



**Meeting of the
Zoning and Planning Board
Minutes**

Regular meeting, Tuesday, November 19, 2019

Council Chambers

Present: Jonathan Hinkle
Dave Keenan, PE
Dr. Dave DiOrio
Mike Holden
John Moore, Town Council Liaison

Absent: Thomas M. McKay, Chair

Also Present: Brad Burton, Community Development Director
Mitchell Anderson, Development and Environmental Review Specialist
Sha'Linda Pruitt, -Recording Secretary

The meeting started at 9:33 am. The Vice Chair led the pledge of allegiance and the prayer.

ROLL CALL

The Vice Chairman called roll all were present.

APPROVAL OF THE AGENDA

Mr. Burton suggested amending to include the 2020 meeting schedule.
Mr. Hinkle made a motion to amend the agenda to add an item (b) under new business to discuss new members. All voted in favor to amend the agenda.

APPROVAL OF THE APPROVAL OF THE MINUTES

Mr. Keenan made a motion to accept the minutes. Mr. Holden made a second, all voted in favor it passed unanimous.

NEW BUSINESS

- a. Proposed Amendments to the Town Sign Regulations

The Vice Chairman called for Mr. Burton to begin with staff presentations. Mr. Burton presented proposed amendments to sign regulations for the town.

10 SIGN REGULATIONS

§ 92.145 INTENT.

It is the intent of this section to authorize the use of signs with regard to size, layout, style, typography, legibility, and arrangements compatible with their surroundings; appropriate to the identity of individual properties, occupants, and/or the community; and as appropriate to traffic safety.

§ 92.145 INTENT AND APPLICATION.

~~This subchapter is established to regulate and control all existing and future signs throughout the zoning jurisdiction of the town. The provisions of this subchapter shall apply to the display, construction, erection, placement, alteration, use, location, illumination, and maintenance of all signs, except as specifically exempted in this subchapter. A sign may be erected, placed, established, painted, created or maintained in Lake Lure only in conformance with the standards, procedures, exemptions and other requirements of this subchapter. All signs not expressly permitted by this subchapter are prohibited. This subchapter shall provide for the enforcement of the provision of this ordinance and establish a limited variety of signs in other zones, subject to the standards and permit procedures of this ordinance. Internally lighted signs are acceptable, however, to improve the environmental setting the town would prefer that signs be externally lighted whenever possible (Ord. passed 1-22-91; Amended 11-18-03)~~

§ 92.146 PURPOSE OF SIGN REGULATIONS.

~~It shall be the purpose of this subchapter to promote the safety, health, peace, dignity and general welfare of the people and the town in a manner consistent with the unique natural beauty that distinguishes the town through the regulation of the posting, displaying, erection, use and maintenance of signs. Further, it is recognized that the standards and regulations for signs will address the following purposes: (Amended 11-18-03)~~

- ~~(A) Provide an improved environmental setting and community appearance which is vital for the economic well being of the town.~~
- ~~(B) Create a more productive and professional business environment.~~
- ~~(C) Provide signs which are in scale and appropriate to the planned character and development in each zoning district.~~
- ~~(D) Promote traffic safety and prevent hazard or nuisance conditions for vehicle or pedestrian traffic.~~
- ~~(E) Prevent the visual clutter of signage which distracts from business and conflicts with legitimate informational signage and signage which is essential for public health and safety.~~
- ~~(F) Protect and enhance the value of properties within the town.~~
- ~~(G) Promote the public safety and general welfare of the town.~~

§ 92.147 DEFINITIONS.

§ 92.146 DEFINITIONS.

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

Abandoned Sign: A sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of 180 days or more, or a temporary sign for which the permit has expired or the event has occurred. This is not intended to apply to the seasonal type businesses which annually operate "in season." However, failure to operate any business for a minimum of 90 consecutive days in a calendar year will deem these signs to have been abandoned.

Additional Signs (Signage): Signs used on premises in addition to a Business Designation Sign to identify the availability of products, services or other items.

Amortization: The method of eliminating a non-conforming sign by requiring the termination of sign after a specified period of time. **(Amended 11-18-03)**

Banners, Pennants and Balloons: Any animated, rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

Blade Sign: A sign not designed to stand alone, which must be appended to another sign.

Business Designation Sign: A sign to designate the legal name of the business.

Canopy: A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass that is attached to and supported by a building or by columns, poles or braces extended to the ground.

Canopy Sign: A sign which is suspended, attached to or supported from, or forms a part of a canopy.

Changeable Copy Sign: A sign on which message copy is changed manually or electronically in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and temperature signs are not included in this definition.

Commercial or Industrial Center: Three or more separate occupancies located within the same or adjacent building or buildings on the same ~~nonresidentially~~ non-residential zoned parcel.

Community Banner: A 4' x 9' one-sided vinyl banner with four grommets, one in each corner, presented by a civic or non-profit organization only, that may be hung, at the sole discretion of the Town by Town staff, at four established locations owned by the Town two times per year for a period of 15 days. If available, these times can be combined and the banners may hang for 30 days consecutively, maximum. Availability is determined through a calendar-based, first-come-first served system that is the ultimate responsibility of the zoning administrator. As this is a gratis program, the Town assumes no responsibility for the timeliness of erecting any banner or any damage whatsoever that might occur to the banner. A Temporary Sign Permit is required.

Directory Sign: A sign listing only the names and/or use or location of more than one business, activity or professional office conducted within a building, group of buildings, or commercial center.

Double Faced Sign: A sign with two faces which are usually, but not necessarily, parallel.

Electrical Sign: A self-illuminated sign or sign structure in which the electrical wiring, connections or fixtures are used as part of the sign proper.

Exempt Sign: Any sign that is specifically listed as exempt from this chapter. Said listed exempt signs are not regulated by the terms of this chapter.

Existing Sign: Any sign that was erected or displayed prior to the adoption of this article.

Externally Illuminated Sign: Any sign that is lighted by an outside light source. **(Amended 11-18-03)**

Facade: The entire building wall, including wall face, parapet fascia, windows, doors, canopy, and roof on any complete elevation.

Fixed Projecting Sign: A sign, other than a flat sign, which extends out for more than six inches from the facade of any building and is rigidly affixed thereto.

Flat Sign: A sign erected parallel to and extending out not more than twelve (12) inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.

Freestanding Detached Sign: A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Frontage: The length of the property line on any one premise serving as a public right-of-way line.

Frontage Wall Face: The building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

Governmental Sign: Any sign erected by or on the order of an authorized public official in the performance of his office or duty including, but not limited to, traffic control signs, street name signs, warning and directional signs, public notice, or signs of a similar nature.

Incidental Flat Sign: A sign containing accessory information for the principal use and erected parallel to and extending out not more than twelve (12) inches from the façade of any building to which it is attached and supported throughout its entire length by the façade and not extending above the building. No advertising may be affixed to incidental flat signs.

Incidental Sign: A single face, non-illuminated professional or announcement sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information.

Inflatable Sign: A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Internally Illuminated Sign: Any sign which has light transmitted outward through its face or any part thereof. **(Amended 11-18-03)**

Neon Type Signs: Signs made from tubes filled with neon, argon, xenon, or other luminous gasses, and producing various colors of light. **(Amended 11-18-03)**

Noncommercial Message: Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service for sale.

Nonconforming Sign: A sign erected and in existence prior to the date of adoption of this chapter or an amendment to the chapter, that does not meet one or more of the standards imposed by this chapter.

Occupancy: Any one business activity or professional office.

Off-Premise Directional Sign: Any off-premise sign indicating the location of or directions to a business or other activity. The sign shall not include any information or message except the name of the business or the nature of the activity, universal symbol if applicable, and an arrow indicating direction and distance to the business or activity. If a sign contains any additional message or exceeds the maximum area, it shall be considered to be in violation of this chapter. **(Amended 9-28-93)**

Off-Premise Sign: A sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than the property on which the sign is located.

Painted Wall Sign: A sign painted directly on any exterior building wall or door surface, exclusive of windows or door glass areas.

Panel: The primary surface of a sign upon which the message of the sign is carried.

Parapet: A vertical false front or wall extension above a roof line.

Permitted Sign: A sign for which a valid permit has been issued.

Perimeter: The contour of the face of the sign.

Person: Any individual, partnership, association, corporation or other entity.

Political Sign: A sign erected by a political candidate, group or agent thereof for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town shall vote.

