

**TOWN OF RUTHERFORDTON, NORTH CAROLINA
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE**

An Ordinance Amending the Unified Development Ordinance of the Town of Rutherfordton with Respect to Article XVII Signs.

BE IT ORDAINED by the Town Council of the Town of Rutherfordton: That the Unified Development Ordinance, be amended as follows:

Part I. That Article XVII, Signs be rewritten to read as follows:

“Article XVII Signs

Section 270 General Provisions

The following general provisions shall apply to signs within the jurisdiction of this Ordinance.

(a) In General

The regulations in this Article specify the number, types, sizes, heights, and locations of signs which are permitted within the jurisdiction of this Ordinance. It shall be unlawful for any person to erect, place, alter or maintain a sign in the jurisdiction of this Ordinance except in accordance with the provisions of this Article.

(b) Determination of Sign Copy Area

In measuring the copy area of a sign permitted under this Article, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures, or displays or the irregular shaped sign face. Where signs have appendages or additions, such as “pop-ups” or “cutouts” that extend beyond the main sign copy area, the area of such appendages or additions shall be measured separately, but included in the total sign copy area. Also to be included in the total sign copy area shall be any area designed for changeable copy. Where allowed, portable signs shall be counted toward permitted maximum total aggregate sign copy area and maximum number of freestanding signs on each public street.

(c) Determination of Sign Height

The height of a sign erected within 30 feet of a street right-of-way line shall be the distance from the grade level of the nearest edge of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street right-of-way line shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

(d) Determination of Sign Setback; Freestanding Sign Setback

In determining setback, measurement shall be made from the nearest edge of pavement or curb. All freestanding signs shall setback a minimum of five (5) feet from the nearest edge of pavement or curb, but in no case shall be located in the street right-of-way.

(e) Protection Under First Amendment Rights

Any sign, display, or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback and other requirements of this Article. This includes signs requiring and not requiring a Zoning Permit.

(f) Illuminated Signs

Signs, which are illuminated from within or from an external source must be illuminated in a manner that avoids glare or reflection which in any way or manner interferes with traffic safety. Any external source of illumination, such as spotlights or floodlights shall be placed so that the source is not directly visible from any adjacent residential zoning districts.

(g) Zoning Permit Required

With the exception of those signs specifically exempt from requiring a certificate, it shall be unlawful for any person to print, paint, stand, stain, engrave, construct, place, erect, illuminate, attach, suspend, enlarge, move, relocate, replace or otherwise put into use or materially alter any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Zoning Administrator.

Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

(h) Construction Standards

All signs shall be constructed according to the requirements of Chapter 23 of the State Building Code, as amended.

(i) Maintenance Required

Every sign and its support, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting, or missing parts (i.e. broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the North Carolina Building Code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within ten feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth.

Signs that are structurally unsafe and thereby endanger the public safety shall be removed

unless they are repaired and made to comply with the requirements of Chapter 23 of the State Building Code, as amended.

The message of a sign face may be changed at any time.

(j) Dangerous or Unsafe Signs

If the Zoning Administrator shall find that any sign is dangerous or is menace to the public, he shall give written notice of such violations to the owner of the sign, or by leaving said notice with the manager or other person who is apparently in charge of the premises or by affixing a copy of the notice to the sign, sign structure or building for a period of five (5) days. The notice shall set forth the nature of the violation and order the violator to repair the sign in such a manner to be approved by the Zoning Administrator in conformance with the provisions of this Article or remove the sign forthwith in the case of imminent instability or immediate danger of falling, and in any case within ten (10) days of receipt.

If within ten (10) days the notice is not complied with, the Zoning Administrator shall have the authority to remove the sign at the recipient's expense and to destroy or otherwise dispose of same.

In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or unsafe sign without notice.

(k) Removal of Discontinued Signs

If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within one (1) year after such discontinuation, be removed by the owner of the property where the sign is located. This Section shall not be construed to prevent the changing of the message of a sign.

(l) Removal & Disposal of Signs in Right of Way

The Zoning Administrator shall possess the authority to remove and destroy or otherwise dispose of any sign unlawfully placed within the right of way of any street.

