

# ARTICLE 26 SIGNS

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## 26.01 General Regulation of Signs

- 26.01.01 Location Requirements:** No signs shall be located in or overhang any right-of-way, including alleys and sidewalks, except for government signs. All signs shall be set back a minimum of one (1) foot from the right of way in all zoning districts except the “B1” Central Business District.
- 26.01.02 Vision Obstructions:** No signs shall create any vision obstructions onto a public right of way, alley, sidewalk, adjacent drive or private drive entering onto a street. Signs or floodlights erected or placed in such a manner as to cause glare that impairs driver vision on a roadway or causes a nuisance to adjacent property as defined in N.C. Gen. Stat. § 136-32.2 are also prohibited.
- 26.01.03 Landscaping Requirements:** Freestanding signs must be placed in a landscaped area which is at least three feet (3’) in width and at least the length of the greatest dimension of the sign. Curbing, railroad ties, bricks, fencing and/or other suitable vehicular barrier shall enclose the landscaped area.
- 26.01.04 Construction Signs:** Signs may be two-sided, non-illuminated and shall not exceed thirty-two square feet (32 ft<sup>2</sup>) and may be placed on premise. They shall be removed no later than seven (7) days after completion of the project.

- 26.01.05 Attached Sign Limitations:** Attached signs shall not project higher than the building soffit or eave height and shall not extend beyond the edge of any wall or other surface to which they are mounted (this does not refer to projecting signs).
- 26.01.06 Copy Area:** The area of a sign shall be measured according to the following rules as applicable:
- A.** In the case of freestanding, projecting, canopy or marquee signs, area consists of the entire surface area on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign area unless such structure or bracing is made part of the signs message. Where a sign has two (2) display faces back to back, the area of only one face shall be considered as the sign area. When a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign area. All signs are limited to two (2) faces.
  - B.** In the case of a sign (other than freestanding, projecting, canopy or marquee) whose message is fabricated together with the background which borders or frames the message, sign area shall be the total area of the entire background.
  - C.** In the case of a sign (other than freestanding, projecting, canopy or marquee) whose message is applied to a background which provides no border or frame, sign area shall be computed by continuous rectilinear lines, or a circle or an ellipse enclosing the extreme limits of the letters, writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed.
- 26.01.07 Freestanding Signs:** All freestanding signs shall follow the following criteria:
- A.** No freestanding sign shall be placed less than forty feet (40') from another freestanding sign.
  - B.** Freestanding signs shall be located on the same lot as the business being advertised.
  - C.** All freestanding signs, support structures and required landscaping areas shall be at least one foot (1') from any right-of-way or easement.
- 26.01.08 Lighting:** Interior lighting for signs, where permitted, shall not exceed eleven (11) watts per bulb (the standard industry size). In the case of the use of exterior lighting by floodlights, such lights must comply with N.C. Gen. Stat. § 136-32.2.
- 26.01.09 Changeable Copy:** Signs in the B2, B3 zones and projecting theater marquees in the B1 zones may contain changeable copy; however, in no case shall the changeable copy portion of the sign exceed fifty percent (50%) of the total sign area. Copy which changes through mechanical, digital, electronic, or manual means may change or alternate no more than once every sixty (60) minutes.

**26.01.10 Awning, Canopy, Projecting and Suspended Signs:** Awning, canopy projecting and suspended signs may be no less than eight feet (8') at their lowest point above any sidewalk.

**26.01.11** All signs must be placed in accordance with Section 98 of the Boone Town Code.

**26.02 Signs Which Do Not Require a Permit**

**26.02.01** No zoning permit is necessary for these signs, provided they are not prohibited in this Article and provided that they comply with the conditions described herein.

- A. Informational signs displayed for the direction or convenience of the public. Such signs shall not exceed four square feet (4 ft<sup>2</sup>) in area and may be illuminated.
- B. Directional signs are permitted provided that they do not exceed four square feet (4 ft<sup>2</sup>) in area and three feet (3') in height.
- C. Gasoline pump signs that are non-illuminated giving information such as self-service instructions, price, type of fuel, etc., shall be permitted on gasoline pumps. These may contain the trade name or emblem, but they shall not exceed beyond the side of the gasoline pump and not more than one foot (1') above it. In addition, establishments that sell gasoline shall be allowed one (1) price sign (or two (2)) if the station is located on corner property which displays price only, and does not exceed four square feet (4 ft<sup>2</sup>) in area. This sign shall be in addition to the signs permissible in the district in which said gas station is located.
- D. Time and temperature signs are limited to one sign with alternating cycles. This sign may be in addition to other permitted signs. It may not contain any advertising other than the name or logo of the business and it must comply with all requirements of the district in which it is located.
- E. Drive through window signs are permitted as either a freestanding sign or attached wall sign. Such signs may not exceed twenty-eight square feet (28 ft<sup>2</sup>) and should not generally be visible from the front of the restaurant. If a freestanding menu sign is used, such sign may not exceed eight feet (8') in height. No more than two (2) drive-through signs are permitted for each business.
- F. Little League sponsorship signs are permitted at the Optimist Club fields for the Little League Season (April through October). The signs may not exceed twenty-four square feet (24 ft<sup>2</sup>) and must be uniform in dimension. The copy on the temporary sign is limited to the name of the sponsoring business and its logo.
- G. Business Directory Signs: Signs, other than signs permitted under 26.12.01, that are not illuminated may be placed on buildings to identify the tenants within. Such signs shall contain no advertising other than business name and/or logo and shall not exceed one (1) square foot per sign, per business.