Portable Sign: A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. This term does not apply to sidewalk or sandwich board signs permitted in §92.157 § 92.155. **(Amended 11-12-13)**

Principal Flat Sign: A sign advertising the principal use and erected parallel to and extending out not more than twelve (12) inches from the façade of any building to which it is attached and supported throughout its entire length by the façade and not extending above the building.

Private Traffic Direction/Information Sign: A sign which is on-premise and is designed and erected solely for the purpose of vehicular or pedestrian traffic direction or safety.

Project Sign: Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property the individual is furnishing labor, services or materials.

Public Right-of-Way Line: The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include alleys, easements, or other similar dedicated uses.

Real Estate Sign: A sign erected by the owner, or his agent, advertising real property upon which the sign is located for rent, for lease, or for sale.

Resort: A place or places under common management where a large selection of organized activities takes place such as recreation and entertainment, and where facilities are provided for dining and lodging for residents and guests. **(Adopted 1-8-08)**

Roof: The exterior upper covering of the top of a building.

Roof Sign: A sign erected over or on, and wholly supported by or partially dependent upon the roof of any building for support, or attached to the roof in any way.

Holiday Sign: A sign used for the celebration of any national or religious holiday which is erected for a limited period of time.

Sidewalk or Sandwich Board Sign: An A-frame, inverted V-shape, or similarly shaped moveable sign not secured or attached to the ground or any building or structure. It is portable and usually double-sided. **(Amended 11-12-13)**

Sign: Any form of publicity or advertising which is designed to be visible from any public way, directing attention to an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names or trademarks, or other pictorial matter designed to convey such information.

Sign Face: The part of the sign that is or can be used to identify, advertise, communicate information, or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct self-illumination used that differentiates the sign from the building, structure, backdrop surface or object against which or upon which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign Structure: A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence.

Snipe Sign: A sign which is tacked, nailed, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects.

Special Event Sign: A sign which carries a message regarding a special event or civic function

sponsored by a nonprofit organization such as, but not limited to, Kiwanis, Rotary, or the Lion's Club for fund drives, fairs, festivals, and sporting events, or a sign which carries a message regarding special events for businesses such as, but not limited to, initial openings or special sales which are of general interest to the community. **(Amended 8-8-06)**

Special Event Directional Sign: A sign which directs the public to a special event at a place other than the premises upon which the sign is located.

Swinging Sign: A sign projecting from the outside walls of any building which is supported only by one rigid support.

Subdivision or Mobile Home Park Entrance Sign: An entrance sign which designates the name of a subdivision, or a residential district, or of a mobile home park and is located at or near the main entrance.

Temporary Sign: A sign with or without letters and numerals such as land sale signs, subdivision openings, construction signs, seasonal events, or community, public and semi-public functions.

Town: The Town of Lake Lure.

Vehicle Sign: A permanent or temporary sign affixed to or placed upon any parked vehicle, parked trailer, or other parking device capable of being towed, the primary purpose of which is to attract the traveling public, provided that this definition does not include a single sign placed on a single vehicle or trailer at a residence of an individual which sign identifies the vehicle or trailer as being for sale.

Window: An opening covered in glass built into the wall or roof which functions or appears to function to admit light to a building or structure. **(Adopted 03-09-10)**

Window Sign: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises, contiguous property or public right-of-way.

Window Sign, Temporary: A window sign of a temporary nature used to direct attention to the sale of merchandise or a change in status of the business, including but not limited to, signs for sales, specials, going out of business, and grand openings. **(Adopted 9-28-93)**

~~§ 92.148 AREA OF SIGN DEFINED.~~

§ 92.147 AREA OF SIGN DEFINED.

The area of a sign shall be considered to be that of the smallest rectilinear figure which encompasses all lettering, wording, design or symbols, together with any background difference on which the sign is located if such background is designed as an integral part of and related to the sign. Any cut-outs or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a double-faced sign, the area of the sign shall be considered to include all faces visible from one direction. The area of a wall or window sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

293 ~~§ 92.149 METHOD OF ATTACHMENT DEFINED.~~

294 § 92.148 METHOD OF ATTACHMENT DEFINED.

295
296 (A) Attached Sign: Any sign attached to, applied on, or supported by any part of a building
297 (such as a wall, projecting, window, canopy, awning or marquee) which encloses or covers
298 useable space.

299
300 (1) Flush Attached Signs. Signs which are mounted flush and parallel, or any sign
301 painted on an exterior wall or surface of a building.

302
303 (2) Projecting Attached Signs. Signs end-mounted or otherwise attached to an exterior
304 wall of a building and which project out from the wall, including signs which are
305 incorporated in or attached to an awning or canopy.

306
307 (3) Suspended Sign. A sign which is suspended from the underside of a horizontal plane
308 surface, such as a canopy or marquee, and which is supported by such surface.

309
310 (4) Window Sign. Signs permanently attached to, painted on a window, or displayed to
311 be seen through a window.

312
313 (B) Free-Standing Detached Signs: Signs supported by a structure placed in the ground and
314 which is wholly independent of any building or object other than the sign structure for
315 support.

316
317 (1) Free-standing Pole Sign. A free-standing detached sign which is permanently affixed
318 to the ground by a pole or other structure and which is not part of a building.

319
320 (2) Free-standing Ground Sign. A free-standing detached sign flush to the ground and not
321 elevated upon poles or stanchions and not attached to a building.

322
323 ~~§ 92.150 HEIGHT OF FREE-STANDING, DETACHED SIGNS DEFINED.~~

324 § 92.149 HEIGHT OF FREE-STANDING, DETACHED SIGNS DEFINED.

325
326 (A) The height of a free-standing detached sign shall not exceed the maximum height set forth in
327 this subchapter. The height of a free-standing detached sign shall be measured as the
328 vertical distance from the uppermost point of the sign or sign structure, whichever is higher, to
329 the base of the sign at street grade or adjacent parking area grade. Where the grade of the
330 parking area is lower than the street, the measurement will be taken at the street grade at the
331 driveway entrance, or in the case of two entrances, at the upper entrance. **(Amended 11-18-03)**

332
333 (B) The height of all other signs shall be measured as the vertical distance to the uppermost
334 point of a sign measured from the ground level of the structure to which the sign is attached.
335 **(Amended 11-18-03)**

336
337 ~~§ 92.151 VALUE OF SIGNS DEFINED.~~

338 § 92.150 VALUE OF SIGNS DEFINED.

339
340 The value of an existing sign shall be the value for tax purposes of any sign so listed. If the tax value is not
341 available, the value shall mean the original cost of the sign. In the absence of information as to the original

cost submitted by the sign owner, the administrator shall estimate the original cost based upon the best information reasonably available.

~~§ 92.152 ADMINISTRATION.~~

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The Zoning Administrator shall be responsible for the administration and Enforcement of this subchapter.

~~§ 92.153 PERMITS REQUIRED.~~

§ 92.152 PERMITS REQUIRED.

All existing signs and all signs hereafter erected, placed, posted, attached, painted or otherwise made visible from an adjacent property or right-of-way require a sign permit in accordance with the provisions of this chapter except as otherwise prohibited, exempted ~~or not requiring a permit~~ by this subchapter. Any sign which requires a permit which is displayed without the requisite permit shall be in violation of this chapter and shall be considered an illegal sign. Except where expressly exempted in this Section, all signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use. Penalty, see § 92.999

~~§ 92.154. SIGNS EXEMPT FROM REGULATIONS.~~

§ 92.153. SIGNS EXEMPT FROM REGULATION.

The following signs are exempt from ~~the regulations of this chapter; and permit requirements under this~~ Section, provided that signs comply with the provision of this section and are not illuminated.

- (A) Signs not visible from beyond the boundaries of the property on which they are located.
- (B) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other governmental signs including building identification, directional, information, and welcome signs. Signs of a governmental body other than the Town of Lake Lure require Town Council approval, regardless of the type of sign, unless otherwise exempted by federal or state law. Although exempt from sign regulations, specific governmental signs like building identification, directional, information, and welcome signs must be reviewed by the Planning Board and approved by Town Council. However, traffic control signs, traffic warning signs, public notices, or signs of a similar nature need only Town Manager approval. **(Amended 5-13-14, 9-13-16).**
- (C) Trade names, graphics, and prices which are located on gas pumps, newspaper, soft drink and similar vending devices.
- (D) Flags and insignia of a government, ~~non-profit, or business organization when not displayed as an advertising device~~ when not displayed in connection with a commercial promotion.
- ~~(E) Seasonal/holiday signs and decorations associated with a national or religious holiday.~~
- ~~(E)~~ (F) Warning of danger signs posted by utility or construction companies.
- ~~(G) Signs on vehicles indicating the name of a business, unless the immediate use of the vehicle is for the display of signs.~~

(F) ~~(H)~~ Signs required by law, statute or ordinance.