Section 271 Signs Expressly Prohibited

The following signs, components and characteristics are expressly prohibited within all zoning districts:

(a) Simulated Public Safety, Warning or Traffic Signs

Signs by their location, color, illumination, size, shape, nature, message or appearance tend to obstruct the view of or be confused with official traffic, safety or warning signs or lights or other devices erected by governmental agencies. This prohibition includes signs having no bonafide safety necessity, involving the terms "CAUTION", "DANGER", "SLOW", "STOP" OR "YIELD", or which utilize geometric figures, symbols, lights, location or message not unlike official traffic, safety or warning signs, signals or lights. Provided, however, this provision is not intended to prevent the placement on private property of signs with "stop", "yield" or other such

wording or design where such is necessary for traffic control or other such legitimate notice to the public.

(b) Snipe Signs

Signs placed upon or attached to any curb, sidewalk, post, fence, hydrant, bridge, another sign or other surface, public bench, streetlight, or any tree, rock or other natural object located on, over or across any public street or public property or on any utility pole. Provided, however, this provision shall not apply to the posting of public interest, security and warning signs nor to street signs placed upon poles by governmental units for designating the names of streets.

(c) Flashing Signs

Signs or devices with flashing, intermittent, animated or changing intensity of illumination. Provided, however, traffic signals, railroad crossing signals and other official warning or regulatory signs and electronically controlled message centers or reader boards where different copy changes, involving alphabetical or numerical characters only, present messages of a public service or commercial nature shall not be considered flashing signs, as long as such signs comply with the provisions of this Ordinance

(d) Motion Signs

Signs or devices designed to attract attention, all or any part of which use movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and are set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means. This shall not apply to authorized temporary signs.

(e) Signs Below Minimum Clearance

Signs, marquees, canopies and awnings with vertical clearance of less than nine (9) feet above sidewalks and pedestrian areas and less than fourteen (14) feet above parking or vehicular passage areas.

(f) Vehicle Signs

Signs placed upon, painted on, attached to or displayed on parked vehicles or trailers, where the primary purpose of the vehicle or trailer is to advertise a product or business or to direct people to a business or activity.

(g) Signs Obstructing Motorist Visibility

Signs that substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads or driveways or that obstruct the motorists view of approaching, merging or intersecting traffic including, but not limited to, signs in excess of three (3) feet in sight visibility triangles.

(h) Signs in Rights of Way

Any sign erected in or over any public right of way except for signs allowed to project in the C-1 District by encroachment agreement; major special event signs by special permit; and

governmental signs.

(i) Signs Emitting Glare

Signs with light sources or reflectivity of such brightness that result in glare, blinding or any other such adverse effect on motorist vision or into or upon any residential building not related to the signs; or which interfere with the effectiveness of, or obscures an official traffic sign, device or signal.

(j) Pennants or Streamers, Illuminated Tube Lights

Pennants, streamers, flags, and lights consecutively strung together including tube lighting outlining buildings and property, except in the C-1 District where building outline lights may be permitted.

(k) Obscene Signs

Signs containing words or graphics that are obscene, as defined in North Carolina General Statute 14 190.1.

(l) Off Premises Signs

A sign or Structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold offered, maintained or provided at a location other than on the premises where the sign is located. A "billboard". This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies or off-premises signs specifically permitted by this Article.

(m) Projecting Signs

Signs which project from and are supported by a building or other structure into the public right-of-way only when such projection is greater than twelve (12) inches unless by encroachment agreement.

(n) Roof Signs (Above Roof Line)

Signs erected in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

(o) Electronically Changeable Copy

Electronically changeable copy signs except as specifically regulated by this Article. This prohibition does not include time, date and temperature signs which display such information only, and in the natural numerical progression.

(p) Certain Illuminated Signs

Internally illuminated signs in the C-1, R-1, and R-2 Districts.

(q) Unspecified Temporary Signs

Temporary signs not expressly permitted by this Article.

(r) All Other Signs not Specifically Permitted

Other signs not expressly allowed by this Article.

Section 272 Signs Permitted Without A Zoning Permit

The following signs and devices shall be permitted without the issuance of a Zoning Permit.