- H. Temporary Signs, other than Agricultural Signs, Community Event Signs, inflatable signs and Farmer’s Market Signs.
- I. Political Signs
- J. Subdivisions, multi-family residential developments, and mobile home parks may display one sign announcing the name of the development at each entrance. The sign copy is limited to the name of the development only and may be freestanding or placed on the entrance wall of the development. The sign may be illuminated and the size may not exceed thirty square feet (30 ft<sup>2</sup>) in area, or eight feet (8’) in height.

(Ord. 20140385, 08-21-2014)

### **26.03 Signs Excluded from Regulation**

**26.03.01** The following signs and/or displays shall be exempt from the regulations of this Article. These exemptions do not relieve an applicant from obtaining a building permit pursuant to the North Carolina Building Code:

- A. A government sign, when approved or duly authorized by the governmental entity’s governing body.
- B. Trade names and graphics customarily painted on newspaper and soft drink dispensers, as well as delivery trucks.
- C. Publicly owned memorial/historical tablets or signs.
- D. Living Sign
- E. Bench Signs located on private property

### **26.04 Prohibited Signs**

**26.04.01** The following signs are prohibited:

- A. Abandoned Signs
- B. Flashing, blinking, or scrolling signs or signs with intermittent lights
- C. Portable Signs
- D. Roof Signs
- E. Rotating Signs
- F. Sidewalk Signs
- G. Snipe Signs
- H. Inflatable Signs, other than those permitted under the Temporary Sign Regulations of Section 26.16.10.
- I. Signs imitating or resembling official traffic or government signs or signals

- J. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign(s). Vehicles or trailers which display signs must move to perform only business-related activities at least every forty-eight (48) hours to obtain exemption from this requirement.
- K. Temporary Signs except those in Section 26.16.
- L. Trademarks, emblems, pictures, etc. displayed in a three (3) dimensional nature.
- M. Pavement marking of any kind, except for traffic control.
- N. Offensive Signs as defined by N.C. Gen. Stat. § 19-1.1.
- O. Signs which obstruct views of other signs, other property, or sight into public rights-of-way.
- P. Billboards or off premise advertising, except off-premise community event signs.
- Q. Signs placed in public right-of-way
- R. Signs placed which obstruct public safety
- S. Fence wraps displaying signage when affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. No fence wrap may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- T. Any sign(s) which does not comply with regulations of this Ordinance.

(Ord. PL04727-050721, 07-01-2021)

#### **26.05 Signs Permitted in the R1, R1S, RA, RR, R1A, R2, R4 and MH Districts**

- 26.05.01** The residential districts provide for a quiet environment and sound neighborhoods. While some service-oriented businesses are allowed, the general usage is for family life. The intent of this Section is therefore to provide for a limited use of signs which are generally not illuminated and which will preserve the family-oriented character of neighborhoods.
- 26.05.02** One sign at each entrance announcing the name of a subdivision, residential development or mobile home park is allowed.
  - A. The sign copy is limited to the name of the development only.
  - B. The sign may be freestanding or placed on the entrance wall of the development.
  - C. The sign may not exceed thirty square feet (30 ft<sup>2</sup>) in area, or eight feet (8') in height.
  - D. The sign may be illuminated.
- 26.05.03** Any Use 5.2 Churches, Synagogues and Temples is permitted two signs from the following categories: attached or freestanding.

- A. Freestanding signs may not exceed thirty square feet (30 ft<sup>2</sup>) in area, or eight feet (8') in height.
- B. Attached signs may not exceed an area equal to one square foot (1 ft<sup>2</sup>) of sign area per linear foot of the building frontage. The maximum square footage for an attached sign is thirty square feet (30 ft<sup>2</sup>).
- C. Signs may be illuminated.

(Ord. PL03171-000319, 12-16-2019)

### **26.06 Signs Permitted in the R3 District**

**26.06.01** The R3 District is established to provide a medium density area consisting of three or more family dwelling units plus limited service use.

#### **26.06.02 Advertising Signs**

- A. Two signs allowed per premise that may be chosen from the following categories: attached, freestanding, canopy, or projecting. In no case may both signs be from the same category. Painted wall signs are prohibited.
- B. Attached and freestanding signs may not exceed sixteen square feet (16 ft<sup>2</sup>) in area per sign.
- C. Freestanding signs may not exceed ten feet (10') in height.
- D. Projecting signs may not exceed eight square feet (8 ft<sup>2</sup>) in area per sign.
- E. Awning signs may not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of the size of the awning.
- F. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height and no support structures shall be visible.

### **26.07 Signs Permitted in the B1 District**

**26.07.01** The B1 district has diverse shops in close proximity to one another, and is oriented primarily to daytime pedestrian use. Flower boxes, benches, shake shingle roofs and natural plantings lend the area a distinctive mountain village appearance. Leisurely shopping is encouraged. The intent of this Section is therefore, to promote the downtown as a shopping and gathering place and to enhance the village atmosphere. The use of wooden signs is encouraged, so as to contribute to the warmth, friendliness and natural beauty of the area.

