

**Town of Montreat  
Planning & Zoning Commission (P&Z) Sign Ordinance Subcommittee  
Meeting Agenda  
August 6, 2025, 10:30 a.m.  
Montreat Town Hall  
1210 Montreat Road, Black Mountain, NC 28711**

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**I. CALL TO ORDER**

- Welcome
- Moment of Silence

**II. ADOPTION OF AGENDA**

- **Suggested Motion:** To adopt the meeting agenda as presented/amended.

**III. NEW BUSINESS**

- **Proposed Amendments to Montreat Zoning Ordinance Article VIII - Signage**
  - i. At the request of the Planning and Zoning Commission, the Planning and Zoning Commission Sign Ordinance Subcommittee is directed to review and prepare amendments to the Montreat Zoning Ordinance Article VIII – Signage. The Planning and Zoning Commissioners request that any text amendments be placed on the Planning and Zoning Commissioner’s October meeting agenda.
- **ZONING ADMINISTRATOR UPDATES**

**IV. SET DATE FOR NEXT MEETING (if necessary)**

**V. ADJOURNMENT**

201 **Definitions**

Accessibility Feature: A pedestrian means of access from the parking/passenger loading area of a Building to the Building entrance, in the form of a Structure and/or attached Building appurtenance, which provides an increased level of accessibility for Building occupants or members of the public. Accessibility Features may include, but are not limited to tramways, ramps, stairs and stairway landings, chair lifts, stair lifts and elevators.

Accessory Building or Use: A Building or Use that: 1) is clearly incidental to and customarily found in connection with a Principal Building or Use; 2) is subordinate to and serves a Principal Building or a principal Use; 3) is subordinate in area, extent, or purpose to the Principal Building or principal Use served; 4) contributes to the comfort, convenience, or necessity of occupants in the Principal Building or principal Use served; and 5) is located on the same Lot as the Principal Building or Use served.

Alley: A service roadway which provides secondary access to the side or rear of abutting property and not intended for general traffic circulation.

Banner: A Sign made of a flexible material not meeting the definition of a Structure per this Ordinance, and which is mounted to a Structure with or without rigid frames.

Bed and Breakfast: An owner-occupied lodging establishment, located in what would ordinarily be considered a Single-Family Dwelling, in which overnight lodging is provided for the general public and in which a breakfast is served to overnight guests.

Boarding House: A Dwelling Unit or part thereof where, for compensation, lodging and meals are provided, in which the occupants share a kitchen and no kitchens are located in individual rooms.

Buffer: An area of natural or planted vegetation, typically established to separate types of uses or to provide a protected or vegetative area for environmental or aesthetic purposes.

Buildable Area: That portion of any Lot which may be used or built upon in accordance with the regulations governing the Zoning District within which the Lot is located when the front, side, and rear Yard requirements for the Zoning District have been subtracted from the total area.

Building: Any Structure, fully or partially enclosed, and constructed or used for residence, business, industry or other public or private purposes, or purposes accessory thereto, including without limitation tents, Trailers, Manufactured Homes, Modular Homes, and similar Structures whether stationary or movable. Appurtenant features, or exterior structural elements requiring permanent attachment to a Building, are considered part of the Building for the purposes of this Section unless otherwise expressly permitted as separate Structures.

Building Height: The vertical distance measured from the Average Natural Grade of the applicable Lot to the highest point of the roofline of the applicable Building, or from the top of the parapet or roof surface for flat-roofed Buildings.

Cemetery: A parcel of land used for interment of the dead in the ground or in mausoleum.

Certificate of Zoning Compliance: A document issued by the Zoning Administrator certifying that plans submitted in accordance with Section 301 conform to the provisions of the Zoning Ordinance.

Columbarium: A Structure containing niches for the deposit of urns containing cremains or an ash garden for the scattering of cremains.

Community Facilities: Facilities designed to serve the community such as libraries and community centers, provided that such facilities are not operated for profit.

Comprehensive Plan: A plan that sets forth goals, policies and programs intended to guide the present and future physical, social and economic development of the jurisdiction, as adopted by the Board of Commissioners on April 10, 2008 by Resolution 08-04-001, as amended.

Convenience Store: A retail establishment which deals principally in a limited selection of common items including without limitation food, household goods, automobile supplies, beverages, and packaged goods. In addition, the Building in which such an establishment is housed is generally smaller and typically designed for easy vehicular access with an emphasis on serving the customer as quickly as possible.

Day Care Center: A Day Care Center includes child day care facilities, family childcare homes, and any other childcare facility for three or more pre-school aged children as defined in N.C.G.S. Section 110-86(3). The term also includes a center providing day care on a regular basis for more than two hours per day for four or more adults in accordance with N.C.G.S. Section 131D-6.

Deck: An elevated structural platform, which may be constructed of any materials and which may be either free standing or attached to a Building, connected by structural supports at grade.

Dedication: The voluntary donation of land or an Easement over, under, across, and/or through a parcel of land by the owner thereof for use by the public and the acceptance of the offer of dedication by the Town as evidenced by the recording of a legal instrument in the Office of the Register of Deeds for the county in which the land is located.

Density: The number of Dwelling Units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, Density requirements in this Ordinance are expressed in Dwelling

Units per acre of land devoted to residential Use, exclusive of land utilized for Streets, Alleys, Parks, playgrounds, school grounds, or other public Uses.

Diameter Breast Height (DBH): The diameter of the trunk of a tree measured four and one-half feet (4.5') above average grade.

District: Any section of the Town of Montreat in which zoning regulations are uniform.

Dormitory: A Building used as group living quarters for a student body or religious order or staff of a college, boarding school, conference center, monastery or other similar institutional Use. Dormitories may contain common, shared kitchen facilities and bathrooms but shall not contain individual kitchen facilities.

Dwelling: Any Building, or portion thereof, containing sleeping, kitchen and bathroom facilities, and which is designed and/or used for living and sleeping purposes for one or more Families.

Dwelling Unit: A Dwelling designed and used, or held ready for use, as a permanent, separate residence for one (1) Family only.

Dwelling Unit, Accessory: A residential Dwelling Unit (i) located on the same Lot as a Single-Family Dwelling Unit, either as a separate Structure, an attached extension, or located within the principal Dwelling Unit; (ii) set up as a separate, complete housekeeping unit; and (iii) subordinate to the principal Single-Family Dwelling . Accessory Dwelling Units are permitted in accordance with and subject to Section 619.

Dwelling, Multi-Family: A single, detached Building, other than a Manufactured Home, containing three (3) or more separate Dwelling Units.

Dwelling, Single-Family: A single, detached Building, other than a Manufactured Home, containing one (1) Dwelling Unit.

Dwelling, Two-Family (Duplex): A single, detached Building, other than a Manufactured Home, containing two (2) separate Dwelling units.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public or another person or entity for a particular purpose or purposes. Examples include access Easements, drainage Easements or utility Easements.

Educational Facility: A Building used primarily for the education of children and/or adults, instructional research, conferences, administrative purposes, and supporting service operations. An Educational Facility includes classroom Buildings, laboratories, lecture halls, libraries, administration Buildings, conference centers, gymnasiums, field houses, dormitories and counseling centers.

Extraterritorial Jurisdiction (also referred to as “ETJ”): The area beyond the corporate limits of the Town over which the Town exercises planning and development powers in accordance with N.C.G.S. 160D-202. A portion of the ETJ lies in Buncombe County and a portion of the ETJ lies in McDowell County.

Family: One or more persons living together as a single housekeeping unit; provided, however, that unless all such persons are related by blood, adoption, marriage, legal guardianship or other such legal family relationship, then such housekeeping unit shall contain no more than four (4) unrelated persons, unless specifically allowed by other provisions of this ordinance.

Family Care Home: A home meeting the North Carolina Residential Building Code requirements with support and supervisory personnel that provides room and board, personal care and habilitation services in a Family environment for not more than six resident persons with disabilities, pursuant to N.C.G.S. Section 160D-907.

