

Town of Blowing Rock

Request for Council Action

FROM: Kevin Rothrock
SUBJECT: Sign Ordinance Review and Consideration
TO: Mayor and Council
DATE: September 11, 2018
REQUESTED BY:

Public Hearing x Yes No Not required NA
Properly Advertised x Yes No Not required NA

BACKGROUND:

Earlier this year, staff hired Benchmark Planning Consultants to rewrite our sign ordinance and make it compliant with the Reed vs. Town of Gilbert Supreme Court decision from 2015. Vagn Hansen with Benchmark had completed a complete revision of the City of Concord sign ordinance while the Reed case was being decided. He then re-wrote the ordinance and it was adopted as one of the first in NC to be consistent with the Reed decision.

Vagn prepared multiple drafts of the Blowing Rock Sign Ordinance which were reviewed by the zoning subcommittee of the Planning Board. After several reviews and modifications, the draft ordinance was presented to the full Planning Board for review and recommendation at the August 23, 2018 meeting. With a few minor modifications to the draft ordinance, the Planning Board recommended approval to forward to a public hearing for Town Council consideration.

ATTACHMENTS:

1. Staff report
2. Sign Ordinance Assessment
3. Ordinance No. 2018-12

STAFF RECOMMENDATION:

Approval of the draft ordinance.

MEMORANDUM

TO: Mayor Charlie Sellers and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Consideration of New Sign Ordinance

DATE: September 4, 2018

Earlier this year, staff hired Benchmark Planning Consultants to rewrite our sign ordinance and make it compliant with the Reed vs. Town of Gilbert Supreme Court decision from 2015. Vagn Hansen with Benchmark had completed a complete revision of the City of Concord sign ordinance while the Reed case was being decided. He then re-wrote the ordinance and it was adopted as one of the first in NC to be consistent with the Reed decision.

Vagn prepared multiple drafts of the Blowing Rock Sign Ordinance which were reviewed by the zoning subcommittee of the Planning Board. After several reviews and modifications, the draft ordinance was presented to the full Planning Board for review and recommendation at the August 23, 2018 meeting. With a few minor modifications to the draft ordinance, the Planning Board recommended approval to forward to a public hearing for Town Council consideration.

Most of the sign ordinance structure remains in place with some rearrangement for clarity. Some of the major changes to the draft sign ordinance include:

1. Regulation of signs without respect to content (message).
2. Allowing one (1) temporary sign for each property per street frontage, limited to 4 square feet in all districts, except General Business which allows 16 square feet. [Section 16-17.10.6 (e)].
3. Temporary signs are not regulated by content but rather whether they are designed and installed in a manner that makes them easily removable.
4. Allowing up to five (5) temporary signs per street frontage during election periods by suspending the regulations [Section 16-17.10.6 (d)].
5. Off-premise signs are allowed since the ordinance must remain content neutral; however, the property must have a permanent structure or building to have a permanent sign erected.
6. Language for nonconforming signs is moved to Chapter 16, Article 8 – Nonconforming Situations.
7. General incidental signs smaller than one (1) square foot are permitted in all districts as long as they are not purposefully intended to circumvent the ordinance. (Section 16-17.10.17)

ATTACHMENTS

1. Coates Canons Blog: Sign Litigation: A Brief Analysis of Reed v. Town of Gilbert
2. Current Sign Ordinance Assessment – from Vagn Hansen
3. Draft Sign Ordinance No. 2018-12

Coates' Canons Blog: Sign Litigation: A Brief Analysis of Reed v. Town of Gilbert

By Adam Lovelady

Article: <http://canons.sog.unc.edu/sign-litigation-a-brief-analysis-of-reed-v-town-of-gilbert/>

This entry was posted on July 21, 2015 and is filed under Constitutional & Statutory Limitations, General Local Government (Miscellaneous), Land Use & Code Enforcement, Zoning

Temporary yard signs are springing up all around town. Town council wants to reduce the clutter, but also wants to respect the free speech rights of the community. Council is considering new rules that will allow *campaign signs* during election season, *event signs* within a day of the event, and *ideological signs* anytime. It seems like a reasonable balance—allowing the signs but limiting them to a relevant time-frame. Can the town's regulations distinguish among signs this way?

A recent U.S. Supreme Court decision says no. Such distinctions are unconstitutional content-based regulation of speech.

To be clear, every sign ordinance distinguishes among signs. Ordinances commonly distinguish between locations (commercial property, residential property, public property, etc.), between types of signs (free-standing, wall signs, electronic signs, etc.), and between messages on the signs (commercial, safety, political, etc.). Reasonable distinctions concerning *location* and *types* of signs remain permissible.

The *Reed* decision, though, clearly invalidated some distinctions based on the message content of signs, and it will require adjustments to many local ordinances and some state statutes. The decision, with its four separate concurring opinions, also left open several legal questions.

This blog considers the decision of [Reed v. Town of Gilbert, 576 U.S. ___ \(2015\)](#), and its impact on local sign ordinances.

Context of Free Speech Caselaw

In thinking about the *Reed* decision it is helpful to recall a few key points about Constitutional protections of free speech and local government sign regulation. This area of the law is complex—far beyond the scope and space of this blog—but some context is helpful in understanding the impact of the new decision.

Content-Neutral Sign Regulations. Some sign regulations concern the form and nature of the sign, not the content of the message. These regulations—called *reasonable time, place, or manner restrictions*—include regulation of sign size, number, materials, lighting, moving parts, and portability, among other things. These regulations are allowed, provided they are “[1] justified without reference to the content of the regulated speech, [2] that they are narrowly tailored to serve a significant governmental interest, and [3] that they leave open ample alternative channels for communication of the information” (*Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S. Ct. 2746, 2753, 105 L. Ed. 2d 661 (1989)). Over the years the courts have allowed a variety of content-neutral sign regulations.

Content-Based Sign Regulations. Some sign regulations, however, restrict the content of the message. The Supreme Court requires that content-based regulation of noncommercial signs must meet strict scrutiny. As phrased in the *Reed* majority opinion, a regulation is content-based if the rule “applies to a particular [sign] because of the topics discussed or the idea or message expressed” (slip op., at 6). The strict scrutiny standard demands that the local government must show that the regulation is (i) designed to serve a *compelling* governmental interest and (ii) *narrowly tailored* to achieve that interest. That is a steep hill to climb, and in practice few, if any, regulations survive strict scrutiny review.

It is worth noting that commercial speech is subject to yet another test—a version of intermediate scrutiny outlined in *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 557 (1987). That test is described in David Owens' blog on [Offensive Signs](#), and as discussed below, the impact of the *Reed* decision on the *Central Hudson*

test is unclear.

Case Summary

The Town of Gilbert, Arizona, had a sign code requiring permits for signs, but outlining a variety of exemptions. The *Reed* decision focused on the exemptions for three types of signs: Political Signs, Temporary Directional Signs, and Ideological Signs. Under the local code, Political Signs were signs designed to influence the outcome of an election; they could be up to 32 square feet and displayed during political season. Temporary Directional Signs were defined to include signs that direct the public to a church or other qualifying event; they could be up to six square feet and could be displayed 12 hours before and 1 hour after the qualifying event. Ideological signs were defined to be signs that communicate a noncommercial message that didn't fit into some other category; they could be up to 20 square feet.