**26.07.02** Each business is permitted two (2) signs chosen from the following categories: attached, canopy, or projecting. In no case may both signs be in the same category. Painted wall signs are prohibited in the B1 zone. Signs may be illuminated. Businesses are also allowed one sign from the following:

- A. A projecting sign which may contain the name of the business and any logo which the business chooses to adopt. The sign may not exceed four square feet (4 ft<sup>2</sup>) in size. It shall display only the name of the business and/or buildings which it is attached to and the building and/or business logo or logos and no more than one (1) per building.
- B. A freestanding sign which may be a maximum size of two feet (2') by two feet (2'), and the bottom of said sign shall display only the name of the business and/or building which it is located in front of, and the building and/or business logo or logos and no more than one (1) sign per building.

**26.07.03** Attached signs shall not exceed an area equal to the greater of sixteen square feet (16 ft<sup>2</sup>) or one-half square foot (½ ft<sup>2</sup>) of sign area per linear foot of building frontage. For example, buildings which are thirty-two feet (32') across the front or less may have a sixteen (16) square feet attached sign. If the building is larger than thirty-two feet (32') across the front the permitted size would be determined by the formula, one half square foot (½ ft<sup>2</sup>) per linear foot of building. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of building size.

**26.07.04** Projecting signs may not exceed sixteen square feet (16 ft<sup>2</sup>) in area.

**26.07.05** Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of the size of the awning. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height and no support structures shall be visible.

**26.07.06** Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 27.15.

**26.07.07** Projecting Theater Marquees: Theaters which choose to use a projecting theater marquee are only allowed to have the signage as permitted in Section 27.13.

#### **26.08 Signs Permitted in the B2 District**

**26.08.01** The neighborhood business district provides a variety of commercial services. It is oriented to vehicular traffic as well as pedestrian traffic. The signs allowed in this area permit an efficient means of information transfer consistent with the size of the streets and speed of the traffic.

**26.08.02** Advertising Signs

- A. Signs may be illuminated.
- B. Each business is permitted two signs. They may be chosen from the following categories: attached, freestanding, canopy, projecting. In no case may the signs be of the same category except that a business may have two (2) attached signs.
- C. Attached signs shall not exceed an area equal to one square foot (1 ft<sup>2</sup>) of sign area per linear foot of building frontage. For example, a building which is fifty feet (50') across

the front may have a fifty square foot (50 ft<sup>2</sup>) attached sign. The maximum allowable square footage of attached sign is eighty square feet (80 ft<sup>2</sup>) regardless of building size.

- D. Freestanding signs shall not exceed thirty square feet (30 ft<sup>2</sup>) in area and twenty feet (20') in height.
- E. Projecting signs may not exceed sixteen square feet (16 ft<sup>2</sup>) in area.
- F. Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of the size of the awning. Awning signs may be attached at the face of, side of, or under the awning. Signs which are attached to the face or side of awning may not exceed twelve inches (12") in height.
- G. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.

### **26.09 Signs Permitted in the B3 District**

**26.09.01** The B3 districts are located on all major access roads to Boone. It is on these roads that the visitor receives a first impression of the Town. It is the intent of this Ordinance to allow the visitor to locate business establishments easily and quickly and yet not to allow signs which might interfere with views of the scenic mountains. The B3 districts provide a variety of services primarily oriented toward vehicular traffic. Because vehicles in this area travel at speeds up to 45 m.p.h., it is important to ensure that signs are clear, distinct and readable in a brief space of time. The requirements identify establishments quickly and easily.

#### **26.09.02 Advertising Signs**

- A. Signs may be illuminated.
- B. Each business is permitted two (2) signs which may be of any type, however, no more than one canopy sign per business.
- C. Freestanding signs shall not exceed fifty square feet (50 ft<sup>2</sup>) in area and twenty feet (20') in height.
- D. No freestanding sign shall be placed less than forty feet (40') from another freestanding sign.
- E. Projecting signs may not exceed sixteen square feet (16 ft<sup>2</sup>).
- F. Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of the size of the awning. Awning signs may be attached to the awning at the face of, side of, or under the awning. Signs which are attached to the face or side of the awning may not exceed twelve inches (12") in height and no support structures shall be visible.



- G. Attached signs and painted wall signs may not exceed an area equal to one square foot (1 ft<sup>2</sup>) of sign area per linear foot of the building frontage. For example, a building which is fifty feet (50') across the front may have a fifty square foot (50 ft<sup>2</sup>) attached or painted wall sign. The maximum square footage of attached or painted wall sign is 120 square feet, regardless of building size.
- H. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.

### **26.10 Signs Permitted in the M1 District**

**26.10.01** The manufacturing district in Boone is limited to currently existing industrial uses. Each use shall be permitted one advertising sign.

#### **26.10.02 Advertising Signs**

- A. The sign may be attached or freestanding.
- B. The sign may be illuminated.
- C. Attached signs may not exceed an area equal to one square foot (1 ft<sup>2</sup>) per linear foot of building frontage and not exceed 120 square feet.
- D. Freestanding signs may not exceed fifty square feet in size and twenty feet (20') in height.

**26.10.03** In addition to signage permitted by Section 26.10.02-A, the industrial district shall be permitted a directory sign which announces the name of the industrial park and all businesses located within the park. Directory Signs may be freestanding and shall conform to the following requirements:

- A. Directory Sign.
  - 1. The freestanding directory sign shall not exceed fifty square feet (50 ft<sup>2</sup>) in area.
  - 2. The height of the directory sign shall not exceed twenty feet (20').

**26.10.04** Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.

### **26.11 Signs Permitted in the OI District**

**26.11.01** The Office Institutional zoning district provides a variety of office, institutional and commercial services. The signs allowed in this area permit an efficient means of information transfer consistent with the size of the streets and speed of the traffic.