(G) Signs directing and guiding traffic and parking on private property on which the signs are located, provided such signs are not illuminated, bear no advertising, and do not exceed 4 square feet in area per display surface.

(H) Construction site identification signs whose message is limited to project name, identification of architects, engineers, contractors and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building and the expected completion date. Construction site identification signs may not exceed 4 square feet in area per display surface and 6 feet in height for single-family or duplex construction; and 32 square feet in area per display surface and 8 feet in height for multifamily or non-residential construction. The signs must be non-illuminated. Construction site identification signs must not exceed 1 sign per construction site, must not be erected prior to the issuance of a building permit, and must be removed within 7 days of issuance of a certificate of occupancy.

(I) Fence wrap signs when affixed to perimeter fencing at a construction site. Such signs must be removed at the time a Certificate of Occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. No fence wrap affixed pursuant to this exemption may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

(J) Analog Copy Changes and Maintenance. No permit is required for copy changes made to a changeable copy sign, menu board or marquee sign. No permit is required for maintenance carried out in accordance with the provisions in § 92.157 and where no structural changes are made.

(K) Residential Identification Signs. Signs which provide the name or address of an individual residence, either attached or detached, indirectly or non-illuminated, provided no sign shall exceed two square feet in size per sign face.

(L) "No trespassing," "no hunting," "no fishing," "no loitering" and similar signs not exceeding two square feet per sign face.

(M) Temporary political signs advertising candidates or election issues, provided such signs do not exceed 4 square feet in area per display surface, and provided that any such signs, on private property, are removed within 10 days after the primary or election day; and provided further that any such signs in the public right-of-way are not erected prior to 30 days 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. The NC Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in this paragraph. Signs in the right-of-way must be placed in compliance with the following:

(1) The sign 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.

(2) No sign is permitted in the right-of-way of a fully controlled access highway.

- 442 (3) No sign may obscure motorist visibility at an intersection.
443
444 (4) No sign may be higher than 42 inches above the edge of the pavement of the road.
445
446 (5) No sign may be larger than 18 inches by 24 inches.
447
448 (6) No sign may obscure or replace another sign.
449
450 (N) Yard or garage sale signs announcing yard or garage sales, provided the signs do not exceed
451 one sign per site of the sale and 4 square feet in area per display surface, and are removed
452 within 7 days of posting.
453 (O) In any residential district:
454
455 (1) One real estate sign, not exceeding four square feet per sign face area and, if
456 freestanding, not exceeding four feet in height from ground level shall be permitted.
457 Property with two or more on-premises frontages shall be permitted one additional sign.
458
459 (2) To display a sign on premises not personally owned by the realtor, the realty
460 company must have a valid, current, exclusive sales agreement with the property
461 owner.
462
463 (P) In any business, commercial or industrial district a real estate sign shall be permitted on the
464 premises for sale, rent or lease. Such sign shall be non- illuminated, not to exceed 32 square
465 feet in area. A double faced real estate sign is permitted, provided that it shall not exceed 32
466 square feet per sign face and, if freestanding, it shall not exceed twelve feet in height.
467 (Amended 0-00-00)
468
469 (Q) A sign held by or attached to a human, located in front of the business, during business hours,
470 for the purposes of advertising or otherwise drawing attention to an individual, business,
471 commodity, service or product. This may also include a person dressed in costume for the
472 purpose of advertising or drawing attention to an individual, business, commodity, service or
473 product.
474
475 (R) Signs on registered, licensed vehicles that are parked in a manner that serves the purpose of
476 advertising a business, is generally located in front of the business, and is parked in a standard
477 size parking space.
478
479 (S) Signs stating that a business (other than a home occupation) is open, provided that there is no
480 more than one such sign per business establishment, any illumination is steady (does not blink
481 or flash), and the sign does not exceed 2 square feet in display area.
482
483 (T) Non-commercial signs not covered by other exemptions listed in this section, provided such
484 signs are located on private property and are non-illuminated.
485
486 (U) Window Signs. Signs painted on or placed in a window shall be permitted, subject to the
487 following provisions:
488
489 (1) Such signs shall not exceed an aggregate area equal to 25% of the window and/or glass
490 area of the building wall on which it is located, to include all temporary signs.
491 (Amended 1-9-01, 03-09-10)

- (2) The sign area for a window shall not be included in the allowable sign area for the particular occupancy or activity utilizing such sign, as defined in 92.155 (F)(1).
(Amended 1-9-01) Penalty, see § 92.999

§ 92.155 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

The following signs shall not require a permit and shall not be counted as part of the allowable sign area. However, such signs shall conform to the requirements set forth below as well as other applicable requirements of this chapter.

- (A) Private Traffic Directional Signs. Signs containing information to direct pedestrian or vehicular traffic shall be located on the premises for which directions are indicated. Directional signs shall not contain any advertising or logo, shall not exceed three square feet per face, two faces per sign, and shall not exceed three feet in height if free-standing or six feet in height if attached to the principal or an accessory structure. The maximum signs allowed per lot shall be four. These signs may be indirectly or directly illuminated as prescribed by standards set forth in §92.159. (Amended 11-18-03)
- (B) Incidental Signs. Signs containing information necessary or convenient for persons coming on to a premises shall be located on the premises to which the information pertains. No advertising may be affixed to such a sign and these signs shall be single faced only and wholly attached to a principal building (including the windows or doors).
- (C) Political Signs. Political signs advertising candidates or issues shall be allowed in any zone. However, no such sign shall be placed within any public right of way or on any public property or attached to any utility pole or tree. The property owner and the political candidate shall be equally responsible for the proper location, maintenance and removal of political signs. All political signs must be removed within seven calendar days following the election to which the sign pertains. Political signs shall not exceed four square feet in area per display face and two faces per sign. (Amended 11-18-03)
- (D) Copy Changes and Maintenance. No permit is required for copy changes made to a changeable copy sign, menu board or marquee sign. No permit is required for maintenance carried out in accordance with the provisions in § 92.159 and where no structural changes are made.
- (E) Residential Identification Signs. Signs which provide the name or address of an individual residence, either attached or detached, indirectly or non-illuminated, provided no sign shall exceed two square feet in size per sign face.
- (F) "No trespassing," "no hunting," "no fishing," "no loitering" and similar signs not exceeding two square feet per sign face.
- (G) In any residential district:
- (1) One real estate sign, not exceeding four square feet per sign face area and, if freestanding, not exceeding four feet in height from ground level shall be permitted.

Property with two or more on premises frontages shall be permitted one additional sign.

(2) To display a sign on premises not personally owned by the realtor, the realty company must have a valid, current, exclusive sales agreement with the property owner.

(H) In any business, commercial or industrial district a real estate sign shall be permitted on the premises for sale, rent or lease. Such sign shall be non-illuminated, not to exceed 32 square feet in area. A double-faced real estate sign is permitted, provided that it shall not exceed 32 square feet per sign face and, if freestanding, it shall not exceed twelve feet in height.

(I) Window Signs. Signs painted on or placed in a window shall be permitted, subject to the following provisions:

(1) Such signs shall not exceed an aggregate area equal to 25% of the window and/or glass area of the building wall on which it is located, to include all temporary signs.
(Amended 1-9-01, 03-09-10)

(2) The sign area for a window shall not be included in the allowable sign area for the particular occupancy or activity utilizing such sign, as defined in 92.157, (B), (1).
(Amended 1-9-01) Penalty, see § 92.999

(J) Works of art that do not include a commercial message.

§ 92.154 PROHIBITED SIGNS

The following signs are prohibited except where they are exempt from regulation in § 92.153 above.

(A) Moving signs. Animated, rotating, or other moving or apparently moving signs, including vehicular billboards.

(B) Snipe signs.

(C) Wind signs. Devices consisting of banners, streamers, pennants, wind-blown propellers, balloons, inflatable devices, strung light bulbs and similar installations, unless approved by the Town Manager for non-commercial, non-profit enterprises. A feather sign not complying with § 92.155 (F)(8). Temporary Sign standards is considered a prohibited sign.