Farm, Bona Fide: Agricultural activities as set forth in N.C.G.S. Section 160D-903.

Fence: A physical barrier or enclosure intended to prevent escape or intrusion or to mark a boundary.

Flag: Any fabric or other flexible material varying in color, design, pattern, or shape, such as an emblem, logo, insignia, or symbol of a government, political subdivision, nation, state, county, or municipality, or any religious, civic, charitable, patriotic, educational, fraternal or similar organization, and which is usually attached to a ground-mounted pole or pole attached to a Structure.

Flammable Liquids: A liquid having a flash point below one hundred degrees (100°) Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch absolute at one-hundred degrees Fahrenheit as defined by the National Fire Codes of the National Fire Protection Association as amended.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a Building measured from the interior face of exterior walls, or from the centerline of a wall separating two Buildings, but excluding any space where the floor-to-ceiling height is less than six feet (6’).

Floor Area, Net: The Gross Floor Area of a Building less and excluding the floor areas of such Building attributable to stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading areas, and all floors below the first or ground floor, except where such floors are used or intended to be used for residential, business, commercial, institutional or governmental purposes.

Front Building Line: A line which runs parallel to the Street which a Lot faces and extends from one side Property Line across the Lot to the other side Property Line. The location of such Front Building Line shall be determined as specified in Section 512. The Principal Building on a Lot

shall be no closer to the Street than the Front Building Line. Where a Lot is situated at an intersection of two Streets, the Lot shall be considered to have two Front Building Lines, each as separately delineated by the definition herein.

Garage, Private: An Accessory Building or portion of a Principal Building used for the storage of private motor vehicles, in which no business, occupation, or service for profit is in any way connected. The term "Garage" shall include the term "carport."

Garage, Commercial: Any Building, or portion of a Building, which for consideration is used for storage, repair, rental, maintenance, servicing, washing, adjusting, or equipping of automobiles or other vehicles.

Greenspace: Land dedicated to and accepted by the Town that is designated for recreation, fishing, natural areas, and beautification of the Town as defined by the "Greenspace Resolution" adopted by the Town Commission on May 12, 1983, recorded in Book 1443 at Page 144 in the Office of the Register of Deeds for Buncombe County, North Carolina.

Group Care Facility: A facility which provides services to seven (7) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, and are provided services to meet their needs. This category includes uses that are licensed or supervised by any Federal, State, or County Health/Welfare Agency, or any group Dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes, so long as they provide care for seven (7) or more individuals.

Home Occupation: Any Use conducted entirely within a Dwelling or an Accessory Building and carried on by the occupants thereof (and up to one non-occupant employee), which Use is incidental and secondary to the use of the Dwelling for residential purposes and does not change the character thereof. Specific regulations concerning Home Occupations are delineated in Section 621.

Honorarium Sign: A plaque or small Sign located so as to provide recognition of a donor for contributions given toward capital projects or specific improvements to existing facilities.

Hotel: A Building or Buildings in which sleeping accommodations are provided and offered to the public for compensation, in which the rooms are usually occupied singularly for rent, and in which there is usually a kitchen and public dining room for the preparation and service of meals. The term Hotel includes "lodges", "inns" and "motels".

Livestock: Animals which are generally domesticated and confined to farms. Such animals shall include cattle, sheep, goats, swine, horses, mules, fish and poultry.

Loading Space, Off-Street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street Parking Spaces are filled.

Lot: A parcel of land occupied or capable of being occupied by a Principal Building and Accessory Buildings, together with such Yards, open spaces, Lot Width and Lot area as are required by this Ordinance, and having not less than the minimum required Lot Width upon a Street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

- 1) Lot, Corner: A Lot located at the intersection of two or more Streets or located where one Street makes a sharp angle of eighty to one hundred and twenty degrees (80°-120°).
- 2) Lot, Double Frontage: A Lot which has Lot Frontage on two separate streets. A Corner Lot shall qualify as a Double Frontage Lot if said Corner Lot has frontage on three or more Streets.
- 3) Lot Frontage: The portion of a Lot that abuts a public Street or right of way (but not an Alley).
- 4) Lot, Interior: A Lot which has only one (1) Lot Frontage.

Lot Measurements:

- 1) Depth of a Lot shall be considered to be the average of the distances from the front Property Line to the rear Property Line.
- 2) Width of a Lot shall be considered to be the horizontal distance between side Property Lines measured at the projected front line of the Principal Building or proposed Principal Building.

Lot of Record: A Lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Buncombe County prior to the adoption of this Ordinance, or a Lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Manufactured Home: A Dwelling Unit, designed for use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the Building site.

**Manufactured Home, Class A.** A Dwelling Unit that:

- (i) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and

(ii) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and

(iii) meets or exceeds the construction standards of the US Department of Housing and Urban Development, and

(iv) conforms to the following appearance criteria:

(A) the Manufactured Home has a minimum width, as assembled on the site, of twenty feet (20’);

(B) the pitch of the Manufactured Home's roof has a minimum nominal vertical rise of three inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;

(C) a continuous, permanent curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home; and

(D) the tongue, axles, transporting lights, and removable towing apparatus, are removed after placement on the Lot and before occupancy.

**Manufactured Home, Class B.** A manufactured home constructed after July 1, 1996 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify as a Class A Manufactured Home but meets the following standards:

(A) skirting or a curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and

(B) stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and attached firmly to the primary Structure and anchored securely to the ground.

**Manufactured Home, Class C.** Any Manufactured Home that does not meet the definitional criteria of a Class A or Class B Manufactured Home. Manufactured homes that do not meet the definitional criteria of Class A, B, or C Manufactured Homes are classified as recreational vehicles.

Modular Home: A Dwelling Unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the

Building site for final assembly and placement on a permanent foundation. For purposes of this Ordinance Modular Homes shall be considered equivalent to site-built homes.

Municipal Government Facilities: Facilities used for or pertaining to activities associated with local municipal government operations including, but not limited to: administrative offices, public meeting facilities, emergency communications facilities, fire protection service facilities, and public safety facilities.

Natural Grade: The existing slope of land which may be cleared, but with no major disturbance of soil, prior to grading, excavation or filling.

Natural Grade, (Average): The average of the Natural Grade elevations at the four points on a Lot at which the front and rear yard Setback Lines intersect with the two side yard Setback Lines.

Nonconforming Lot: A Lot of Record that does not conform to the dimensional requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Structure: A Structure that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A Use of a Building and/or land that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Notice of Violation: A written notification from the Zoning Administrator that there is a violation of the provisions of this Ordinance.

Open Storage: Unroofed storage areas, whether enclosed or not.

Overlay District: A Zoning District that adds requirements to the Zoning District over which it lies. Uses or proposed Uses within an Overlay District must comply with all requirements of both the Overlay District and the underlying Zoning District. Where conflicts appear to exist between the requirements of an Overlay District and its underlying Zoning District, the more restrictive requirements shall apply.

Park: A public facility for recreation, which may have commercial activities for recreational Uses only.

Parking Space: A vehicle space of not less than nine feet (9') by eighteen feet (18') for one (1) automobile, plus the necessary access space. (See Section 701.1).

Planned Unit Development (PUD): An area of land under unified ownership or control to be developed and improved as a single entity under a master plan in accordance with and subject to the requirements of this Ordinance.

Portable Storage Container: A transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment. Such containers are uniquely designed for their ease of loading to and from a transport vehicle and moved to various locations on demand. For the purposes of this Ordinance, the Trailer portion of a tractor trailer shall be considered a Portable Storage Container when expressly used for the purpose of on-site storage.

Principal Building: A Building in which is conducted the principal Use of the parcel on which it is situated.

Professional Office: The office of persons performing professional services such as doctors, lawyers, architects, engineers, accountants, real estate brokers, and insurance salesmen.