#### **26.11.02 Advertising Signs**

- A. Signs may be illuminated.
- B. Each office/institution/business is permitted two signs. They may be chosen from the following categories: attached, freestanding, canopy, or projecting. In no case may the

signs be of the same category except that an office/institution/ business may have two (2) attached signs. Painted wall signs are not permitted in the OI district.

- C. Attached signs shall not exceed an area equal to one square foot (1) of sign area per linear foot of building frontage. For example, a building which is fifty feet (50') across the front may have a fifty square foot (50 ft<sup>2</sup>) attached sign. The maximum allowable square footage of an attached sign is sixty-four square feet (64 ft<sup>2</sup>), regardless of building size.
- D. Freestanding signs shall not exceed thirty square feet (30 ft<sup>2</sup>) in area and ten feet (10') in height.
- E. Projecting signs may not exceed sixteen square feet (16 ft<sup>2</sup>) in area.
- F. Awning signs shall not exceed twenty-five percent (25%) of the area of the awning. The maximum allowable square footage is forty-eight square feet (48 ft<sup>2</sup>) regardless of the size of the awning of the awning. No signs may be attached to the awning support structures. Signs which are attached to the face or side of an awning may not exceed twelve inches (12") in height.
- G. Businesses who choose to use a ground mounted sign instead of a freestanding sign may increase the maximum square footage in accordance with the provisions of Section 26.15.

## **26.12 Shopping Centers and Malls**

**26.12.01 Directory Signs:** A shopping center or mall shall be permitted a directory sign. Directory signs may be attached or freestanding and shall conform to the area requirements as follows:

- A. In the B1 district, the permitted area of an attached directory sign shall not exceed the greater of twenty square feet (20 ft<sup>2</sup>) or one-half square foot ( $\frac{1}{2}$  ft<sup>2</sup>) per linear foot of total frontage of the building to a maximum of forty-eight square feet (48 ft<sup>2</sup>). Freestanding directory signs shall not exceed twenty square feet (20 ft<sup>2</sup>) in area and ten feet (10') in height.
- B. In the B2 district, the permitted area of an attached directory sign shall not exceed one square foot (1 ft<sup>2</sup>) per linear foot of frontage of the building to a maximum of eighty square feet (80 ft<sup>2</sup>). A freestanding directory sign shall not exceed forty-eight square feet (48 ft<sup>2</sup>) in area, and twenty feet (20') in height.
- C. In the B3 district, an attached directory sign shall not exceed one square foot (1 ft<sup>2</sup>) per linear foot of building frontage to a maximum of 120 square feet. A freestanding directory sign shall not exceed the greater of fifty square feet (50 ft<sup>2</sup>) in area or ten square feet (10 ft<sup>2</sup>) in area for each 150 linear feet of arterial road frontage of the lot in which it is located. The height of the directory sign shall not exceed twenty feet (20').

- D. In the R3 district, directory signs shall conform to the requirements set forth in Section 26.06.
  - E. When a shopping center or mall has in excess of 400 feet on an arterial road(s) and consists of more than five (5) acres, one (1) directory sign per arterial road upon which it fronts is permitted.
  - F. When a development utilizes parking-control devices as regulated by Boone Town Code Chapter 73 Towing, the name of the building or business shall be prominently visible from the entrance of the controlled parking area.
- 26.12.02** Entrances to interior malls may be identified by an attached sign in addition to the other sign permitted to the business establishment. Such signs shall be attached to the building over the entrances or beside the entrances only. The signs shall not exceed four square feet (4 ft<sup>2</sup>) in the B1 district, eight square feet (8 ft<sup>2</sup>) in the B2 district and sixteen square feet (16 ft<sup>2</sup>) in the B3 district.
- 26.12.03** Signs for tenants within shopping centers, malls and unified business establishments shall meet the following requirements:
- A. Businesses within shopping centers, malls and unified business establishments are permitted two (2) signs from the following categories: attached, canopy, and projecting. In the B3 district, painted wall signs are also permitted.
  - B. If the business has an exterior frontage in the commercial development of eighty linear feet (80 lf) or more, the business may be permitted a freestanding sign as one (1) of its two (2) permitted signs. All signs permitted by this Section must meet all regulations contained in Section 26.01 as they pertain to the district in which they are located. Area of attached and painted wall signs shall be computed by the linear building frontage feet of each individual establishment.

(Ord. 20140385, 08-21-2014)

### **26.13 Marquee Sign Regulations**

- 26.13.01** The following regulations shall apply solely to marquee signs other than a historical reconstruction of a projecting theater marquee.
- A. Except where a projecting theater marquee is utilized pursuant to this Section, theaters, museums, auditoriums and other entertainment facilities are permitted one (1) changeable copy marquee in addition to their two (2) permitted signs.
  - B. Marquee signs shall conform to the applicable sign requirements for the district in which they are located, however the area of the marquee sign shall be permitted an increase in size up to an additional 100% provided that one of the other signs to which the business is entitled is reduced in size. The percentage of increase in area shall be equal to the reduction in area of the other permitted sign.

- C. If the marquee is a freestanding sign, the height of the marquee may not be increased over that permitted in the zone in which it is located.