(a) Public (Governmental, Utility) Signs

Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Official signs of a non commercial nature erected by public utilities, including safety, warning and informational signs.

(b) Warning (Health, Safety, Hazard) Signs

Temporary or permanent signs erected by government agencies, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices or signs providing directions around such conditions.

(c) Signs Not Legible Off Premises

Signs which are not legible from the boundaries of the lot or parcel upon which they are located, or from any public thoroughfare or right of way.

(d) Flags (non advertising) (non informational)

Flags except when such are used in connection with a commercial promotion or as an advertising device or as an integral part of a sign regulated under this Article; provided such flags are displayed on permanent pole structures. Failure to display such flags in a manner, which meets Congressional protocol, will be a violation of this Ordinance.

Plain flags with no advertising or information provided such flags are displayed on permanent pole structures and are properly maintained. Proper maintenance shall not permit flags which are torn, ripped, frayed, separated from their grommets or incompletely affixed to their pole structures.

All flags used in connection with a commercial promotion as an advertising device or as an integral part of a commercial sign must comply with the regulations of this Article for area, height, number and location.

(e) Incidental Object or Product Signs

Small decals consolidated and affixed to window or door panes, such as indicating membership in a business group or credit cards accepted at the establishment and small, incidental logo decals attached to vehicular entrance/exit signs.

Any sign, painted or affixed to an object or product, where the sign is clearly incidental and accessory to the primary use and purpose of the object or product including, but not limited to, product dispensers and point of purchase displays for newspapers, soft drinks, gasoline, ice, telephone, ATM or similar items which indicate the contents of the machine, the name or logo of the supplier, the price and/or operating instructions.

(f) Signs required by law

Legal notices and signs required by law, statute or ordinance.

(g) Transportation facilities signs

Informational signs indicating bus stops, taxi stands, train stations and similar transportation facilities.

(h) Campaign signs at polling places

Political signs displayed at polling places provided they are displayed in compliance with general law only on the day of the election is held and must be removed within seventy-two (72) hours of the close of voting.

(i) Street numbers

Display of street numbers on residential and non residential buildings, structures and mailboxes.

(j) Handicapped Signs

Handicapped signs as required by the Americans With Disabilities Act.

(k) Window Signs

Signs placed on or attached to the interior side of a window or door glass of a building by means of adhesive, paint or manufacturing process intended for viewing from the exterior of such buildings; or a sign within a building, placed no more than twelve (12) inches behind the window which is visible through the window.

(l) Temporary Signs

Temporary signs subject to the following limitations:

Maximum

| Type | No. | Maximum Copy Area (sq. ft.) | Height if Freestanding (vert. ft.) | Maximum Display Time |
|--|------------|------------------------------------|---|---|
| Temporary (Grand Opening) | 1 | 32 | 10 | Once for 30 (Opening) days |
| Temporary (Going out of | 1 | 32 | 10 | Once for 30 (Business) days |
| Temporary (Special event of rofit organization) | 2 | 32 | 8 | 30 days prior civic or non to event |
| Temporary (Remodeling/Repair) completed or permit expires | 1 | 4 | 6 | Until work |
| Temporary Signs for Holidays & Special Events (See Section 280) | | | | |
| Temporary (Construction one or two family dwelling) | 1 | 4 | 6 | Until construction completed or permit expires |
| Temporary (Construction other than one or two family dwelling) | 2 | 32 | 14 | Until construction completed or permit expires |
| Temporary (Construction announcement) | 2 | 32 | 14 | Until building permit issued |
| Temporary (Political) | | 32 | 14 | 60 days prior to election and 5 days following election |
| Temporary On-Premises (Real estate sale/ lease/rent of one or two family dwelling or lot) | 1 | 6 | 6 | Until sale closed or rent/lease transaction finalized |
| Temporary Off-Premises (Real estate sale/ lease/rent of one or two family dwelling or lot) | 1 | 3 | 4 | Until sale closed or rent/lease transaction finalized |
| Temporary On-Premises (Real estate sale/ | 2 | 32 | 12 | Until sale closed or rent/lease |

| | | | | |
|---|---|----|----|---|
| lease/rent of other than dwelling or lot) | | | | transaction one or two family finalized |
| Temporary Off-Premises (Real estate sale/ lease/rent of other than one or two family dwelling or lot) | 4 | 6 | 6 | Until sale closed or rent/lease transaction finalized |
| Temporary (Non-residential) (i.e. commercial, industrial) | 2 | 32 | 10 | 45 days in any consecutive 90-day period |