Property Line: The legally established boundary of a Lot, which boundary shall be considered coincident with any abutting public Street Right-of-Way line unless the metes and bounds description contained in a recorded deed for a Lot clearly and specifically establishes the Lot boundary at some other location.

Public Works Maintenance Facility: A Building or group of Buildings designated to house equipment and materials utilized in the various activities associated with improvements to, and maintenance of, Streets and public utility systems for the Town.

Right-of-Way: A dedicated or condemned strip of land reserved for a specific Use, such as for a Street or utility Easement.

Setback: The distance from any Property Line to the closest point of a Principal or Accessory Building.

Setback Line: A line establishing the minimum allowable distance between an applicable Property Line (that is, front, side or rear Property Line) and the nearest portion of any Principal or Accessory Building, excluding the outermost four feet (4') of any attached steps, roof, gutters and similar fixtures. Covered porches, whether enclosed or not, shall be considered as part of the Building and shall not extend beyond the Setback Line. Decks, whether free-standing or not, shall not extend beyond the Setback Line unless otherwise permitted in accordance with Section 606.4.

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface fabric or other material or Structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a

profession, a business, or a commodity or product, which is exposed to public view and used to attract attention. Signs shall include Flags and Banners. (See Article VIII)

Sign, Other Temporary: A Sign not explicitly listed in Section 804 of this Ordinance, and not meeting the definition of a Structure per this Ordinance, and which is intended to display either commercial or non-commercial messages.

Special Use: A specific Use which may be permitted in a Zoning District by the Board of Adjustment subject to the Board’s findings that the Use would not adversely affect adjacent property or the health, safety or general welfare of persons in the area adjacent to the Use. Such Use may be permitted only in a Zoning District where said Use is specifically listed as a Special Use.

Special Use Permit: A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance and any additional requirements imposed by the Board of Adjustment.

Street: A dedicated Right-of-Way for vehicular traffic which affords the principal means of access to abutting property.

Street Line: The dividing line between a Street Right-of-Way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

Studio: The workshop of an artist, sculptor, photographer or craftsman.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing purposes.

Trailer: Any vehicle or Structure capable of moving or being moved, over Streets and highways on its own wheels or on flat beds or other carriers, which is designed to be utilized to:

- 1) Provide temporary quarters for the conduct of a business, profession, trade or occupation; or

- 2) Serve as a carrier of people, new or used goods, products, or equipment;

Use: The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained.

Variance: An exception to the terms of the Zoning Ordinance as authorized in Section 310.42. As used in this Ordinance, a Variance is authorized only for height, area, size of Structure, size of Yards, and open spaces, as provided in Section 310.42 of this Ordinance.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Wayfinding: Signs, maps, and other graphic or audible methods used to convey location and directions to travelers, normally consisting of roadside Structures, informational kiosks or other visual means of providing orientation.

Yard: A space on the same Lot with a Principal Building which is open, unoccupied, and unobstructed by Buildings or Structures from ground to sky except where encroachments are expressly permitted.

- 1) Minimum Front Yard: A required open space on the same Lot with a Principal Building between the front Setback Line and the front Property Line and extending the full Width of the Lot.
- 2) Minimum Rear Yard: A required open space on the same Lot with a Principal Building between the rear Setback Line and the rear Property Line extending the full Width of the Lot.
- 3) Minimum Side Yard: A required open space on the same Lot with a Principal Building between the side Setback Line and the side Property Line of the Lot and extending from the front Property Line to the rear Property Line.

Zoning Administrator: The person appointed by the Town Council and charged with interpretation, administration and enforcement of this Ordinance. In the absence of the Zoning Administrator, and if no other person has been designated by the Town Council to perform such duties, then the Town Administrator shall perform such duties.

Zoning District: The term applied to various geographical areas of the Town of Montreat for the purpose of interpreting the provisions of the Ordinance. The Zoning Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various Zoning Districts within the Town of Montreat are set forth in Article V.

## ARTICLE VIII – SIGNAGE

800 **Purpose.** The purposes of this Article are: (i) to permit such Signs in the Town of Montreat that will not, by their, size, location, construction, or manner of display, confuse or mislead the public, obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and (ii) to permit and regulate Signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance for the Town of Montreat.

801 **General Regulations.** The following regulations shall apply to all Signs in all Zoning Districts:

801.1 **COMPLIANCE.** No Sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any District except in compliance with this Ordinance.

801.2 **MAINTENANCE.** All Signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a Sign should become unsafe or poorly maintained, the Zoning Administrator shall send written notice to the owner of the Sign that the Sign must be repaired, maintained or removed. Upon failure of the owner to correct such condition within thirty (30) days of such notice, the Zoning Administrator shall proceed with enforcement action pursuant to Section 801.9.

801.3 **REMOVAL OF OBSOLETE SIGNS.** Signs identifying establishments no longer in existence, products no longer being sold, and service no longer being rendered shall be removed from the premises within ten (10) days from the date of termination of such activities. Temporary Signs, Banners giving notice of seasonal or special events, and election Signs shall be removed within five (5) days after termination of the event or election advertised. Upon failure of the owner of these Signs to remove such Signs within the prescribed time period, the Zoning Administrator shall proceed with enforcement action pursuant to Section 801.9.

801.4 **MEASUREMENT OF AREA; HEIGHT.** Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the entire advertising copy or art designed to attract attention including borders and other architectural embellishments. Sign height shall be measured from the Street grade of the closest point in the Street along which the Sign is located or the average grade at the base of the Sign, whichever is higher, to the highest point of the Sign Structure.

801.5 **BUILDING CODE COMPLIANCE.** All commercial Signs shall fully comply with the requirements of the North Carolina State Building Code and National Electrical Code (NEC). A Building permit shall be required for any projecting Sign attached to a Building or Structure which has a surface area in excess of six (6) square feet.

An electrical permit is required for any internally or externally illuminated Sign powered by electrical sources regulated by requirements of the NEC.

- 801.6 **SIGN SETBACK REQUIREMENTS.** No projecting portion of any ground-mounted Sign may be located closer than two feet (2') to any vehicular or pedestrian traveled way. For the purposes of this Ordinance, house numbers and nameplates shall be exempt from this Setback requirement.
- 801.7 **ILLUMINATION OF SIGNS.** Unless otherwise expressly prohibited, Signs may be illuminated from above at a downward angle provided that lighting directed toward a Sign shall be shielded in such a manner as to illuminate only the face of the Sign, and shall not project light into any portion of the traveled roadway or toward neighboring Buildings.
- 801.8 **SIGN PERMIT REQUIRED.** A Sign permit, issued by the Zoning Administrator shall be required for all Signs except those specified in Section 803 and Section 804. No permit shall be issued until the Zoning Administrator inspects plans for such Signs and determines that they are in accordance with the requirements contained in this Article. The fee schedule for Sign permits shall be set forth in the Town of Montreat Fee Schedule.
- 801.9 **ENFORCEMENT OF REGULATIONS.** Any Sign erected after the Effective Date which does not comply with this Ordinance, or any Sign maintained in a non-compliant manner, shall be subject to the provisions of Sections 305, 306, and 307 of this Ordinance.
- 802 **Prohibited Signs.** The following Signs are prohibited, unless otherwise expressly permitted in this Ordinance:
- 802.1 **Signs Constituting Traffic Hazards.** Any Sign located in a manner or place so as to constitute a hazard to vehicular or pedestrian traffic as determined by the Zoning Administrator.
- 802.2 **Signs in Street Right-of-Way.** Any ground-mounted Sign located in a Street Right-Of-Way, or projecting over into a Street Right-of-Way, except that one house number and/or name plate shall be permissible for each Dwelling, subject to Section 802.1.
- 802.3 **Signs Obstructing Passages.** Any Sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any Building.
- 802.4 **Off-Premises Advertising Signs.** Billboards and other types of off premises advertising Signs.