**26.13.02** The following regulations shall apply solely to a historical reconstruction of a projecting theater marquee:

- A. A projecting theater marquee shall be allowed only in the B1 Central Business District.
- B. No portion of a projecting theater marquee shall be less than eight feet (8') above grade nor higher than sixteen feet (16').
- C. A projecting theater marquee and supporting structures shall not extend over the edge of any sidewalk or into any street right-of-way absent an encroachment agreement authorizing such incursion by the Town.
- D. The projecting theater marquee shall only be attached to the building in which the theater is located and must be above an entrance to the theater. No projecting theater marquee sign shall be wider than the building to which it is attached.
- E. Signage may be installed directly upon the vertical face or faces of a projecting theater marquee with the following conditions:
  - 1. Channel letters may extend above such vertical face or faces provided that the letter height is restricted to twelve inches (12") in height.
  - 2. No sign may extend below such vertical face or faces with the exception of lighting elements. All lighting elements shall meet the requirements of Subsection 26.13.02(B) above.
  - 3. The changeable copy portions of a projecting theater marquee shall not exceed fifty percent (50%) of the total area of all faces and comply with Section 27.01.
  - 4. All other signage attached to a projecting theater marquee may not exceed 20 percent (20%) of the total area of all faces.
- F. A projecting theater marquee may include the use of flashing, scrolling, or intermittent lights subject to the following conditions:
  - 1. The flashing, scrolling, blinking, or intermittent lights may only be in operation during the time the theater is open to the public and prohibited between the hours of 11 p.m. to 7 a.m.
  - 2. Light fixtures on the projecting theater marquee do not have to meet the requirement for full cut-off fixtures as required in Subsection 25.05.02.
- G. Encroachment: Where a projecting theater marquee extends over a public sidewalk or other public property, an executed encroachment agreement approved by the Boone Council shall be required prior to issuance of any sign permit for a projecting theater marquee.

- H. A projecting theater marquee may be constructed either as part of a new structure or as an addition to an existing structure as follows:
1. Site-specific plans and specifications must be submitted from a registered North Carolina licensed structural engineer demonstrating that the projecting theater marquee complies in all ways with appropriate code provisions of the Town and the State of North Carolina, including but not limited to, materials, drainage, roof strength, bracing and anchorage.
  2. A final certification from the registered North Carolina licensed structural engineer shall be required stating that the projecting theater marquee complies with all appropriate code provisions of the Town and the State of North Carolina and that the projecting theater marquee has been constructed according to their submitted design.

(Ord. 20160501, 09-15-2016)

#### **26.14 Home Occupation Signs**

**26.14.01** The following regulations shall apply solely to home occupation signs.

- A. Home occupation signs are permitted in the R1, R1A, RA, R2, R3, R4, MH, B1, B2, and B3 districts.
- B. The sign may not be illuminated.
- C. The sign must be an attached sign mounted flat on the building.
- D. The sign may not exceed four square feet (4 ft<sup>2</sup>) in size.

#### **26.15 Exceptions and Modifications**

**26.15.01** Where a business establishment elects to erect only one (1) sign on premises, and that sign is to be an attached sign, the permitted area of this sign may be increased as follows:

- A. The permitted area of an attached sign may be increased by fifty percent (50%).
- B. The attached sign permitted by this Section shall meet all other applicable requirements regarding placement, lighting, permit procedures, etc., of this Ordinance.
- C. In the event that the business should desire a second sign after the attached sign allowed by this Section is erected, no permit for the additional sign shall be issued until the attached sign meets the size requirements of the district in which it is located as specified in Section 26.01.

**26.15.02** Where a business establishment is set back from its major road by 200 feet or more, the permitted size of the attached signs may be increased by ten percent (10%) plus an additional ten percent (10%) for each fifty feet (50') of distance in excess of 200 feet to a maximum of 100% increase provided that:

- A. This increase shall apply to attached signs only.

- B. This increase shall apply to only one of the two permitted signs.
- C. The attached sign must meet all other applicable requirements regarding placement, lighting, permit procedures, etc. as it pertains to the district in which it is located.
- D. If the business has a freestanding sign this increase shall not apply.
- E. If a business is set back from its major access road by 200 feet or more and has only one sign, the business may choose the modifications of size permitted by this Subsection 26.15.01 or 26.15.02, but may not combine the allowances provided by the two Subsections.

**26.15.03** Businesses may erect more than the two (2) allowed signs upon obtaining Staff approval provided that:

- A. The additional signs must be attached or projecting signs.
- B. The combined area of all signs must be less than or equal to the permitted area by type of sign. For example, if a ninety square foot (90 ft<sup>2</sup>) attached sign is permitted, then the business may have two (2) forty-five square feet (45 ft<sup>2</sup>) attached signs or three (3) thirty square feet (30 ft<sup>2</sup>) signs.
- C. The maximum number of additional signs allowed is three (3).
- D. The additional signs are not illuminated.
- E. The applicant shall submit a drawing of the proposed locations of the additional signs and meet all applicable requirements.

**26.15.04** Businesses in the B2, B3, M1, and OI districts who chose to use a ground sign instead of a freestanding sign may increase the maximum square footage of that sign by thirty-five percent (35%).

**26.15.05** Businesses located in the B1 district may erect a ground/monument sign provided that:

- A. All applicable requirements of Section 26.01 are met, and;
- B. A minimum of forty feet (40') (setback) is provided between any building and a ground/monument sign, and;
- C. No ground/monument sign shall exceed sixteen square feet (16 ft<sup>2</sup>) in area with no horizontal or vertical dimension exceeding six feet (6'), and except as allowed Subsection 26.15.05 below, and;
- D. A business located 100 feet or more from King Street may erect a freestanding sign with a maximum area of twenty-five square feet (25 ft<sup>2</sup>) and a maximum height of six feet (6').
- E. No sign shall be placed in a public right-of-way.