Temporary signs which do not meet the provisions of this Subsection shall be considered in violation of the Ordinance. Only Temporary (political), Temporary (real estate), and Temporary (special event of a civic or non-profit organization) signs shall be permitted off-premises. No temporary sign shall be illuminated. Temporary signs shall be removed within five (5) days from the date the purpose for such sign ceased to exist.

(m) Miscellaneous Signs

Miscellaneous signs subject to the following limitations:

| Type | Maximum No. | Maximum Copy Area (sq. ft.) | Maximum Height if Freestanding (vert. ft.) |
|--|-------------|-----------------------------|--|
| Public Interest, Security Warning (No trespassing, soliciting, hunting or fishing/posted/private parking/danger/warning) | - | 1 | 4 |
| Home Occupation | 1 | 3 | 4 |
| Open/Closed/Hours | 2 | 2 | 6 |
| Permanent Professional or Business Announcement (Wall) | 1 | 2 | |
| Building Memorial (Wall) | 1 | 2 | |
| Philosophical, Religious, Educational or other Non Commercial | 2 | 2 | 4 |
| Occupant/Address (Ground or Wall) | 2 | 2 | 6 |

| | | | |
|--|---|----|---|
| Private Drive | 1 | 2 | 6 |
| Informational/Instructional (Traffic directions, restrictions or arrows, entrance, exit, location of restrooms, public telephones, parcel pick up, freight or service entrances, parking/ loading areas and the like) | - | 10 | 4 |

Miscellaneous signs which do not meet the provisions of this Section, shall be considered in violation of the Ordinance. Only Private Drive signs shall be permitted off-premises. No miscellaneous signs shall be illuminated.

Section 273 Signs Permitted with a Zoning Permit in All Zoning Districts

The following signs are permitted in all zoning districts upon issuance of a Zoning Permit provided that stated specific requirements, conditions and stipulations are met:

- (a) All signs permitted without a Zoning Permit.
- (b) On premises signs identifying a single family residential subdivision; apartment, townhouse, condominium or other multi family residential complex; recreational facility or manufactured home park not exceeding thirty two (32) square feet in area. There shall be a limit of one (1) double faced sign or two (2) single faced signs for each road or driveway entrance to the development named on the sign. Such signs shall be limited to the name and the address of the premises and the on site address and phone number of the resident agent and may be directly or indirectly illuminated. In addition one (1) identifying sign for an accessory management or rental office not exceeding six (6) square feet shall be permitted.
- (c) One (1) on premises identification sign or bulletin board for each road or driveway entrance indicating the name and/or address of the premises, schedule of services or activities, hours of operation, name of person(s) in authority, founding date of the organization or other information relevant to the operation of a school, college, park, public swimming pool, church, synagogue or other place of worship, hospital, sanitarium, art gallery, museum, library, YMCA, YWCA, community building, recreation center, coliseum or convention center, not to exceed thirty two (32) square feet in area to be located on private property where the use occurs. Such signs may be directly or indirectly illuminated. An on-premises sign for a college, university, hospital, coliseum or convention center may exceed thirty two (32) square feet in area if approved by the Town Council as a special exception when the Council finds that the size and scale of said sign will be in keeping with the size and scale of the development and will not be detrimental to the surrounding properties.
- (d) Signs not exceeding thirty two (32) square feet in area advertising the sale of subdivision lots, not more than one (1) sign to be located on private property at each major approach to the subdivision; provided that the display of such signs shall be limited to a six month period or until seventy five percent (75%) of the lots are sold, whichever comes first, and may not be illuminated.

(e) One (1) on premises ground or wall sign not exceeding thirty two (32) square feet in area for a legal non conforming use in a residential zoning district in which it is located. Illumination of such signs shall be permitted only between sunrise and 10:00 pm.