- 802.5 Flashing Devices. Any flashing device or Sign displaying flashing or intermittent lights or lights of changing degrees of intensity.
- 802.6 Moving Devices. Any commercial Use of moving Signs or devices to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any said device has a written message.
- 802.7 Posted Signs. Any Sign posted to utility poles (except as permitted in Section 807), trees, Fences, rocks or other Signs. Honorarium Signs meeting the requirements of Section 805.25 are not prohibited under this section. House Number and Nameplate Signs meeting the requirements of Sections 804.6 and 804.7 are not prohibited under this section.
- 802.8 Copies of Official Signs. Any Sign which is a copy or an imitation of an official Sign, or which purports to have official status but does not have an official purpose.
- 802.9 Portable Signs. A Sign that is not permanently affixed to a Building, Structure or the ground.
- 802.10 Roof Signs. Any Sign which is affixed to the roof of a Building or Structure.
- 802.11 Signs Not Permitted. Any Sign not expressly permitted or exempted elsewhere in this Ordinance.
- 803 Exempt Signs. The following Signs are exempt from the provisions of this Ordinance:
- 803.1 GOVERNMENTAL AGENCY SIGNS. (i) Signs erected or maintained by a governmental agency to regulate, control or direct traffic including Wayfinding Signs, Signs indicating bus stops, parking areas, and similar transportation facilities, or Signs employed to serve as a directory for services that may be found within the Town; and (ii) informational kiosks that provide maps and locational information. Such Signs may be illuminated, flashing, or moving as required for public safety. Furthermore, Signs erected by a governmental agency which convey information regarding a public service, or the location of a public facility may also be illuminated as necessary.
- 803.2 SIGNS REQUIRED BY LAW. Signs erected pursuant to federal, state, or local laws or ordinances.

803.3 **WARNING SIGNS.** Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

803.4 **MONTREAT CONFERENCE CENTER SIGN STRUCTURE NEAR GATE.** The longstanding Montreat Conference Center Sign Structure containing e sign panels is exempt. Sign panels may be changed as and when necessary. If destroyed by casualty or other cause, such Sign structure may be reconstructed consistent with its previous size and design. A change in the design or size of the Montreat Conference Center Sign structure is subject to approval of the Town.

804 **Signs Allowed Without a Permit.** The following types of Signs shall be permitted in any Zoning District without the issuance of a sign permit provided they meet the stated requirements:

804.1 **TEMPORARY REAL ESTATE SIGNS.** Temporary real estate Signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such Signs shall not exceed six (6) square feet in surface area per side. Signs shall not be illuminated and shall not exceed one (1) per parcel of land unless such land is located at an intersection of two Streets; in such a case, two Signs shall be allowed, one facing each Street.

804.2 **SIGNS ON WINDOW GLASS.** Signs on window glass, regardless of size.

804.3 **PRIVATE REGULATORY SIGNS.** Private, unofficial regulatory Signs not exceeding two (2) square feet in surface area per side, which indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. Such Signs shall be located entirely on the property to which they pertain and shall not contain any advertising message.

804.4 **CONSTRUCTION SIGNS.** One (1) construction Sign per construction project not exceeding sixteen (16) square feet of Sign area in residential Zoning Districts or thirty two (32) square feet in the Institutional or Institutional/Residential Zoning Districts, provided that such Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid Building Permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction.

804.5 **PUBLIC NOTICE.** Official notices posted by public officers or employees in the performance of their duties.

804.6 **HOUSE NUMBER SIGNS.** Street address numbers must be clearly displayed so that the location can be identified easily from the road. Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned.

804.61 The official address number must be displayed on the front of a Building or at the entrance to a Building which is most clearly Visible from the Street or road during both day and night.

804.62 If a Building is more than seventy-five feet (75') from any road or if two or more homes use the same entrance, the address number(s) shall be displayed at the end of the driveway or Easement nearest the road which provides access to the Building(s).

804.63 Numerals indicating the address number shall be at least three (3) inches in height and shall be posted and maintained so as to be legible from the road.

804.64 Numerals must be of contrasting color to the background. Reflective numbering or placing reflective dots at the Sign to direct attention to it is encouraged.

804.65 The Zoning Administrator will have the right to authorize and approve alternate methods of displaying house numbers which meet the intent of this Ordinance when strict adherence to these standards cannot reasonably be met.

804.7 **RESIDENTIAL NAMEPLATE SIGNS.** Residential nameplate Signs are permitted and may include house numbers. Residential nameplate Signs shall not exceed six (6) square feet in area.

804.8 **ELECTION SIGNS.** Election Signs shall, with the permission of the property owner, be allowed on private property more than five (5) feet from the traveled portion of the roadway, no more than sixty (60) days before the date of the election, and shall be removed within five (5) days after said election Election Signs are defined as Signs for candidates for election or for issues on the ballot, and such Signs shall not exceed eight (8) square feet in area per display side. Election Signs may not be illuminated.

804.9 **OTHER TEMPORARY SIGNS.** Signs meeting the definition of Other Temporary Sign may be displayed, but only in accordance with the following requirements:

804.91 Such Signs shall be no larger than four (4) square feet of surface area per side, and shall not exceed three (3) feet in height.

804.92 Such Signs must be located at least two (2) feet from the paved or traveled portion of the road or sidewalk along which they are placed.

804.93 Such Signs shall be placed no earlier than fifteen (15) days before the event, if any, to which they refer.

804.94 Such Signs must be removed no later than five (5) days after the conclusion of the event, if any, to which they refer.

804.95 Only one (1) such Sign shall be allowed per Lot Frontage. Where a parcel has frontage on more than one road, one such Sign shall be allowed for each road.

804.96 Such Signs must be promptly removed if they become torn, tattered, or otherwise deteriorated.

804.97 Such Signs may only be placed with the consent of the property owner.

804.98 Illumination of such Signs is prohibited.

804.10 **FLAGS.** Flags shall, with the permission of the property owner, be allowed on private property in accordance with the following provisions:

804.101 No Flag shall exceed twenty-four (24) square feet in surface area.

804.102 Flags must otherwise comply with Sections 801 and 802 of this Ordinance.

804.11 **RECREATIONAL SIGNS.** Sign Structures designed to identify the location of, and provide other information concerning, specific recreational features, such as hiking and walking trails and bicycle paths, through maps and trail-head informational displays, are permitted in all zoning Districts. Such Signs are to be limited to the location of the associated feature(s) and are subject to approval by the owner of the land on which the Sign and recreational feature(s) are located. Maximum size of such ground-mounted Signs shall not exceed twenty-four (24) square feet in surface area for multi-base frame Structures. Sign Structures are to be fabricated of naturally-durable species of wood in the form of logs and roughhewn dimensional timbers that cohere with the adjacent natural setting and location. Sign Structures may be allowed with small roof or canopy features to provide weather-protective cover for viewers, subject to approval by the Building Inspector. Roof coverings shall also be constructed of naturally durable species of wood such as cedar, redwood, black locust or black walnut.

805 **Signs Allowed with Permits.** The following types of Signs shall be allowed within the Town of Montreat upon the issuance of a sign permit for each proposed Sign and subject to the regulations set forth below:

805.1 **SIGNS ALLOWED IN RESIDENTIAL ZONING DISTRICTS (R-1, R-2, AND R-3).** The following types of Signs shall be allowed in all of the residential Zoning Districts subject to the accompanying restrictions and the issuance of a sign permit:

805.11 **HOME OCCUPATION SIGNS.** Each Home Occupation shall be allowed one (1) Sign for purposes of identification. Said Sign shall not exceed four (4) square feet of surface area. Signs shall not be illuminated.

805.12 **SUBDIVISION SIGNS.** One (1) ground-mounted Sign per entrance to a subdivision. Said Sign(s) shall be no larger than sixteen (16) square feet of

surface area per side. Signs shall not exceed six feet (6') in height and may not be illuminated.