**26.15.06** Corner Lots: Businesses located on a corner lot may be permitted one additional attached sign to those otherwise permitted herein.

- 26.15.07** Signs for developments subject to Boone Town Code Chapter 73 Towing.
- A.** Parking-control warning signs shall comply with the requirements of Boone Town Code Chapter 73 Towing.
  - B.** Parking-control warning signs do not require sign permits.
  - C.** All developments subject to this subsection shall comply with one of the following requirements, as applicable:
    - 1. A building(s) with a single-business shall prominently display the name of the business.
    - 2. Shopping Center/Mall developments shall follow the regulations set forth in 26.12.01(F).
  - D.** All signs shall be clearly visible from the controlled parking spaces.

(Ord. 20140385, 08-18-2014)

## **26.16 Temporary Sign Regulations**

**26.16.01** Temporary signs must conform to all regulations of this Section not otherwise superseded by this Article. No type of temporary sign, other than an agricultural sign whose placement is approved by the North Carolina Department of Transportation, may be placed in the public right-of-way. Temporary signs, other than agricultural signs, inflatable signs and community event signs, shall not be required to obtain a sign permit.

**26.16.02** **Community Event Signs:** Community event signs are permitted for public agencies, schools, churches, civic-fraternal organizations or similar non-commercial organizations, or for commercial events when approved by the Boone Town Council.

- A.** Signs for non-commercial community events may be erected provided that:
  - 1. Such groups shall be non-profit corporations or associations organized and operated for charitable purposes that are licensed as non-profit groups with the North Carolina Secretary of State.
  - 2. Any fund being raised by the community event must be used for charitable or non-profit purposes.
  - 3. All community events must occur within Watauga County. A community event that does not occur within Watauga County may receive permission to display signs with the approval of the Boone Town Council.
  - 4. A Community Event Sign Permit Application must be completed by the sponsor of the event and approved by the Administrator. The sponsor must organize all aspects of a community event. A representative of the organization must sign the permit application and will be jointly responsible with the organization for ensuring that the regulations are followed.

- B.** Signs for commercial community events may be erected, provided that:
1. An application is properly completed and delivered to the Town of Boone Planning and Inspections Department at least forty-five days before the event.
  2. The event is approved by the Boone Town Council as a “community event”.
  3. As determined by the Boone Town Council, the event provides a significant economic benefit to the Town as a whole, and portrays or places the Town of Boone in a positive light.
  4. The event is open to all citizenry of the Town of Boone and its planning jurisdiction.
  5. The event has received the written endorsement of a non-profit group whose mission includes promoting the economic vitality of Boone, such as, but not limited to, the Downtown Business Development Association, the Boone Chamber of Commerce, or the High Country Host.
  6. The sponsor of the event has completed a Community Event Sign Permit Application and paid the appropriate fee, and the application is approved by the Planning and Inspections Department. A representative of the organization must sign the permit application and will be jointly responsible with the organization for ensuring that these regulations are followed.
- C.** All community events, whether non-commercial or commercial are subject to the following requirements:
1. Each community event is allowed to display no more than twelve (12) off-premise signs that do not exceed four square feet (4 ft<sup>2</sup>) in an area and four feet (4’) in height. Only one (1) sign per lot is allowed with the permission of the landowner or registered agent. One (1) off-premise banner and one (1) banner at the event site are allowed. Each banner may not exceed twenty-four square feet (24 ft<sup>2</sup>).
  2. A community event may display allowable signage annually.
  3. The signs are not illuminated.
  4. The signs may not be displayed earlier than seven (7) days prior to the event and must be removed within forty-eight (48) hours after the event.
- D.** An event which does not take place in Watauga County may still be designated a “community event” when the event is approved by the Boone Town Council based upon a determination that the event nevertheless significantly contributes to the economic vitality and heritage of Boone.
- E.** The Boone Town Council recognizes the following as community events:
- The Highland Games
  - The Blowing Rock Celtic Festival



- Trade Days
- Watauga High School Project Graduation
- Boone Bluegrass Festival
- Gospel Singing Jubilee
- Sugar Grove Music Festival
- Wooly Worm Festival

**26.16.03 Political Sign:** Political signs are permitted in accordance with Section 26.17.

**26.16.04 Real Estate Sign:** A real estate sign is a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, open house or sale. Real estate signs are permissible subject to the following regulations:

- A.** Real estate signs advertising property for sale, lease or rent shall adhere to the following regulations:
  1. Only one (1) sign per lot is allowed.
  2. The sign shall not be illuminated.
  3. Area and Height Requirements:

Zoning District	Maximum Area	Maximum Height
Residential Zoning Districts	4 ft <sup>2</sup>	5 ft.
B1 Central Business	4 ft <sup>2</sup>	
Remaining Zoning Districts	20 ft <sup>2</sup>	8 ft.

- 4. The real estate sign shall be removed within forty-eight (48) hours after the property closing.
- B.** Open House Residential Real Estate Sign: Open house residential real estate signs shall be subject to the following requirements:
  1. There shall be no more than one on premise and two (2) total off-premise open house residential real estate signs for any open house event. These signs must include the realtor’s phone number or the homeowner’s address and the street address where the event is taking place.
  2. Off-premise signs may be in place only from 8 a.m. on Saturday to 8 p.m. on Sunday.
  3. Off-premise signs shall not exceed three square feet (3 ft<sup>2</sup>) in area and two feet (2’) in height.
  4. Such signs shall not be illuminated.

