SIGNS

Article 1: INTRODUCTORY PROVISIONS

1.1 Title This ordinance shall be known and may be cited as the,"Sign Ordinance of the Town of Bryson City, North Carolina."

1.1 Purpose

The purpose of this ordinance is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, and consistent sign standards and requirements. Consistent with this objective, the Board of Aldermen finds that Bryson City is a traditional mountain community that depends largely upon a tourism-based economy. Tourists, in large part, are attracted to the history, natural environment, scenic beauty, and aesthetic character of the community.

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

(1) Create a balance between the need to advertise, identify, and communicate and the desire to maintain a safe, healthful, and attractive community environment.

(2) Enhance the general welfare of the community by protecting property values and preserving the natural environment, the unique character, and the aesthetic integrity of the community. The preservation of Bryson City's appearance and natural beauty from excessive and obtrusive signs is a matter of critical importance to the Town because of its reliance on tourism.

(3) Permit signs that are compatible with their surroundings and that are consistent with the scenic beauty and aesthetic quality of the community.

(4) Improve pedestrian and traffic safety through the proper placement of signs.

(5) Protect the public from the dangers of unsafe signs, and require that signs be constructed, installed, and maintained in a safe and satisfactory manner.

(6) Lessen the confusion, visual clutter, and sight impairment that can be caused by the proliferation, improper placement, excessive illumination, and disproportionate sizes of signs when such signs are not properly controlled or regulated.

1.2 Applicability No sign shall be erected, constructed, placed, painted, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town of Bryson City except in conformance with the standards, procedures, and other requirements of this ordinance.

1.3 Nonconforming Signs.

(A) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued until they are required to be removed under Section 1.4. Where the term "message" is used in the following subsections, it shall not apply to the changeable copy on the message board portion of any sign.

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

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

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

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

(F) If a nonconforming sign is severely damaged or destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For the purposes of this subsection, a nonconforming sign is "severely damaged or destroyed" if the estimated cost of repairing the sign to its former stature is greater than 50% of the value of the sign so damaged.

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

(H) If a nonconforming sign, other than a billboard, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 270 consecutive days, shall not be considered an abandoned sign.

(I) If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this subsection, a sign is "blank" if:

(1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating, being offered, or being conducted;

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

1.4 <u>Amortization of Nonconforming Signs.</u>

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

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

(C) Within six months after the effective date of this ordinance, the Administrator shall make every reasonable effort to identify all the nonconforming signs within the Town's city limits. He shall then contact the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from the former) and inform such person: (i) that the sign is nonconforming; (ii) how it is nonconforming; (iii) what must be done to correct it and by what date; and (iv) the consequences of failure to make the necessary corrections. The Administrator shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

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

1.5 <u>Administrator</u> The Board of Aldermen shall designate who is to serve as Administrator (such as the Town Manager, Town Public Works Director, Town Planner, etc.).

Article 2: GENERAL SIGN REGULATIONS

2.1 Permits Required

All signs maintained, erected, placed, posted, attached, painted, or otherwise made visible from an adjacent property or right-of-way, except as otherwise prohibited, exempted, or not requiring a permit by this article, require a sign permit to be issued in accordance with the provisions of this ordinance and any other procedures as may be established by the Administrator under the direction of the Board of Aldermen. Any sign that is erected or maintained without a required permit shall be in violation of this ordinance.

2.2 Signs Exempt from this Ordinance

The provisions of this ordinance shall not apply to signs placed by the N.C. Department of Transportation or signs required by other Bryson City ordinances.

Further, informational, directional or required public instruction signs are likewise exempt, provided such signs shall not exceed fifty (50) square feet in area on any one side exposed to public view.

Trade names and graphics which are located on newspaper, soft drink, and similar vending devices.

Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.

Decorations associated with a national or religious holiday.

Warning or danger signs.

Commemorative tablets, markers, or monuments erected by or with the permission of the Bryson City Board of Aldermen.

Signs on vehicles indicating the name of a business, when the vehicle is not intended to be used for a stationary display of signs.

Signs required by law, statute or ordinance.

