

TOWN OF LAKE LURE

Zoning And Planning Board Regular Meeting

Tuesday, March 18, 2025 at 9:30 AM

Meeting to be held at Community Development Office
103 Arcade Street



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of February 18 meeting minutes

IV. Public comments

V. Old Business

VI. New Business

A. SUP2025001: Review special use permit for commercial office at 2520 Memorial Highway. This is essentially a revision of the approved September 2024 special use permit (SUP2024006 by Marathon Builders) that new property/business owners have submitted with relocation of the existing structure on the same site and with minor structural/appearance.

B. Review and make recommendation regarding Town's Sign Ordinance and related state statute changes.

C. Update report of Town's Helene recovery status

VII. Adjournment



**MINUTES OF THE REGULAR MEETING OF THE TOWN OF
LAKE LURE ZONING AND PLANNING BOARD**

TUESDAY, February 18, 2025
9:30 A.M.

Present: Randall Nelson, Chair
Debbie Warren
Ken Williams
Scott Doster, Town Council Liaison

Absent: Charlie Ellis, Vice Chair
Mac Hillabush
Michael Williams, CDD Director

Staff: Richard Carpenter, Development and Environmental Review Specialist

The meeting was called to order at 9:30 a.m.

I. ROLL CALL

No pledge of allegiance done.

II. APPROVAL OF THE AGENDA

Ken Williams made a motion to approve the agenda as presented. Debbie Warren seconded the motion and all were in favor.

III. APPROVAL OF THE MINUTES

Charlie Ellis had notified by email a change that needed made. Kimberly Martin made that change. Debbie Warren made a motion to approve the minutes as amended. Ken Williams seconded the motion and all were in favor.

IV. PUBLIC COMMENT

No public comments

V. OLD BUSINESS

There was no old business to address.

VI. NEW BUSINESS

A. Elect New officers

- a. The board discussed the current chair and vice chair. Ken Williams made a motion for Randy Nelson to continue as Chair for the Zoning and Planning Board. Debbie Warren seconded the motion and all were in favor.
- b. Debbie Warren made a motion for Charlie Ellis to continue his appointment as vice chair for the Zoning and Planning Board. Ken Williams seconded the motion and all were in favor.

B. Council Liaison-led Discussion regarding board member role

Commissioner Scott Doster advised the present board members of what is expected of any board member. Members should always be vigilant and sensitive on social media and other public forums. Being aware and having censorship and liability for yourself. Randy Nelson agreed with Scott.

C. Council Liaison update of Comprehensive Plan Review and Updated status

The state mandates to have a comprehensive plan and should be reviewed every 20 years. Foothills has been tasked to compile all the necessary information. Zoning and planning could possibly make changes to the zoning districts and other changes that may be necessary. Debbie Warren asked if topography has changed enough to re-zone. We do not feel it should. Should we concentrate more on special use more than re-zoning? No, more of administrative. Discussion ensued with the responsibilities of the zoning and planning board. Rick will submit to the board the change in ordinance for signs to comply with the state. Randy Nelson requested that amendments be made to ordinance to help avoid variance and other issues for common projects.

D. Overview report of Town's Helene recovery status

Commissioner Scott Doster stated the Town is working with FEMA and other agencies to mitigate Town Buildings. That will include Town Hall, Marina, Welcome Center, and Police Station. State has allocated money but the Town has not seen any

of it. We have received 2.5 Million from the insurance company. The other half should be received soon.

Town Council is working on a scope of work for the removal of sediment in lake that will be submitted to FEMA. Also will include the removal of boathouse and lake structures that are condemned. The Lake is currently only allowing approved contractors on the lake and no plans to open at this time.

At this time there is no live concrete work being done and no sewer lines are being approved at this time as well. Sewer lines shouldn't be installed in lake at all. Morse Park is looking better and we will be working to clean it up and make more presentable to the public.

Cell Tower is still being built around the same location.

Many moving parts right now and we just continue moving forward.

VII. ADJOURN

Ken Williams made a motion to adjourn the meeting at 11:00am, Debbie Warren seconded the motion and all in favor.

ATTEST

Kimberly Martin, Town Clerk

Randall Nelson, Board Chair



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Zoning and Planning Board
FROM: Rick Carpenter, Development & Environmental Review Specialist/Deputy Clerk
DATE: March 18 2025
RE: SUP-2025001

Masterdocks has submitted a Special Use Permit to erect a 533sf (sqft does not include decks) modular commercial office building. This is a new special use permit application due to significant deviation from the SUP approved for Jonathon Hinkle in September of 2024. The use is permitted by right in the district but our zoning ordinance, section 36-107 requires that any new commercial building obtain a special use permit to ensure that the building is in harmony with existing natural environment, neighborhood and community character. Section 36-102(b)(2) directs the Zoning & Planning Board to consider “site treatment, building design, relationship of building to site, harmony of buildings and uses with neighborhood character, landscaping, signs, lights, and any other considerations it feels reasonably affect the appearance of the proposed project. The property is addressed as 2520 Memorial Highway, Lake Lure, NC (Parcel #1605470) and is in the Commercial General (CG) Zoning District.

Additional Information for the Board:

- 1) The building is proposed as a ~23' x 47'8", one story modular office building. The project will also need at least one variance for failing to meet commercial general requirements. The existing screening/buffer may not meet code requirements. There are no setback issues.
- 2) Structure is on property and has been resided with wood lap siding and new windows and doors.
- 3) Landscaping is proposed and the landscape plan is attached.
- 4) Development Review has identified issues:
 - a. Some concerns regarding the legitimacy of what appears as a construction trailer to be approved as a permanent office building, although Building Inspections has provided opinion that it is a modular, built to code building that could be permanently set up with engineering and building inspections.
 - b. Existing driveway on Harris Road is not permitted by code, Section 36-64(g). Physical nature of property makes accessing upper part of the lot from Memorial Highway very impractical and applicant expressed need to keep Harris Road access.
 - c. Landscaping and storage issues will need to be considered for compliance and/or variances.