(D) Digital changeable copy. Digital changeable copy that scrolls, blinks, or flashes, including but not limited to LCD, LED and any similar technology, except as used to display time and temperature or gas price.

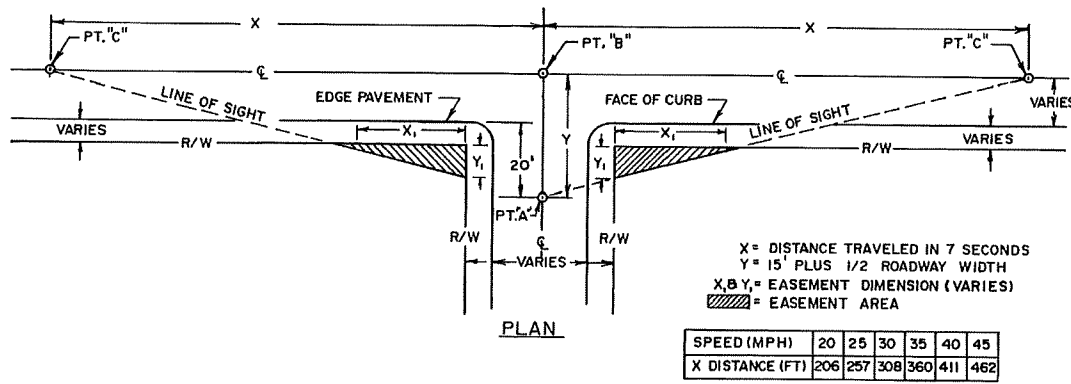
(E) Off-premise signs along public thoroughfares.

(F) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on roofs or walls of buildings designed to be visible from any public thoroughfare.

(G) Inflatable signs.

(H) Abandoned signs.

(I) Neon type signs, in all circumstances, except for window signs as provided in 92.153 (U).
(Amended 11-18-03)



(J) Traffic safety precautions. Notwithstanding any other provision in this Section, the following restrictions shall apply to signs in order to preserve the safety of pedestrian, bicycle, and vehicular movement:

- (1) No sign may make use of the words "STOP", "SLOW", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
- (2) Except as used to display time and temperature, no sign may contain flashing lights.
- (3) No sign, or part of a sign, may be located within a sight distance area established in the graphic above.
- (4) No sign may be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.

§ 92.156 SIGNS PROHIBITED.

The following are prohibited within the jurisdiction of this chapter:

- (A) ~~Swinging signs.~~
- (B) ~~Snipe signs.~~
- (C) ~~Portable signs except for special events. (Amended 11-12-13)~~
- (D) ~~Banners, pendants, flags and balloons, except as otherwise allowed. (Amended 2-9-99)~~
- (E) ~~Off premise signs along public thoroughfares.~~
- (F) ~~A sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.~~

629 ~~(G) Vehicle signs, except as exempt in § 92.154.~~

630
631 ~~(H) Any sign which emits a sound, odor or visible matter.~~

632
633 ~~(I) Any sign which obstructs free ingress or egress from a required door, window, fire~~
634 ~~escape or other required exit way.~~

635
636 ~~(J) Any sign and/or sign structure which obstructs the view of, may be confused with, or~~
637 ~~purports to be a governmental or traffic direction/safety sign.~~

638
639 ~~(K) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone~~
640 ~~or utility poles, or painted on roofs or walls of buildings designed to be visible from any~~
641 ~~public thoroughfare.~~

642
643 ~~(L) Abandoned signs.~~

644
645 ~~(M) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects~~
646 ~~as defined in Chapter 15 of the North Carolina General Statutes.~~

647
648 ~~(N) Signs affixed to a private residence or dwelling, or displayed upon the grounds~~
649 ~~thereof, except one personal identification sign not exceeding two (2) square feet of sign~~
650 ~~area, and one non-illuminated "For Sale" or "For Rent" sign not exceeding four (4)~~
651 ~~square feet per sign face, and any other signs authorized by this chapter.~~

652
653 ~~(O) Inflatable signs.~~

654
655 ~~(P) Political signs on public property and within public right of way. The Town may~~
656 ~~remove these signs immediately. (Amended 11-18-03)~~

657
658 ~~(Q) Signs, whether temporary or permanent, within any street or highway right of way, or~~
659 ~~within 10 feet from the edge of any roadway, paved or not, where no right of way~~
660 ~~exists, with the exception of governmental signs. (Amended 1-9-01)~~

661
662 ~~(R) Neon type signs, in all circumstances, except for windows signs as provided in~~
663 ~~§92.155, (I). (Amended 11-18-03)~~

664
665 § 92.155 SIGNS PERMITTED AND REGULATED.

666
667 (A) Subject matter related to premises. The subject matter of any sign must be related to the
668 premises on which the sign is located, except where specifically exempted by this Section

669
670 (B) Non-commercial message. Whenever the ordinance permits a commercial sign, a non-
671 commercial message may be substituted for the commercial message. The right to
672 substitute the non-commercial message does not waive any other requirement imposed by

this Section as to the number, size, type, construction, location, lighting, safety or other regulated attribute.

(C) No signs in public right-of-way. All signs, including the supports, frames, and embellishments, shall not be located within any public right-of-way (except where specifically exempted by this Land Use Management Ordinance). No sign may be attached, affixed, or painted on any utility pole, light fixture, telephone or telegraph pole, any tree, rock or other natural object.

(D) Residential.

(1) All residential districts:

- (a) One non-illuminated sign not to exceed 12 square feet per sign face and a height not to exceed six feet from ground level shall be permitted for family care homes.
- (b) Subdivision developments and planned units developments (except in R-1D) shall be permitted one sign per entrance identifying the development. Said sign may be illuminated. Said sign shall not exceed 50 square feet per sign face. Any additional identification or directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face. Each entrance identification sign shall require a separate permit fee and is classified as a business designation sign. Additional signs along public thoroughfares shall be classified as "additional" signs and the permit fees will be in accordance with § 92.158.

(2) R-1, R-2, R-3, R-1A, R-1B and R-1C districts:

- (a) On plots containing permitted public utility buildings or home occupations or uses, other than accessory, one attached non-illuminated sign not exceeding three square feet per sign face.

(3) R-1, R-2, R-3, and R-4 districts:

- (a) One flat sign not to exceed 12 square feet, identifying the premises of or on which permitted non-residential uses are located. Such signs shall not be illuminated by either an internal or external source. This paragraph shall not apply to home occupations, signs in which are regulated by the terms of §92.117(J). (Amended 12-12-95, 1-8-08)
- (b) One freestanding sign identifying the non-residential premises may be permitted in lieu of a flat sign, provided, however, it does not exceed 24 square feet per sign face, does not exceed seven feet in height, and is not closer than ten feet to the public right-of-way. Such sign shall not be illuminated by either an internal or external source. (Amended 12-12-95)

- 719 (c) Religious Institutions are permitted to erect on the premises a freestanding
720 sign, either non-illuminated or illuminated, no closer than ten feet to the
721 right-of-way, not to exceed 24 square feet per sign face area and not
722 exceeding seven feet in height, provided that such sign is so shielded that
723 the source of light is not visible from any abutting residence.
- 724 (d) Mobile home parks in R-2 shall be governed by the same sign provisions as
725 provided for subdivisions and planned unit developments, except that no
726 sign shall exceed 24 square feet per sign face.

