

## **ARTICLE X**

### **SIGN REGULATIONS**

- 1000 Purpose – The purpose of this Article is to permit such signs in the Town of Mars Hill and its extraterritorial jurisdiction that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance for the Town of Mars Hill.
- 1001 General Regulations – The following regulations shall apply to all signs in all districts.
- 1001.1 Compliance – No sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any district except in compliance with this Ordinance.
- 1001.1.1 Repainting or Reposting of Signs – Nonconforming painted signs may be repainted so long as the new coat of paint is for maintenance purposes and the design of the sign is not altered in any fashion. If, during repairing, the design of the sign structure is altered in any way, then the entire structure shall comply with the provisions of this Ordinance. (See also Section 1001.2.) Billboards existing at the time of enactment of this Ordinance or during the amortization period (when applicable) shall be allowed to be reposted so long as the structure of the sign itself remains in good repair. The structure of the billboard and the advertising message carried on such board shall be subject to all other provisions of this Ordinance. If at any time an advertising message on a billboard becomes obsolete or in disrepair, the advertising copy itself shall be subject to Section 1001.3, even though the structure may not be subject to removal.
- 1001.1.2 Vandalism and Adverse Weather – Signs destroyed by vandals or adverse weather conditions shall be allowed to be replaced even if such signs do not conform to this Ordinance provided they existed before the date of enactment of this Ordinance and they are replaced in the exact location, in the exact manner and with the exact same advertising copy of the same size as the previously destroyed sign. Adverse weather conditions shall not be interpreted to be normal weatherization of a sign. If a sign is allowed to deteriorate over time due to exposure to the weather elements, then it shall not be deemed as replaceable under this Section.

- 1001.2 Maintenance – All signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a sign should become unsafe or poorly maintained, the Zoning Officer shall notify the owner or lessee of the sign of such condition. Upon failure of the owner or lessee to correct such condition within thirty (30) days, the Zoning Administrator shall enforce compliance as provided in Section 1001.10.
- 1001.3 Removal of Obsolete Signs – Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within thirty (30) days from the date of termination of such activities. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the Zoning Administrator shall order their removal subject to the terms of Section 1001.10. Temporary signs and political signs shall be removed within ten (10) days after the termination of the event or election advertised. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the Zoning Officer shall order their removal subject to the terms of this Article and any additional expense of removal shall be billed to the owner or lessee of said sign(s).
- 1001.4 Nonconforming Signs – Any off-premise sign existing on the date of enactment of this Article which is not regulated by the provisions of GS 136-131.1 shall be taken down and removed by the owner, agent or person having the beneficial use of the building, land, or structure upon which such sign may be found within the period of time prescribed in the following schedule:

<u>Replacement Value of Signs</u>	<u>Period for Removal</u>
0\$ to \$500	1 year
\$501 to \$1,500	2 years
\$1,501 to \$3,000	3 years
\$3,001 to \$5,000	4 years
\$5,001 to Over	5 years

The period for removal in each situation dates from the effective date of this Article.

- 1001.4.1 Removal of Nonconforming Signs – Any nonconforming sign existing on the date of enactment of this Article shall not be repaired if fifty percent (50%) or more of the structure must be restored in order for it to be deemed in good repair; instead, such a sign shall be removed and a new sign which conforms to the regulations set forth by this Article may be erected.
- 1001.4.2 Relocation of Nonconforming Signs – Any nonconforming sign existing on the date of enactment of this Article may be relocated on the same premises of the establishment having beneficial use of said structure so long as it is the same sign structure and the nonconformance is not increased in any manner beyond the point of noncompliance that existed before the movement of said structure.
- 1001.5 Measurement of Area; Height – Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the entire advertising copy of art designed to attract attention including borders and other architectural embellishments. Sign height shall be measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.
- 1001.6 Building Code Compliance – All signs shall fully comply with the requirements of the State of North Carolina Building and Electrical Codes.
- 1001.7 Sign Setback Requirements – No portion of any free standing sign may be located closer than ten feet (10') to any street right-of-way except in the C-1 and C-2 districts. Setbacks in the C-1 and C-2 districts shall be no closer than five feet (5') to any street right-of-way. No portion of any free standing sign shall be located any closer than twelve feet (12') to any side or rear property line. No sign shall be located in such a manner as to constitute a traffic or safety hazard.
- 1001.8 Illumination of Signs – Unless otherwise expressly prohibited, signs may be illuminated provided that lighting directed toward a sign shall be shielded in such a manner as to illuminate only the face of the sign, and shall not project into any portion of the traveled roadway.
- 1001.9 Sign Permit Required – A sign permit, issued by the Zoning Officer, shall be required for all signs except those specified in Section 1003 and 1004. No permit shall be issued until the Building Inspector inspects plans for such signs and determines that they are in accordance with the requirements contained in this Article. The fee for sign permits shall be twenty-five dollars (\$25.00) per sign.
- 1001.10 Enforcement of Regulations – Any nonconforming sign constructed after the date of enactment of this Article, or any sign in violation of Section 1001.2 or 1001.3, or any sign off-premise maintained in a nonconforming manner after