(f) On premises signs identifying private country clubs, golf courses, swimming/tennis clubs, equestrian centers, lakes, cemeteries and similar facilities operated on a profit or non profit basis not exceeding thirty two (32) square feet in copy area. There shall be a limit of one (1) double faced sign or two (2) single faced signs for each road or driveway entrance to the facility. Such signs shall be limited to the name, address, founding date and hours of operation and may be directly or indirectly illuminated.

(g) One (1) on premises identification sign for a convalescent home, nursing home, home for the care of children, medical clinic or dental clinic not exceeding twenty (20) square feet in copy area. Such sign shall be limited to the name and address of the home or clinic and may be directly or indirectly illuminated.

(h) Signs which denote religious, charitable, fraternal, military or service organizations may be freestanding and may be located off site, provided, however, that no one (1) individually chartered organization may have more than one (1) off premises sign, which sign shall not be illuminated. A sign denoting a single chartered organization shall not exceed four (4) square feet in area. A number of such signs may be placed on one structure, provided, however, the copy area of each individual sign does not exceed three (3) square feet in copy area and the structure does not exceed thirty two (32) square feet in copy area.

All freestanding signs permitted by this Section in all zoning districts shall have a maximum height limit of eight (8) feet and shall have a minimum setback of five (5) feet from any public right of way.

Section 274 Signs for Permitted Non-Residential Uses Permitted in Residential Districts

Signs for permitted non-residential uses in residential districts, other than those permitted with a zoning permit in all districts under the provisions of Section 273, shall be permitted under the provisions of the most restrictive non-residential district in which the uses are permitted except that sign copy area may not exceed 75% of the maximum size allowed.

Section 275 General Rules for Signs Permitted in the C-1, C-2, C-3, C-4, CI-1, and HM-1 Zoning Districts

Note: Where a development contains more than one principal establishment, in one or more principal buildings, the provisions shall apply to the development as a whole, and the owner(s) of the development shall be responsible for allocating permitted signs and display areas among the individual uses or establishments.

(a) Freestanding Signs

On premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum dimension limitations for the district and provided:

1. The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s):
2. Freestanding signs shall be limited to one sign per street frontage for each zoning lot. When more than one sign is permitted a fifty (50') foot separation shall be observed.
3. No freestanding sign shall be located closer than twenty (20') feet to a projecting sign;
4. Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14') feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9') feet' and

(b) Projecting Signs

On premises projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations for the district and provided:

1. The building to which a projecting sign is attached shall be twenty (20') feet or more in width;
2. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than thirty (30') feet to any other projecting sign;
3. No projecting sign shall be located closer than twenty (20') feet to a freestanding sign;
4. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least nine (9') feet and shall project no more than five (5') feet from the building to which they are attached; shall not extend beyond the inner edge of the curb line; and shall not extend closer than five (5') feet to any public street right-of-way.
5. No projecting signs shall not be located at the intersection of building corners except at right angles to a building facade.

(c) Wall Signs

On premises wall signs may be erected and displayed on a zoning lot in compliance with the requirements below:

1. Posters and paper signs displayed on or through windows are exempt;
2. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds (2/3) of the distance between the top of a window and the sill of the window above;
3. A wall sign shall not protrude more than twelve (12") inches from the wall to which it is attached

4. No wall sign shall extend above the soffit, parapet, or eave line, as appropriate of the building to which it is attached;
 5. Wall signs or portions thereof, placed between window spandrels shall not exceed in height two-thirds (2/3) the height of the spandrel;
 6. Wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50') feet from the side lot line of the residential lot; and
 7. Wall signs on the side of buildings in the HM district are not permitted. However, individual letters that identify the name of said building are permitted.
- (d) Marquee or Awning Signs.
1. Signs hung below a marquee or awning shall be no more than ten (10") inches high and three (3') feet long;
 2. Marquee and awning signs shall not be illuminated; and
 3. Signs below a marquee or awning shall not be less than nine (9') feet above the ground or sidewalk