- 727 (4) All businesses operating under a conditional use permit as authorized in 92.045 in
728 any residential district shall be governed by division (B) below, unless otherwise
729 specified by the Board of Adjustment.
730

731 (E) Business, commercial and industrial districts.
732

- 733 (1) As this subsection is applied to commercial centers, the commercial center owner
734 shall be responsible for securing permits and maintaining the following signs:
735

- 736 (a) Commercial Center Signage. Each commercial center, as defined herein,
737 shall be allowed one freestanding, double faced, detached sign, or up to
738 three (3) suspended or flush attached signs, identifying the center. A
739 freestanding detached sign may also contain the names of individual
740 businesses located in the commercial center and may be illuminated. The
741 aggregated total sign face area of said signs, shall not exceed 100 square
742 feet. Signs listed in Section 92.153 and 92.156 shall not be included in the
743 allowable area calculated. (Amended 10-14-14)
744
- 745 (b) Individual Business Entry Signage. In addition, each individual business in
746 the commercial center having a separate individual outside entrance serving
747 the general public shall be permitted one projecting or flush attached sign, as
748 defined herein, to identify the public entrance to that business. Said
749 business entrance signs shall be positioned adjacent to the entrance of said
750 business. The total aggregate area of the business entrance signs shall not
751 exceed 3 percent of the gross area of the frontage wall, nor shall any single
752 sign exceed 240 square feet. The signs may be illuminated. Signs listed in
753 Section 92.153 and 92.156 shall not be included in the allowable area
754 calculated. (Amended 10-14-14)
755
- 756 (c) Incidental Flat Signs. Incidental flat signs affixed to the exterior side of the
757 building wall on which the main entrance of the business is located,
758 indicating an incidental use such as a pharmacy, garden center, deli or
759 similar accessory use in a commercial center, shall be permitted. In no case
760 shall the total aggregate area of incidental flat signs exceed 2 percent of the
761 gross area of the frontage wall face, as defined herein, nor shall any single
762 sign exceed 160 square feet.
763

- 764 (2) Any business establishment not operating in a commercial center shall be allowed a

maximum of 50 square feet of sign area as defined in § 92.147. Said sign area may be divided between a maximum of two signs. Signs may be illuminated. Signs listed in §§ 92.153, and 92.156 shall not be included in these calculations. A single sandwich board sign as per § 92.155(F)(9) is allowed in addition to the two signs if the property is commercially zoned.

- (3) Commercial subdivision developments shall be permitted one double-faced sign or two single-faced signs per entrance identifying the development, and shall be subject to the following: (Adopted 10-13-09)

(a) Said sign(s) may be illuminated. (Adopted 10-13-09)

(b) Said sign(s) shall not exceed 50 square feet per sign face. Signs listed in §92.153, and 92.156 shall not be included in the allowable area

(d) Any additional directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face. (Adopted 10-13-09)

(e) Each entrance identification sign shall require a separate permit fee and is classified as a business designation sign. Additional signs along public thoroughfares shall be classified as "additional" signs and the permit fees will be in accordance with § 92.158. (Adopted 10-13-09)

- (4) Any signs permitted in business, commercial or industrial districts may contain a commercial sponsor name or motif provided that the total commercial name or motif shall not exceed 25% of the total allowable sign face area and shall be included in the total of sign face area.

- (5) No sign in this division (B) shall have more than 50% of its sign face area devoted to changeable copy.

- (6) The maximum height of any free-standing detached sign shall be 16 feet; all other signs shall not project above the base of the roof of the building to which they are attached. (Amended 11-26-96, 11-18-03, 10-15-14)

- (7) Signs in this division (B) may be located within required front yards so long as no portion of any sign encroaches into any right-of-way and further provided that signs within 50 feet of any property zoned residential shall be no closer than ten feet to the right-of-way. (Amended 2-9-99)

- (8) Up to two decorative flags of not more than three feet by five feet in size shall be permitted for each 50 feet of street frontage as accessory to any business. Said flags may include art work depicting the products and services available from the business and shall be exempt from the permit requirements of this chapter. (Adopted 12-12-95, Amended 11-26-96, 2-9-99) Penalty, see § 92.999

- 811
812 (9) Commercial districts may be permitted a single sandwich board sign to be placed
813 adjacent to a sidewalk, the front of the individual business, or in the parking area
814 providing such sign is located on the business establishment's property and does
815 not pose a safety hazard. Business establishments located in the Arcade may also
816 be permitted to place one such sign in front of their business under the breezeway
817 on the walkway providing such location does not pose a safety hazard to
818 pedestrians. This sign shall not exceed four feet in height or eight square feet in
819 area per sign face. The sign must be removed at the end of each day when the
820 business closes. Said signs may include artwork depicting the products and
821 services available from the business, changeable copy, and shall be exempt from
822 the permit requirements of this chapter. (Adopted 11-12-13)
823

824 (F) Government districts. (Adopted 10-13-09)
825

- 826 (1) As determined by Town Council in compliance with all town regulations during its
827 review of a proposed development project or on a case by case basis. (Adopted 10-
828 13-09)
829

830 (G) Resort Signs. These standards govern signage located within resorts containing 75 acres or
831 more as that term is defined in §92.146. If any resort sign regulated pursuant to this
832 paragraph is illuminated, it shall only be illuminated by an external bulb. (Adopted 1-8-08)
833

- 834
835 (1) Resort Private Road Sign: A sign communicating limits on speed and/or messages
836 of warning, caution, and prohibitions for regulating vehicular or pedestrian traffic
837 for safety. These signs shall neither exceed six (6) feet height nor be greater than
838 nine (9) square feet in area per sign face. Said sign may display the insignia or
839 logo of the entity which owns and maintains the private road, so long as not more
840 than 20% of the sign face is used to display the logo or insignia. Signs shall be
841 placed in a manner so as to neither obstruct visibility nor sight distance of
842 motorists. (Adopted 1-8-08)
843

- 844 (2) Resort Direction Sign: A sign within a resort designed and erected solely for the
845 purpose of vehicular or pedestrian traffic direction. These signs shall neither
846 exceed ten (10) feet in height nor be greater than forty (40) square feet in area per
847 sign face. Such signs may display the insignia or logo of the resort, so long as not
848 more than 20% of the sign face is used to display the logo or insignia. Signs shall
849 be placed in a manner so as to neither obstruct/impair visibility nor sight distance
850 of motorists. (Adopted 1-8-08)
851

- 852 (3) Resort Information Sign: A single face announcement sign within a resort
853 designed and erected solely for the purpose of conveying information relative to
854 rules of conduct, resort protocol, directives, warnings, or caution. These signs shall
855 neither exceed seven (7) feet in height nor be greater than forty (40) square feet in
856 area per sign face. Such signs may display the insignia or logo of the resort, so

long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists. (Adopted 1-8-08)

- (4) Resort Incidental Sign: A single face, announcement sign within a resort containing information relative to direction, warning, emergencies, caution, rules, or other similar necessary accessory messages. These signs shall neither exceed five (5) feet in height nor be greater than five (5) square feet in sign area. The total number of resort incidental signs in a resort shall not exceed a number which is the product of three times the number of acres in the resort. For purposes of determining this number, acreage contained within a golf course shall not be counted, nor shall any resort incidental signs contained within such golf course. (Adopted 1-8-08)

~~§ 92.157 SIGNS PERMITTED AND REGULATED.~~

~~(A) Residential.~~

~~(1) All residential districts:~~

- ~~(a) One non-illuminated sign not to exceed 12 square feet per sign face and a height not to exceed six feet from ground level shall be permitted for family care homes.~~
- ~~(b) Subdivision developments and planned units developments (except in R-1D) shall be permitted one sign per entrance identifying the development. Said sign may be illuminated. Said sign shall not exceed 50 square feet per sign face. Any additional identification or directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face. Each entrance identification sign shall require a separate permit fee and is classified as a business designation sign. Additional signs along public thoroughfares shall be classified as "additional" signs and the permit fees will be in accordance with § 92.161.~~
- ~~(c) Up to two decorative non-advertising flags of not more than three feet by five feet in size shall be permitted as accessory to any residential structure. Said flags shall be exempt from the permit requirements of this chapter. (Amended 2-9-99)~~

~~(2) R-1, R-2, R-3, R-1A, R-1B and R-1C districts:~~

- ~~(a) On plots containing permitted public utility buildings or home occupations or uses, other than accessory, one attached non-illuminated sign not exceeding three square feet per sign face.~~

~~(3) R-1, R-2, R-3, and R-4 districts:~~

904
905 (a) ~~One flat sign not to exceed 12 square feet, identifying the premises of or on~~
906 ~~which permitted non-residential uses are located. Such signs shall not be~~
907 ~~illuminated by either an internal or external source. This paragraph shall not~~
908 ~~apply to home occupations, signs in which are regulated by the terms of~~
909 ~~§92.117(J). (Amended 12-12-95, 1-8-08)~~

910
911 (b) ~~One freestanding sign identifying the non-residential premises may be~~
912 ~~permitted in lieu of a flat sign, provided, however, it does not exceed 24~~
913 ~~square feet per sign face, does not exceed seven feet in height, and is not~~
914 ~~closer than ten feet to the public right of way. Such sign shall not be~~
915 ~~illuminated by either an internal or external source. (Amended 12-12-95)~~