A local church—after being cited for violation of the rules for Temporary Directional Signs—challenged the sign code as abridging their freedom of speech. The Town argued (and the lower courts found) that its regulations were content-neutral. The distinctions among types of signs, they said, were based on objective factors not the expressive content of the sign. The distinctions did not favor nor censor a particular viewpoint or philosophy. And, the justification for the regulation was unrelated to the content of the sign.

Justice Thomas, writing for the Court, disagreed. He found that the distinctions were plainly content-based and thus subject to strict scrutiny. The distinctions—between Political Signs, Temporary Directional Signs, and Ideological Signs—“depend[ed] entirely on the communicative content of the sign” (slip op., at 7). “Regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints with that subject matter” (12). And, “an innocuous justification cannot transform a facially content-based law into one that is content neutral” (9).

In its failed attempt to meet the strict scrutiny standard, the Town offered two governmental interests to support its distinctions: aesthetic appeal and traffic safety. Even if these were considered compelling governmental interests (which the Court assumed without ruling), the Town's distinctions were not narrowly tailored. Justice Kagan noted in her own opinion (concurring in the judgment only) that the Town's distinctions did “not pass strict scrutiny, or intermediate scrutiny, or even the laugh test” (slip op., at 6, Kagan, J., concurring in judgment).

Impact of Local Ordinances

So what does this decision mean for local ordinances? In the end, some distinctions among signs clearly are allowed and will withstand judicial review. Some code provisions, though, must be revised. And then, there are the open questions.

The Court was unanimous in judgment: The particular provisions of the Town of Gilbert's sign code violate Constitutional protections for free speech. The Court was fractured, though, in the opinions, making it harder to discern the full scope of the decision. Justice Thomas offered the majority opinion of the court with five justices joining. Justice Alito offered a concurring opinion to further clarify the impact of Justice Thomas' opinion. He was joined by Justices Kennedy and Sotomayor. Three justices concurred in judgment only, and they offered two separate opinions to outline their legal reasoning and their concerns with the majority's reasoning.

So we have a split court. Three joined the majority only; three joined the majority, but also joined an explanatory concurrence; and three disagreed with the majority's legal reasoning. This three-three-three split, unfortunately, causes even more head-scratching for an already complex topic.

Content-Based Distinctions. In thinking about your sign ordinance, ask this: Does this regulation apply to a particular sign because of the non-commercial content on the sign? If yes, the regulation must meet strict scrutiny under *Reed*. The government must show that the regulation is designed to serve a *compelling* governmental interest and *narrowly tailored* to achieve that interest.

If your ordinance distinguishes among noncommercial sign types—political v. ideological v. religious—those distinctions are unconstitutional and must be changed.

Justice Thomas did offer some content-based regulations that may survive strict scrutiny if they are narrowly tailored to address public safety. These include warning signs for hazards on private property, signs directing traffic, or street

numbers associated with private houses.

Content-Neutral Distinctions. The several opinions of the court outline some valid distinctions for regulation. In his majority opinion, Justice Thomas noted that local governments still have “ample content-neutral options available to resolve problems with safety and aesthetics” (slip op., at 16). These include regulation of, among other things,

- size
- building materials
- lighting
- moving parts
- portability

Moreover, “on public property the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner” (slip op., at 16). A local ordinance or state statute can prohibit all signs in the public right-of-way. But, if signs are allowed, the regulations must not distinguish based on the content of the message. Regulations that allow some, but not all, noncommercial signs run afoul of the *Reed* decision.

For example, NCGS § 136-32 allows for “political signs” (as narrowly defined) in the public right-of-way of state highways during election season. That statute and similar ordinances will need to be revised to either, prohibit all signs in the right-of-way, or allow compliant signs with any noncommercial message in the right-of-way during election season.

Justice Alito, in his concurring opinion, provided further explanation (although not an exhaustive list) of what distinctions may be valid, content-neutral distinctions. He included:

- Size (including different sizes for different types of signs)
- Location, including distinguishing between freestanding signs and attached signs
- Distinguishing between lighted and unlighted
- Distinguishing between fixed message and electronic signs
- Distinguishing between signs on public property and signs on private property
- Distinguishing between signs on commercial property and signs on residential property
- Restricting the total number of signs allowed per mile of roadway
- Distinguishing between on-premises and off-premises signs*
- And time restrictions on signs advertising a one-time event*

* These last examples—distinguishing between on-premises/off-premises and restricting signs for one-time events—seem to conflict with the majority opinion in *Reed*. Here, we get back to the issue of the fractured court and multiple opinions (discussed below).

Open Questions

Content-ish Regulations

Justice Alito’s concurrence (discussed above) listed many regulatory distinctions that are clearly authorized. He listed two distinctions that do not clearly square with the reasoning of the majority opinion. But, if you consider the three justices concurring with Alito plus the three justices concurring in judgment only, there are six justices that took the question of content neutrality with more practical consideration than Justice Thomas’ hard line. Thus, Alito’s opinion may in fact hold the greatest weight of this case. Only time will tell—time and more litigation.

First, Justice Alito listed signs for one-time events. This seems to be precisely what the majority stuck down in this case. It is unclear how a local regulation could structure such regulation without relying on the content of the message itself. But the inclusion on Justice Alito’s list points to some room for defining signs based on function.

And second, Justice Alito listed the distinction between on-premises and off-premises signs. The enforcement officer must read the sign in order to determine if a sign is off-premises or on-premises. As such, these would seem to be facially content-based and subject to strict scrutiny. But, prior Supreme Court caselaw has upheld the on-premise/off-premise distinction and that precedent is not overruled by the majority opinion.

Commercial and Noncommercial Speech. In past decisions the Supreme Court has treated commercial speech to slightly less protection than noncommercial speech. Commercial speech regulation needs to meet a version of intermediate scrutiny, not the strict scrutiny applied to regulation of non-commercial speech (See, generally, *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 557 (1987)).

Arguably, the *Reed* decision opened the door to challenge a sign ordinance that distinguishes between commercial and noncommercial speech. Justice Alito's concurring opinion noted that distinguishing based on the *type of property*—commercial or residential—would be valid. Regulating based on the *content of the sign*—commercial or noncommercial—arguably is undermined by the *Reed* decision.

Notably, though, the majority in *Reed* did not overrule its prior decisions. The *Reed* decision was focused on the Town code's distinctions among types of noncommercial speech. Presumably the long-held standards for regulation of commercial speech still apply.

Conclusion

In the wake of *Reed*, some things are clear. Governments still have an array content-neutral regulations to apply to signs. But, content-based distinctions such as the ones in the Town of Gilbert's code must survive strict scrutiny to stand. Because of mix of opinions from the Court, there are several open questions. We will not know the full scope and meaning of *Reed v. Town of Gilbert* until the federal courts begin to apply this decision to other sign litigation.