Section 276 Signs Permitted in the C-1 District

- (a) Type: On Premises Freestanding, Projecting, Wall and Marquee or Awning.
- (b) Total Sign Surface Area: One-half (1/2) square foot of sign surface area per linear foot of lot street frontage.
- (c) Freestanding Sign Surface Area: 60 square feet maximum.
- (d) Wall Sign Surface Area: A maximum of twenty (20) percent of the vertical area of any wall not to exceed 200 square feet per wall.
- (e) Freestanding Sign Height: 15 feet maximum.
- (f) Marquee or awning signs may project over the sidewalk provided that:
 1. The Town approves an encroachment agreement.
 2. The height above the sidewalk shall be at least nine (9) feet.
 3. The marquee or awning does not extend beyond the inner edge of the curb line.
 4. Signs hung below a marquee or awning shall be no more than ten (10) inches high and three (3) feet long. Signs mounted on a marquee or awning shall not exceed twenty (20) percent of the vertical surface of the face of the marquee or awning upon which the sign is mounted.

Section 277 Signs Permitted in the C-3, C-4 and HM Districts On Premises

- (a) Type: Freestanding, Projecting, Wall, and Marquee or Awning.
- (b) Total Sign Surface Area: One-half (1/2) square foot sign surface area per linear foot of lot street frontage.
- (c) Freestanding Sign Surface Area: 60 square foot maximum.
- (d) Wall Sign Surface Area: A maximum of twenty (20) percent of the vertical area of any wall not to exceed 200 square feet per wall.
- (e) Freestanding Sign Height: 15 feet maximum

Section 278 Signs Permitted in the C-2 and CI-1 Districts

- (a) Type: On Premises Freestanding, Projecting, Wall, and Marquee or Awning
- (b) Total Sign Surface Area: One (1) square foot of sign surface area per linear foot of lot street frontage.
- (c) Freestanding Sign Surface Area: 85 square feet maximum
- (d) Wall Sign Surface Area: A maximum of twenty-five (25) percent of the vertical area of any wall not to exceed 250 per wall.
- (e) Freestanding Sign Height: 25 feet maximum
- (f) Electronically Changeable Copy Sign: Subject to the limitations and requirements of Section 275(e).

Section 279 Additional Freestanding Sign Surface Area for Common Sign

One combined or common permanent on-premises freestanding sign for multiple establishments on a single development shall be allowed for each public street and may exceed the maximum copy area for freestanding signs above by the following percentages:

- 2 – 10 establishments – up to 25%
- 11 – 20 establishments – up to 50%
- 21 – 30 establishments – up to 75%
- 31 – 40 establishments – up to 100%
- 41 – 50 establishments – up to 125%
- 51 or more establishments – up to 150%

Other signs for each individual establishment shall be in accordance with this Article.

Section 280 Signs Permitted By Special Permit

The following signs are permitted only by special permit issued by the Town Manager and shall conform to all

stated regulations and to all conditions and requirements imposed by the Town Manager in issuing the special permit.

- (a) Festival and Major Special Event Signs: For the purpose of giving directions and information, temporary on-premises and off-premises signs pertaining to festivals and other major special events are permitted with approval by the Town Manager subject to a special permit specifying number, size, location, lighting, design, display, and duration.

Section 281 Non-Conforming Signs

The following requirements are established to regulate non-conforming signs:

- (a) Conformance Required: Any sign legally in use prior to the effective date of this ordinance or any amendments hereto which does not satisfy the requirements of this ordinance is declared to be non-conforming and may be continued subject to regulations of this Section

The eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety and welfare as is the regulation of signs.

- (b) Regulations of Non-Conforming Signs: A non-conforming sign may be continued but it shall not be:

1. Changed or replaced with another non-conforming sign, except that copy may be changed.
2. Expanded or modified in any way which increases the sign's non-conformity; or may illumination be added.
3. Moved except to bring the sign into complete conformity with this Article.
4. Re-established once the sign structure has been removed.
5. Re-established after damage or deterioration as defined in Section 281(d).
6. Re-established after it has been discontinued regardless of reason or intent for one hundred-twenty (120) days or more.

- (c) Illumination of Signs for Legal Non-Conforming Uses

Signs for legal non-conforming uses in residential districts shall be illuminated only between sunrise and 10:00 p.m.