916
917 (c) ~~Churches are permitted to erect on the premises a freestanding sign, either~~
918 ~~non illuminated or illuminated, no closer than ten feet to the right of way,~~
919 ~~not to exceed 24 square feet per sign face area and not exceeding seven feet~~
920 ~~in height, provided that such sign is so shielded that the source of light is not~~
921 ~~visible from any abutting residence.~~

922
923 (d) ~~Mobile home parks in R-2 shall be governed by the same sign provisions as~~
924 ~~provided for subdivisions and planned unit developments, except that no~~
925 ~~sign shall exceed 24 square feet per sign face.~~

926
927 (4) ~~All businesses operating under a conditional use permit as authorized in §~~
928 ~~92.045 in any residential district shall be governed by division (B) below, unless~~
929 ~~otherwise specified by the Board of Adjustment.~~

930
931 (B) ~~Business, commercial and industrial districts.~~

932
933 (1) ~~As this subsection is applied to commercial centers, the commercial center~~
934 ~~owner shall be responsible for securing permits and maintaining the following~~
935 ~~signs:~~

936
937 (a) ~~Commercial Center Signage. Each commercial center, as defined herein,~~
938 ~~shall be allowed one freestanding, double faced, detached sign, or up to~~
939 ~~three (3) suspended or flush attached signs, identifying the center. A~~
940 ~~freestanding detached sign may also contain the names of individual~~
941 ~~businesses located in the commercial center and may be illuminated. The~~
942 ~~aggregated total sign face area of said signs, shall not exceed 100 square~~
943 ~~feet. Signs listed in Section 92.154, 92.155 and 92.158 shall not be~~
944 ~~included in the allowable area calculated. (Amended 10-14-14)~~

945
946 (b) ~~Individual Business Entry Signage. In addition, each individual business in~~
947 ~~the commercial center having a separate individual outside entrance serving~~
948 ~~the general public shall be permitted one projecting or flush attached sign, as~~
949 ~~defined herein, to identify the public entrance to that business. Said~~

business entrance signs shall be positioned adjacent to the entrance of said business. The total aggregate area of the business entrance signs shall not exceed 3 percent of the gross area of the frontage wall, nor shall any single sign exceed 240 square feet. The signs may be illuminated. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated. (Amended 10-14-14)

(c) ~~Incidental Flat Signs. Incidental flat signs affixed to the exterior side of the building wall on which the main entrance of the business is located, indicating an incidental use such as a pharmacy, garden center, deli or similar accessory use in a commercial center, shall be permitted. In no case shall the total aggregate area of incidental flat signs exceed 2 percent of the gross area of the frontage wall face, as defined herein, nor shall any single sign exceed 160 square feet.~~

(2) ~~Any business establishment not operating in a commercial center shall be allowed a maximum of 50 square feet of sign area as defined in § 92.148. Said sign area may be divided between a maximum of two signs. Signs may be illuminated. Signs listed in §§ 92.154, 92.155 and 92.158 shall not be included in these calculations.~~

(3) ~~Commercial subdivision developments shall be permitted one double-faced sign or two single-faced signs per entrance identifying the development, and shall be subject to the following: (Adopted 10-13-09)~~

(a) ~~Said sign(s) may be illuminated. (Adopted 10-13-09)~~

(b) ~~Said sign(s) shall not exceed 50 square feet per sign face. Signs listed in § 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated. (Adopted 10-13-09)~~

(c) ~~Any additional directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face. (Adopted 10-13-09)~~

(d) ~~Each entrance identification sign shall require a separate permit fee and is classified as a business designation sign. Additional signs along public thoroughfares shall be classified as "additional" signs and the permit fees will be in accordance with § 92.161. (Adopted 10-13-09)~~

(4) ~~Any signs permitted in business, commercial or industrial districts may contain a commercial sponsor name or motif provided that the total commercial name or motif shall not exceed 25% of the total allowable sign face area and shall be included in the total of sign face area.~~

(5) ~~No sign in this division (B) shall have more than 50% of its sign face area devoted~~

to changeable copy.

(6) ~~The maximum height of any free-standing detached sign shall be 16 feet; all other signs shall not project above the base of the roof of the building to which they are attached. (Amended 11-26-96, 11-18-03, 10-15-14)~~

(7) ~~Signs in this division (B) may be located within required front yards so long as no portion of any sign encroaches into any right-of-way and further provided that signs within 50 feet of any property zoned residential shall be no closer than ten feet to the right-of-way. (Amended 2-9-99)~~

(8) ~~Up to two decorative flags of not more than three feet by five feet in size shall be permitted for each 50 feet of street frontage as accessory to any business. Said flags may include art work depicting the products and services available from the business and shall be exempt from the permit requirements of this chapter. (Adopted 12-12-95, Amended 11-26-96, 2-9-99) Penalty, see § 92.999~~

(9) ~~Commercial districts may be permitted a single sandwich board sign to be placed adjacent to a sidewalk, the front of the individual business, or in the parking area providing such sign is located on the business establishment's property and does not pose a safety hazard. Business establishments located in the Arcade may also be permitted to place one such sign in front of their business under the breezeway on the walkway providing such location does not pose a safety hazard to pedestrians. This sign shall not exceed four feet in height or eight square feet in area per sign face. The sign must be removed at the end of each day when the business closes. Said signs may include artwork depicting the products and services available from the business, changeable copy, and shall be exempt from the permit requirements of this chapter. (Adopted 11-12-13)~~

(C) ~~Government districts. (Adopted 10-13-09)~~

(1) ~~As determined by Town Council in compliance with all town regulations during its review of a proposed development project or on a case by case basis. (Adopted 10-13-09)~~

(D) ~~Resort Signs. These standards govern signage located within resorts containing 75 acres or more as that term is defined in §92.147. If any resort sign regulated pursuant to this paragraph is illuminated, it shall only be illuminated by an external bulb. (Adopted 1-8-08)~~

(1) ~~Resort Private Road Sign: A sign communicating limits on speed and/or messages of warning, caution, and prohibitions for regulating vehicular or pedestrian traffic for safety. These signs shall neither exceed six (6) feet height nor be greater than nine (9) square feet in area per sign face. Said sign may display the insignia or logo of the entity which owns and maintains the private road, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct visibility nor sight distance of~~

motorists. (Adopted 1-8-08)

(2) ~~Resort Direction Sign: A sign within a resort designed and erected solely for the purpose of vehicular or pedestrian traffic direction. These signs shall neither exceed ten (10) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists. (Adopted 1-8-08)~~

(3) ~~Resort Information Sign: A single face announcement sign within a resort designed and erected solely for the purpose of conveying information relative to rules of conduct, resort protocol, directives, warnings, or caution. These signs shall neither exceed seven (7) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists. (Adopted 1-8-08)~~

(4) ~~Resort Incidental Sign: A single face, announcement sign within a resort containing information relative to direction, warning, emergencies, caution, rules, or other similar necessary accessory messages. These signs shall neither exceed five (5) feet in height nor be greater than five (5) square feet in sign area. The total number of resort incidental signs in a resort shall not exceed a number which is the product of three times the number of acres in the resort. For purposes of determining this number, acreage contained within a golf course shall not be counted, nor shall any resort incidental signs contained within such golf course. (Adopted 1-8-08)~~

~~§ 92.158 SPECIAL SIGNS.~~

§ 92.156 SPECIAL SIGNS.

The following special signs are permitted, subject to the provisions of this section and other applicable provisions of this subchapter.

(A) Project signs. One non illuminated sign may be permitted on the premises subject to the following conditions:

(1) ~~The sign shall not exceed 24 square feet per sign face if for a multi-family or non-residential development. If the sign is for the contractor of a single family residence, the sign may not exceed four square feet per sign face.~~

(2) ~~The sign shall not be erected prior to issuance of a building permit, and must be removed when a certificate of occupancy is issued provided, however, if the sign is erected as permitted hereunder and if construction is not commenced within~~

(3) ~~30 days after the permit is issued or if construction is not continually progressed to completion, the sign shall be removed by the owner or be subject to removal pursuant to this article.~~

(4) ~~The signs shall be located on the premises being developed.~~

(A) Rear entrance sign. When a building has a rear entrance or remote parking area on premises, one flat sign per occupancy, not exceeding 12 square feet in sign area shall be permitted at the rear building entrance.

(B) Special event signs and special event directory signs.