5. Only one on-site sign per lot is allowed with the permission of the landowner, registered agent or tenant.

**26.16.05 Yard Sale Sign:** Yard sale signs are permitted as temporary signs provided that the signs adhere to the following criteria:

- A. No more than three (3) signs per event are allowed.
- B. Two (2) signs may be placed off premise from the location of the event on private property with the landowner or registered agent's consent.
- C. The signs may remain in place for forty-eight (48) hours only.
- D. Such signs shall serve as directional aids and text on such signs shall be limited to Yard Sale or Garage Sale and an arrow.
- E. Signs shall be placed out of the street right-of-way and no signs will be placed on utility poles.
- F. The signs shall not be illuminated.
- G. Signs are limited in size to four square feet (4 ft<sup>2</sup>) in area and must list the phone number of the event organizer on the back.

**26.16.06 Newly Established Business:** Businesses which are newly established or have changed locations may display a temporary sign provided that:

- A. The size of any such sign is not in excess of twenty-four square feet (24 ft<sup>2</sup>) in area.
- B. The sign may be displayed for a period of thirty (30) days. This thirty-day period may begin no earlier than fifteen (15) days prior to the opening date of the business and not later than thirty (30) days after the certificate of occupancy is issued by the building inspector.
- C. Only one (1) such sign is allowed per premise; however, this one sign may be used in addition to other permitted signs.

**26.16.07 Special Sales and Promotions:** Temporary signs as defined by advertising special sales and promotions by merchants and other profit-making concerns may be erected in addition to other permitted signs provided:

- A. The size of such sign shall not exceed twenty-four square feet (24 ft<sup>2</sup>).
- B. The signs are not illuminated.
- C. The signs are displayed for a period of ten (10) days only.
- D. Only one (1) sign per premise is allowed.
- E. An interval of thirty (30) days shall separate each event.

**26.16.08 Agricultural Signs:** Agricultural signs are subject to the following criteria:

- A. A permit must be applied for by delivery of a completed application and payment of such fee as established by the Boone Town Council, no less than forty-five (45) days prior to the first day of display. The application for a permit must state the dates of the exposition, festival or event in question. Only one (1) fee shall be due for each separate exposition, festival or event in question;
- B. Signs must comply with all North Carolina Department of Transportation requirements, including those requirements as to location and placement, and the applicant is responsible for compliance with DOT requirements and with the requirements of this Ordinance;
- C. Off-premises signs may only be placed with the permission of the person with the legal authority to grant such permission. There may be no more than fifteen (15) off-premises agricultural signs within the planning jurisdiction of the Town for each exposition, festival or event;
- D. Signs may be permitted for a maximum of six (6) weeks, must be fixed in place for the duration of the exposition, festival or event, and must be removed by the applicant within forty-eight (48) hours of the conclusion of the exposition, festival or event;
- E. All signs relating to a particular agricultural exposition, festival or event must be uniform in shape and color. Any designs must be complementary. Each sign must be stable and must be properly secured to its location;
- F. Signs may not exceed twenty-eight square feet (28 ft<sup>2</sup>), but may be comprised of a large sign with smaller signs attached, which smaller signs direct the public to particular locations participating in the exposition, festival or event;
- G. Agricultural signs may not be illuminated.

**26.16.09 Farmer's Market Sign Regulations**

- A. A permit must be applied for by delivery of a completed application and payment of such fee as established by the Boone Town Council, no less than ten days prior to the first day of operation. The application for a permit must state all dates the farmer's market will operate during the calendar year in question, and must disclose the name and address of the sponsoring non-profit organization. The person signing the application is jointly responsible with the sponsoring organization for compliance with this Article. Only one fee shall be due for each calendar year of operation of a farmer's market.
- B. A farmer's market may display no more than eight (8) off-premise signs that do not exceed four square feet (4 ft<sup>2</sup>) in area and four feet in height (4'). Only one (1) sign is permitted per lot, and off-premises signs may be posted only with the permission of the person with the legal authority to grant such permission.
- C. Farmer's market signs may not be illuminated.

- D. Farmer’s market signs may be displayed only during daylight hours on each day of operation.
- E. Signs must comply with all relevant North Carolina Department of Transportation requirements as to location and placement, and the applicant is responsible for compliance with DOT requirements.

**26.16.10 Inflatable Signs:** Inflatable signs may be temporarily displayed in a B3 zoning district subject to the following conditions:

- A. Only one (1) inflatable sign may be displayed per tax parcel, and no more than one (1) inflatable sign per business or event, even if the business or event is located on multiple tax parcels.
- B. An inflatable sign may be displayed for a period of seven (7) continuous days, an interval of thirty (30) days shall separate each event for which the sign is displayed. In addition, the inflatable sign may be displayed for no more than three (3) separate events in any calendar year.
- C. Any inflatable sign must be set back and away from any pedestrian or vehicular right of way, any utility poles, above ground utility lines and any other hazardous structure, at least the vertical distance from the ground to the top of the sign when it is displayed at its maximum height, plus ten feet (10’).
- D. An inflatable sign may not obstruct visibility for vehicular traffic.
- E. Any inflatable sign must be secured to the ground in conformity with the manufacturer’s specifications.
- F. No inflatable sign may be displayed in such a way that the top of the sign is more than twenty-five feet (25’) above the ground level.
- G. Inflatable signs shall not be illuminated.
- H. No inflatable sign may exceed 400 cubic feet when fully inflated.
- I. The applicant shall submit a certification that the inflatable sign will be erected and displayed in conformance with this Section and the manufacturer’s specifications.