Off-Premise Yard sale directional signs and Off-Premise real estate directional signs except to the extent that all yard sale signs shall be placed and removed within 48 hours of the date of the sale, and only with the permission of the landowner where any sign is placed.

2.3 Temporary Signs.

Freestanding or wall mounted signs, not including snipe signs, pertaining only to the

construction job, to the lease, rent or sale of the property upon which it is displayed, or to an auction sale of goods on the premises, shall not exceed a combined total of one hundred (100) square feet in any residential area, and not more than two hundred (200) square feet exposed to view in any nonresidential area. No such sign shall be illuminated. Further, on-site temporary banner signs in the form of paper, cloth or other similar material used to promote special sales, and sandwich board signs (in accordance with the provisions in Section 2.10), shall be allowed for commercial businesses.

All signs, including political signs, erected to serve a temporary purpose shall be removed within thirty (30) days from the date the purpose ceased to exist.

2.4 **Signs Prohibited.**

The following signs are prohibited within the jurisdiction of this ordinance in Bryson City:

Any non-governmental signs which resemble a public safety warning or traffic sign.

Signs, whether temporary or permanent, within any street or highway right-of-way, with the exception of those signs approved by the government with road maintenance responsibility.

Any sign which obstructs ingress or egress, creates an unsafe distraction for motorists, or obstructs the view of motorists entering a public road or highway.

Signs which incorporate any flashing or blinking lights or signs with moving parts or parts which simulate movement.

Snipe signs as defined herein.

Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

Off-premise signs located on utility poles owned by utility companies.

2.5 **Signs Exempt from Permit Requirements but Subject to Ordinance Provisions**

Off-Premise Directional Signs: The following off-premise signs do not require a sign permit; however, these signs shall conform to the standards and provisions of this section and other applicable provisions of this ordinance. Any off-premise directional sign which does not meet the provisions of this section or other applicable parts of this ordinance shall be considered in violation of the ordinance:

A. The sign shall not exceed sixteen (16) square feet in area per sign face, one sign face per directional flow of traffic, no more than two (2) sign faces per sign structure, and a maximum height of six (6) feet.

B. Not more than two (2) off-premise directional signs shall contain directions to the same location from each of two different directions.

On-Premise Signs: The following on-premise signs do not require a sign permit; however, these signs shall conform to the standards and provisions of this section and other applicable provisions of this ordinance.

A. Small professional or announcement signs for Customary Home Occupations, non-illuminated and not over two (2) square feet in area.

B. Temporary Signs as described in Section 2.3 of this ordinance.

2.6 Regulation of Off-Premise Advertising Signs

Off-premise advertising signs will be allowed only in accordance with the following regulations:

A. A permit is required for each off-premise advertising sign.

B. Where permitted by the terms of this ordinance, off-premise advertising signs shall comply with the following dimensional requirements.

(1) **Size:** The maximum size of an off-premise advertising sign shall be 150 square feet per sign face, one sign face per directional flow of traffic per sign structure.

(2) **Height:** The maximum height of an off-premise advertising sign shall be 25 feet.

(3) **Setback:** An off-premise advertising sign shall be setback 10 feet from any road, street or highway right-of-way, if no right-of-way exists, the sign shall be setback 20 feet from the nearest edge of the road, street or highway.

(4) **Spacing from Other Off-Premise Advertising Signs:** No off-premise advertising sign shall be located closer than 2,000 linear feet from any other off-premise advertising sign as measured from either side of the same road, street or highway.

(5) **Spacing from Other Structures or Land Uses:** No off-premise advertising sign shall be located within a 1,000 foot radius of a structure used

for residence, a church or place of worship, or within a 1,000 foot radius of any property used for a school, public park or cemetery. Additionally, off-premise signs shall not be located within a 500 foot radius of the intersection of two or more roads, streets or highways or from any bridge 50 feet in length or greater.

(6) **Spacing from On-Premise Signs:** No off-premise sign shall be located closer than 100 linear feet from any on-premise sign.