- (d) Damaged or Deteriorated Non-Conforming Signs

If a non-conforming sign suffers more than fifty percent (50%) of its value by damage or deterioration, it must be brought into conformance with this ordinance if permitted, or removed. The value shall be determined by the Zoning Administrator or his designee as the depreciated replacement value of the sign.

- (e) Maintenance of Non-Conforming Signs

Non-conforming signs shall be subject to all requirements of this ordinance regarding safety, maintenance and repair. Non-conforming signs shall be maintained in good condition including necessary non-structural repairs, incidental alterations or copy alterations, such as re-painting and electrical repairs which do not extend or intensify the non-conforming feature of the sign.

(f) Compliance or Discontinuance of Electronically Changeable Copy Signs

Notwithstanding any other provision of this Ordinance, any existing electronically changeable copy signs, which are prohibited by Section 271(o), shall either be brought into compliance with this subsection by programming the operation so that all characteristics of any message or display remain stationary for a minimum of ten (10) seconds or discontinued within two hundred and seventy (270) days of the adoption of this subsection. If brought into compliance with this subsection by meeting the ten (10) seconds stationary option, the sign may remain as a non-conforming sign and subject to the non-conforming sign provisions. Failure to come into compliance or discontinue within the stated period shall constitute a violation of this Ordinance.

(g) Non-Conforming Sign Compliance or Discontinuance Schedule

The following non-conforming signs shall be brought into conformance with the provisions of this ordinance, if permitted, or discontinued and removed entirely, including the entire sign and any associated components or equipment within the following time schedule:

Non-Conforming Sign Compliance or Discontinuance Schedule

| Sign Type | Deadline for Compliance/ Discontinuance |
|---|--|
| Signs prohibited by Section 271(a), (b), (c), (d), (e), (f), (g), (h), (i), (k) | 90 Days |
| Movable signs | 180 Days |
| Portable Signs | 270 Days |
| Temporary Advertising Posters and Signs | 90 Days |
| Freestanding Signs Not Permanently Mounted per N.C. Building Code, On or Off-Premises | 180 Days |
| Electronically Changeable Copy Signs Not in Conformance with Section 281(f) | 270 Days |

Section 282 Definitions Related to Signs

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a support framework.

Electronic Changeable Copy Sign. Any sign or portion of a sign that uses changing light to

form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Facing or Surface. The surface of a sign upon, against, or through which the message is displayed or illuminated on the sign.

Frontage, Lot. The length of that part of a lot that fronts a public street.

Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Logo. A business trademark or symbol.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat and which is recognized as a separate tract for purposes of transfer of title.

Marquee. A permanent rooflike structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk, or walkway.

Premises. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained, or takes place.

Setback. The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of a sign or its supporting member.

Sign. Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric, or other background material which is designed, constructed, and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, trade-names, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title and trademark. The term sign shall not include the terms television, telegraph, radio, signal or transmission. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Awning. A sign placed directly on the surface of an awning. For purposes of this Ordinance an awning sign for measuring purposes will be considered a wall sign.

Sign, Billboard. A permanent, usually free-standing, off-premise sign that is affixed to the ground or to a building, owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as "outdoor advertising signs" are generally designed so that the copy or posters on the sign can be changed frequently.

Sign Clearance. The smallest vertical distance between the grade of the adjacent street, and the lowest point of any sign, including framework and embellishment, extending over that grade.

Sign, Conforming. A sign, which is in compliance with all the provisions of this Ordinance.

Sign Copy. Alphabetic, pictorial, numerical, and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area. Area measured by the smallest circle, square, or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term sign copy area shall also include the terms display area, surface area, and the word area as it related to signage. The term sign copy area shall not be construed to include architectural trim, frames, and structural supports that do not bear any sign copy. In computing area, only one (1) side of a double-faced sign shall be considered. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign, Double-Faced. A sign designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of forty-five (45) degrees or less on an interior lot or ninety (90) degrees or less on a corner lot.

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

Sign, Flashing. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding. A sign which is permanently affixed to and supported by structures or supports such as poles, masts, or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried.

