

ARTICLE 400: SIGN REGULATIONS

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The ordinance is administered by the Town Clerk or Zoning Enforcement Officer. The clerk has the right to refer any application for a sign permit to the Sign Committee for review and the Town Board for final approval. An applicant who has been denied a permit has the right to petition the Sign Committee and the Town Board for further review.

SECTION 401. PURPOSE

The purpose of this article is to regulate signs throughout all current zoning jurisdictions within the incorporated limits of the town of Dillsboro and environs including extra-territorial jurisdictions; to protect and stabilize property values; to preserve the historic character of the town by allowing signs which are consistent with an attractive town appearance; to promote public health, prosperity, safety and welfare; and to establish procedures through which these purposes can be achieved.

SECTION 402. EXEMPT SIGNS

The following signs are exempt from the requirements herein:

- A. All classes of **government signs** including but not limited to traffic, health and public safety; crime control and prevention; official notices or advertisements related to any court action; the location of underground

utilities; historical markers or monuments; any other community service sign approved by the Town of Dillsboro Board of Alderman.

- B. Signs attached to **commercial vehicles** which are limited to frame of the vehicle.
- C. Names and **lettering on mailboxes** so long as they do not exceed four inches in height.
- D. Signs promoting a product being sold out of a **vending machine**, telephone booth, gasoline pump, Automated Teller Machine (ATM), or newspaper stand, and actually located on same. (This section applies to existing vending machines. Vending machines are not a permitted use.)
- E. Signs displayed on the **inside of a business** that are not visible from any public street or walkway or within 10 feet away from any window or public entrance.
- F. Signs that warn of **hazards** to life, limb and property such as danger from high voltage, explosives, etc.

SECTION 403. PROHIBITED SIGNS

The signs identified in this section are prohibited:

- A. **For Sale Signs on Private Vehicles** and vehicles for sale shall not be displayed or parked on public streets.
- B. **Off-Premise Signs, Including Billboards.** Any sign which is not located on the premises that it identifies or advertises, with the exception of political signs permitted in Section 404(E) and church directional signs permitted in Section 404(A).
- C. **Roof Signs.** Any signs which are erected on a roof, above the gutter line, or which extend in height above the

parapet or roofline of the building on which the sign is erected are prohibited unless a special exception permit is reviewed by the Sign Committee and granted by the Town Board.

- D. **Simulated Traffic Signs and Obstructions.** Any sign which may be confused with or obstructs the view of any public traffic signal or traffic sign; extends into the public right-of-way, obstructs the sight distance at any street intersection or in any way constitutes a hazard to traffic.
- E. **Building Obstructions.** 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.
- F. **Signs Posted Within Public Rights-Of-Way.** Any sign posted on utility poles, on other officially placed signs or on trees, rocks, ground, etc. within the public right-of-way. In the event a right-of-way is not defined among the public records of Jackson County, this prohibition shall apply to an area within 3 feet of the edge of the wear surface of any public thoroughfare. No sign or other display shall block or inhibit pedestrian access or egress into the business or any related structure. In other words, A-frame signs, merchandise and other promotional materials may not be displayed within 3 feet of a public right of way, alley or public facility or within 3 feet of any walkway, parking area or building entrance.
- G. **Animated and Moving Signs.** Any moving sign or device to attract attention, all or any part of which moves by any means, including fluttering, rotating or otherwise moving devices set in motion by the atmosphere or by mechanical means, such as pennants, flags, propellers or discs, whether or not any said device has a written message.