2.7 Regulation of On-Premise Signs

On-premise signs, will be allowed only in accordance with the following regulations:

A. A permit is required for each on-premise sign except as otherwise exempted by the provisions of this ordinance.

B. Where permitted by the terms of this ordinance, on-premise signs shall comply with the following dimensional requirements:

WALL		GROUND			ROOF	WINDOW
Max. # Signs	Max. Size (s.f.)	Max. # Signs	Max. Size (s.f.)	Max. Height (ft)	Max. Size (s.f.)	Max. Size (% of window area)
1 per business	60	1	32	15 ft	Prohibited	25

2.8 Computation of Sign Area.

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

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

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

2.9 <u>Computation of Sign Height.</u> The height of a sign shall be computed as the distance between the average grade of the land beneath the sign and the top of the highest attached component of the sign.

2.10 <u>Sandwich Board Signs</u>. One sandwich board sign may be allowed per business, per street frontage, as follows:

A. Location. Signs may be placed on a sidewalk directly in front of the associated establishment. The sign shall be placed on that part of the sidewalk closest to the associated use. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic: however in any event, a minimum of five (5) feet of passage must be maintained on the sidewalk. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.

B. Size. No sandwich board sign shall exceed 28 inches in width or 48 inches in height.

C. Appearance. The sign must be constructed of materials that present a finished appearance, e.g. rough-cut plywood is not acceptable. The sign frame shall be painted or stained wood or anodized aluminum or metal. Stenciled or spray painted signs are prohibited. Windblown devices, including balloons, may not be attached or otherwise made part of the sign. The sign lettering should be professionally painted or applied; hand brushed or paint stenciled letters is not acceptable, however, chalkboard signs shall be allowed.

D. Lighting and Display Hours. Signs may not be illuminated. The sign shall be removed at the end of the business day and may only be displayed during regular business hours. Sandwich boards must be weighted down or removed during inclement weather or gusting winds.

These sandwich board provisions will take effect immediately upon adoption of the sign ordinance. All sandwich boards must comply at that time. No "grandfathering" is permitted.

Any person erecting a sandwich board sign shall indemnify and hold harmless the Town of Bryson City and its officers, agents, and employees from any claim arising out of the presence of the sign on the public property or rights-of-way.

A permit for a sandwich board will be issued concurrently with the issuance of a Bryson City privilege/business license, upon request.

Town staff may move/remove sandwich boards for municipal or safety purposes. (i.e. traffic issues, maintenance, etc.)

Article 3: DEFINITIONS

Sign: Any display of letters, words, numbers, figures, devices, emblems, pictures, logos, or any other means whereby the same are made visible for the purpose of making anything known; whether such display be made on, or attached to, or as a part of a structure, surface, or any other object whether natural or manmade.

Sign, Area: The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) 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 multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

Sign, Directly Illuminated: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.

Sign, Exempt: Any sign which is specifically listed as exempt from this ordinance. Said listed exempt signs are not regulated by the terms of this ordinance and shall not require a permit.

Sign, Height: The height of a sign shall not exceed the maximum height set forth in this ordinance. The height of a sign shall be measured from the existing adjacent street grade to the uppermost point of the sign or sign structure, whichever is higher.

Sign, Indirectly Illuminated: A sign designed to have illumination from a detached light source, shielded so that no direct rays from that light source are visible elsewhere than on the lot where said illumination occurs. If such shielding is inoperative, such sign shall be deemed to be a directly illuminated sign.

Sign, Maintenance: For the purpose of this ordinance, maintenance shall include those activities and procedures described in Section 1.3 of this ordinance. Work done to restore or repair a sign which is damaged or destroyed shall be considered repairs only in accordance with Section 1.3.

Sign, Noncommercial: Any sign which is not by definition an off-premise advertising sign, or off-premise directional sign, an on-premise advertising sign, or an on-premise directional or information sign, and which sign displays a substantive message, statement or expression that is protected by the First Amendment to the U.S. Constitution. Noncommercial signs shall not contain any reference to a business or product.