Links

- www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf

Town of Blowing Rock Sign Ordinance Assessment

1. **Purpose:** No issues identified
2. **Applicability:** No issues identified
3. **Restrictions and Prohibitions:**
 - a. 17.3.2: Potential issues with the prohibition of certain words. While this is a common sense regulation that attempts to restrict the placement of signs that might cause a public safety issue, the plain reading of the regulation prohibits words that may have otherwise legitimate purposes. Revisions are possible to more narrowly focus the regulation by emphasizing the location of such signs rather than including the location as one of a number of factors.
 - b. 17.3.3: The inclusion of flags in this section is out of place since it establishes a permissive regulation in a section focused on restrictions and prohibitions. The regulation of flags in this section also establishes a potentially unenforceable content based standard for determining which types of flags are permitted and which area prohibited. If the ordinance will continue to regulate flags, these provisions should be moved to a different section and the content restrictions should be removed. If there are concerns about certain types of flags, such as “feather banners,” they can be addressed through a specific regulation that is content neutral.
 - c. 17.3.5: There is a potential content neutrality issue with this restriction on portable signs with regard to the allowance of signs for events of a “community nature.” This should be able to be revised to preserve the original intent of the regulation.
 - d. 17.3.8: The same concerns may exist for this regulation as section 17.3.5
 - e. 17.3.11: The word “advertising” could be replaced with “sign” to better express the intent of the regulation and avoid potential content neutrality issues.
 - f. 17.3.12: There are potential issues with content neutrality in this regulation.
 - g. 17.3.17: This regulation should be simplified to either require the removal of signs following either 30 or 270 days of the discontinuance of the occupancy of a building. The differential standards are likely easily manipulated with regard to the “off-season.”
 - h. 17.3.18: There are likely content neutrality issues with the prohibition of “off-premises” signs.
 - i. 17.3.20: This regulation conflicts with 17.3.4, which seems to permit electronic signs.

4. General Sign Regulations:

- a. 17.4.1-3: the regulations contained in this section are redundant since they refer to provisions in the adopted building code. They could be replaced with a more general reference to the requirement to comply with the building code.
- b. 17.4.5: As with 17.3.17, either a uniform time standard should be adopted, or greater clarity / specificity of procedure should be included in the ordinance to establish how to determine if a business is only temporarily closed for the “off season.” The regulation should also be clarified with regard as to whether the intent of the regulation is to remove a sign face or the entire structure of the sign. For certain types of signs, the removal of the “message” portion of the sign could functionally require the removal of the entire sign, depending on how it is constructed.
- c. 17.4.6: The requirement for the type of landscaping required should be moved to the portion of the ordinance where it states that a landscaped bed is required for the specific type of sign.

5. Approval Requirements: No issues identified

6. Master Sign Plan: No issues identified

7. Signs Excluded From Regulation:

- a. The provisions of this section may need to be slightly altered to preserve its intent and become content neutral.

8. Signs Permitted in All Zoning Districts:

- a. 17.8.1: This regulation should be moved to a section dealing with signs permitted in residential districts. It should also be made content neutral.
- b. 17.8.4: This regulation should be modified to only regulate, the number, size, height and location of flags. Different standards for commercial and residential districts may be desirable.
- c. 17.8.5: There are likely some content neutrality issues with this regulation. Some of the desired signs from this section may be combined with all other public safety signage. The entrance / exit signage should be converted into a location/size based standard to preserve its intent while ensuring content neutrality.
- d. 17.8.7: There are likely content neutrality issues with this regulation that will require the modification of this, along with other “temporary” signage regulations. Concerns about election season signage can be addressed with a similar provision as to what is currently included in this section, but would need to be a blanket suspension of the regulation of all similarly situated signs during the period of suspension. Standards for location and size should be preserved, and likely lowered – particularly in residential areas.

- e. 17.8.8: This has potential content neutrality issues that could be resolved with modified temporary signage regulations. The district and lot size based standards can be preserved.
- f. 17.8.9: There are likely content neutrality issues with this regulation.
- g. 17.8.10: The potential content neutrality issues with this regulation can be resolved through new temporary signage regulations. It is permissible to tie temporary sign allowances to development activity, permit approvals, and similar circumstances.
- h. 17.8.11: The restriction on commercial messages may pose content neutrality issues.
- i. 17.8.12: To avoid content neutrality issues, such signage may be tied to the issuance of a temporary use permit, or similar approval by the town.
- j. 17.8.16: Size limits for such features are advisable, as are strict definitions.
- k. 17.8.17: This should be tied to a permit for such an activity to maintain its intent.
- l. 17.8.19: There are likely content neutrality issues with this as currently written. The intent may be able to be preserved through modifications of the language and tying the allowed signage to other factors – such as the issuance of permits only to nonprofit or government entities.
- m. 17.8.20: While there are potential content neutrality issues, the intent of the regulation should be able to be preserved by tying the permit to more well defined factors. The \$50,000 renovation factor can be maintained.

9. Computation of Sign Area: No issues identified

10. Computation of Sign Height: No issues identified

11. Signs Permitted in Residential Districts:

- a. 17.11.1: There are potential content neutrality issues, but the intent can likely be preserved through inclusion in modified temporary sign regulations.
- b. 17.11.2: The landscaping requirements for subdivision signage should be better defined. While likely not a major issue, this should be made content neutral – potentially with the town taking ownership of the sign in the right-of-way. There should probably be a minimum number of lots / units as well to ensure the regulation is not abused.

12. Signs Permitted in Non-Residential Zoning Districts:

- a. 17.12.1: There are a number of potentially subjective / discretionary regulations in this section that must be interpreted by the zoning administrator – particularly related to color and architectural compatibility. If possible, these matters should be better defined in the ordinance.
- b. 17.12.2: The language is not explicitly clear as to whether only one of the sign types may be chosen, or whether one of each is permitted. Where landscaping

is required, it should be better defined as to the specific type of plantings required.

- i. 17.12.2.3: Wall signage is more appropriately tied to surface area vs. linear building wall footage. When a linear footage standard is used, larger (bulkier / taller) buildings which happen to have less street frontage are afforded less signage than smaller buildings that just happen to have longer walls. It may be worthwhile to consider differential regulations for commercial districts outside of the downtown core, with a higher cap on the maximum sign area.
- ii. 17.12.2.5: There are potential content neutrality issues with regard to temporary window signs. Time limit and area standards can be preserved if desired.
- iii. 17.12.2.7: There are potential content neutrality issues with this regulation, but the overall intent of the regulation can be preserved. The sub-regulation with regard to size may benefit from modification since it could currently permit a smaller multi-tenant building on a small lot to have a larger ground sign than a larger single occupancy building on a much larger lot.
- iv. 17.12.2.8: There are potential content neutrality issues with the additional signage provision. The larger sign area can be preserved, but the content should probably not be regulated.
- v. 17.12.2.10: There are potential content neutrality issues with this provision.
- vi. 17.12.2.11: There are potential content neutrality issues with this provision.

13. Public Facility Signs: No issues identified

14. Unlawful Cutting of Trees or Shrubs: No issues identified

15. Flexibility in Administration: While such provisions may be desirable, it may be appropriate to specify some limits within which flexibility is permitted, and more explicit standards for the administrative modification of regulatory provisions. Without such limits or objective standards, the administrator is allowed a much wider range of latitude than may be appropriate, leave them exposed to potential allegations of favoritism or put them at odds with the governing board. This also opens the door for applicants to attempt to pressure the administrator into making a modification that could be inappropriate.

16. Nonconforming Signs: It is recommended that nonconforming sign provisions not be duplicated in this section, but be regulated solely in Article 8. There are several potential content neutrality issues in this section that were discussed previously in the

assessment with regard to the display of signs relating to businesses that are no longer occupied.

17. Amortization of Nonconforming Signs: This should be relocated to Article 8 with the other nonconforming sign provisions.