(1) One sign directing the attention of the public to a special event or function of a business shall be permitted on the premises of said event for a period not to exceed 15 consecutive days, shall not exceed 40 square feet per sign face, and shall not exceed seven feet in height. Said signs may include banners, pennants, and flags, but not balloons. A temporary sign permit shall be obtained from the Zoning Administrator before said sign is erected. (Amended 5-9-06, 8-8-06).

(2) One sign directing the attention of the public to a special event or function of civic or nonprofit organizations shall be permitted on the premises of said event for a period not to exceed 30 consecutive days, shall not exceed 40 square feet per sign face, and shall not exceed seven feet in height. Said signs may include banners, pennants, and flags, but not balloons. A temporary sign permit shall be obtained from the zoning administrator before said sign is erected. (Adopted 8-8-06)

(3) Special event directional signs for civic or nonprofit organizations, including banners but not pennants, flags, or balloons, are permitted provided that a temporary permit is obtained from the Zoning Administrator. The signs shall be located at points specified by the Zoning Administrator for a period not to exceed 30 consecutive days. Special event temporary signs shall be permitted only two times in a calendar year (Amended 5-9-06, 8-8-06, 9-13-16).

(4) Special event temporary signs shall be permitted only two times in a calendar year. (Amended 1-9-01)

(5) Community Banner Program- A Town-sponsored program whereby vinyl banners 4' x 9' feet in size, are presented by civic or non-profit organizations only, and installed at the sole discretion of the Town by Town staff. Installation is limited to the four established locations owned by the Town, up to two times per year for a period of 15 days. If available, these times can be combined and the banners may hang for 30 days consecutively, maximum. Availability is determined through a calendar-based, first-come-first served system that is the ultimate responsibility of the zoning administrator. As this is a gratis program, the Town assumes no responsibility for the timeliness of erecting any banner or any damage whatsoever

1134 that might occur to the banner. A Temporary Sign Permit is required.

1135

1136 (C) Town of Lake Lure directory signs. The town may erect directory signs for the benefit of

1137 visitors, on which may be listed institutional names, churches, and points of interest. Civic

1138 organizations and religious institutions may be granted permission to place their insignia

1139 thereon.

1140

1141 (D) Town of Lake Lure directional sign. The town may erect off-premise directional signs for

1142 the benefit of the traveling public. The cost of manufacture, erection, and maintenance of

1143 the signs shall be charged to those requesting the sign at a rate established by the town.

1144

1145 (1) Off-premise directional signs are permitted for the following types of businesses:

1146 natural phenomena; scenic attractions; historic, educational, cultural, scientific, and

1147 religious sites; outdoor recreational areas; and establishments providing motor fuel,

1148 lodging, and/or meals for the general public.

1149

1150 (2) Off-premise directional signs may be located at the intersection of a major

1151 thoroughfare (U.S. Highway 64/74, Buffalo Shoals Road, Buffalo Creek Road, and

1152 N.C. Highway 9) with the side street leading to the business or activity. One

1153 additional off-premise directional sign may be located at the intersection of the

1154 street leading to the business or activity with the street providing access to the

1155 establishment.

1156

1157 (3) Off-premise directional signs shall be 18 X 48 inches per sign face, one sign face

1158 per directional flow of traffic, and two sign faces per sign structure. Not more than

1159 two off-premise directional signs shall be permitted for the same business or

1160 activity. (Amended 9-28-93)

1161

1162 (E) Other directional signs. Religious institutions and civic organizations located within the

1163 boundaries of the town may display one directional sign to be located at the discretion of

1164 the Zoning Administrator. Such signs shall not exceed five square feet per sign face.

1165

1166 (F) Natural, Scenic or Cultural Business Attractions:

1167

1168 (1) Any business known as a natural, scenic or cultural attraction, thereby developing

1169 and attracting tourism for our community and located on property consisting of at

1170 least 75 acres, shall be categorized under this subsection.

1171

1172 (2) Any on-site existing signs in place along a public thoroughfare as of the date of

1173 adoption of this article not exceeding 50 square feet per sign, shall be deemed

1174 legally permitted signs and shall be subject to the annual license fee structure in §

1175 92.158(B).

1176

1177 (G) Marina Signs. Recognizing that marinas need signs that can be seen and read from the

1178 lake, as well as an on-premise sign for the highway, the town will permit signage on the

1179 marina building, "Business Designation" and/or "Additional Signage." The town will also

1180 permit a second "Business Designation" sign on the highway, not to exceed 50 square feet
1181 in sign area. Only one annual business designation fee shall be charged. The total signage
1182 for a marina shall not exceed one hundred (100) square feet. (Adopted 9-28-94) Penalty,
1183 see § 92.999

1184
1185 ~~§ 92.159 SIGN MAINTENANCE AND ABANDONED SIGNS~~

1186 § 92.157 SIGN MAINTENANCE AND ABANDONED SIGNS.

1187
1188 (A) Maintenance Provisions. All signs, supports, braces, poles, wires and other appurtenances
1189 of signs or sign structures shall be kept in good repair, maintained in safe condition, and
1190 shall conform to the following standards:

- 1191
1192 (1) A sign shall be in a state of disrepair when more than 20% of its total surface area
1193 is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any
1194 combination of these conditions. Any sign in a state of disrepair shall be
1195 considered in violation of this chapter.
1196
1197 (2) No sign shall be allowed to stand with bent or broken sign facing, broken supports,
1198 loose appendages or struts which causes the sign to stand more than 15 degrees
1199 from the perpendicular.
1200
1201 (3) No sign or sign structure shall be allowed to have weeds, vines or other vegetation
1202 growing on it and obscuring it from the street or highway from which it is intended
1203 to be viewed.
1204
1205 (4) No indirectly illuminated sign shall be allowed to stand with only partial
1206 illumination operational.
1207
1208 (5) Any sign which violates the maintenance provisions listed above shall be in
1209 violation of this chapter and shall be repaired or removed as required by the
1210 applicable sections of this chapter.

1211
1212 (B) Abandoned Signs.

- 1213
1214 (1) Signs or parts of signs which advertise or pertain to a business, product, service,
1215 commodity, or purpose which no longer exists or that has not been in use for 180
1216 days or more shall be deemed to be an abandoned sign. Signs which are
1217 associated with seasonal business shall not be considered abandoned provided there
1218 is clear intent to continue the business in the upcoming season. However, failure to
1219 operate any business for a minimum of 90 consecutive days in a calendar year shall
1220 deem any sign associated with such business an abandoned sign.
1221
1222 (2) Abandoned signs are prohibited and shall be removed by the owner or his agent or
1223 the owner of the property where the sign is located within 30 days from the date
1224 such sign is deemed to be abandoned.
1225

- (3) This section shall be enforced in accordance with § 92.158(D)(5). (Amended 11-18-03)

§ 92.159 NONCOMMERCIAL MESSAGES

(A) ~~Notwithstanding any other provisions of this chapter, any sign, display or device allowed under this article may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting, height and other requirements of the district in which it is located. Penalty, see § 92.999~~

(B) ~~If illuminated, signs shall be illuminated only by the following means:~~

(1) ~~A steady stationary light of reasonable intensity, shall be shielded and directed solely at the sign.~~

(2) ~~Light sources to illuminate signs shall be shielded from all adjacent residential building and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance.~~

(3) ~~Internally lit signs shall have the same requirements as divisions (1) and (2) above.~~

(4) ~~Electrical requirements pertaining to signs shall be as prescribed in local codes.~~

(C) ~~Unlawful Cutting of Trees or Shrubs. 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 within a public right of way of any road or highway.~~

§ 92.161 PERMITS, FEES, NONCONFORMING SIGNS, AND ENFORCEMENT.

§ 92.158 PERMITS, FEES, NONCONFORMING SIGNS, AND ENFORCEMENT.

(A) Permits. All new or existing signs, except as otherwise provided in § 92.153 of this chapter, shall require a sign permit prior to being located or erected on any property within the jurisdiction of this chapter. Sign permits shall be issued by the Zoning Administrator. If a sign permit is denied, the decision may be appealed to the Board of Adjustment as provided in § 92.086.

(B) Permit Fees. The Town Council may establish a fee schedule for all sign permits issued in accordance with this chapter.

(C) Nonconforming Signs.