the passage of the amortization period specified above (1001.4) shall be subject to the following actions.

1001.10.1 Notice – The Zoning Administrator shall notify in writing, the following persons of the nonconforming structure:

- (a) the owner or lessee of the sign;
- (b) the owner of the property on which the sign is located; and
- (c) the occupant of the property on which the sign is located.

Notice shall also be given to the above persons that the nonconforming condition shall be corrected within thirty (30) days from the date of notification.

1001.10.2 Penalties – After passage of the thirty (30) day notice period, the owner or lessee of a nonconforming sign shall be fined fifty dollars (\$50.00) for each nonconforming structure.

1001.10.3 Appeals – Any person having an interest in a sign found to be nonconforming or the property on which it is located may appeal a determination by the Zoning Administrator ordering removal or compliance to the Board of Adjustment as provided in this Ordinance.

1001.10.4 Removal – If the nonconforming sign has not been brought into compliance with the provisions of this Ordinance or removed within thirty (30) days of the assessment of penalties as specified above, then said sign shall be removed by the Town and the cost of removal shall be billed to the owner or lessee of the sign.

1001.10.5 Failure to pay Removal Costs – If the owner or lessee of a nonconforming sign that has been removed by the Town fails to pay for the costs of removal within thirty (30) days of the billing date for such action, then the Town will collect the cost as a lien on the property. The amount of such lien may include the actual cost of removal of said sign, plus any fines which may have been levied and not paid, plus fifteen percent (15%) representing penalty and interest for cost of collection.

## 1002 Prohibited Signs

1002.1 Signs Constituting Traffic Hazards – Any sign located in a manner or place so as to constitute a hazard to traffic as demonstrated by the Zoning Officer.

1002.2 Signs in Street Right-of-Way – Any free-standing sign located in a street right-of-way, or projecting over into a street right-of-way.

- 1002.3 Signs Obstructing Passages – Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building.
- 1002.4 Off-Premises Advertising Signs – Billboards and other types of off-premises advertising signs.
- 1002.5 Flashing Devices – Any moving signs or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any such device has a written message.
- 1002.6 Posted Signs – Any sign posted to utility poles, trees, fences, rocks or other signs.
- 1002.7 Copies of Official Signs – Any sign which is a copy or an imitation of an official sign, or which purports to have official status.
- 1002.8 Portable Signs – As defined in Article IX.
- 1002.9 Roof Signs – Only signs on mansard roofs shall be permitted. In instances where signs on mansard roofs are used, the area of said sign shall be computed as a portion of the area allotted for a wall sign.
- 1002.10 Signs Not Permitted – Any sign not expressly permitted elsewhere in this Ordinance.
- 1003 Exempt Signs – The following signs are exempt from the provisions of this Ordinance.
  - 1003.1 Governmental Agency Signs – Signs erected by a governmental agency to regulate, control or direct traffic including signs indicating bus stops, taxi stands, and similar transportation facilities. Such signs may be illuminated, flashing, or moving as required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as is necessary.
  - 1003.2 Signs Required by Law.
  - 1003.3 Warning Signs – Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment explosives and the like.
  - 1003.4 “No Trespassing” Signs – “No Trespassing” signs not to exceed four (4) square feet in surface area.

