to two (2) flush-mounted, attached, wall signs, no larger than six (6) square feet each, or one (1) freestanding sign not exceeding 12 square feet for display of real

estate information. The freestanding sign may be two-sided. Additional design criteria can be found in Appendix G.

[Amended September 9, 2003]

(10) **Menu Boards.** One ground-mounted menu board per site shall be permitted for drive-through windows at fast-food restaurants. The sign shall be used for the purpose of displaying menu items and prices. The area of the sign shall not exceed 15 square feet, and that area shall be in addition to the allowable sign area for the building or premises. This sign may have a plastic face and be internally illuminated.

(11) **Automated Teller Machine Signage.** Automated teller machines can be identified by one sign not to exceed six square feet in size, which must be installed at the specific location of the ATM and shall be wall-mounted or on the ATM device. Such sign shall be in addition to the allowable sign area for the business. This sign may have a plastic face and be internally illuminated.

Such sign can display the name of the particular type of machine or banking service in letters not to exceed four inches in height.

Credit card decals shall be limited to a small, unobtrusive size and the group of decals shall not cover an area larger than one square foot. The decals shall be placed on the face of the machine.

(12) **Illumination.** Unless otherwise provided, any of the signs authorized by this section to be erected within a non-residential zoning district may be illuminated. With the exception of signs for restaurant menu boards and ATM machines as provided above, any sign, if illuminated, shall have external illumination. Any other interior illumination will not be permitted unless approved by the Town Council as a conditional use.

Lighting directed toward a sign shall be designed and shielded so that it illuminates only the face of the sign and does not shine into any alley or road right-of-way or adjacent properties. The sign base and landscaping shall be designed to shield the light source so that it is not visible from any right-of-way or adjacent properties. The intensity of the light shall not exceed 20 foot-candles at any point on the sign face.

The illumination shall provide a continuous, steady white light source. No illumination shall involve movement or cause the illusion of movement, except barber poles and signs containing time and temperature readings.

No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., except actual hours that the business is open for operation. This restriction shall not apply where the impact of such lighting beyond the boundaries of the property on which it is located is inconsequential.

Internally illuminated signs, where existing, may not be illuminated during hours that the business is closed. This restriction shall not apply to vending machines, telephone booths, time and temperature signs, or other similar devices; nor shall the restriction apply to signs less than two square feet that convey a message that a business is closed or whether a place of lodging has a vacancy.

Site lighting shall be low-level from a concealed light source fixture and shall not spill over into adjoining properties or road rights-of-way. *[Amended April 13, 1999]*

[Adopted March 11, 1997; Amended September 9, 1997; Amended July 14, 1998; Amended April 13, 1999]

Section 16-283 Church, School, Hospital, or Public Facility Signs

(A) A ground, column, wall, or awning sign will be permitted for a church, school, community building, hospital, or other public building or facility, provided that the sign satisfies the applicable provisions of Subsections 16-282(C)(1) through 16-282(C)(4). Limited to one sign per abutting street frontage. Window signs shall also be permitted in accordance with the provisions of Section 16-282(C)(5).

(B) Each church, school, community building, hospital, or other public building or facility is authorized to erect a message board. The message board may be incorporated into the ground, column, or wall sign authorized in Paragraph (A) above; in which case the ground, column, or wall sign may be increased by 20 square feet for the purpose of displaying the message board information. Alternatively, the message board may be erected as a separate ground, column, or wall sign provided that the sign satisfies the applicable provisions of Subsections 16-282(C)(1) through 16-282(C)(3) and does not exceed 20 square feet of sign area. The message board, if any, shall have colors and materials that are similar to the primary sign for the property; and the colors and materials shall comply with Section 16-282(B). Any changeable letters shall be securely fastened to the sign face and shall be neatly maintained. The message board must be covered with tempered glass.

(C) In addition to the directional signs that are permitted by Section 16-278(5), each church, school, community building, hospital, or other public building or facility may erect a sign at each entrance into the building for identification purposes (for example, public entrance, private entrance, main lobby, patient entrance, emergency entrance, etc.). The sign shall consist of individual letters not exceeding nine inches in height, although an emergency room entrance may be identified by individual letters up to 12 inches in height.

(D) The signs permitted by this Section may be externally illuminated, and shall comply with the illumination standards provided in Section 16-282(C)(12) above.

(E) Where multiple buildings are arranged in a campus setting, flexibility in the application of this Section is authorized so that each building in the campus setting may have adequate and appropriate identification. A master sign plan, as provided for in Section 16-277, shall be required and approved for all of the buildings in the campus setting.

(F) For the purposes of this section, the Visitors Center operated by the Chamber of Commerce shall be considered a public facility.