18. Enforcement and Remedies: These provisions are duplicative of the regulations in Article 7.

Ordinance No. 2018-12**AN ORDINANCE TO REPLACE THE SIGN ORDINANCE
IN ARTICLE 17 OF CHAPTER 16 OF THE BLOWING ROCK LAND USE CODE**

WHEREAS, a 2015 US Supreme Court decision in Reed vs Town of Gilbert established new case law requiring that sign ordinances be content neutral; and

WHEREAS, a great majority of sign ordinances across the United States are inconsistent with the Reed decision and local governments are trying to amend ordinances to be balanced and in line with the US Constitution protection of free speech, Supreme Court case law, and a community's desire to reduce sign clutter and regulate style, size and placement of signs; and

WHEREAS, the Planning Board zoning subcommittee and Benchmark Planning Consultants developed a draft sign ordinance for review by the full Planning Board; and

WHEREAS, the Planning Board reviewed and recommended approval the draft sign ordinance for consideration by Town Council; and

WHEREAS, the Planning Board and Board of Commissioners agree this ordinance to revise and replace the current sign ordinance is consistent with the 2014 Comprehensive Plan Update and consistent with US Supreme Court case law.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Article 17 of the Land Use Code of the Town of Blowing Rock is hereby replaced in its entirety to read as set forth herein.

“Article 17 - Signs

Section 16-17.1 Purpose. The purpose of this Article 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 Town Council finds that Blowing Rock is an historic mountain-resort community that has traditionally depended 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 with a high-quality, resort environment. In order to preserve the quality, character, and economic vitality of the community, these sign regulations are intended to:

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

- b) 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 Blowing Rock'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.
- c) Enhance the identification of public and private buildings and the effectiveness of visual communication by controlling the number, location, size, appearance, and illumination of signs.
- d) Allow signs that are appropriate for the zoning district in which they are located and are consistent with the category of use to which they pertain.
- e) Permit signs that are compatible with their surroundings and that are consistent with the scenic beauty and aesthetic quality of the community.
- f) Improve pedestrian and traffic safety through the proper placement of signs.
- g) Protect the public from the dangers of unsafe signs, and require that signs be constructed, installed, and maintained in a safe and satisfactory manner.
- h) 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.

Section 16-17.2 Applicability. No sign shall be erected, constructed, placed, painted, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town of Blowing Rock, including its Extra Territorial Jurisdiction (ETJ), except in conformance with the standards, procedures, and other requirements of this Article.

Section 16-17.3 Certain Historic Signs Excluded From Regulation. Because of their historical significance, the signs listed below are excluded from the regulations of this Article, other than safety and maintenance regulations. Such signs may be replaced; provided that each replacement sign is similar in size, materials, and appearance to the specific sign that is in place on the original date of its inclusion on the list of signs excluded from regulation.

- a) The historic sign providing direction to the Blowing Rock Attraction located along U.S. Highway 321 across from the Green Park Inn.

Section 16-17.4 Prohibited Signs. The following signs listed shall be prohibited:

16-17.4.1 Any sign that, by reason of size, location, shape, reflectivity, or manner of illumination, constitutes a traffic hazard or is otherwise detrimental to public safety.

16-17.4.2 Any sign that substantially interferes with the view necessary for motorists, pedestrians, or bicyclists to proceed safely through intersections, or to enter onto or exit from public streets, sidewalks, trails, private roads, or driveways.

16-17.4.3 Any sign that obstructs an official traffic sign, signal, or device.

16-17.4.4 Any sign that, because of its design, color, shape, size, or location, could cause it to be confused with official traffic signs or other public safety or warning signs erected by governmental agencies.

16-17.4.5 Any sign that revolves, or is animated, or that utilizes movement or apparent movement to attract the attention of the public. This prohibition shall include, but not be limited to, propellers, discs, banners, pennants, streamers, animated display boards, and flags, unless otherwise specifically permitted by this Ordinance.

16-17.4.6 Any sign with lights that flash, move, rotate, or flicker.

16-17.4.7 Any sign that is placed on or affixed to a registered motor vehicle or trailer that is parked in the public right-of-way, on public property, or on private property so as to be visible from the public right-of-way, where the purpose of the display is to attract the attention of the public. This prohibition shall not apply to a sign on a registered motor vehicle or trailer that is regularly and customarily used for transportation in the normal day-to-day operations of the entity to which it is registered.

16-17.4.8 Any sign that is located within a public right-of-way, except publicly-owned or publicly-authorized signs (for example, required traffic control signs and street name signs); or any sign (other than a publicly-owned or publicly-authorized sign) that is attached, affixed, or painted on any utility pole, light standard, tree, rock, or other natural feature. This prohibition shall not apply to subdivision identification signs that are authorized to be placed in the landscaped median of a public or private street.

16-17.4.9 Any sign that is portable or not securely attached to a structure or to the ground, including A-frame, sandwich board, sidewalk, or curb signs. This prohibition shall not apply to signs erected or placed by the Town of Blowing Rock, or to such signs authorized by Town Council for a Special Event.

16-17.4.10 Any inflatable signs or balloons.

16-17.4.11 Any sign displayed upon the roof, or extending above the roof line, of a building.

16-17.4.12 Any painted sign on a building wall or roof, with the exception of murals approved by the BRAAC and the Town Council.

16-17.4.13 Any illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, edges of walls, trees, or other landscaping. This prohibition shall not apply during the period beginning each year on November 15 and extending through the following January 15, nor shall it apply to decorative string white lighting during the period of January 15 through March 31 each year.

16-17.4.14 Any sign that exhibits statements, words, or pictures of an indecent, obscene, or pornographic nature.

16-17.4.15 Any sign that obstructs or interferes with access to a window, door, sidewalk, or fire escape.

16-17.4.16 Any searchlight or beacon.

16-17.4.17 Any sign or sign structure that is structurally unsafe.

16-17.4.18 Any sign that incorporates a television screen, a computer screen, electronic images, or electronic characters. This prohibition shall not apply to public information signs erected or placed by the Town of Blowing Rock.

16-17.4.19 Any permanent sign constructed or installed on a parcel of land which does not also contain a permanent occupiable structure.

Section 16-17.5 General Sign Regulations. All signs shall comply with the following:

16-17.5.1 Electrical Wiring. All wiring to electric signs or free-standing equipment that lights a sign shall be installed underground.

16-17.5.2 Applicable Building and Technical Codes. All signs shall comply with applicable provisions of the North Carolina State Building Code and all other applicable sections of the Blowing Rock Town Code.

16-17.5.3 Structural Stability. Each sign shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Each sign shall meet the standards for wind loads for the Blowing Rock area as contained in the North Carolina State Building Code.

16-17.5.4 Maintenance of Signs. All signs and all components thereof, including but not limited to supports, braces, and anchors, shall be kept in a state of good repair. To ensure

that signs are erected and maintained in a safe and attractive condition, the following maintenance requirements shall apply to all signs:

- a) A sign shall have no more than 10 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period more than 15 consecutive days.
- b) A sign shall not have bent or broken sign faces, bent or broken supports, loose appendages or struts for a period of more than 15 consecutive days.
- c) Freestanding signs shall not tilt more than 10 degrees from a 90 degree vertical position for a period of more than 15 consecutive days.
- d) A sign shall not have weeds, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than 15 consecutive days.
- e) An illuminated sign shall not have only partial illumination for a period of more than 15 consecutive days.