- H. **Flashing Signs.** Any sign or device displaying flashing lights, intermittent lights, or lights of changing degrees of intensity.
- I. **Reflecting Signs:** No sign or device shall use light reflecting materials.
- J. **String and Tube Lighting.** Any illuminated tubing or string of lights, outlining property lines, doors, windows, wall edges, signs, etc.
- K. **Day Glow Signs:** No sign shall contain or consist of day glow, hot colors or any color or pattern not normally found in nature.
- L. **Oversized Product Facsimiles.** The display of letter, logos, trademarks, emblems, pictures, etc. on oversized facsimiles or three-dimensional structures, such as chicken buckets, human figures, and cans or other containers or lettering are prohibited unless a special exception permit is reviewed by the Sign Committee and granted by of the Town of Dillsboro.
- M. **Internally Illuminated Signs.** Any sign whose light source is within the sign and has a transparent or translucent background or cover that silhouettes opaque or translucent letters or designs. This includes but is not limited to "open" and "closed" signs, and all signs such as beer signs, neon signs, etc. located on the outside or inside of a building that are visible from any public street or walkway. Such signs may be allowed for business centers of 8 or more businesses or for buildings that exceed 50,000 square feet if a special exception permit is reviewed by the Sign Committee and granted by of the Town of Dillsboro.

SECTION 404. TEMPORARY SIGNS

The following signs are allowed to be displayed on the exterior of a business provided they have registered the sign and received a

registration sticker issued by the town, and conform to the requirements of this section. Noncompliant or poorly maintained temporary signs and temporary signs displayed without a registration sticker will be subject to removal without prior notice.

- A. **Church Signs:** One temporary sign for church functions, located on church property and not exceeding 42 inches in height or 9 square feet in total surface area.
- B. **Real Estate Signs** advertising the rent, sale or lease of a building:
 - a. Residential real estate signs shall not exceed 6 square feet in surface area per sign face with a maximum of 12 square feet in total surface area;
 - b. Commercial real estate signs shall not exceed 32 square feet in surface area per sign face with a maximum of 64 square feet in total surface area;
 - c. Real estate signs shall be erected on the property that is being offered and should be placed on the front and center of said property;
 - d. No more than one real estate sign with two faces shall be permitted on any given property;
 - e. Real estate signs shall be removed within 7 days after the property is sold.
- C. **Residential Yard Sale** signs, provided they do not exceed 4 square feet in surface area per sign face with a maximum of 8 square feet in total surface area and are located on the property where the sale is to be held. Yard sale signs shall not be displayed more than 48 hours prior to the scheduled sale nor more than 12 hours after the completion of the sale, and

shall be removed at the end of the day of sale.

- D. **Construction** signs, used prior to and during construction to identify the name of the new project and/or the principal contractor or developer, provided they meet the following requirements:
 - a. Each project site shall have no more than one identification sign that shall be removed upon completion of the project;
 - b. Identification signs shall be either attached to the building under construction or affix to a secure temporary post and located out of the public right-of-way;
 - c. Identification signs shall be no greater than 6 square feet per sign face with a maximum of 12 square feet in total surface area;
 - d. Construction signs shall not be placed on trees, rocks or other natural objects.
- E. **Political signs** provided they are not placed within the public right-of-way or on utility poles, traffic signs, etc. Each sign shall not exceed 6 square feet in surface area per sign face and shall not be more than 3 feet in height. Political signs displayed for the purpose of an election, rally, etc. shall be removed within 2 days after said event.
- F. Only **flags** of the United States and the State of North Carolina may be displayed outside of a business unless a permit for such flag is applied for and granted by the Town Board. Except for flags displayed by the Town of Dillsboro in a public park, no flag shall exceed 6 feet in length and 4 feet in width.
- G. **Signs/Banners** advertising the initial opening of a business or change of ownership are permitted. Such signs shall not exceed 32 square feet in

surface area per sign face and shall not be displayed longer than 30 days. (Note: A separate banner policy exists and is available at Town Hall.)

- H. **Event** Signs promoting municipal, school or civic events are permitted for display on window interiors. Each sign shall not exceed 3 square feet in surface area. Promotional signs shall not be displayed more than 60 days prior to the first date of the event and shall be removed within 7 days after the last date of the event.
- I. **Holiday Displays**, Temporary lighting and displays as part of customary **holiday decorations** may be put into place no more than 30 days ahead of the holiday and shall be removed 2 weeks afterwards, with the exception of December holidays. Decorations for December holidays may be put into place after Thanksgiving Day and shall be removed by January 31.
- J. All other temporary signs/banners shall be reviewed by the Sign Committee and granted by of the Town of Dillsboro. Registration stickers shall not be valid for more than 60 days.