- d. Outside display of materials/equipment is still prohibited and is a concern for this site.
- e. The existing screening/buffer may not meet code requirements.

Staff Analysis:

Staff determined that the actual proposed building seems to meet the Code's appearance and design standards, especially based upon the building inspector's opinion that the proposed office is in fact a "modular building". Zoning and Planning should review and make their recommendation based upon the appearance and appropriateness standards. Zoning and Planning may also want to provide an opinion on the ingress/egress, outside storage and landscaping/buffer issues.

Attachments

- 1) Application
- 2) Submitted Plans
- 3) Building Inspector's "Modular" documentation

Staff Contact

Rick Carpenter, CZO
828-625-9983 ext. 107; rcarpenter@townoflakelure.com

**TOWN OF LAKE LURE
APPLICATION FOR SPECIAL USE PERMIT**

Fee: \$410

SUP- 2025001

| | |
|--|--------------------------------|
| Approved by Board of Adjustment: _____ | _____ |
| Rejected by Board of Adjustment: _____ | _____ |
| (see attached Order) | Date: _____ |
| | Community Development Director |

Please complete all three pages of application form

APPLICANT:

(Check one) Owner: _____ Agent: (If applicant is not the owner, attach authorization to act as agent)

Name: KEVIN C. ADAMS Date of Application: 2/12/25

PROPERTY

Property located at: 2520 MEMORIAL HWY, LAKE LURE, NC, 28746

Parcel/Tax PIN#: 160547 Current zoning: CG

SPECIAL USE REQUESTED:

(Use the terms that are found in the zoning regulations. If the terms are not clear as they pertain to your application, add a statement describing your intended use.)

Use Requested: OFFICE / CLIENT MEETING LOCATION

Clarification: _____

LOCATION OF OFFICE FOR STAFF, WITH MEETING AREA
FOR CLIENTS. DECKS TO BE USED AS INSTRUCTIONAL
ARE AS WELL.

FINDINGS OF FACT: The Board of Adjustment is required to make certain findings of fact. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, the best of the applicant's ability and knowledge. You may reference §92.045-047 in the Town's Zoning Ordinance for general application requirements.

100076015
Additional requirements may be required for specific special uses. Please do not leave these blank: the applicant is required to submit information specific to the request describing how the proposed use will meet each finding. In the case of applicant's failure to complete the six Findings of Fact, the application will be deemed incomplete and rejected.

1. The application is complete. Yes _____ No _____

2. **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use and fire suppression. (See attached plans, if applicable)

3. **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

4. **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

5. **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

PLEASE SEE DRAWINGS & SITE PLAN

6. **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be in harmony with the neighborhood character and in general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character.

PLEASE SEE DRAWINGS & SITE PLAN

I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.

[Signature]
Signature of applicant

[Signature]
Signature of owner (if not applicant)