16-17.5.5 Sign Base Landscaping Requirements. Where the provisions of this Article require that a landscaped area be provided at the base of a sign, the following standards shall apply:

- a) At the time of installation, a minimum of 50% of the surface area of the landscaped bed shall be covered with live vegetation. The remaining 50% may consist of mulch, rock, or other natural landscaping materials
- b) Where shrubberies are utilized, at least 50% of the planted shrubs shall be evergreen varieties.

16-17.5.6 Maintenance of Sign Base Landscaping. Sign base landscaping areas shall be maintained in good condition at all times. The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all plantings and physical features. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced.

16-17.5.7 Unlawful Cutting of Trees or Shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation or the Zoning Administrator.
- b) In any area where such trees or shrubs are required to remain under the provisions of the Town Code or a permit issued under this ordinance.

16-17.5.8 Sign Materials, Colors, and Message. Materials, colors, and shapes of proposed signs and sign structures shall be compatible with the related buildings. All signs shall be of sandblasted, routed, or carved wood, individual wood letters, or of high-density sign foam that have the appearance of sandblasted or carved wood and individual letters; stained or colored glass; gold leaf; bronze; or masonry; unless otherwise provided by this section. The minimum amount of relief on sandblasted, routed, or carved signs shall be one-quarter (1/4) inch. Sign structures and supports may be of stucco, natural and painted wood, brick, stone, or other materials with similar texture and appearance that are considered appropriate to the mountain resort character. Colors of paints, stains, and other finishes or materials shall be nature-blending, with no more than four colors, including black and white, used on any sign. Fluorescent colors are prohibited. Signs shall respect the overall architectural composition of the building and its scale, and not overwhelm the facade. Signs shall not cover up or interrupt major architectural features of a building.

Section 16-17.6 Approval Procedures. Except as otherwise provided in this Article, no sign shall be erected, constructed, placed, painted, displayed, enlarged, moved, illuminated, or substantially altered prior to the issuance of a permit authorizing such activity.

16-17.6.1 Applications for sign permits and master sign plans shall be submitted to the Administrator on the designated form. At a minimum, the application shall include the following information:

- a) Name, address, and telephone number of the applicant.
- b) Street address, parcel identification number and / or legal description of the premises or property upon which the sign is to be located.
- c) Two blueprints or drawings of the sign plans with color designation, dimensions, materials, letter style, type of illumination, and method of construction. Master sign plans may require additional information.
- d) For a ground sign or column sign, a scaled drawing or survey showing property lines, existing and proposed site improvements, the proposed sign location, and landscaping.

- e) For a wall, awning, window, or projecting sign, a scaled drawing showing the entire facade, the proposed sign location, and any existing signs on the building.
- f) Name of the person, firm, or corporation that will be constructing and/or erecting the sign.
- g) Written consent of the owner of the building, structure, or land upon which the sign is to be erected.
- h) When required, the application requesting an electrical permit for the proposed sign must be attached to the sign application.
- i) Such other supporting information that the Administrator may require to verify full compliance with all applicable provisions of this Article.

16-17.6.2 Each application for a sign permit or for approval of a master sign plan shall be accompanied by the applicable fees, as shall be established by the Town Council.

16-17.6.3 In the case of a lot occupied or intended to be occupied by multiple tenants (for example a shopping center), sign permits shall be issued in the name of the property owner or his agent rather than in the name of the tenant requesting a particular sign.

16-17.6.4 The Administrator may authorize and approve the display of a temporary sign when there is a legitimate delay, beyond the applicant's control, in the construction or preparation of a permanent sign for a business or property. The temporary sign may only be displayed for a period of 90 days, or until the new sign is erected, whichever is less. Temporary signs approved pursuant to this Section shall meet the size and height standards for the permanent signs they are substituting for, and shall be composed of rigid material, other than corrugated metal or other low quality material.

Section 16-17.7 Master Sign Plan. The intent of the Master Sign Plan is to promote a cohesive and consistent aesthetic theme for signage within multi-family and townhouse developments, planned unit developments, and multi-occupant nonresidential developments.

16-17.7.1 Master Sign Plan Contents. The following shall be contained in each Master Sign Plan application:

- a) Type and location of each sign
- b) Permitted sign materials
- c) Permitted dimensions / area of each sign
- d) Permitted sign shapes

- e) Permitted font styles for lettering
- f) Permitted mounting method for wall and projecting signs (including bracket style)
- g) Permitted sign colors (not to exceed three different colors, which must be chosen from the Town's approved color chart)

16-17.7.2 Effect of Master Sign Plan Approval. Following the approval of a Master Sign Plan, no sign shall be erected, placed, painted, or maintained on the subject property, except in conformance with such plan. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved plan. The provisions of the plan may be enforced in the same way as any other provision of this Article. In case of any conflict between the provisions of such a plan and any other provision of this Article, the more restrictive provision shall apply.

16-17.7.3 Amendments to Master Sign Plans. Following the initial approval of a Master Sign Plan, it may be amended only upon the application of all parties with ownership interest in the property covered by the plan. If an amendment is secured which affects the permitted style, materials, or colors of signs, then all signage shall be updated to meet the new standard within 180 days of the approval of the amended plan, as applicable to each sign.

Section 16-17.8 Computation of Sign Area. 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.

16-17.8.1 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.

16-17.8.2 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.

Section 16-17.9 Computation of Sign Height. 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.

Section 16-17.10 Signs Permitted in All Zoning Districts. The following signs are allowed in all zoning districts, subject to the standards outlined in this section and elsewhere in this Article, and do not require a permit, unless otherwise provided.

16-17.10.1 Required Regulatory Signs. All signs required to be displayed pursuant to a law, rule, regulation, or other mandate carrying the force of law, enacted by a governmental entity having jurisdiction within the Town or its ETJ, shall be permitted to be displayed in the location and manner prescribed in the applicable law, rule, or regulation.

16-17.10.2 Town Government Signs. Official signs erected by the Town of Blowing Rock, including, but not limited to, legal notices, traffic signs, directional signs, informational signs, and regulatory signs.

16-17.10.3 Utility Regulatory Signs. Official signs erected by public or private utilities to comply with regulatory standards and requirements for identifying the location of utility lines or providing public warning, provided such signs are located upon property owned or occupied by the utility, including within easements.

16-17.10.4 Parking Lot Entrance Signs. One (1) sign may be posted within five (5) feet of each outer edge of a driveway leading to a public or private parking area containing ten (10) or more delineated off-street parking spaces. Such signs shall not exceed four (4) square feet in area and three (3) feet in height. Such signs shall be of the same style, design, color, and materials as other permanent signs on the property.

16-17.10.5 Incidental Motor Vehicle Signs. Signs painted on or otherwise attached to registered motor vehicles that are regularly and actively used for transportation by the entity to which they are registered are permitted, provided that such vehicles shall not be parked on public or private property for the purpose of displaying the attached signage in circumvention of the standards of this Article.

16-17.10.6 Temporary Freestanding Signs. The following regulations shall apply to Freestanding Temporary Signs:

- a) The display of one (1) Temporary Freestanding Sign, not to exceed four (4) square feet in area and five (5) feet in height, shall be permitted per street frontage upon each parcel of land within the Town and its ETJ.