SECTION 405. PERMANENT SIGN CONSTRUCTION, DESIGN, AND MAINTENANCE

All permanent signs except those identified in Section 406 must apply for and be granted a permit. Section 407 outlines the permitting process.

- A. All signs, except those protected by glass or other transparent cover, shall be constructed of materials that will not rapidly deteriorate, fade, and fall apart or in any way become a hazard to the public health, safety and general welfare. Where signs are laced over one another, the original sign shall be removed or adequately covered so that the original sign cannot be seen.

- B. All signs shall be legible from a distance of 50 feet or greater; this requires a significant contrast between the background and the font. The colors shall be a natural/neutral or muted base and follow an overall marketing plan or business design. All signs shall be in keeping with the historic atmosphere of Dillsboro and shall be made of appropriate materials that are similar in appearance to traditional wood signs.
- C. All signs shall comply with applicable requirements of the N.C. State Building Code, national Electrical Code, and other applicable federal, state or local codes.
- D. Every sign and its supports, frames, guys, anchors, and electrical equipment shall be secured to withstand adverse weather conditions. Signs illuminated by a free standing or exterior source shall be by a shielded indirect white or amber light of reasonable intensity that is directed solely at the sign face.
- E. All signs shall have no more than two faces, displayed on opposite sides and without a space or angled projection to one another. Said signs shall have the similar message and general design on both faces.
- F. **Maintaining Signs:** All signs shall be kept free from defective or missing parts or peeling paint. The Zoning Administrator shall possess the authority to order the painting, repair or alteration of a sign that constitutes a hazard to the public health, safety or general welfare by reason of inadequate maintenance, dilapidation or obsolescence. Notice of such repair shall be given to both the property owner and business owner by personal service or registered mail, return receipt requested.
- G. **Policing Signs:** The immediate premises around a sign shall be kept

free from trash, litter and debris; and grass/weeds shall be regularly trimmed.

SECTION 406. PERMANENT SIGNS NOT REQUIRING A PERMIT

A. **Church Signs.** One free-standing church sign on church property, or two free-standing church signs on church property if said church is located on a corner lot with one sign facing each street bordering the lot. Signs shall not exceed 24 square feet per sign face with a maximum of 48 square feet in total surface area. Said sign may be either a wall sign or a freestanding sign. Churches may also provide one directional sign located not further than the nearest intersection of the major thoroughfare or collector street leading to the site of the church. Said sign may be either a wall sign or a freestanding sign. Churches may also provide one directional sign located not further than the nearest intersection of the major thoroughfare or collector street leading to the site of the church. Said sign may be located off-premise with the expressed written permission of the property owner.

B. **Residential Nameplates.** One individual nameplate sign for residences, provided it does not exceed 1 square foot per sign face with a maximum of 2 square feet in total surface area and is placed no closer than 3 feet to any road wear surface. Said signs may refer to customary home occupations carried on within the face of residence and in this case shall not exceed 2 square feet per sign face with a maximum of 4 square feet in total surface area.

C. **Private Property Signs.** Signs posted on private property related to trespassing or public safety, such as danger from animals. Such signs shall not exceed 4 square feet in total surface area.

D. **Decals Signs** placed on a store window indicating finance or credit information such as VISA, MASTERCARDS, etc., not to exceed one square foot.

E. **Service stations** or gasoline sales signs. In addition to signs permitted in Section 407(B), as follows:

- a. One gasoline price sign located and secured to each pump island, not exceeding 4 square feet per sign face and 8 square feet per pump island;
- b. Signs located at each pump island indicating self-service and full-service operation, not exceeding 4 square feet per sign face;
- c. One North Carolina inspection sign at any location on the business premises, not exceeding 4 square feet

SECTION 407. PERMANENT SIGNS REQUIRING A PERMIT

A. General Provisions

- a. Signs described in this Section are subject to the issuance of a permit by the Zoning Administrator. Applications for Sign Permits shall be made on the proper form and can be obtained at the Town Office. Applications shall include the name of the owner of the sign, a drawing of the signs indicating its size and height, a site plan indicating its location on the premises and relation to any adjacent rights-of-way, method of illumination and whatever other information the Zoning Administrator deems necessary to ensure compliance with these regulations.