805.13 **NON-RESIDENTIAL USES.** Non-residential Uses permitted as a Special Use in residential Zoning Districts shall be allowed one (1) ground-mounted or wall identification Sign per Street fronted on by the permitted Use. Said Sign shall be no larger than eight (8) square feet of surface area per side. Signs shall not exceed eight feet (8') in height and shall not be illuminated.

805.2 **SIGNS ALLOWED IN THE INSTITUTIONAL/RESIDENTIAL AND INSTITUTIONAL ZONING DISTRICTS.** The following types of Signs shall be allowed in the above Zoning Districts for Uses permitted in accordance with the Special Use permitting process or for a use-by-right for that Zoning District subject to the accompanying restrictions and the issuance of a sign permit:

805.21 **GROUND-MOUNTED SIGNS.** For each Principal Building on a Lot, one (1) ground-mounted Sign not to exceed the following surface area limitations: Sixteen (16) square feet in surface area per side of Sign.

805.22 **WALL SIGNS.** For each Principal Building on a Lot, one (1) wall Sign located on the Street frontage side of the Building not to exceed sixteen (16) square feet. Existing or newly engraved permanent wall Signs consisting of chiseled or hewn stone which identify the current Use or occupancy of an associated Structure are permitted to serve as one (1) allowable wall Sign on the Street frontage side of the Building. Should the Use or occupancy change such that the chiseled or engraved Sign no longer serves to indicate the current Use or occupancy of the Structure, one (1) new wall Sign shall be permitted.

805.23 **MULTI-TENANT SIGNS.** Buildings occupied by two or more tenants, regardless of individual or shared ownership, are permitted to have one (1) ground-mounted Sign on the property on which the Building is located. The maximum size of such ground-mounted Signs shall not exceed sixteen (16) square feet in surface area per side of Sign. In addition, each multi-tenant Building shall be allowed one (1) wall Sign, per tenant, not to exceed eight (8) square feet of surface area. The Sign Structure(s) may be designed to allow the addition or removal of copy elements as tenants change in the case of multi-tenant Buildings.

805.24 **BUILDINGS LOCATED ON CORNER LOTS.** In cases where a Building is located on a Corner or Double-Frontage Lot, then said Building is allowed two (2) wall and two (2) ground-mounted Signs - one (1) of each Sign type facing each Street that borders the Lot.

805.25 **HONORARIUM SIGNS.** Honorarium signs shall be permitted if the size and scale are deemed proportionate to the Structure and location whereon displayed. Signs may be located on existing rocks, Buildings or other

Structures as approved by the property owner. Signs shall be constructed of stone or bronze and securely anchored so as to prevent dislocation by weathering or impact. Signs erected above walkways or other areas of public assembly shall be subject to approval by the Building Inspector for adequate anchorage and structural support.

805.26 **EDUCATIONAL SIGNS.** Signs that supply information about people, facilities, natural features or other areas of educational or historical interest shall be permitted as educational Signs. Maximum size of such ground-mounted Signs shall not exceed twelve (12) square feet in surface area for pedestal mounted Structures.

805.27 **BANNERS.** Banners may be permitted, but only in accordance with the following provisions:

805.27.1 One (1) Banner per Lot Frontage shall be allowed no more than two (2) times per calendar year, for a maximum duration of thirty (30) days each time. Where a parcel has frontage on more than one road, one (1) Banner shall be allowed for each road.

805.27.2 No Banner shall exceed one hundred and sixty-five (165) square feet.

805.27.3 Banners must be attached to the wall of a Principal Building or securely anchored in a landscaped area outside of the Street Right-of-Way. No loose, non-secure attachments are allowed.

806 **Utility Pole Banners in Town Center Overlay District.** Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may, in accordance with this section install temporary banners on utility poles located on their property for the purposes of (i) identifying the campus or buildings on the owner's property, or (ii) identifying special events occurring at or being celebrated on the owner's property.

806.1 The location, size and period of time the banners may be displayed and total number of banners proposed shall be approved in advance by the Zoning Administrator, in her or his reasonable discretion; and in addition, the following requirements must be met: (a) the owner of the property shall obtain the prior written consent of the owner of the utility pole to the placement of the banner thereon; (b) the maximum size of each banner shall be thirty inches (30") in width by six feet (6') in length; (c) the bottom of the banner shall be no less than eleven feet (11') above the ground surface (measured from the base of the applicable utility pole); (d) if the utility pole is within three feet (3') of the back of the curb (or if there is no curbing, within three feet (3') of the edge of the pavement) of an adjoining Street, the banner shall not be installed on the street side of the utility pole; (e) banners promoting special events shall not be permitted to be installed longer than one (1) month; and (f) any banner on a particular utility pole shall not be displayed from such pole more than eight (8) months during any calendar year.

806.2 Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may install banners for limited time periods on utility poles located within a Town Street Right-of-Way adjacent to the Owner’s property for the purposes of identifying the campus or buildings on the Owner’s property or special events occurring at or being celebrated on the owner’s property, provided (i) the owner obtains the prior written consent of the Zoning Administrator upon such conditions as the Zoning Administrator may require in her or his sole discretion, including without limitation the execution of a written agreement setting forth any restrictions as to the location, size, number and permitted time periods for such banner(s), and (ii) requirements (a) through (f) provided for in the immediately preceding grammatical paragraph of this section are complied with in all respects.

807 **Wayfinding Signs.** Government agency-owned Wayfinding Signs are exempt from the provisions of this Ordinance as provided in Section 803.1 above. Privately owned Wayfinding Signs which do not exceed four (4) square feet in surface area are permitted in all Zoning Districts except R-1, R-2 and R-3, provided the location of such Signs is approved by the Zoning Administrator. Privately owned Wayfinding Signs that are part of a community Wayfinding system approved and adopted by the Town may be greater than four (4) square feet in surface area and may be in any Zoning District if and to the extent such is provided for in the ordinance adopting such community Wayfinding system. No Wayfinding Signs other than government agency-owned Wayfinding Signs may be placed on Town Rights-of-Way or other Town property without obtaining the permission and approval of the Town, which approval or permission may be withheld or conditioned by the Town in its sole and complete discretion. As used in this ordinance, the term “Wayfinding Sign” means a Sign designed and intended to help to direct a person from point to point or confirming a person’s progress along a route.

808 **Non-Conforming Signs.** Any Sign which existed on the Effective Date, but which does not meet the requirements of the Ordinance shall be deemed a non-conforming Sign and may continue to be used, but only in accordance with the following provisions:

**808.1 Maintenance of Non-Conforming Signs.** All non-conforming Signs shall be maintained in accordance with the requirements of this Article, provided, however, that no repainting of the Sign shall alter the design of the Sign in any fashion. If the design or dimensions of a non-conforming Sign are altered, the non-conforming Sign shall be removed or conformed to this Article at the time of the redesign.

**808.2 Replacement of Non-Conforming Signs.** If a non-conforming Sign is destroyed by vandals, accident, or adverse weather conditions, such Sign may be replaced. If it is replaced, it shall conform to the requirements in this Article. Normal

weathering does not constitute destruction by adverse weather conditions which would permit replacement of a non-conforming Sign. If a Sign is allowed to deteriorate, it shall not be replaced under this Section.

809.3 Relocation of Non-Conforming Signs. A non-conforming Sign may be relocated on the same premises on which it is located if the relocation brings the Sign into conformity.

**Sign Ordinance Revisions Date: 10/17/24**

Key:

Track Changes = edits to ordinance

No highlight = edits adopted by Sign Subcommittee at 04/25/24 meeting

Blue highlight = edits made by Sign Subcommittee at 09/26/24 meeting

Yellow highlight = edits made by Staff and provided to Sign Subcommittee at 09/26/24 meeting

Green highlight = edits made by Town Attorney

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**201 Definitions**

**Accessibility Feature:** A pedestrian means of access from the parking/passenger loading area of a Building to the Building entrance, in the form of a Structure and/or attached Building appurtenance, which provides an increased level of accessibility for Building occupants or members of the public. Accessibility Features may include, but are not limited to tramways, ramps, stairs and stairway landings, chair lifts, stair lifts and elevators.