[Adopted March 11, 1997; Amended May 13, 1997; June 8, 1999]

Section 16-284 Unlawful Cutting of Trees or Shrubs

(A) No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation or the Town Administrator.

(2) In any area where such trees or shrubs are required to remain under the provisions of the Town Code or a permit issued under this ordinance.

[Amended March 11, 1997]

Section 16-285 Flexibility in Administering the Provisions of This Article

(A) The Town Council recognizes that, because of the wide range of locations, buildings, and properties to which this Article must apply, it is neither possible nor prudent to establish inflexible requirements related to sign placement or landscaping requirements. Therefore, the Architectural Review Commission and the Administrator may authorize deviations from the presumptive requirements for the sign location on a building, the sign setback from a property line, or the area required for landscaping at the base of a ground or column sign, whenever the ARC and/or the Administrator find that such deviations are necessary because of the particular circumstances associated with that building or property. Whenever the ARC or the Administrator allows or requires a deviation from the presumptive requirements related to sign placement or landscaping requirements, that deviation shall be noted on the face of the sign permit along with the reasons for allowing or requiring the deviation.

(B) No deviation shall be approved or allowed that would violate the provisions of Section 16-273 (Restrictions and Prohibitions) of this Article.

(C) The Architectural Review Commission and the Administrator may also authorize and approve the display of a temporary sign when there is a legitimate delay, beyond the applicant's control, in the construction or preparation of a permanent sign for a business or property. The temporary sign may only be displayed for a period of 90 days, or until the new sign is erected, whichever is less.

[Adopted March 11, 1997]

Section 16-286 Nonconforming Signs.

(A) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued until they are required to be removed under Section 16-287. Where the term "message" is used in the following subsections, it shall not apply to the changeable copy on the message board portion of any sign.

(B) Existing signs that do not conform to the provisions of this Article shall not be enlarged, extended, reconstructed, structurally altered, redesigned, replaced, or modified as to the message or identification thereon. Nor may illumination be added to any nonconforming sign.

(C) The nonconforming use of existing signs shall cease when the message or display contained thereon becomes unreadable, obsolete, or no longer functional. A nonconforming sign may be continued so long as it is kept in good repair and maintained in safe condition.

(D) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article.

(E) The message of a nonconforming sign other than a billboard may not be changed unless the sign is brought into compliance with the provisions of this Article. The message of a nonconforming billboard may be changed, subject to the other provisions of this Article.

(F) If a nonconforming sign is severely damaged or destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this Article, and the remnants

of the former sign structure shall be cleared from the land. For the purposes of this subsection, a nonconforming sign is “severely damaged or destroyed” if the estimated cost of repairing the sign to its former stature is greater than 50% of the value of the sign so damaged.

(G) Subject to the other provisions in this section, nonconforming signs may be repaired and renovated so long as the cost of the work does not exceed 50% of the value of the sign within any 12-month period.

(H) 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 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 270 consecutive days, shall not be considered an abandoned sign.

(I) If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after abandonment, be altered to comply with this Article or 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 subsection, a sign is “blank” if:

- (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating, being offered, or being conducted;
- (2) The advertising message it displays becomes illegible in whole or substantial part; or
- (3) 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.

[Editor’s note: This section was originally numbered as 16-285, adopted on April 10, 1985; Amended March 11, 1997]

Section 16-287 Amortization of Nonconforming Signs.

(A) Subject to the remaining subsections of this section, a nonconforming sign that exceeds the height or size limitations by more than 40 percent, or that is nonconforming in some other way, shall, within five years after the effective date of this Article, be removed or altered to comply with the provisions of this Article.

(B) If the nonconformity consists of too many signs on a single lot or building, or excessive sign area, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the property or development into conformity with the provisions of this Article.

(C) Off-premises signs that are protected from enforced removal by Section 136-131.1 of the North Carolina General Statutes shall not be subject to the provisions of this section unless and until just compensation is provided in accordance with the cited statute.

[Editor’s note: This section was originally numbered as 16-286, adopted on April 10, 1985; Amended March 11, 1997]

Section 16-288 Enforcement and Remedies.

(A) Any violation or attempted violation of this Article or of any condition or requirement adopted pursuant thereto may be restrained, corrected, or abated, as the case may be, by injunction or other

appropriate proceedings pursuant to state law. A violation of this Article shall be considered a violation of the zoning ordinance of the Town. The remedies of the Town shall include the following:

- (1) Issuing a stop-work order for any and all work on any signs on the same lot;
- (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
- (3) Imposing any penalties that can be imposed directly by the Town under the zoning ordinance;
- (4) Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
- (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the Town under the applicable provisions of the zoning ordinance and building code for such circumstances.

(B) The Town shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

(C) All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

[Adopted March 11, 1997]