- b. Prior to the issuance of a sign permit by the Zoning Administrator, all applications for a sign shall be reviewed by the Sign Committee Chairman or Sign Committee of the Town Board.
 - c. Fees for signs requiring a permit shall be set at the discretion of the Board of Alderman. Current fees are detailed in the Sign Application.
 - d. If the Zoning Administrator questions the suitability of a sign or its compliance to the ordinance the administrator will refer the application to the Sign Committee and the Town Board of Dillsboro for a full review.
 - e. Any substantial change in a sign and its copy or color shall require application for a new sign permit at the prevailing permit fee. No permit shall be issued unless the sign complies with the current provisions of this article.
- i. A variance for additional sign area may be requested during the permitting process under the following condition: Applicant can prove hardship due to location or other relevant factors. Such requests must be reviewed by the Sign Committee and approved by the Town Board.

B. Commercial Signs (See Sections 403 (E thru M) and Section 405 for design criteria.)

- a. **Surface Area.** The total sign surface area allowance for each business, including window signs whether they are attached or painted to the interior or exterior of the window, all wall signs, restaurant menu board signs, projection signs, suspension signs and free standing signs, shall be 20% of the total area of the wall which abuts or faces the principal street assigned the 911 address by Jackson County. The area of said wall shall be computed to include windows and doors.
- b. **Window signs** that promote interest in the business or advertise special events are permitted provided such signs follow a general marketing plan and do not block a clear sight line into the business. Window Signs, product displays or advertising, including stained glass lettering, logos, etc. shall not cover more than 15% of the total window area. Window signs shall not be included in the commercial sign limits under Section 407B (a). Although Window Signs are allowed without a permit, this section will be strictly enforced.
- c. **Overhanging Signs** any sign shall be placed at least 9 feet above the sidewalk and shall not extend over the sidewalk a distance equal to or greater than two-thirds the width of the sidewalk or extend more than 3 feet from a building, which ever is less.
- d. **“OPEN/CLOSED”** One sign shall be allowed per freestanding sign face not to exceed 1 square foot each and one open sign for each public access point (door) not to exceed 1 square foot. In addition each public access point shall post the hours of operation on a sign not to

exceed 1 square foot. See Section 403 F thru I.

- e. **Multi-Business Signs.** Where 2 or more businesses share a common commercial site, courtyard, alley or access area, the businesses are required to apply for a permit for any and all collective signs, to be reviewed by the Sign Committee and approved by the Town Board. The **landlord/property** owner of multi-business properties is responsible for providing a standard sign that will allow for proper identification for each individual business site located on the property. This is to keep the signs uniform in appearance within common spaces.
- f. **Free Standing Signs.** Commercial free standing signs shall be located no closer than 6 feet to any public street or sidewalk. No free-standing sign shall be greater than 10 feet in height measured from the adjacent road grade to the uppermost point of the sign or sign standard, whichever is greater.
- g. **Directional Signs.** Each commercial site shall be limited to 1 directional sign to direct vehicular traffic to an on-site parking area. One additional directional sign may be placed for each adjacent and separate parking lot. Each directional sign shall not be more than 1 foot in height and shall be no greater than 2 square feet in surface area for each side of the sign, with a maximum of 4 square feet of total surface area.

C. Residential Signs

- a. Each subdivision or unified housing development is

permitted one free-standing sign per entrance not to exceed 5 feet in height and not to exceed 15 square feet in surface area with a maximum of 30 square feet in total surface area.

- b. Customary home occupations are permitted one sign not exceeding 4 square feet in total surface area. Said sign may be free standing, wall or hanging in type.