PO Box 33
Street of P.O. Box

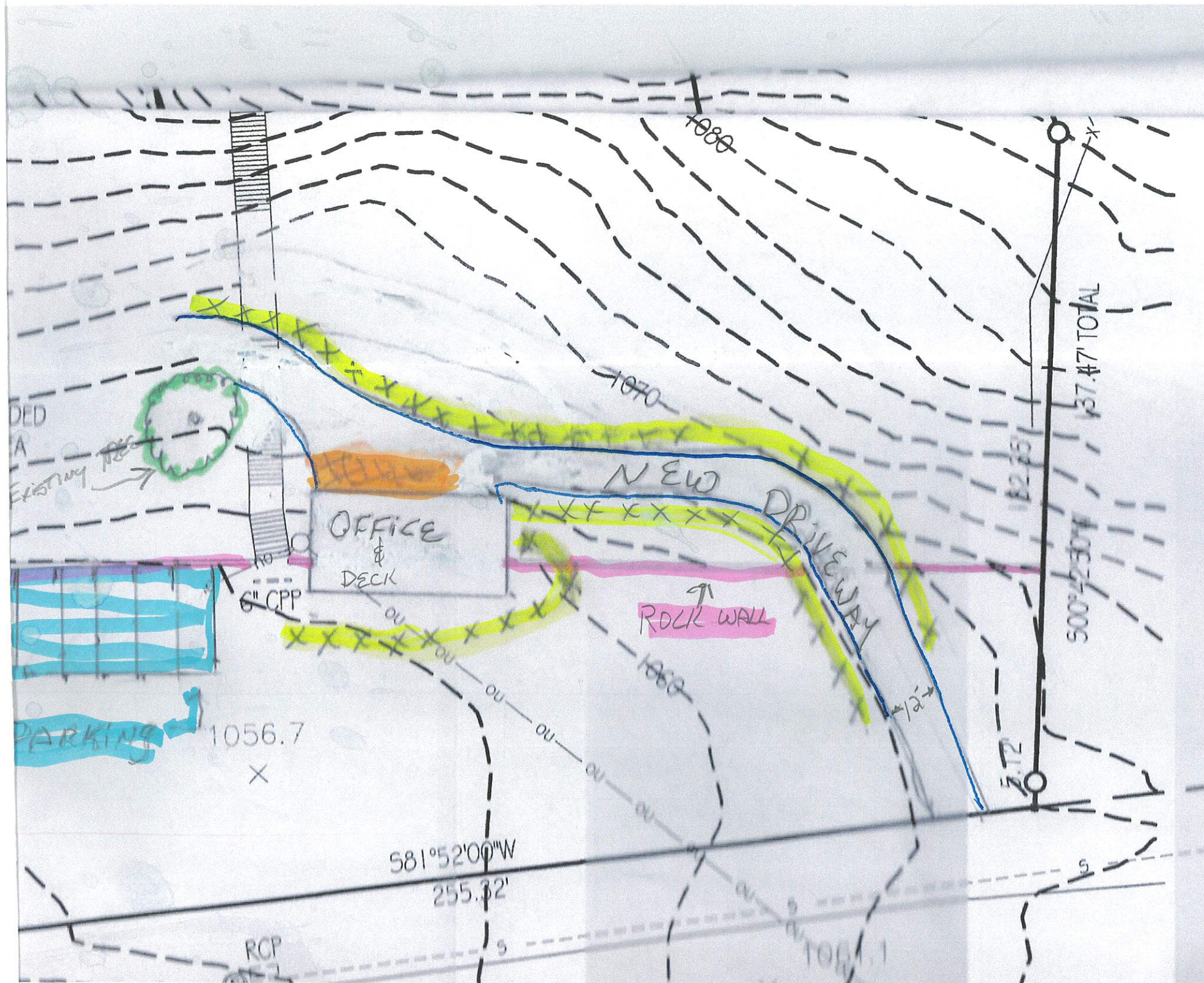
PO Box
Street or P.O. Box

LAKE LURE 28746
City, State, Zip

LAKE LURE 28746
City, State, Zip

828-289-6702
Daytime telephone number

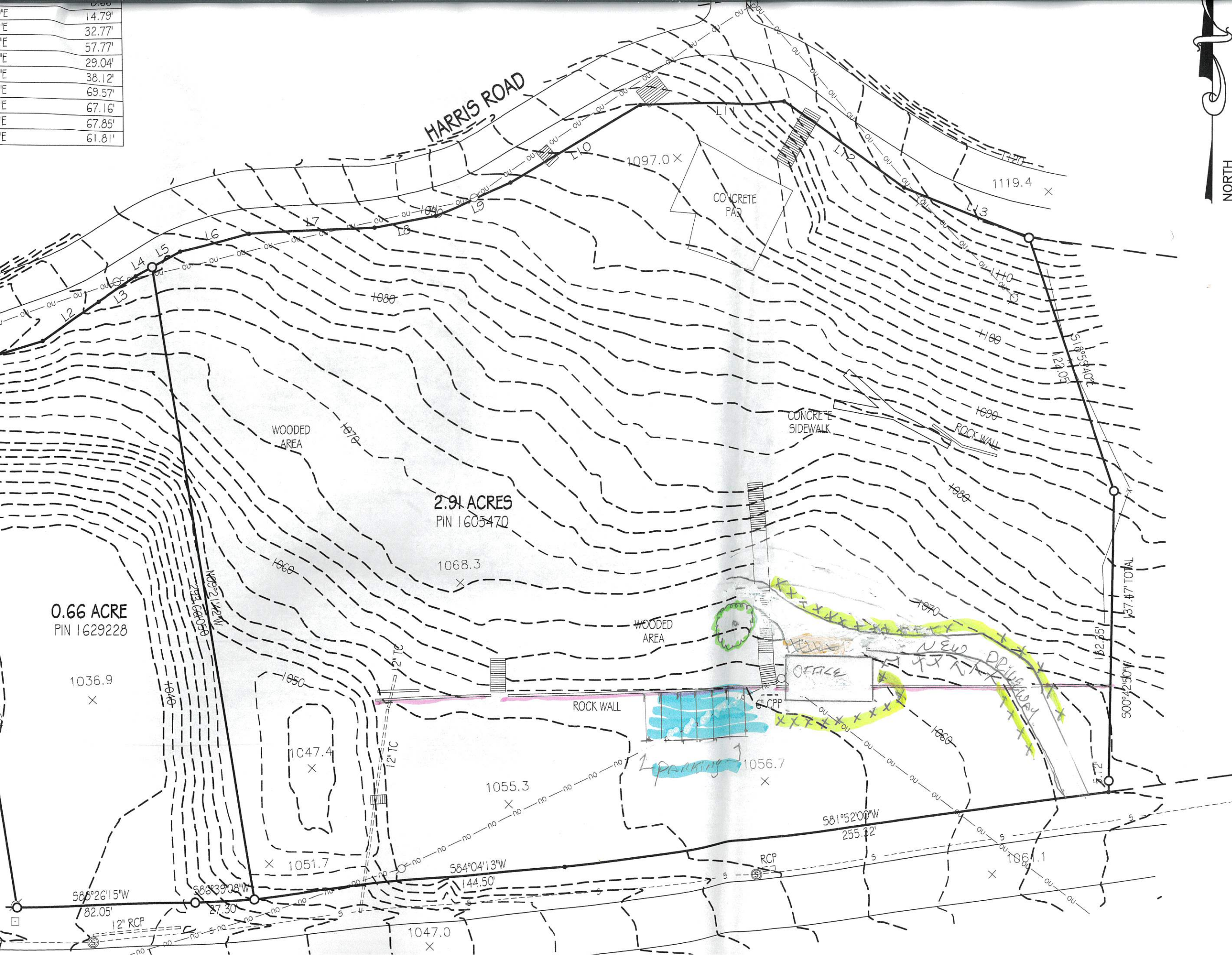
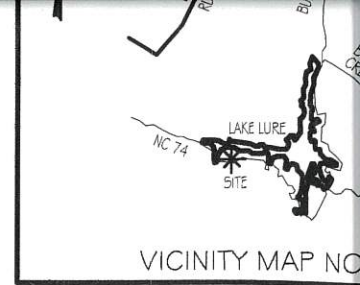
864 510 3848
Daytime telephone number