- b) One (1) additional Temporary Freestanding Sign shall be permitted to be displayed per street frontage on parcels larger than five (5) acres in size, where the street frontage exceeds 400 feet in length.
- c) The permitted period of display of a Temporary Freestanding Sign is unlimited; however, such signs shall be subject to the maintenance requirements of this Article.
- d) The limit on the number of permitted Temporary Freestanding Signs shall be periodically modified in accordance with the following: Beginning on the 30th day prior to the beginning of early voting for any scheduled primary or election occurring within the territorial jurisdiction of this Ordinance, as established by the North Carolina Board of Elections, and ending the 10th day following the primary or election, the limit on the number of Temporary Freestanding Signs that may be displayed per parcel is increased to five (5) per street frontage. All other regulations associated with such signage shall remain in effect during such period of suspension. Following the end of such period of suspension of this regulation, the limit on the number of permitted Temporary Freestanding Signs shall be in force until the following period of suspension.
- e) In the General Business District, the maximum permitted size of Temporary Freestanding Signs is 16 square feet and eight (8) feet in height, subject to the following limitations:
 - i. The larger sign area and height shall only be permitted on parcels which do not contain any other temporary or permanent freestanding signs.
 - ii. The periodic modification of the limit on the number of signs provided for in d), above, does not apply to any sign exceeding six (6) square feet.

16-17.10.7 Development Activity Signs. One (1) sign, not exceeding 32 square feet in area and eight (8) feet in height, may be erected upon a site following the issuance of a building permit. Any sign erected pursuant to this provision shall be removed not later than 10 days following the issuance of the final occupancy permit for the site.

16-17.10.8 Seasonal Outdoor Lighting Displays. Strings of lights may be used for outline lighting or tree decoration during the period from November 15 through the following January 15. Strings of decorative white lights are permitted from January 15 through March 31.

16-17.10.9 Permanent Flag Displays. Up to three (3) flags may be displayed simultaneously upon each parcel of land. The total area of all flags displayed on a single parcel shall not exceed 100 square feet, and no single flag shall exceed 60 square feet in

area. The maximum permitted pole height is 30 feet above grade for freestanding poles, and 15' above grade for a pole attached to a building.

16-17.10.10 **Special Event Signs.** One (1) sign, not exceeding 16 square feet in area and six (6) feet in height, may be erected on each street frontage of a lot or site that has been approved for a Special Event by the Town Council. Such signage may be displayed beginning two (2) weeks prior to the date of the Special Event specified in the permit, and shall be removed within three (3) days following the expiration of the permit.

16-17.10.11 **Public, Civic and Non-Profit Banner Displays.** Public, civic, and non-profit entities may display one (1) banner per street frontage upon property owned or leased by the entity for a period of up to 14 days, with a minimum of 30 days between the conclusion of one display and the beginning of a subsequent display. Banners displayed pursuant to this regulation shall not exceed 32 square feet in area.

16-17.10.12 **Interior Site Signs.** Signs which are not visible from public streets or adjacent properties are permitted.

16-17.10.13 **Interior Building Signs.** Any sign located inside of an occupiable portion of a building is permitted. This provision does not apply to Window Signs, as regulated in this Article.

16-17.10.14 **Supplemental Civic Signs.** In addition to any other sign(s) permitted by this Ordinance, a permanent ground or column sign may be erected on property occupied by a school, recreation facility, government facility, civic organization, or religious institution, provided that such sign is located at least 10 feet from a public right-of-way. Such signs shall not exceed 16 square feet in area, and shall meet all other general requirements of this Article. Signs permitted under this provision shall be removed if the property ceases to be used by a qualified entity, as specified above. A sign permit shall be required prior to the erection of such sign.

16-17.10.15 **Commercial Occupancy Banner Displays.** One (1) banner may be displayed upon the wall of any building upon its initial occupation or re-occupation by a commercial enterprise. Such banner may be displayed for a period not to exceed 14 consecutive days, beginning up to 10 days prior to the day that it is initially open to the public for business. This provision shall also apply to the re-opening of any commercial enterprise which relocates within the Town, or which re-opens in the same location following a renovation with permitted construction costs in excess of \$50,000. Banners shall not exceed 16 square feet in area. Banners are limited to no more than three (3) colors, which must be consistent with the Town's approved color chart. All banners shall be securely fastened to the wall upon which they are displayed to prevent waving or flapping in windy conditions.

16-17.10.16 Commercial Anniversary Banner Displays. One (1) banner may be displayed upon the wall of any building occupied by a commercial enterprise which has been in continuous operation within the Town for a period of five (5) years, and again upon achieving each subsequent 5 year anniversary. Such banners may be displayed for a period of 14 consecutive days within the 12 month period in which it attains the anniversary. Banners shall not exceed 16 square feet in area. Banners are limited to no more than three (3) colors, which must be consistent with the Town's approved color chart. All banners shall be securely fastened to the wall upon which they are displayed to prevent waving or flapping in windy conditions.

16-17.10.17 General Incidental Signs. Incidental signs smaller than one (1) square foot in area shall be permitted in all districts, provided such signs are not displayed in a manner that is purposefully intended to circumvent the sign display standards of this Article.

Section 16-17.11 Signs Permitted in Residential Districts. In addition to the signs allowed in all zoning districts (Section 16-17.6), the following signs shall be allowed in all residential zoning districts, subject to the standards set forth in this section and other applicable provisions of this Article:

16-17.11.1 Residential Development Entrance Signs. A ground sign may be located on one or both sides of each primary entrance into a single family subdivision or multi-family development. A single side of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs exceed 32 square feet (per primary entrance). The sign(s) shall be part of a decorative wood, brick, stone, or masonry wall of similar design compatible with the character of the subdivision or development. Each sign shall have a minimum of 50 square feet of landscaped area at the base of the sign. Any such sign shall be located at least 10 feet from any street right-of-way, and may not exceed six (6) feet in height. Changeable copy is prohibited. Signs of this type shall require a permit.

Alternatively, a single ground sign may be located within the right-of-way of a primary entrance into the residential development, provided that the primary entrance is divided by a median that is a minimum of 50 feet long and 10 feet wide. The sign shall not exceed 16 square feet in surface area. The sign shall be part of a decorative wood, brick, stone, or masonry wall of similar design compatible with the character of the subdivision or development. Each sign shall have a minimum of 50 square feet of landscaped area at the base of the sign. Any such sign that is located within the median shall be setback at least 10 feet from the intersecting right-of-way line when projected across the entrance to the development, and may not exceed six (6) feet in height. Changeable copy is prohibited. Signs of this type shall require a permit, and an encroachment agreement when located within a public right-of-way.

In either alternative, the subdivision covenants shall provide that any subdivision sign and landscaping shall be perpetually maintained by the property owners within the subdivision.

Section 16-17.12 Signs Permitted in the Non-Residential Zoning Districts. The requirements and standards of this Section shall apply to signs within all non-residential zoning districts. In addition to the signs allowed in all zoning districts, the following signs shall be allowed in the non-residential zoning districts, subject to the standards set forth in this Section and other applicable provisions of this Article.

Sign Options. Each property within a non-residential zoning district that is developed and occupied by a non-residential use shall be permitted to display one (1) of the following types of signs. When located on a corner lot, one sign may be displayed from options a) and b), and one sign may be displayed from options c) and d) on the same street frontage, provided that no signs are displayed on any other street frontage.