D. Non-Commercial Messages

- a. Any sign, display or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale. Such signs shall not exceed the dimensional requirements of non-regulated construction signs described in Section 404 (D)

SECTION 408. NON-CONFORMING SIGNS

- A. Signs that are erected and were in place prior to the adoption of this ordinance January 5, 2009 but which do not conform to the provisions of this ordinance are declared nonconforming signs. The eventual elimination of non-conforming signs is as much a subject of health, safety and welfare as is the regulation of new signs. Non-conforming signs have 6 years to become conforming.
- B. In order to maintain consistent records non-conforming signs are required to secure a permit; No fee will be charged to non-conforming businesses that complete an application within 90 days of passage of this ordinance. All signs found to be non-conforming for reasons other than those cited in Section 408 (A) above, shall be either removed or

made to conform to the standards set forth in this ordinance within 30 days of a written notice.

- C. **Signs Erected Without A Permit.** The owner of any sign erected without a permit shall either remove the sign or obtain a permit for the sign and ensure that it complies with these regulations within 24 hours of notification by the Zoning Administrator. If the sign has not been removed within 24 hours of notification, it may be removed at the owner's expense.
- D. **Obsolete Signs:** Whenever the commercial use of a building or premise is discontinued for reasons other than a seasonal shutdown or otherwise for a period of more than 30 days, any signs pertaining to that business shall be removed. Where signs are not removed the Zoning Administrator shall notify **both the property owner and the owner of the business** at the last known address that said signs are in violation of this ordinance and must be removed within 30 days. If the sign has not been removed within the notice period, it may be removed at the owner's expense and held by the Zoning Administrator.

SECTION 409. ENFORCEMENT

Violation of the provisions of these sign regulations shall be enforceable as set forth below:

- A. **Notice of Violation.** The Zoning Administrator shall have the authority to issue a notice of violation for all violations of the sign ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the Zoning Administrator, a copy of the notice of violation shall be delivered to the **sign owner/ business owner** by hand delivery or by certified mail. In all other cases, a copy of the notice of violations shall be posted on the sign and a copy shall be delivered by hand delivery or certified mail to the **property**

owner as shown on the Jackson County tax records. In addition, service hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.

- B. **Time to Remedy Violation.** The sign owner and/or the property owner shall have 30 days to remedy all violations set forth in the notice of violation. The 30-day period to the posting of the notice of violations on the sign or the delivery of a copy of the notice of violations to the sign owner or property owner; which ever is first.
- C. **Extension of Time for Compliance.** The Zoning Administrator shall have the authority to grant a single 30-day extension of time within which the sign owner must comply with the notice of violation. The single extension of time may be issued based upon a written request for extension of time, which sets forth valid reasons for not complying within the original 30-day period.
- D. **Remedies for Failure to Comply.** Pursuant to North Carolina General Statutes (NC GS §160A - 175) relating to municipalities; the Zoning Administrator may choose from the remedies set forth below to enforce the ordinance when there is a failure to comply with the notice violation. Those remedies are as follows:

- a. In addition to or in lieu of the other remedies set forth in this section, the Zoning Administrator may issue a citation setting forth a civil penalty of \$50. In the case of a continuing violation, each 24-hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in division (A) by the means set forth therein. In the event the offender does not pay the

penalty within ten days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not constitute a misdemeanor, and in so providing, the town board of aldermen hereby chooses to exercise the option provided by NC GS § 160A – 175. **The lease holder and/or property owner shall be liable for all court costs.**

- b. In addition to or in lieu of the other remedies set forth in the section, the Zoning Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time required by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection 409 (D) (a) by the means set forth therein. The sign owner or the landowner shall be allowed a period of 30 days after the service of the remove order within which to remove the sign at his own expense. The remove order shall describe specifically the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of the ordinance that has been violated.
- c. In addition to or in lieu of the other remedies set forth in this section, the Zoning Administrator may seek injunctive relief in the appropriate court.
- d. **Removal and Recovery Expense.** If a sign owner or property owner fails to comply with the requirements of a remove order, the Zoning Administrator may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (a) by the means set forth therein. If said sum is not paid within 30 days thereafter, said sum shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of NC GS §14 -4.
- e. **Removal of Dangerous Signs.** The Zoning Administrator shall have the authority to summarily remove, abate, or remedy a sign, which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, by the land owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.