- = SILT FENCE
- = HANDICAP PARKING
- = PARKING
- = ROCK WALL

- NTS -
 SEE ATTACHED
 FOR TRUE SCALE

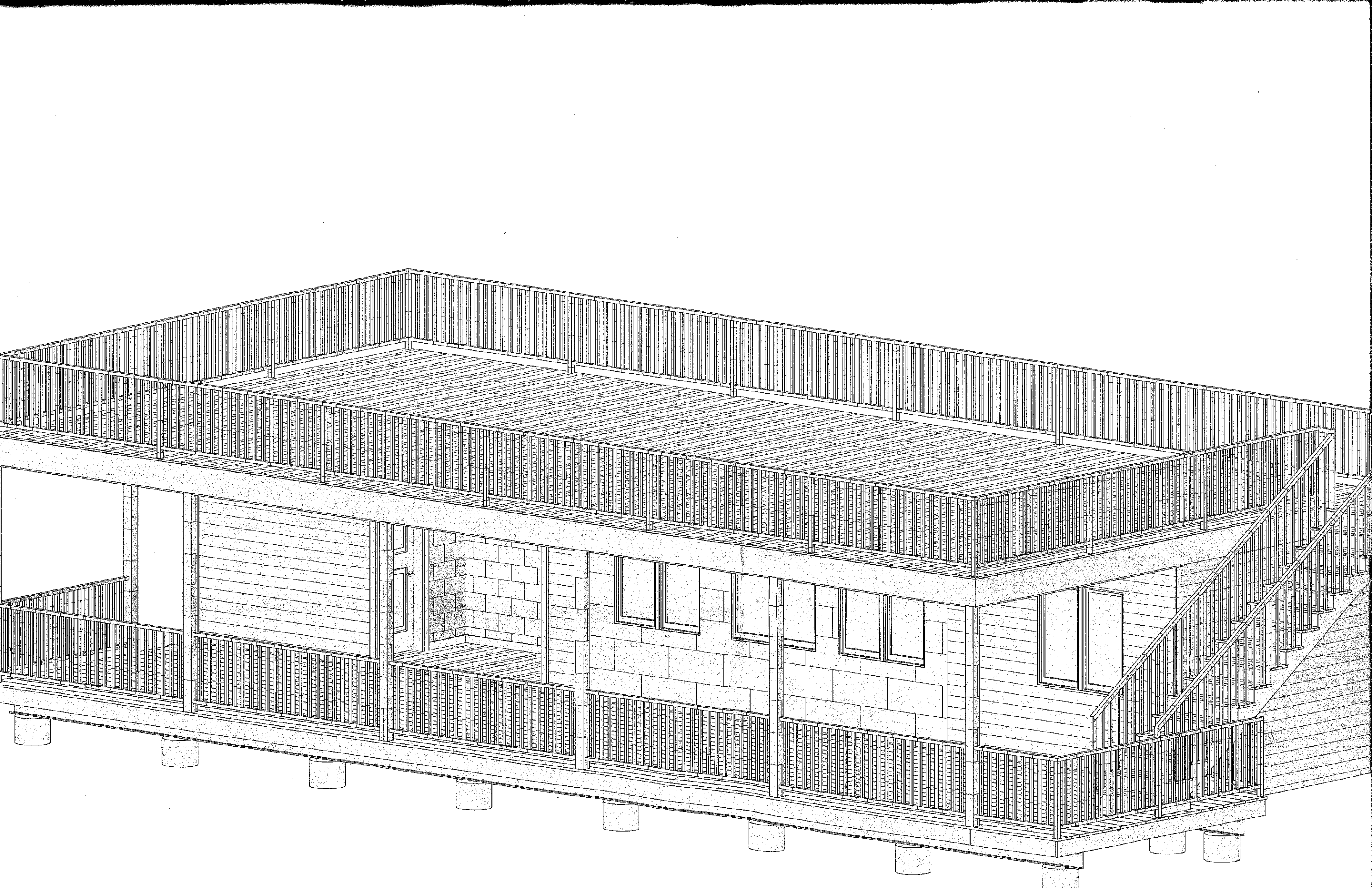
| |
|--------|
| 0.88' |
| 14.79' |
| 32.77' |
| 57.77' |
| 29.04' |
| 38.12' |
| 69.57' |
| 67.16' |
| 67.85' |
| 61.81' |



NORTH

- NOTES:**
- * TOTAL AREA IS 3.57 ACRES.
 - * THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN AND UNRECORDED.
 - * NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.
 - * ANY RIVERS, STREAMS, CREEKS, PONDS, LAKES, WETLANDS, OR OTHER NATURAL FEATURES ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE AFFECTED BY THIS SURVEY. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO OBTAIN NECESSARY PERMITS AND DESIGNATED BY PERSON(S)/FIRM(S) AUTHORIZED, BY THE OWNER/DEVELOPER, TO MAKE SUCH DETERMINATION.
 - * BOUNDARY & LOCATION INFORMATION TAKEN FROM A SURVEY BY WNC-PE&S, INC. DATED APRIL 26, 2000, ENTITLED "GREEN AND ESSELINK" DATED APRIL 26, 2000.
 - * TOPOGRAPHIC INFORMATION WAS PRODUCED FROM AERIAL PHOTOGRAPHY.
 - * THIS IS NOT A FIELD SURVEY CERTIFIED BY WNC-PE&S, INC. FOR PLANNING PURPOSES ONLY.
 - * TOWN OF LAKE LURE ZONING "CG".

- X = SILT FENCE
- XXX = HANDICAP PARKING
- [Blue Hatched Box] = FENCING
- [Pink Line] = ROCK WALL



Front Elevation



Left Elevation



E4 ELEVATION 4
1/2 IN = 1 FT

Right Elevation





Owner: MASTER BUILDERS & DOCK CO

Mailing Address: 120 CROW RD
INMAN

Parcel Num: 1605470

Deed Ref: 2085 - 3978

Deed Date: 10/9/2024

Map Ref: 27 - 363

SC 29349

Property Address: 2520 MEMORIAL HWY

Prop Desc: REVISION PLAT PL:27-363

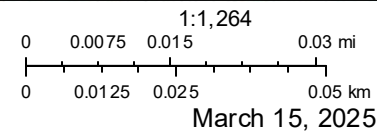
Total Prop Value: 294500

Map/Block/Lot: 514 1 158

Total Acres: 2.58

Township: CHIMNEY ROCK

Fire District:



Senate Bill 607

Changes to legislative statutes relevant to signage & zoning

RECONSTRUCTION/REMOVAL OF ON-PREMISES ADVERTISING SIGNS

SECTION 23.1.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-912.1. On-premises advertising.