**Accessory Building or Use:** A Building or Use that: 1) is clearly incidental to and customarily found in connection with a Principal Building or Use; 2) is subordinate to and serves a Principal Building or a principal Use; 3) is subordinate in area, extent, or purpose to the Principal Building or principal Use served; 4) contributes to the comfort, convenience, or necessity of occupants in the Principal Building or principal Use served; and 5) is located on the same Lot as the Principal Building or Use served.

**Alley:** A service roadway which provides secondary access to the side or rear of abutting property and not intended for general traffic circulation.

**Banner:** A Sign made of a flexible material not meeting the definition of a Structure per this Ordinance, and which is mounted to a Structure with or without rigid frames.

**Commented [KD1]:** Per BF, if you include the mounted to a structure section you wont be able to regulate a banner if it is not mounted to a structure. Something to consider.

**Commented [KD2R1]:** Suggestion: "a sign made of a flexible material which can be hung with or without rigid frames"

**Bed and Breakfast:** An owner-occupied lodging establishment, located in what would ordinarily be considered a Single-Family Dwelling, in which overnight lodging is provided for the general public and in which a breakfast is served to overnight guests.

**Boarding House:** A Dwelling Unit or part thereof where, for compensation, lodging and meals are provided, in which the occupants share a kitchen and no kitchens are located in individual rooms.

**Buffer:** An area of natural or planted vegetation, typically established to separate types of uses or to provide a protected or vegetative area for environmental or aesthetic purposes.

Buildable Area: That portion of any Lot which may be used or built upon in accordance with the regulations governing the Zoning District within which the Lot is located when the front, side, and rear Yard requirements for the Zoning District have been subtracted from the total area.

Building: Any Structure, fully or partially enclosed, and constructed or used for residence, business, industry or other public or private purposes, or purposes accessory thereto, including without limitation tents, Trailers, Manufactured Homes, Modular Homes, and similar Structures whether stationary or movable. Appurtenant features, or exterior structural elements requiring permanent attachment to a Building, are considered part of the Building for the purposes of this Section unless otherwise expressly permitted as separate Structures.

Building Height: The vertical distance measured from the Average Natural Grade of the applicable Lot to the highest point of the roofline of the applicable Building, or from the top of the parapet or roof surface for flat-roofed Buildings.

Cemetery: A parcel of land used for interment of the dead in the ground or in mausoleum.

Certificate of Zoning Compliance: A document issued by the Zoning Administrator certifying that plans submitted in accordance with Section 301 conform to the provisions of the Zoning Ordinance.

Columbarium: A Structure containing niches for the deposit of urns containing cremains or an ash garden for the scattering of cremains.

Community Facilities: Facilities designed to serve the community such as libraries and community centers, provided that such facilities are not operated for profit.

Comprehensive Plan: A plan that sets forth goals, policies and programs intended to guide the present and future physical, social and economic development of the jurisdiction, as adopted by the Board of Commissioners on April 10, 2008 by Resolution 08-04-001, as amended.

Convenience Store: A retail establishment which deals principally in a limited selection of common items including without limitation food, household goods, automobile supplies, beverages, and packaged goods. In addition, the Building in which such an establishment is housed is generally smaller and typically designed for easy vehicular access with an emphasis on serving the customer as quickly as possible.

Day Care Center: A Day Care Center includes child day care facilities, family childcare homes, and any other childcare facility for three or more pre-school aged children as defined in N.C.G.S. Section 110-86(3). The term also includes a center providing day care on a regular basis for more than two hours per day for four or more adults in accordance with N.C.G.S. Section 131D-6.

Deck: An elevated structural platform, which may be constructed of any materials and which may be either free standing or attached to a Building, connected by structural supports at grade.

Dedication: The voluntary donation of land or an Easement over, under, across, and/or through a parcel of land by the owner thereof for use by the public and the acceptance of the offer of dedication by the Town as evidenced by the recording of a legal instrument in the Office of the Register of Deeds for the county in which the land is located.

Density: The number of Dwelling Units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, Density requirements in this Ordinance are expressed in Dwelling Units per acre of land devoted to residential Use, exclusive of land utilized for Streets, Alleys, Parks, playgrounds, school grounds, or other public Uses.

Diameter Breast Height (DBH): The diameter of the trunk of a tree measured four and one-half feet (4.5') above average grade.

District: Any section of the Town of Montreat in which zoning regulations are uniform.

Dormitory: A Building used as group living quarters for a student body or religious order or staff of a college, boarding school, conference center, monastery or other similar institutional Use. Dormitories may contain common, shared kitchen facilities and bathrooms but shall not contain individual kitchen facilities.

Dwelling: Any Building, or portion thereof, containing sleeping, kitchen and bathroom facilities, and which is designed and/or used for living and sleeping purposes for one or more Families.

Dwelling Unit: A Dwelling designed and used, or held ready for use, as a permanent, separate residence for one (1) Family only.

Dwelling Unit. Accessory: A residential Dwelling Unit (i) located on the same Lot as a Single-Family Dwelling Unit, either as a separate Structure, an attached extension, or located within the principal Dwelling Unit; (ii) set up as a separate, complete housekeeping unit; and (iii) subordinate to the principal Single-Family Dwelling . Accessory Dwelling Units are permitted in accordance with and subject to Section 619.

Dwelling. Multi-Family: A single, detached Building, other than a Manufactured Home, containing three (3) or more separate Dwelling Units.

Dwelling. Single-Family: A single, detached Building, other than a Manufactured Home, containing one (1) Dwelling Unit.

Dwelling. Two-Family (Duplex): A single, detached Building, other than a Manufactured Home, containing two (2) separate Dwelling units.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public or another person or entity for a particular purpose or purposes. Examples include access Easements, drainage Easements or utility Easements.

Educational Facility: A Building used primarily for the education of children and/or adults, instructional research, conferences, administrative purposes, and supporting service operations. An Educational Facility includes classroom Buildings, laboratories, lecture halls, libraries, administration Buildings, conference centers, gymnasiums, field houses, dormitories and counseling centers.

Extraterritorial Jurisdiction (also referred to as "ETJ"): The area beyond the corporate limits of the Town over which the Town exercises planning and development powers in accordance with N.C.G.S. 160D-202. A portion of the ETJ lies in Buncombe County and a portion of the ETJ lies in McDowell County.

Family: One or more persons living together as a single housekeeping unit; provided, however, that unless all such persons are related by blood, adoption, marriage, legal guardianship or other such legal family relationship, then such housekeeping unit shall contain no more than four (4) unrelated persons, unless specifically allowed by other provisions of this ordinance.

Family Care Home: A home meeting the North Carolina Residential Building Code requirements with support and supervisory personnel that provides room and board, personal care and habilitation services in a Family environment for not more than six resident persons with disabilities, pursuant to N.C.G.S. Section 160D-907.

Farm. Bona Fide: Agricultural activities as set forth in N.C.G.S. Section 160D-903.

Fence: A physical barrier or enclosure intended to prevent escape or intrusion or to mark a boundary.

Flag: Any fabric or other flexible material varying in color, design, pattern, or shape, which may be used to identify or represent such as an emblem, logo, insignia, or symbol of a government, political subdivision, nation, state, county, or municipality, or any religious, civic, charitable, patriotic, educational, fraternal or similar organization, and which is usually attached to a ground-mounted pole or pole attached to a Structure.

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Flammable Liquids: A liquid having a flash point below one hundred degrees (100°) Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch absolute at one-hundred degrees Fahrenheit as defined by the National Fire Codes of the National Fire Protection Association as amended.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a Building measured from the interior face of exterior walls, or from the centerline of a wall separating two Buildings, but excluding any space where the floor-to-ceiling height is less than six feet (6').