- 1004 Signs Permitted Without a Permit – The following types of signs shall be permitted in any use district without the issuance of a sign permit provided they meet the stated requirements.
- 1004.1 Temporary Real Estate Signs – Temporary real estate signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such signs shall not exceed eight (8) square feet in surface area per side of sign up to a maximum of sixteen (16) square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one (1) per parcel of land unless such land is located at an intersection of two streets; in such a case, two signs shall be allowed, one facing each street.
- 1004.2 Signs Incident to Place of Worship – One (1) free-standing sign on the property on which a place of worship is located is permitted except where a place of worship is located on a corner lot, then said place of worship is allowed two (2) free-standing signs, one (1) facing each street that borders the lot. Maximum size of such free-standing signs shall be the same as that allowed under Section 1005 for other uses in the district in which the place of worship is located. Signs located in residential districts shall not exceed thirty-two (32) square feet in surface area per side of sign up to a maximum of sixty-four (64) square feet of aggregate surface area. In addition, each place of worship shall be allowed one (1) bulletin board not to exceed twelve (12) square feet of surface area (which may be a wall sign or a free-standing sign). Each place of worship located more than one hundred and fifty feet (150') from a major thoroughfare or collector street as defined in the Mars Hill Thoroughfare Plan shall be allowed one (1) directional sign. These signs may be located on private property, with the written permission of the owner, at the nearest intersection of the major thoroughfare or collector street to the site of the place of worship.
- 1004.3 Signs on Window Glass – Signs on window glass, regardless of size.
- 1004.4 Private Traffic Signs – Private, unofficial traffic signs not exceeding two (2) square feet in surface area per side of sign up to a maximum of four (4) square feet with aggregate surface area per sign, which indicate directions, entrances, and exits. Such signs are to be located entirely on the property to which they pertain, and shall not contain any advertising message.
- 1004.5 Organization Signs – Any flag, badge, insignia, or design customarily displayed by any governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or similar organization.
- 1004.6 Service Station Signs – Gasoline service stations or any businesses selling gasoline are allowed, in addition to other provisions of this

Ordinance, the following signs:

- 1004.6.1 Price and Self-Service Signs – Gasoline price/self-service signs located at and secured to each pump island and not exceeding nine (9) square feet per side of sign. One gasoline price/self-service sign may be free-standing and located at a place other than the pump island, but must be on the business site and meet all other sign regulations. If such signs are free-standing signs, they shall not exceed forty inches (40”) in height.
- 1004.6.2 Brand Name and Grade Signs – Each brand sign, emblem of the gasoline sold, the grade of gasoline and any other related signage shall not exceed nine (9) square feet in total aggregate surface area for each pump island. If free-standing, said sign shall not exceed forty inches (40”) in height.
- 1004.6.3 NC Inspections Sign – A North Carolina Inspections sign at any location on the business premises as long as said sign is not placed in any right-of-way. If said sign is to be placed within a right-of-way, a permit shall be required from the Zoning Officer. Said sign shall not exceed forty inches (40”) in height.
- 1004.7 Municipal, School, Recreation, Club Sign – Municipal, school, recreational and civic club sponsored signs, schedules of events, rules and regulations, and parking signs shall not require a permit, but if they are to exceed forty-eight (48) square feet of aggregate surface area per sign, then they must be approved by the Zoning Officer.
- 1004.8 Outdoor Menu Signs – Outdoor menu signs when used in conjunction with drive-thru windows at restaurants.
- 1004.9 Numbers and Nameplates – House numbers and nameplates not exceeding two (2) square feet in area for each residential building.
- 1004.10 Construction Signs – One (1) construction sign per construction project not exceeding thirty-two (32) square feet of sign area in residential districts or sixty-four (64) square feet in commercial or industrial districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.
- 1004.11 Public Notice – Official notices posted by public officers or employees in the performance of their duties.

1004.12 Commemorative Plaques – Commemorative plaques of recognized historical agencies or identification emblems of such agencies, provided that no plaque or emblem shall exceed four (4) square feet in area.

1005 Signs Allowed With Permits – The following types of signs shall be allowed upon the issuance of a sign permit for each proposed sign and subject to the regulations set forth below:

1005.1 Signs Allowed in Residential Zones – The following types of signs shall be allowed in all of the residential districts subject to the accompanying restrictions and the issuance of a sign permit.

1005.1.1 Nameplate Signs – Each home occupation shall be allowed one (1) nameplate sign for purposes of identification. Said sign shall not exceed two (2) square feet of surface area. Nameplate signs shall not be illuminated.