(a) As used in this section, the following definitions apply:

(1) Monetary compensation. – An amount equal to the sum of (i) the greater of the fair market value of the nonconforming on-premises advertising sign in place immediately prior to the removal or the diminution in value of the real estate resulting from the removal of the sign and (ii) the cost of a new on-premises advertising sign that conforms to the local government's development regulations.

(2) On-premises advertising sign. – A sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.

(3) Reconstruction. – Erecting or constructing anew, including any new or modern instrumentalities, parts, or equipment that were allowed under the local development rules in place at the time the sign was erected.

(b) Notwithstanding any local development regulation to the contrary, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The local government shall have the burden to prove that the on-premises advertising sign was not lawfully erected.

(c) A local government may require the removal of a lawfully erected on-premises

advertising sign under a local development regulation only if the local government pays the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own the sign and remove it in a timely manner.

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(d) Nothing in this section shall be construed to diminish the rights given to owners or operators of nonconforming uses, including nonconforming structures, as set forth in G.S. 160D-108 or the rights of owners or operators of outdoor advertising signs in Article 11 of Chapter 136."

SECTION 23.1.(b) This section is intended to clarify existing law and is effective when it becomes law and applies to on-premises advertising signs removed on or after October 1, 2021. For any on-premises advertising sign removed on or after October 1, 2021, but prior to the date this section becomes effective, construction work on relocation in accordance with G.S. 160D-912.1(b), as enacted by this section, shall commence within two years of the date this section becomes effective.

Town of Lake Lure Sign Ordinance – Including alterations based on legislative changes

ARTICLE XI. SIGN REGULATIONS⁶

Sec. 36-324. Intent and application.

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

(Code 1989, § 92.145; Ord. of 1-22-1991; Ord. of 11-18-2003)

Sec. 36-325. Purpose of article.

It shall be the purpose of this article 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:

(1) Provide an improved environmental setting and community appearance which is vital for the economic

well-being of the town.

(2) Create a more productive and professional business environment.

(3) Provide signs which are in scale and appropriate to the planned character and development in each zoning district.

(4) Promote traffic safety and prevent hazard or nuisance conditions for vehicle or pedestrian traffic.

(5) 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.

(6) Protect and enhance the value of properties within the town.

(7) Promote the public safety and general welfare of the town.

(Code 1989, § 92.146; Ord. of 11-18-2003)

Sec. 36-326. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means 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) means signs used on premises in addition to a business designation sign to identify the availability of products, services or other items.

Amortization means the method of eliminating a nonconforming sign by requiring the termination of the sign after a specified period of time.

Banners, pennants and balloons mean any animated, rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

Blade sign means a sign not designed to stand alone, which must be appended to another sign.

Business designation sign means a sign to designate the legal name of the business.

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

Changeable copy sign means 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 means three or more separate occupancies located within the same or adjacent building or buildings on the same non-residentially zoned parcel.

Directory sign means 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 means a sign with two faces which are usually, but not necessarily, parallel.

Electrical sign means 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 means any sign that is specifically listed as exempt from this article. Said listed exempt signs are not regulated by the terms of this article.

Existing sign means any sign that was erected or displayed prior to the adoption of this article.

Externally illuminated sign means any sign that is lighted by an outside light source.

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

Fixed projecting sign means 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 means a sign erected parallel to and extending out not more than 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 means 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 means the length of the property line on any one premises serving as a public right-of-way line.

Frontage wall face means the building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

Governmental sign means 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.

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

Incidental flat sign means a sign containing accessory information for the principal use and erected parallel to and extending out not more than 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. No advertising may be affixed to incidental flat signs.

Incidental sign means 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 means 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 means any sign which has light transmitted outward through its face or any part thereof.

Neon type signs means signs made from tubes filled with neon, argon, xenon, or other luminous gasses, and producing various colors of light.

Noncommercial message means 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 means a sign erected and in existence prior to the date of adoption of the ordinance from which this chapter is derived or an amendment to the chapter, that does not meet one or more of the standards imposed by this chapter.

Occupancy means any one business activity or professional office.

Off-premises directional sign means any off-premises 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.

Off-premises sign means 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 means a sign painted directly on any exterior building wall or door surface, exclusive of windows or door glass areas.

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

Parapet means a vertical false front or wall extension above a roofline.

Perimeter means the contour of the face of the sign.

Permitted sign means a sign for which a valid permit has been issued. Person means any individual, partnership, association, corporation or other entity.

Political sign means 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 means 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. The term "portable sign" does not apply to sidewalk or sandwich board signs permitted in section 36-336.

Principal flat sign means a sign advertising the principal use and erected parallel to and extending out not more than 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.

Private traffic direction/information sign means a sign which is on-premises and is designed and erected solely for the purpose of vehicular or pedestrian traffic direction or safety.

Project sign means 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 means 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 means 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 means a place 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.

Roof means the exterior upper covering of the top of a building.

Roof sign means 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.

Sidewalk or sandwich board sign means an A-frame, inverted V-shape, or similarly shaped moveable sign not secured or attached to the ground or any building or structure. A sidewalk or sandwich board sign is portable and usually double-sided.

Sign means 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 means 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. The term "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 means 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 means a sign which is tacked, nailed, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects.

Special event directional sign means a sign which directs the public to a special event at a place other than the premises upon which the sign is located.

Special event sign means 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.

Subdivision or mobile home park entrance sign means 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.

Swinging sign means a sign projecting from the outside walls of any building which is supported only by one rigid support.

Temporary sign means 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. **Vehicle sign** means 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 means 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.

Window sign means 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, means 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.