Floor Area, Net: The Gross Floor Area of a Building less and excluding the floor areas of such Building attributable to stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading areas, and all floors below the first or ground floor, except where such floors are used or intended to be used for residential, business, commercial, institutional or governmental purposes.

Front Building Line: A line which runs parallel to the Street which a Lot faces and extends from one side Property Line across the Lot to the other side Property Line. The location of such Front Building Line shall be determined as specified in Section 512. The Principal Building on a Lot shall be no closer to the Street than the Front Building Line. Where a Lot is situated at an intersection of two Streets, the Lot shall be considered to have two Front Building Lines, each as separately delineated by the definition herein.

Garage, Private: An Accessory Building or portion of a Principal Building used for the storage of private motor vehicles, in which no business, occupation, or service for profit is in any way connected. The term "Garage" shall include the term "carport."

Garage, Commercial: Any Building, or portion of a Building, which for consideration is used for storage, repair, rental, maintenance, servicing, washing, adjusting, or equipping of automobiles or other vehicles.

Greenspace: Land dedicated to and accepted by the Town that is designated for recreation, fishing, natural areas, and beautification of the Town as defined by the "Greenspace Resolution" adopted by the Town Commission on May 12, 1983, recorded in Book 1443 at Page 144 in the Office of the Register of Deeds for Buncombe County, North Carolina.

Group Care Facility: A facility which provides services to seven (7) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, and are provided services to meet their needs. This category includes uses that are licensed or supervised by any Federal, State, or County Health/Welfare Agency, or any group Dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes, so long as they provide care for seven (7) or more individuals.

Ground-Mounted Signs: A Sign which is directly affixed to the ground meeting the definition of a Structure per this Ordinance.

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Home Occupation: Any Use conducted entirely within a Dwelling or an Accessory Building and carried on by the occupants thereof (and up to one non-occupant employee), which Use is incidental and secondary to the use of the Dwelling for residential purposes and does not

change the character thereof. Specific regulations concerning Home Occupations are delineated in Section 621.

~~Honorarium Sign: A plaque or small Sign located so as to provide recognition of a donor for contributions given toward capital projects or specific improvements to existing facilities.~~

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Hotel: A Building or Buildings in which sleeping accommodations are provided and offered to the public for compensation, in which the rooms are usually occupied singularly for rent, and in which there is usually a kitchen and public dining room for the preparation and service of meals. The term Hotel includes “lodges”, “inns” and “motels”.

Livestock: Animals which are generally domesticated and confined to farms. Such animals shall include cattle, sheep, goats, swine, horses, mules, fish and poultry.

Loading Space, Off-Street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street Parking Spaces are filled.

Lot: A parcel of land occupied or capable of being occupied by a Principal Building and Accessory Buildings, together with such Yards, open spaces, Lot Width and Lot area as are required by this Ordinance, and having not less than the minimum required Lot Width upon a Street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

- 1) Lot, Corner: A Lot located at the intersection of two or more Streets or located where one Street makes a sharp angle of eighty to one hundred and twenty degrees (80°-120°).
- 2) Lot, Double Frontage: A Lot which has Lot Frontage on two separate streets. A Corner Lot shall qualify as a Double Frontage Lot if said Corner Lot has frontage on three or more Streets.
- 3) Lot Frontage: The portion of a Lot that abuts a public Street or right of way (but not an Alley).
- 4) Lot, Interior: A Lot which has only one (1) Lot Frontage.

Lot Measurements:

- 1) Depth of a Lot shall be considered to be the average of the distances from the front Property Line to the rear Property Line.
- 2) Width of a Lot shall be considered to be the horizontal distance between side Property Lines measured at the projected front line of the Principal Building or proposed Principal Building.

**Lot of Record:** A Lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Buncombe County prior to the adoption of this Ordinance, or a Lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

**Manufactured Home:** A Dwelling Unit, designed for use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the Building site.

**Manufactured Home, Class A.** A Dwelling Unit that:

- (i) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and
- (ii) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and
- (iii) meets or exceeds the construction standards of the US Department of Housing and Urban Development, and
- (iv) conforms to the following appearance criteria:
  - (A) the Manufactured Home has a minimum width, as assembled on the site, of twenty feet (20’);
  - (B) the pitch of the Manufactured Home's roof has a minimum nominal vertical rise of three inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
  - (C) a continuous, permanent curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home; and
  - (D) the tongue, axles, transporting lights, and removable towing apparatus, are removed after placement on the Lot and before occupancy.

**Manufactured Home, Class B.** A manufactured home constructed after July 1, 1996 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify as a Class A Manufactured Home but meets the following standards:

- (A) skirting or a curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and

(B) stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and attached firmly to the primary Structure and anchored securely to the ground.

**Manufactured Home, Class C.** Any Manufactured Home that does not meet the definitional criteria of a Class A or Class B Manufactured Home. Manufactured homes that do not meet the definitional criteria of Class A, B, or C Manufactured Homes are classified as recreational vehicles.

Modular Home: A Dwelling Unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the Building site for final assembly and placement on a permanent foundation. For purposes of this Ordinance Modular Homes shall be considered equivalent to site-built homes.

Municipal Government Facilities: Facilities used for or pertaining to activities associated with local municipal government operations including, but not limited to: administrative offices, public meeting facilities, emergency communications facilities, fire protection service facilities, and public safety facilities.

Natural Grade: The existing slope of land which may be cleared, but with no major disturbance of soil, prior to grading, excavation or filling.

Natural Grade. (Average): The average of the Natural Grade elevations at the four points on a Lot at which the front and rear yard Setback Lines intersect with the two side yard Setback Lines.

Nonconforming Lot: A Lot of Record that does not conform to the dimensional requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Structure: A Structure that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A Use of a Building and/or land that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Notice of Violation: A written notification from the Zoning Administrator that there is a violation of the provisions of this Ordinance.

Open Storage: Unroofed storage areas, whether enclosed or not.

Overlay District: A Zoning District that adds requirements to the Zoning District over which it lies. Uses or proposed Uses within an Overlay District must comply with all requirements of both the Overlay District and the underlying Zoning District. Where conflicts appear to exist between the requirements of an Overlay District and its underlying Zoning District, the more restrictive requirements shall apply.

Park: A public facility for recreation, which may have commercial activities for recreational Uses only.

Parking Space: A vehicle space of not less than nine feet (9') by eighteen feet (18') for one (1) automobile, plus the necessary access space. (See Section 701.1).

Planned Unit Development (PUD): An area of land under unified ownership or control to be developed and improved as a single entity under a master plan in accordance with and subject to the requirements of this Ordinance.

Portable Storage Container: A transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment. Such containers are uniquely designed for their ease of loading to and from a transport vehicle and moved to various locations on demand. For the purposes of this Ordinance, the Trailer portion of a tractor trailer shall be considered a Portable Storage Container when expressly used for the purpose of on-site storage.

Principal Building: A Building in which is conducted the principal Use of the parcel on which it is situated.

Professional Office: The office of persons performing professional services such as doctors, lawyers, architects, engineers, accountants, real estate brokers, and insurance salesmen.

Property Line: The legally established boundary of a Lot, which boundary shall be considered coincident with any abutting public Street Right-of-Way line unless the metes and bounds description contained in a recorded deed for a Lot clearly and specifically establishes the Lot boundary at some other location.

Public Works Maintenance Facility: A Building or group of Buildings designated to house equipment and materials utilized in the various activities associated with improvements to, and maintenance of, Streets and public utility systems for the Town.

Right-of-Way: A dedicated or condemned strip of land reserved for a specific Use, such as for a Street or utility Easement.

Setback: The distance from any Property Line to the closest point of a Principal or Accessory Building.