(Ord. 20140384, 08-18-2014; Ord. PL04727-050721, 07-01-2021)

**26.17 Political Sign Regulations**

**26.17.01** The following regulations shall apply solely to political signs, posters, etc.:

- A. No signs shall be placed in a public right-of-way.
- B. No signs shall be placed on public utility poles, telephone poles, parking meter poles or any other sign or sign support structure erected by a duly constituted governmental body.
- C. No signs shall be placed on roofs nor painted on roofs.

- D. Any political sign which is determined to be a hazard or infringement to the public health, safety and welfare is prohibited.
- E. Portable signs shall not be allowed for political uses.
- F. Political Signs may be placed on private property with the consent of the landowner or their authorized agent.
- G. Except for legal billboards, no political sign shall be larger than sixteen square feet (16 ft<sup>2</sup>).
- H. Political signs may be displayed no sooner than sixty (60) days before any election. All political signs must be removed within forty-eight (48) hours after each election.

(Ord. PL04727-050721, 07-01-2021)

### **26.18 Maintenance and Relocation of Signs**

**26.18.01** All sign supports, braces, poles, wires, and anchors thereof shall be kept in good repair. They shall be maintained in safe condition, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and the following action may be taken.

- A. The Administrator shall give written notice to the owner specifying the sign indicated and telling what needs to be done to bring the sign into compliance.
- B. The owner of the sign shall respond to the notice within two (2) weeks and shall have sixty (60) days to complete said repairs. Additional time shall be granted by the Administrator only upon delay of parts when it has been clearly shown that the parts have been ordered.
- C. Failure to complete repairs in the specified time shall result in the Administrator causing the sign to be repaired, removed or altered at the expense of the owner(s). Costs of removal or repair, court costs and attorney fees incurred by the Town shall be assessed against the owner(s), to be collected by the Town in an action in the nature of a debt.
- D. In the event a sign is damaged in excess of fifty percent (50%) of its reproduction value, such sign shall be restored or repaired only in compliance with the provisions of this Ordinance.

**26.18.02** Signs for which a sign permit has been issued may be relocated in conformance with the regulations of this Article upon notification of the Administrator. Signs which are nonconforming may not be relocated except upon removal of all non-conforming features of the sign.

### **26.19 Obsolete and Abandoned Sign Regulations**

**26.19.01** Signs or parts of signs which advertise or pertain to a business, product, service, commodity, event, activity, or purpose which no longer exists or that has not been in use

for ninety (90) days or more shall be deemed to be an abandoned sign. Signs which are associated with seasonal business such as ski shops, Horn in the West, etc., shall not be considered obsolete or abandoned provided there is clear intent to continue in the coming season.

- A. Obsolete or abandoned signs are prohibited and shall be removed by the owner or his agent within thirty (30) days of termination of the business, activity, event, etc.
- B. Failure to remove such signs or parts of signs shall result in written notice from the Administrator. Failure to comply with these terms shall result in the sign being removed at the owner(s) expense. Costs of removal or repair, court costs and attorney fees incurred by the Town shall be assessed against the owner(s), to be collected by the Town in an action on the nature of the debt.

## **26.20 Permanent Off-Premise Signs in Easements**

**26.20.01** Permanent off-premise signs in access easements shall be permissible subject to the following requirements and limitations:

- A. Application required: No permanent off-premise sign may be placed or displayed in an access easement area until a permit authorizing its display is issued.
  - 1. The applicant must submit a certified copy of the instrument creating the easement with the application. The access easement area must be the only available and planned access for the development requesting the permanent off premise sign. The Administrator may require that the applicant provide a signed statement from an attorney that such easement confers upon the applicant the right to display a sign within the easement if the Administrator is unsure of the scope of the rights created by the easement. Unless the easement affords rights to display a sign for the full potential life of the development, it will be considered legally insufficient.
- B. No permit for a sign which will be displayed or located within an access easement may be issued unless there are no roads contiguous with the lot upon which the development is located, or the access easement in which the sign is to be located is the only available and planned vehicular access to the aforementioned lot.
- C. The only sign which may be permitted for display in an off-premise easement is a ground mounted/monument sign which must meet all dimensional, separation, location, and lighting requirements of this Article for a ground mounted/monument sign in the zoning district in which it will be placed or the development is located, whichever is more restrictive, unless any such requirement is explicitly superseded by this Section.
  - 1. For residential developments, including multi-family developments, all signs subject to this Section shall be limited to no more than thirty square feet (30 ft<sup>2</sup>) of sign face.

- D.** Limitations on the number of signs allowed: Only one (1) permanent off-premise sign will be allowed on a lot which is subject to an access easement which also allows a permanent off-premise sign (further known as the hosting lot). The permanent off-premise sign shall count as one of the free-standing signs (not including directory signs) allowed for the hosting lot. Furthermore, if at the time of application, existing signs on the hosting lot have either a combined square footage that meets/exceeds the maximum square footage allowed, or meet/exceed the maximum number of freestanding signs allowed, the applicant must provide a written declaration from the owner or occupant of the hosting lot indicating which sign(s) will be removed. If any signs are required to be removed, this shall be done prior to the issuance of the permit for the permanent off-premise sign.