(Code 1989, § 92.147; Ord. of 9-28-1993; Ord. of 11-18-2003; Ord. of 3-9-2010)

Sec. 36-327. 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.

(Code 1989, § 92.148)

Sec. 36-328. Method of attachment defined.

The following methods of attachment, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attached sign means any sign attached to, applied on, or supported by any part of a building (such as a wall, projecting, window, canopy, awning or marquee) which encloses or covers useable space.

Flush attached signs means signs which are mounted flush and parallel, or any sign painted on an exterior wall or surface of a building.

Freestanding detached signs means signs supported by a structure placed in the ground and which is wholly independent of any building or object other than the sign structure for support.

Freestanding ground sign means a freestanding detached sign flush to the ground and not elevated upon poles or stanchions and not attached to a building.

Freestanding pole sign means a freestanding detached sign which is permanently affixed to the ground by a pole or other structure and which is not part of a building.

Projecting attached signs means signs end-mounted or otherwise attached to an exterior wall of a building and which project out from the wall, including signs which are incorporated in or attached to an awning or canopy.

Suspended sign means a sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and which is supported by such surface.

Window sign means signs permanently attached to, painted on a window, or displayed to be seen through a window.

(Code 1989, § 92.149)

Sec. 36-329. Height of freestanding detached signs.

(a) The height of a freestanding detached sign shall not exceed the maximum height set forth in this article. The height of a freestanding detached sign shall be measured as the vertical distance from the uppermost point of the sign or sign structure, whichever is higher, to the base of the sign at street grade or adjacent parking area grade. Where the grade of the parking area is lower than the street, the measurement will be taken at the street grade at the driveway entrance, or in the case of two entrances, at the upper entrance.

(b) The height of all other signs shall be measured as the vertical distance to the uppermost point of a sign measured from the ground level of the structure to which the sign is attached.

(Code 1989, § 92.150; Ord. of 11-18-2003)

Sec. 36-330. Value of signs.

The value of an existing sign shall be the value for tax purposes of any sign so listed. If the tax value is not 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.

Sec. 36-331. Administration.

The zoning administrator shall be responsible for the administration and enforcement of this article.

(Code 1989, § 92.152)

Sec. 36-332. 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 article except as otherwise prohibited, exempted or not requiring a permit by this article. 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.

(Code 1989, § 92.153)

Sec. 36-333. Signs exempt from regulations.

The following signs are exempt from the regulations of this article:

- (1) Signs not visible from beyond the boundaries of the property on which they are located.
- (2) 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, 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.

(3) Trade names, graphics, and prices which are located on gas pumps, newspaper, soft drink and similar vending devices.

(4) Flags, or insignia of any governmental, nonprofit, or business organization when not displayed as an advertising device.

(5) Seasonal/holiday signs and decorations associated with a national or religious holiday.

(6) Warning of danger signs posted by utility or construction companies.

(7) Signs on vehicles indicating the name of a business, unless the immediate use of the vehicle is for the display of signs.

(8) Signs required by law, statute or ordinance.

(Code 1989, § 92.154; Ord. of 5-13-2014; Ord. of 9-13-2016)

Sec. 36-334. 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 article.

(1) 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 freestanding 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 section 36-338.

(2) 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).

(3) 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.

(4) 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 section 36-338 and where no structural changes are made.

(5) 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.

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

(7) In any residential district.

a. 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.

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

(8) [Real estate signs.] 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 12 feet in height.

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

a. Such signs shall not exceed an aggregate area equal to 25 percent of the window and/or glass area of the building wall on which it is located, to include all temporary signs.

b. 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 section 36-336(b)(1).

(10) [Works of art.] Works of art that do not include a commercial message.

(Code 1989, § 92.155; Ord. of 1-9-2001; Ord. of 11-8-2003; Ord. of 3-9-2010)

Sec. 36-335. Signs prohibited.

The following are prohibited within the jurisdiction of this article:

(1) Swinging signs.

(2) Snipe signs.

(3) Portable signs, except for special events.

(4) Banners, pendants, flags and balloons, except as otherwise allowed.

(5) Off-premises signs along public thoroughfares.

(6) A sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.

- (7) Vehicle signs, except as exempt in section 36-333.
 - (8) Any sign which emits a sound, odor or visible matter.
 - (9) Any sign which obstructs free ingress or egress from a required door, window, fire escape or other required exit way.
 - (10) Any sign and/or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.
 - (11) 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.
 - (12) Abandoned signs.
 - (13) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects as defined in G.S. ch. 15.
 - (14) Signs affixed to a private residence or dwelling, or displayed upon the grounds thereof, except one personal identification sign not exceeding two square feet of sign area, and one non-illuminated "For Sale" or "For Rent" sign not exceeding four square feet per sign face, and any other signs authorized by this article.
 - (15) Inflatable signs.
 - (16) Political signs on public property and within public rights-of-way. The town may remove these signs immediately.
 - (17) Signs, whether temporary or permanent, within any street or highway right-of-way, or within ten feet from the edge of any roadway, paved or not, where no right-of-way exists, with the exception of governmental signs.
 - (18) Neon type signs, in all circumstances, except for windows signs as provided in section 36-334(9).
- (Code 1989, § 92.156; Ord. of 1-9-2001; Ord. of 11-18-2003)

Sec. 36-336. 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 section 36-340.

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.

(2) R-1, R-2, R-3, R-1A, R-1B and R-1C districts: shall permit one attached non-illuminated sign not exceeding three square feet per sign face on plots containing permitted public utility buildings or home occupations or uses, other than accessory.

(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 nonresidential uses are located [shall be permitted]. Such signs shall not be illuminated by either an internal or external source. This subsection shall not apply to home occupations, signs in which are regulated by the terms of section 36-232(j).

b. One freestanding sign identifying the nonresidential 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.

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

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

(4) All businesses operating under a special use permit as authorized in section 36-101 in any residential district shall be governed by subsection (b) of this section, unless otherwise specified by the board of adjustment.