Sign, Nonconforming: Signs that are erected and in place prior to the adoption of this ordinance and which do not conform to the provisions of this ordinance and which do not conform to the provisions of this ordinance are declared nonconforming signs. A sign that is erected and that is in place and which

conforms to the provisions of the sign ordinance at the time it is erected, but which does not conform to an amendment of this ordinance enacted subsequent to the erection of said sign is declared a nonconforming sign.

Sign, Non-illuminated: A sign which has neither direct nor indirect illumination.

Sign, Off-Premise Advertising: Any sign advertising a product, service, business or activity sold, located or conducted elsewhere than on the premises on which the sign is located, or which said product, service, business or activity is sold, located or conducted on such premises only incidentally, if at all.

Sign, Off-Premise Directional: Any off premise sign indicating the location of or directions to a business, office or other activity. The sign shall not include any information or message except the name of the business or activity or symbols or logos of the business, and must have directions or symbols indicating directions and/or distances. If a sign exceeds the maximum area allowed for this type of sign, it shall be constructed as an off-premise advertising sign. (Off-Premise Yard sale directional signs and Off-Premise real estate directional signs are herein included as examples.)

Sign, On-Premise Advertising: Any sign advertising or identifying a product, service, business or activity sold, located or conducted on the premises where the sign is located.

Sign, On-Premise Directional and Informational: On-premise signs which provide directions or information for persons on the premises including, but not limited to, entrance and exit signs, parking information, and handicapped access.

Sign, Prohibited: Any sign, or element of a sign, which is specifically listed as prohibited shall not be permitted within the jurisdiction of this ordinance.

Sign, Sandwich Board: A sandwich board is a freestanding temporary sign, with no moving parts or lights when erected, displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc., (excluding real estate signage). It is not intended as permanent business signage.

Sign, Snipe: A type of commercial sign, typically small in size and often located in the public right of way, which is not permitted or authorized under any provision of this ordinance. These signs are often tacked, nailed, pasted, glazed, or otherwise affixed to a tree, pole, stake, fence, traffic control device, and other objects, as well as posted in the ground. Snipe signs are not meant to include freestanding real estate or political signs.

Sign, Temporary: A sign which is not permanently installed in the ground or affixed to any structure or building and which is erected for a specific period of time related to a certain event or occurrence as allowed in this ordinance, including banners, construction, political, real estate, and special event signs.

Article 4. LEGAL PROVISIONS

4.1 Enforcement and Remedies.

A. Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant thereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the Town for a violation of this ordinance shall include the following:

(1) Issuing a stop-work order for any and all work on any signs on the same lot;

(2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

(3) Imposing any penalties that can be imposed directly by the Town under N.C.G.S. 14-4 and 160A-175;

(4) Seeking in court the imposition of any penalties that can be imposed by such court under State law; and

(5) In the case of a sign that poses an immediate danger to the public health or safeties, taking such measures as are available to the Town under the building code for such circumstances.

B. The Town shall have such other remedies as are and as may from time to time be provided for or allowed by state law

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

4.2 Flexibility in Administering the Provisions of This Ordinance

A. The Board of Aldermen recognizes that, because of the wide range of locations, buildings, and properties to which this ordinance must apply, it is neither possible nor prudent to establish inflexible requirements related to sign placement.

Therefore, the Administrator may authorize deviations from the presumptive requirements for the sign location on a building or the sign setback from a property line whenever the Administrator finds that such deviations are necessary because of the particular circumstances associated with that building or property. Whenever the Administrator allows or requires a

deviation from the presumptive requirements related to sign placement, that deviation shall be noted on the face of the sign permit along with the reasons for allowing or requiring the deviation.

B. No deviation shall be approved or allowed that would violate the provisions of Section 2.4 of this ordinance (Signs Prohibited).

4.3 Amendments.

The Board of Aldermen may from time to time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town of Bryson City area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10)-twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

4.4 Abrogation.

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

4.5 Effective Date

This ordinance shall take effect and be in force from and after 3/15/14.

4.6 Adoption

Duly adopted by the Board of Aldermen of the Town of Bryson City, North Carolina, this the 3rd day of September, 2013.

Mayor

Valerie Lyn Thomas

Clerk