- a) Ground-Mounted Sign
- b) Column Sign
- c) Wall Sign
- d) Awning Sign

Buildings displaying an awning sign or wall sign shall also be permitted to display a projecting sign, and each building or ground floor tenant space within a multi-tenant building shall be permitted to display a window sign, subject to the regulations contained herein.

16-17.12.2.1 Ground-mounted Sign.

- a) **Number Permitted.** Limited to one (1) sign per public street frontage, excluding alleys.
- b) **Dimensional Standards.** The height of the ground-mounted sign shall not exceed six feet and the height of its structure or support shall not exceed eight feet; the length of the sign shall not exceed 10 feet; and the sign area shall not exceed 35 square feet. In the General Business District, where a lot has frontage on a road with a speed limit greater than 35 miles per hour, the sign area of ground-mounted signs may be increased from 35 to 45 square feet.
- c) **Sign Base Standard.** The sign shall be attached to a structural base or planter box that is at least two feet high. A structural base shall be at least two feet

longer than the dimensions of the sign; and a planter box shall be at least two feet wider and two feet longer than the dimensions of the sign.

- d) **Number of Sides.** Maximum of two sides per sign.
- e) **Permitted Location.** A ground-mounted sign shall be placed no closer to a street curb or edge of pavement than 10 feet or 50% of the building setback, whichever is less; provided that, in any event, the sign shall not be placed within the public right-of-way or obstruct a sidewalk or public walkway.
- f) **Landscaping Required.** At least 30 square feet of landscaped area shall be located at the base of each ground-mounted sign.

16-17.12.2.2 Column Sign.

- a) **Number Permitted.** Limited to one (1) sign per public street frontage, excluding alleys.
- b) **Dimensional Standards.** Within the Central Business District, no portion of the sign shall exceed eight feet in height and its structure or support shall not exceed 10 feet in height. Within the other non-residential zoning districts, no portion of the sign shall exceed 10 feet in height and its structure or support shall not exceed 12 feet in height. The sign area of the column sign shall not exceed 45 square feet. In the General Business District, where a lot has frontage on a road with a speed limit greater than 35 miles per hour, the sign area of column signs may be increased from 45 to 60 square feet.
- c) **Sign Base Standard.** The sign shall be attached to a structural base or planter box that is at least two feet high. The base or planter box shall be at least two feet wider and two feet longer than the dimensions of the sign.
- d) **Permitted Location.** A column sign shall be placed no closer to a street curb or edge of pavement than 10 feet or 50% of the building setback, whichever is less; provided that, in any event, the sign shall not be placed within the public right-of-way or obstruct a sidewalk or public walkway. At least 30 square feet of landscaped area shall be located at the base of each column sign.
- e) **Topographic Height Allowance.** With respect to column signs in the General Business District, where the average ground elevation of the proposed sign location is below the road edge elevation of HWY 321 or 321-Bypass, the overall height of the sign may be increased to an elevation up to, and not to exceed, 10 feet above the road edge. In no case, however, may a sign be taller

than 20 feet above the average ground elevation, nor shall the height of a sign structure exceed 22 feet above the average ground elevation. 50 percent of the sign height must be screened by landscaping when the sign is built according to the standards listed above.

16-17.12.2.3 Wall Sign.

- a) **Number Permitted.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements.
- b) **Permitted Area.** The sign area shall be limited to one square foot of sign area per linear foot of the tenant's contiguous exterior wall in the non-residential zoning districts. The sign surface area oriented toward a specific street shall not exceed the allocation derived from the building frontage on that street. The size of any attached wall sign shall not exceed 60 square feet. If a building does not front on a street, the sign area for the building shall be determined by the Administrator as if the building had street frontage.
- c) **Permitted Depth.** The sign shall not extend more than six inches from the building.
- d) **Permitted Location.** No portion of the sign shall extend above the parapet or eave line. A wall sign may be attached to an overhanging eave, but the sign must be at least seven feet above the surface of any pedestrian walkway underneath the sign.
- e) **Encroachment Permit Required.** No sign or supporting structure may be located over the traveled portion of any right-of-way, sidewalk, or public walkway without an encroachment permit.

16-17.12.2.4 Awning Sign.

- a) **Number Permitted.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements.
- b) **Display Area.** The sign message may be displayed only on the drop flap of the awning. Letters and graphics shall not exceed nine (9) inches in height. No

portion of the sign message may be displayed on the “main sheet” of the awning.

- c) **Permitted Location.** The framing for the awning must be at least eight (8) feet above the ground or sidewalk and the skirt on the bottom of the awning must be at least seven (7) feet above the ground or sidewalk.

16-17.12.2.5 Window Sign.

- a) **Number Permitted.** One (1) window sign, applied directly to the surface of the window glass, shall be allowed per building or per individual ground floor tenant space in multi-tenant buildings.
- b) **Permitted Area.** Window signs shall not exceed 12 square feet nor fill up more than 20% of the window area, whichever is less.
- c) **Color.** Lettering and graphics may only be black, gold, or white.
- d) **Location.** Window signs are only permitted on ground floor storefront windows.
- e) **Temporary Window Signs Permitted.** In addition to the above, temporary window signs, constructed of paper, cloth, or similar material, are permitted. Such a sign shall be attached to the interior of a building window. The sign(s) may not cover more than 25% of the window in which they are placed. Signs must be removed within 15 days after placement. Temporary window signs are only permitted in ground floor windows.

16-17.12.2.6 Projecting Sign.

- a) **Number Permitted.** Limited to one sign per business. However, where the business has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements.
- b) **Permitted Area.** The sign area shall be limited to four (4) square feet per side. The sign may not project more than four feet from the building.
- c) No portion of the sign shall extend more than ten (10) feet above ground level or extend above the parapet or eave line. The bottom of the sign must be at least seven (7) feet above the ground or sidewalk.

16-17.12.2.7 Multiple Occupancy Buildings/Shopping Centers.

a) **Freestanding Sign Standard.** Where a lot or unified development contains a building with multiple tenants or a shopping center, a maximum of one (1) ground sign or column sign may be permitted at each principal point of access to the development from a collector street (limited to one (1) such sign per collector street). No other freestanding sign shall be permitted within the development, except as specifically provided, herein. The following size limitations apply to ground-mounted and column signs for multiple occupancy buildings and shopping centers:

Classification	CB Zoning District	GB Zoning District	OI Zoning District	HMC Zoning District
Multiple Occupancy Building	45 square feet	45 square feet	45 square feet	45 square feet
Shopping Center	45 square feet	70 square feet		

Ground-mounted signs and column signs shall meet all other generally applicable requirements for the particular sign type.

- b) **Master Sign Plan.** Each tenant's individual signage shall comply with the master sign plan for the development.
- c) **Additional Signage Permitted.** The Master Sign Plan may allow for one (1) identifying sign for each upper story occupant or street level occupant that has no street frontage. That sign may be attached to the building at the point of access (either a wall sign or a projecting sign), or may be a freestanding sign if a sign attached at the point of building access would not be visible to the public. The maximum area of each tenant sign shall be limited to three (3) square feet for an attached sign and four (4) square feet for a freestanding sign. There shall not be more than one (1) additional freestanding sign per lot. Supplemental freestanding signs shall meet all other applicable requirements for ground or column signs.
- d) **Canopy Sign Standards.** Each shopping center that has a canopy shall be permitted to have identification signs located under the canopy, as specified in the Master Sign Plan. Such signs shall have a maximum sign area of four (4) square feet.