(b) Business, commercial and industrial districts.

(1) Sign permitting and maintenance. As this subsection is applied to commercial centers, the commercial center owner shall be responsible for securing permits and maintaining the following signs:

a. Commercial center signage. Each commercial center, as defined herein, shall be allowed one freestanding, double-faced, detached sign, or up to three suspended or flush attached signs, identifying the center. A freestanding detached sign may also contain the names of individual businesses located in the commercial center and may be illuminated. The aggregated total sign face area of said signs shall not exceed 100 square feet. Signs listed in sections 36-333, 36-334 and 36-337 shall not be included in the allowable area calculated.

b. Individual business entry signage. In addition, each individual business in the commercial center having a separate individual outside entrance serving the general public shall be permitted one projecting or flush attached sign, as 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 three 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 sections 36-333, 36-334 and 36-337 shall not be included in the allowable area calculated.

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 two percent of the gross area of the frontage wall face, as defined herein, nor shall any single sign exceed 160 square feet.

(2) Allowable sign area. Any business establishment not operating in a commercial center shall be allowed a maximum of 50 square feet of sign area as defined in section 36-327. Said sign area may be divided between a maximum of two signs. Signs may be illuminated. Signs listed in sections 36-333, 36-334 and 36-337 shall not be included in these calculations.

(3) Commercial subdivision development requirements. 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:

a. Said sign may be illuminated.

b. Said sign shall not exceed 50 square feet per sign face. Signs listed in sections 36-333, 36-334 and 36-337 shall not be included in the allowable area calculated.

c. Any additional directional signs abutting public thoroughfares in the development shall not exceed 30 square feet per sign face.

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 section 36-340.

(4) Commercial sponsor name or motif. 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 percent of the total allowable sign face area and shall be included in the total of sign face area.

(5) Changeable copy. No sign in this subsection (b) shall have more than 50 percent of its sign face area devoted to changeable copy.

(6) Maximum height. The maximum height of any freestanding 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.

(7) Sign location restriction. Signs in this subsection (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. (Signs can be

moved to any location that would have been permissible at the time of lawful erection – May not need to add any language)

(8) Decorative flags. 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 artwork depicting the products and services available from the business and shall be exempt from the permit requirements of this chapter.

(9) Sandwich board sign placement, size and removal. 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.

(c) Government districts. [Signs in government districts shall be] 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.

(d) Resort signs. These standards govern signage located within resorts containing 75 acres or more as that term is defined in section 36-326. If any resort sign regulated pursuant to this subsection is illuminated, it shall only be illuminated by an external bulb.

(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 [shall be permitted]. These signs shall neither exceed six feet in height nor be greater than nine 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 percent 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.

(2) Resort direction sign. A sign within a resort designed and erected solely for the purpose of vehicular or pedestrian traffic direction [shall be permitted]. These signs shall neither exceed ten feet in height nor be greater than 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 percent 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.

(3) Resort information sign. A single-faced 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 [shall be permitted]. These signs shall neither exceed seven feet in height nor be greater than 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 percent 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.

(4) Resort incidental sign. A single-faced announcement sign within a resort containing information relative to direction, warning, emergencies, caution, rules, or other similar necessary accessory

messages [shall be permitted]. These signs shall neither exceed five feet in height nor be greater than five 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.

(Code 1989, § 92.157; Ord. of 12-12-1995; Ord. of 1-8-2008; Ord. of 10-13-2009; Ord. No. 21-05-11, 5-11-2021)

Sec. 36-337. Special signs.

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

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

a. The sign shall not exceed 24 square feet per sign face if for a multifamily or nonresidential development. If the sign is for the contractor of a single-family residence, the sign may not exceed four square feet per sign face.

b. 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 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.

c. The signs shall be located on the premises being developed.

(2) 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.

(3) Special event sign and special event directory sign.

a. 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.

b. 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.

c. 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.

d. Special event temporary signs shall be permitted only two times in a calendar year.

(4) Town directory signs. The town may erect directory signs for the benefit of visitors, on which may be listed institutional names, churches, and points of interest. Civic organizations and churches may be granted permission to place their insignia thereon.

(5) Town off-premises directional signs. The town may erect off-premises directional signs for the benefit of the traveling public. The cost of manufacture, erection, and maintenance of the signs shall be charged to those requesting the sign at a rate established by the town.

a. Off-premises directional signs are permitted for the following types of businesses: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; outdoor recreational areas; and establishments providing motor fuel, lodging, and/or meals for the general public.

b. Off-premises directional signs may be located at the intersection of a major thoroughfare (U.S. Highway 64/74, Buffalo Shoals Road, Buffalo Creek Road, and N.C. Highway 9) with the side street leading to the business or activity. One additional off-premises directional sign may be located at the intersection of the street leading to the business or activity with the street providing access to the establishment.

c. Off-premises directional signs shall be 18 inches by 48 inches per sign face, one sign face per directional flow of traffic, and two sign faces per sign structure. Not more than two off-premises directional signs shall be permitted for the same business or activity.

(6) Other directional signs. Churches and civic organizations located within the boundaries of the town may display one directional sign to be located at the discretion of the zoning administrator. Such signs shall not exceed five square feet per sign face.

(7) Natural, scenic or cultural business attractions.

a. Any business known as a natural, scenic or cultural attraction, thereby developing and attracting tourism for our community and located on property consisting of at least 75 acres, shall be categorized under this subsection (7).

b. Any on-site existing signs in place along a public thoroughfare as of the date of adoption of the ordinance from which this article is derived not exceeding 50 square feet per sign, shall be deemed legally permitted signs and shall be subject to the annual license fee structure in section 36-340.

(8) Marina signs. Recognizing that marinas need signs that can be seen and read from the lake, as well as an on-premises sign for the highway, the town will permit signage on the marina building, "business designation" and/or "additional signage." The town will also permit a second "business designation" sign on the highway, not to exceed 50 square feet in sign area. Only one annual business designation fee shall be charged. The total signage for a marina shall not exceed 100 square feet.