(1) Signs that are erected and were in place prior to the adoption of this chapter but which do not conform to the provisions of this chapter are declared nonconforming signs. Signs that were erected and that are in place and which conformed to the provisions of this chapter at the time erected, but which do not conform to an

1272 amendment of this chapter enacted subsequent to the erection of said signs also are
1273 declared nonconforming signs. Any sign erected after the passage of this chapter
1274 must meet all the criteria within this chapter.
1275

- 1276 (2) All nonconforming signs shall be maintained in accordance with § 92.157, but shall
1277 not be:
1278

1279 (a) Changed or replaced with another nonconforming sign except that an
1280 existing sign may be replaced to reflect a change in business identification
1281 so long as the replacement sign is in the same general location and the size
1282 of the replacement sign face does not exceed that of the existing sign
1283 (Amended 5-10-11);
1284

1285 (b) Expanded or relocated;
1286

1287 (c) Reestablished after damage or destruction in excess of 50% of the appraised
1288 replacement cost at the time of the damage or destruction;
1289

1290 (d) Modified in any way which increases the sign's degree of nonconformity.
1291

- 1292 (3) With the exception of off-premise signs for which a current, valid permit has been
1293 issued by the North Carolina Department of Transportation, any nonconforming
1294 sign shall either be eliminated or brought into conformance within seven (7) years
1295 of the date it became non-conforming. (Amended 11-26-96, 11-18-03)
1296

- 1297 (D) Enforcement. Violation of the provisions of these sign regulations shall be enforceable as
1298 set forth below in addition to the enforcement provisions as set forth in this chapter.
1299

- 1300 (1) Notice of Violation. The Zoning Administrator shall have the authority to issue a
1301 notice of violation for all violations of the sign chapter. Where the owner of the
1302 sign is indicated on the sign or is otherwise apparent or known to the Zoning
1303 Administrator, a copy of the notice of violation shall be delivered to the sign owner
1304 by hand delivery or by certified mail. In all other cases, a copy of the notice of
1305 violation shall be posted on the sign and a copy shall be delivered by hand delivery
1306 or certified mail to the property owner as shown on the county tax records. In
1307 addition, service hereunder may be made in accordance with Rule 4 of the North
1308 Carolina Rules of Civil Procedure.
1309

- 1310 (2) Time to Remedy Violation. The sign owner and/or the property owner shall have
1311 15 days to remedy all violations set forth in the notice of violation. The 15 day
1312 period shall commence upon the earlier of the posting of the notice of violation on
1313 the sign or the delivery of a copy of the notice of violation to the sign owner or
1314 property owner.
1315

- 1316 (3) Extension of Time for Compliance. The Zoning Administrator shall have the
1317 authority to grant a single 30 day extension of time within which the sign owner

1318 must comply with the notice of violation. The single extension of time may be
1319 issued based upon a written request for extension of time which sets forth valid
1320 reasons for not complying within the original 15 day period.
1321

- 1322 (4) Remedies for Failure to Comply. Pursuant to G.S. § 160A-175(f), the Zoning
1323 Administrator may choose from the remedies set forth below to enforce these
1324 regulations when there is a failure to comply with the notice of violation. Those
1325 remedies are as follows:
1326

1327 (a) In addition to or in lieu of the other remedies set forth in this section, the
1328 Zoning Administrator may issue a citation setting forth a civil penalty of
1329 \$50. In the case of a continuing violation, each 24 hour period during
1330 which the violation continues to exist shall constitute a separate violation.
1331 The citation shall be served upon the person(s) described in division (D) (1)
1332 above by the means set forth therein. In the event the offender does not pay
1333 the penalty within ten days of service of the citation, the civil penalty shall
1334 be collected by the town in a civil action in the nature of debt, which shall
1335 not constitute a misdemeanor, and in so providing, the Town Council
1336 hereby chooses to exercise the option provided by G.S. § 160A-175(b).
1337

1338 (b) In addition to or in lieu of the other remedies set forth in the section, the
1339 Zoning Administrator shall have the authority to issue a remove order for
1340 any sign not repaired or brought into compliance within the time required
1341 by the foregoing provisions. Remove orders shall be issued to and served
1342 upon the person(s) described in division (D) (1) above by the means set
1343 forth therein. The sign owner or the land owner shall be allowed a period
1344 of 30 days after the service of the remove order within which to remove the
1345 sign at his own expense. The remove order shall describe specifically the
1346 location of the sign to be removed and all of the reasons for issuance of the
1347 remove order, including specific reference to the provisions of the chapter
1348 which have been violated.
1349

1350 (c) In addition to or in lieu of the other remedies set forth in this section, the
1351 Zoning Administrator may seek injunctive relief in the appropriate court.
1352

- 1353 (5) Removal and Recovery of Expense. If a sign owner or property owner fails to
1354 comply with the requirements of a remove order, the Zoning Administrator may
1355 cause such sign to be removed. The sign owner and property owner shall be jointly
1356 and severally liable for the expense of removal. Notice of the cost of removal shall
1357 be served upon the person(s) described in division (D) (1) above by the means set
1358 forth therein. If said sum is not paid within 30 days thereafter, said sum shall be
1359 collected by the town in a civil action in the nature of debt, which shall not subject
1360 the offender to the penalty provisions of G.S. § 14-4.
1361

- 1362 (6) Removal of Dangerous Signs. Pursuant to G.S. § 160A-193, the Zoning
1363 Administrator shall have the authority to summarily remove, abate, or remedy a

1364 sign which is dangerous or prejudicial to the public health or safety. The
1365 expense of the action shall be paid by the sign owner, or if the sign owner cannot be
1366 determined, by the land owner, and if not paid, shall be a lien upon the land or
1367 premises where the nuisance arose, and shall be collected as unpaid taxes.
1368 (Amended 9-28-94, 12-12-95, 11-26-96) Penalty, see § 92.999
1369
1370

The board took a break and shifted to talk about item (b) under New Business.

b. New Membership

Mr. Hinkle had some thoughts that he wished to share with the board on how to increase new applicants to become members of the board. Mr. Hinkle asked whether the new members should solely come from Lake Lure or should the search for an applicant be expanded to neighboring towns like Chimney Rock. We need to have a good mixture of business owners and homeowners. There is a need to get a diverse group of people to become members.

Mr. Hinkle suggested finding a candidate that understands the duties of the board that can add to and contribute to these task. Mr. Hinkle suggested an approach similar to a sales pitch to bring solicit new members. The existing members should sale the benefits that come to Lake Lure by way of their contributions by becoming a new member of the board. The importance of the board itself should be pitched to new applicants. A new energy needs to be created to increase new membership to get a full board.

Dr. DiOrio added that one of the things that he feels the board should do is set a minimum number of time that the board meets just to have access to the public. Dr. DiOrio suggested having staff add to the by-laws that the board will meet at least once a quarter.

Mr. Hinkle added that it would be great to have all of the chairmen from each board come together to meet quarterly and discuss what is taking place within their prospective boards.

Discussion ensued over finding a diverse group of applicants to apply and become board members.

Dr. DiOrio asked the board to adjudicate on any of the policy going on with the sign regulations and asked for staff to continue with this presentation.

Dr. DiOrio stated that staff s to update this policy with the new feedback provided by the board.

Mr. Burton agreed that staff will make all the necessary changes and update the sign regulations document.

Dr. DiOrio asked that the town's attorney review the document and that the digital component be brought back to the board for final acceptance. Once this is done the board will give the recommendation for the document to be presented to council.

Mr. Burton added that the meeting schedule for 2020 will be brought forward for adoption at the December meeting.

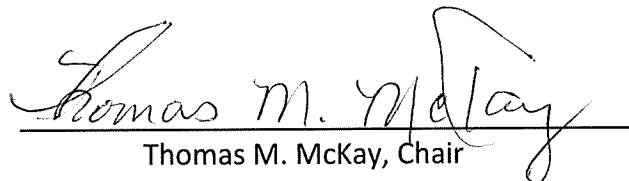
OLD BUSINESS

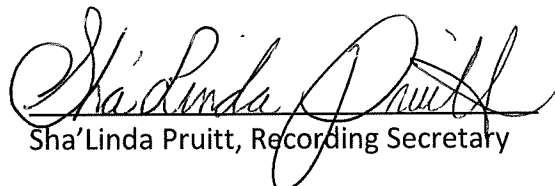
- a. None

Dr. DiOrio called for a motion to adjourn. Mr. Holden gave the motion. Mr. Keenan gave the second. All voted in favor.

The meeting adjourned at 12:28pm.

ATTEST


Thomas M. McKay, Chair


Sha'Linda Pruitt, Recording Secretary