16-17.12.2.8 Automotive Fuel Sales Supplementary Signage.

- a) **Message Board Sign Accommodations.** Freestanding or wall-mounted signs located on the premises of a commercial establishment that retails automotive fuels are permitted an additional 10 square feet of sign area to accommodate a changeable message board. If a changeable message board is not included on the sign, it may not exceed the area permitted for all other signs of the specific type permitted in the district.
- b) **Canopy Signs Prohibited.** No signage may be displayed on any canopy that is erected for the purpose of providing cover for the pump islands.
- c) **Supplementary Wall Signage.** If the establishment includes a service station building, a convenience store, or other retail store, a wall sign may be erected on the building or store. The wall sign shall be governed by the applicable provisions herein.

16-17.12.2.9 Information/Message Board Signs.

- a) **Cultural Facilities Signage** A theater, auditorium, museum, or similar facility, whose primary function is to provide musical, cultural, dramatic, or motion-picture performances, may add a message board to its ground, column, or wall sign. The ground, column, or wall sign otherwise permitted for the business or property may be increased by 20 square feet for the purpose of displaying the message board information. Any message board area shall have colors and materials that are similar to the sign itself. The changeable letters shall be securely fastened to the sign face and shall be neatly maintained.
- b) **Real Estate and Restaurant Supplemental Signage** In addition to signs otherwise permitted, restaurants and real estate agencies may have message boards to display information to the public. Restaurants may have a flush-mounted, attached, wall sign, no larger than three (3) square feet. Real estate agencies may have up to two (2) flush-mounted, attached, wall signs, no larger than six (6) square feet each, or one (1) freestanding sign not exceeding 12 square feet. The freestanding sign may be two-sided. Additional design criteria can be found in Appendix G.

16-17.12.2.10 Menu Boards. One ground-mounted menu board per site shall be permitted for drive-through windows at fast-food restaurants. Menu board signs shall be single sided, and the display area of the sign shall not be visible from a public right-of-way. The area of the sign shall not exceed 15 square feet, and that area shall be in addition to the allowable sign area for the building or premises. This sign may have a plastic face and be internally illuminated.

16-17.12.2.11 Automated Teller Machine Signage. Automated teller machines can be identified by one sign not to exceed six (6) square feet in area, which must be installed at the specific location of the ATM and shall be wall-mounted or on the ATM device. Such sign shall be in addition to the allowable sign area for the business. This sign may have a plastic face and be internally illuminated.

16-17.12.2.12 Sign Illumination. Unless otherwise provided, any of the signs authorized by this section to be erected within a non-residential zoning district may be illuminated. With the exception of signs for restaurant menu boards and ATM machines as provided above, any sign, if illuminated, shall have external illumination. Permitted external illumination shall include "halo" type illumination to outline individual raised sign elements (letters / graphics) from behind. Any other type of illumination shall not be permitted. Additional standards for sign illumination are set forth below:

- a) **Direction and Shielding.** Lighting directed toward a sign shall be designed and shielded so that it illuminates only the face of the sign and does not shine into any alley or road right-of-way or adjacent properties. The sign base and landscaping shall be designed to shield the light source so that it is not visible from any right-of-way or adjacent properties. The intensity of the light shall not exceed 20 foot-candles at any point on the sign face.
- b) **Steady Light Source Required.** The illumination shall provide a continuous, steady white light source. No illumination shall involve movement or cause the illusion of movement, except barber poles and signs containing time and temperature readings.
- c) **Residential Protection.** No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., except actual hours that the business is open for operation. This restriction shall not apply where the impact of such lighting beyond the boundaries of the property on which it is located is inconsequential.
- d) **Internal Illumination Restrictions.** Internally illuminated signs may not be illuminated during hours that the business is closed. This restriction shall not apply to vending machines, or other similar devices; nor shall the restriction apply to signs less than two (2) square feet.

Section 16-17.13 Church, School, Hospital, or Public Facility Signs. A ground, column, wall, or awning sign will be permitted for a church, school, community building, hospital, or other public building or facility, provided that the sign satisfies the applicable provisions for such signs. Such facilities shall be limited to one (1) sign per abutting street frontage. Window signs shall also be permitted in accordance with the general provisions for such signs.

16-17.13.1 Supplemental Message Board Signage. Each church, school, community building, hospital, or other public building or facility is authorized to erect a message board. The message board may be incorporated into the ground, column, or wall sign authorized in this Section; in which case the ground, column, or wall sign may be increased by 20 square feet for the purpose of displaying the message board information. Alternatively, the message board may be erected as a separate ground, column, or wall sign provided that the sign satisfies the applicable provisions for the specific type of sign, and does not exceed 20 square feet of sign area. The message board, if any, shall have colors and materials that are similar to the primary sign for the property; and the colors and materials shall comply with Section 16-17.12.1. Any changeable letters shall be securely fastened to the sign face and shall be neatly maintained. The message board must be covered with tempered glass.

16-17.13.2 Supplemental Building Entrance Signage. Each church, school, community building, hospital, or other public building or facility may erect a sign at each entrance into the building. The sign shall consist of individual letters and/or graphics not exceeding nine (9) inches in height, although an emergency room entrance may be identified by individual letters and/or graphics of up to 12 inches in height.

16-17.13.3 Illumination. The signs permitted by this Section may be externally illuminated, and shall comply with the general illumination standards.

16-17.13.4 Master Sign Plan Required. Where multiple buildings are arranged in a campus setting, a Master Sign Plan shall be required for all of the buildings on the campus.

16-17.13.5 Visitors Center. For the purposes of this section, the Visitors Center operated by the Chamber of Commerce shall be considered a public facility.”

Section 2. Section 16-8.8 of the Land Use Code of the Town of Blowing Rock is hereby moved from the sign ordinance to Article 8 and will read as set forth herein.

“**Section 16-8.8 Nonconforming Signs.** 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 16-8.9. Where the term “message” is used herein, it shall not apply to the changeable copy on the message board portion of any sign.

16-8.8.1 Existing signs that do not conform to the provisions of this Article shall not be enlarged, extended, reconstructed, structurally altered, redesigned, replaced, or modified in any way, nor may illumination be added to any nonconforming sign.

16-8.8.2 A nonconforming sign may be continued so long as it is kept in good repair and maintained in safe condition.

16-8.8.3 A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article.

16-8.8.4 The sign face or display area of a nonconforming sign, other than a billboard, may not be changed unless the sign is brought into compliance with the provisions of this Article. The sign face or display area of a nonconforming billboard may be changed, subject to the other provisions of this Article.

16-8.8.5 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 Article, 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.

16-8.8.6 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."

Section 3. A new definition for temporary sign will be added to Article 2 - Definitions and will read as set forth herein.

"Sign, Temporary: A Temporary Sign shall be defined as one which is designed and installed in a manner that makes it easily removable from its location of installation."

Section 4. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the ____ day of _____, 2018.

TOWN OF BLOWING ROCK

Charlie Sellers, Mayor

ATTEST:

Hilari H. Hubner, Town Clerk