Sign, Government. Any temporary or permanent sign, symbol, or device erected and maintained for any Federal, State, County, or Municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign Height. The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is

less.

Sign Identification. Means either or both of the following:

1. A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.
2. A permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal. A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Sign, Incidental. A small sign, emblem, or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Illuminated. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

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

Sign, Indirectly or Externally Illuminated. A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. The term Sign, Indirectly or Externally Illuminated, includes backlighted.

Sign, Informational or Instructional. AN on-premises sign designed to guide vehicular and or pedestrian traffic and give other instruction or direction to the public but not including any advertising message. The name or logo of the business or use about which the sign is giving direction may also be included on the sign, provided such name or logo does not comprise more than ten percent (10%) of the copy area. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, parking, handicapped access, freight entrances, and traffic direction.

Sign Maintenance. For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Sign, Marquee. A sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, manufactured or assembled, and/or service or entertainment offered on the premises where such a sign is displayed. For purposes of this Ordinance a marquee sign for measuring purposes will be considered a wall sign.

Sign, Motion. A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotation, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.

Sign, Movable. A sign, which is movable by two or fewer individuals without aid of a motor vehicle or other mechanical equipment. The term movable sign includes the terms A-frame sign, T-shaped sign and tent sign.

Sign, Noncommercial. Any sign, display, or device that does not direct attention to a business operated for profit, or to a commodity, product or service for sale, which displays a substantive message, statement, or expression that is protected by the First Amendment to the U.S. Constitution.

Sign, Nonconforming. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this Ordinance, and any amendments to, and which fails to conform to all applicable standards and restrictions of this Ordinance. An illegal sign is not a nonconforming sign.

Sign, Off-Premise. A sign or Structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premise signs may exist or otherwise be subject to the requirements of this Ordinance. Billboards are examples of off-premise signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies.

Sign, On-Premise. A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premise signs may exist or otherwise be subject to the requirements of this Ordinance regarding said signs. Ground signs and directional signs are examples of on-premise signs.

Sign, Political. A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable. A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premises, is not permanently attached to the ground, building or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device, which is capable of or intended to be moved from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Projecting. A sign, which projects from and is supported by a building or other structure only when said projection is greater than twelve (12) inches. The term Projecting Sign does not include the terms wall, awning, canopy or marquee sign, which are otherwise defined herein.

Sign, Public Interest. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Real Estate. A temporary sign that is used to offer for sale, lease, rent, or development the premises upon which such sign is placed.

Sign, Roof. A sign erected or maintained in whole or in part on, upon, or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

Sign, Structure. Any structure which supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Snipe. A temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, streetlight or any tree, rock or other natural object.

Sign, Temporary. Any sign, designed in structure, materials, and/or copy message, which is temporary in nature to be used in connection with a circumstance, situation or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, whether attached to a structure, fence or freestanding, and whether or not it contains a frame. The term Temporary Sign includes the terms Banner, Pennant, Valance, Flyer, and Announcement. Temporary Sign materials consist of cloth, vinyl, canvas, light fabric, cardboard, paper, wall board or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle. A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Sign, Wall. A sign which is placed on and/or attached to and supported throughout its entire length by the façade or exterior side of a building (or fence) wall by means of adhesive, paint, manufacturing process, structural and/or mechanical attachment, which said sign is not more than twelve (12) inches from the facade or exterior wall line and when its exposed face is parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roofline.

Sign, Window. A sign that is placed on and/or attached to the interior side of a window or door glass of a building by means of adhesive, paint and/or manufacturing process intended for viewing from the exterior of such building; or a sign within a building, placed no more than twelve (12) inches behind the window which is visible through the window.

Special Event. A planned, temporary activity.

Use. The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.”

Part II. That Article X – Permissible Uses, Table of Permissible Uses be amended by removing the use “Off-Premises Signs and Billboards” and its related inserts in the districts column and replacing it with the use “Signs as regulated by Article XVII” and placing a “P” in each district column.

Part III. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part IV. This Ordinance shall become effective upon its adoption.

ADOPTED this the _____ day of _____, 20 ____, by the Town Council of the Town of Rutherfordton, North Carolina.

Town Clerk

Mayor