(Code 1989, § 92.158; Ord. of 9-28-1993; Ord. of 9-28-1994; Ord. of 8-8-2006)

Sec. 36-338. Sign maintenance and abandoned signs.

(a) Maintenance provisions. All signs, supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the following

standards:

(1) A sign shall be in a state of disrepair when more than 20 percent of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this chapter.

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which causes the sign to stand more than 15 degrees from the perpendicular.

(3) No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.

(4) No indirectly illuminated sign shall be allowed to stand with only partial illumination operational.

(5) Any sign which violates the maintenance provisions listed in this subsection (a) shall be in violation of this chapter and shall be repaired or removed as required by the applicable sections of this article.

(b) Abandoned signs.

(1) Signs or parts of signs which advertise or pertain to a business, product, service, commodity, or purpose which no longer exists or that has not been in use for 180 days or more shall be deemed to be an abandoned sign. Signs which are associated with seasonal business shall not be considered abandoned provided there is clear intent to continue the business in the upcoming season. However, failure to operate any business for a minimum of 90 consecutive days in a calendar year shall deem any sign associated with such business an abandoned sign.

(2) Abandoned signs are prohibited and shall be removed by the owner or his agent or the owner of the property where the sign is located within 30 days from the date such sign is deemed to be abandoned.

The town shall pay the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own the sign and remove it in a timely manner.

(3) This section shall be enforced in accordance with section 36-340(d).

(Code 1989, § 92.159)

Sec. 36-339. Noncommercial messages.

(a) General. 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 noncommercial 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.

(b) [Illumination.] If illuminated, signs shall be illuminated only by the following means:

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

(2) Light sources to illuminate signs shall be shielded from all adjacent residential buildings 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 subsections (b)(1) and (2) of this section.

(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.

(Code 1989, § 92.160)

Sec. 36-340. Permits, fees, nonconforming signs, and enforcement.

(a) Permits. All new or existing signs, except as otherwise provided in section 36-334, 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 section 36-185.

(b) Permit fees. The town council may establish a fee schedule for all sign permits issued in accordance with this article.

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

(2) All nonconforming signs shall be maintained in accordance with section 36-338, but shall not be:

a. Changed or replaced with another nonconforming sign except that an existing sign may be replaced to reflect a change in business identification so long as the replacement sign is in the same general location and the size of the replacement sign face does not exceed that of the existing sign.

b. Expanded or relocated unless the relocation would have been permissible by the zoning regulations in place at the time the sign was lawfully erected. -

c. ~~Reestablished after damage or destruction in excess of 50 percent of the appraised replacement cost at the time of the damage or destruction.~~

d. Modified in any way which increases the sign's degree of nonconformity.

~~(3) With the exception of off-premises signs for which a current, valid permit has been issued by the state department of transportation, any nonconforming sign shall either be eliminated or brought into conformance within seven years of the date it became nonconforming. Only if the town pays for the sign and agrees to pay for a new sign. Remove entirely?~~

(d) Enforcement. Violation of the provisions of this article shall be enforceable as set forth below in addition to the enforcement provisions as set forth in this chapter.

(1) Notice of violation. The zoning administrator shall have the authority to issue a notice of violation for all violations of this article. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the zoning administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery or by certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign and a copy shall be delivered by hand delivery or certified mail to the property owner as shown on the county tax records. In addition, service hereunder may be made in accordance with rule 4 of the state rules of civil procedure.

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

(3) Extension of time for compliance. The zoning administrator shall have the authority to grant a single 30-day extension of time within which the sign owner must comply with the notice of violation. The single extension of time may be issued based upon a written request for extension of time which sets forth valid reasons for not complying within the original 15-day period.

(4) Remedies for failure to comply. Pursuant to ~~G.S. 160A-175(f)~~, the zoning administrator may choose from the remedies set forth below to enforce these regulations when there is a failure to comply with the notice of violation. Those remedies are as follows:

a. In addition to or in lieu of the other remedies set forth in this section, the zoning administrator may issue a citation setting forth a civil penalty of \$50.00. In the case of a continuing violation, each 24-hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person described in subsection (d)(1) of this section by the means set forth therein. In the event the offender does not pay the penalty within ten days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not constitute a misdemeanor, and in so providing, the town council hereby chooses to exercise the option provided by ~~G.S. 160A-175(b)~~.

b. In addition to or in lieu of the other remedies set forth in the section, the zoning administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time required by the foregoing provisions. Remove orders shall be issued to and served upon the person described in subsection (d)(1) of this section by the means set forth therein. ~~The sign owner or the landowner shall be allowed a period of 30 days after the service of the remove order within which to remove the sign at his own expense. The remove order shall describe specifically the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the~~

~~provisions of the chapter which have been violated. The town will pay the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own and remove it in a timely manner. Additionally, the town will pay the cost of a new on-premises advertising sign that conforms to the local government's development regulations (this sentence may need modification or removal depending on legal interpretation).~~

c. In addition to or in lieu of the other remedies set forth in this section, the zoning administrator may seek injunctive relief in the appropriate court.

~~(5) Removal and recovery of expense. If a sign owner or property owner fails to comply with the requirements of a remove order, the zoning administrator may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person described in subsection (4)b of this section by the means set forth therein. If said sum is not paid within 30 days thereafter, said sum shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. 14-4. New G.S. does not allow for this.~~

~~(6) Removal of dangerous signs. Pursuant to G.S. 160D, the zoning administrator shall have the authority to summarily remove, abate, or remedy a sign which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, by the landowner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes. New G.S. does not differentiate between good vs bad quality signage.~~

(Code 1989, § 92.161; Ord. of 9-28-1994; Ord. of 12-12-1995; Ord. of 11-26-1996; Ord. of 11-18-2003; Ord. No. 21-05-11, 5-11-2021)