1005.1.2 Subdivision and Unified Housing Development Signs – One (1) ground sign per entrance to a subdivision, unified housing development, or mobile home park. Said sign(s) shall be no larger than thirty-two (32) square feet of surface area per side of sign up to a maximum of sixty-four (64) square feet of aggregate surface area per sign. Signs shall not exceed ten feet (10') in height and may be indirectly illuminated.

1005.2 Signs allowed in Commercial and Industrial Zones - The following types of signs shall be allowed subject to the accompanying restrictions and the issuance of a sign permit. Each business shall be allowed a wall sign, and in addition thereto, may either have a ground sign or a suspended sign.

1005.2.1 Ground Signs – A ground sign shall not exceed the following limitations:

C-1 and I Districts: Thirty-two (32) square feet in surface area per side of sign, up to a maximum of sixty-four (64) square feet of aggregate surface area for the entire sign. Maximum height shall not exceed twenty-five feet (25').

C-2 District: One hundred (100) square feet in surface area per side of sign up to a maximum of two hundred (200) square feet of aggregate surface area for the entire sign. Maximum height shall not exceed twenty-five feet (25').

Ground signs shall be located on the property where the advertised use is located. If a business or industry is located on a large tract of land, such that the business or



industrial use does not extend throughout the entire tract, then the ground sign shall be located at the site of the firm's main building, as determined by the Zoning Officer. Where a business or industrial use is located on property which does not abut a public street, a directional ground sign shall be allowed at the public street where the entrance driveway to the property is located. This directional sign shall be allowed in addition to the other signs permitted in this Article. Such sign shall not exceed two (2) square feet in surface area per side or four feet (4') in height.

1005.2.2 Wall Signs – Wall identification signage may be placed on any portion of a building, occupied by a business, provided that the signage does not exceed 50% of the surface area of the wall or walls on which it is to be located, said surface are to be computed excluding glass or doors, or the following specifications, whichever is less:

- C-1 and I Districts: Thirty-two (32) square feet;
- C-2 District: Seventy-five (75) square feet.

In addition, each establishment shall be allowed one (1) small business identification sign not to exceed eight (8) square feet in surface area, located on the rear or the side of the building denoting the identification of the establishment.

1005.2.3. Suspended or Projection Signs – A suspended or projection identification sign not to exceed twelve (12) square feet per side, up to a maximum of twenty-four (24) square feet for the entire sign.

1005.2.4 Unified Business Developments – Properties owned by the same individuals or entities or properties which are being jointly developed as multi-unit businesses shall be classified and governed as unified business developments and their signage shall be regulated as follows:

1005.2.4.1 Business Development – Each unified business development, as a whole shall be allowed one (1) freestanding identification sign denoting the name of the development. Said sign shall be conformed in all respects with the signage requirements of individual businesses not a part of unified business developments as set forth in section 1005.2 hereinabove. Said

signage may also mention individual businesses located within the development. The content of same shall be under the total control of the developer provided that said sign otherwise complies with the terms of this Ordinance.

1005.2.4.2 Individual Businesses – Individual businesses located within the unified business development may have one of the following types of signs:

- (1) Wall identification sign;
- (2) Suspended or projection identification sign not exceeding six (6) square feet per side;
- (3) Product information signs;
- (4) Reader board.

1005.3 Marquee Signs Allowed in All Commercial Districts – Movie theaters located within commercial districts shall be allowed a marquee with one (1) or two (2) copy sign surfaces. Total copy area allowance, for all sign surfaces, shall not exceed five (5) square feet per linear foot of canopy with a maximum total height limit of no more than five feet (5') at any point. A marquee shall not extend more than ten feet (10') from the building nor be less than nine feet (9') above the ground or sidewalk at the lowest point.

1005.4 Temporary Signs Allowed in All Districts – Temporary signs, flags, or banners advertising the initial openings of businesses, establishments, special events or special sales may be permitted provided the location of such signs is approved by the Zoning Officer. Such signs may be free-standing or attached to any part of the building wall or said sign shall not exceed thirty (30) square feet in aggregate surface area and shall meet all other requirements. Permits for these on-premises signs are limited to thirty (30) days. Temporary signs shall require a deposit of fifty dollars (\$50.00) to insure the cost of removal of such signs. The deposit shall be returned after the signs have been removed.