Setback Line: A line establishing the minimum allowable distance between an applicable Property Line (that is, front, side or rear Property Line) and the nearest portion of any Principal or Accessory Building, excluding the outermost four feet (4') of any attached steps, roof, gutters and similar fixtures. Covered porches, whether enclosed or not, shall be considered as part of the Building and shall not extend beyond the Setback Line. Decks, whether free-standing or not, shall not extend beyond the Setback Line unless otherwise permitted in accordance with Section 606.4.

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface fabric or other material or Structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which is exposed to public view and used to attract attention. ~~This definition shall not include the flag, badge, or insignia of any governmental unit. Signs shall include Flags and Banners.~~ (See Article VIII)

Sign, Temporary: ~~A Sign not meeting the definition of a Structure per this Ordinance intended to display either commercial or noncommercial messages.~~

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Special Use: A specific Use which may be permitted in a Zoning District by the Board of Adjustment subject to the Board's findings that the Use would not adversely affect adjacent property or the health, safety or general welfare of persons in the area adjacent to the Use. Such Use may be permitted only in a Zoning District where said Use is specifically listed as a Special Use.

Special Use Permit: A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance and any additional requirements imposed by the Board of Adjustment.

Street: A dedicated Right-of-Way for vehicular traffic which affords the principal means of access to abutting property.

Street Line: The dividing line between a Street Right-of-Way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

Studio: The workshop of an artist, sculptor, photographer or craftsman.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing purposes.

Trailer: Any vehicle or Structure capable of moving or being moved, over Streets and highways on its own wheels or on flat beds or other carriers, which is designed to be utilized to:

- 1) Provide temporary quarters for the conduct of a business, profession, trade or occupation; or
- 2) Serve as a carrier of people, new or used goods, products, or equipment;

Use: The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained.

Variance: An exception to the terms of the Zoning Ordinance as authorized in Section 310.42. As used in this Ordinance, a Variance is authorized only for height, area, size of Structure, size of Yards, and open spaces, as provided in Section 310.42 of this Ordinance.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Wall Signs: A Sign meeting the definition of a Structure per this Ordinance that is attached directly to an exterior wall of a Building or dependent upon a Building for support.

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Window Signs: A Sign not meeting the definition of a Structure per this Ordinance that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building.

Wayfinding: Signs, maps, and other graphic or audible methods used to convey location and directions to travelers, normally consisting of roadside Structures, informational kiosks or other visual means of providing orientation.

Yard: A space on the same Lot with a Principal Building which is open, unoccupied, and unobstructed by Buildings or Structures from ground to sky except where encroachments are expressly permitted.

- 1) Minimum Front Yard: A required open space on the same Lot with a Principal Building between the front Setback Line and the front Property Line and extending the full Width of the Lot.
- 2) Minimum Rear Yard: A required open space on the same Lot with a Principal Building between the rear Setback Line and the rear Property Line extending the full Width of the Lot.
- 3) Minimum Side Yard: A required open space on the same Lot with a Principal

Building between the side Setback Line and the side Property Line of the Lot and extending from the front Property Line to the rear Property Line.

Zoning Administrator: The person appointed by the Town Council and charged with interpretation, administration and enforcement of this Ordinance. In the absence of the Zoning Administrator, and if no other person has been designated by the Town Council to perform such duties, then the Town Administrator shall perform such duties.

Zoning District: The term applied to various geographical areas of the Town of Montreat for the purpose of interpreting the provisions of the Ordinance. The Zoning Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various Zoning Districts within the Town of Montreat are set forth in Article V.

## ARTICLE VIII – SIGNAGE

800 **Purpose.** The purposes of this Article are: (i) to permit such Signs in the Town of Montreat that will not, by their ~~reason~~, size, location, construction, or manner of display, confuse or mislead the public, obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and (ii) to permit and regulate Signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance for the Town of Montreat.

801 **General Regulations.** The following regulations shall apply to all Signs in all Zoning Districts:

801.1 **COMPLIANCE.** No Sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any District except in compliance with this Ordinance.

801.2 **MAINTENANCE.** All Signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a Sign should become unsafe or poorly maintained, the Zoning Administrator shall send written notice to the owner of the Sign that the Sign must be repaired, maintained or removed. Upon failure of the owner to correct such condition within thirty (30) days of such notice, the Zoning Administrator shall proceed with enforcement action pursuant to Section 801.98.

801.3 **REMOVAL OF OBSOLETE SIGNS.** Signs identifying establishments no longer in existence, products no longer being sold, and service no longer being rendered shall be removed from the premises within ten (10) days from the date of termination of such activities. Temporary Signs, pole-mounted banners giving notice of seasonal or special events, and political Signs shall be removed within ~~two (2)~~ five (5) days after termination of ~~the event or election advertised~~ their purpose. Upon failure of the owner of these Signs to remove such Signs within the prescribed time period, the Zoning Administrator shall proceed with enforcement action pursuant to Section 810.98.

801.4 **MEASUREMENT OF AREA; HEIGHT.** Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the entire advertising copy or art designed to attract attention including borders and other architectural embellishments. Sign height shall be measured from the Street grade of the closest point in the Street along which the Sign is located or the average grade at the base of the Sign, whichever is higher, to the highest point of the Sign Structure.

~~801.5 **BUILDING CODE COMPLIANCE.** All commercial Signs shall fully comply with the requirements of the North Carolina State Building Code and National Electrical Code (NEC). A Building permit shall be required for any projecting Sign attached~~

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Commented [KD3]: Requires reading sign to determine what "seasonal" or "special event" is

Commented [KD4R3]: Pole mounted banners also have section dictating removal in Section 806.

Commented [KD5]: Type of sign.

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~~to a Building or Structure which has a surface area in excess of six (6) square feet. An electrical permit is required for any internally or externally illuminated Sign powered by electrical sources regulated by requirements of the NEC.~~

Commented [KD6]: Redundant. Zoning Ordinance does not need to necessitate compliance with building code.

801.56 **SIGN SETBACK REQUIREMENTS.** No projecting portion of any ~~free-standing~~ground-mounted Sign may be located closer than two feet (2') to any vehicular or pedestrian traveled way. For the purposes of this Ordinance, house numbers and nameplates shall be exempt from this Setback requirement.

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801.76 **ILLUMINATION OF SIGNS.** Unless otherwise expressly prohibited, Signs may be illuminated from above at a downward angle provided that lighting directed toward a Sign shall be shielded in such a manner as to illuminate only the face of the Sign, and shall not project light into any portion of the traveled roadway or toward neighboring Buildings.

801.87 **SIGN PERMIT REQUIRED.** A Sign permit, issued by the Zoning Administrator shall be required for all Signs except those specified in Section 803 and Section 804. No permit shall be issued until the Zoning Administrator inspects plans for such Signs and determines that they are in accordance with the requirements contained in this Article. The fee schedule for Sign permits shall be set forth in the Town of Montreat Fee Schedule.

801.98 **ENFORCEMENT OF REGULATIONS.** Any Sign ~~constructed~~erected after the Effective Date which does not comply with this Ordinance, or any Sign maintained in a ~~non-conforming-compliant~~ manner shall be subject to the provisions of Sections 305, 306, and 307 of this Ordinance, following actions:

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801.91 ~~Notice.~~ The Zoning Administrator shall notify in writing the following persons of the non-conforming Sign:

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1. ~~The owner of the Sign;~~
2. ~~The owner of the property on which the Sign is located; and;~~
3. ~~The occupant of the property on which the Sign is located.~~

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~~Notice shall be given to the above persons that the non-conforming condition must be corrected within thirty (30) days from the date of notification.~~

801.92 ~~Penalties.~~ Penalties for these requirements are specified in Section 307.

801.93 ~~Appeals.~~ Any person having an interest in a Sign found to be non-conforming, or the property on which it is located, may appeal to the Board of Adjustment a determination by the Zoning Administrator ordering removal or compliance, as provided in Section 310 of this Ordinance.

801.94 ~~Removal.~~ If the non-conforming Sign has not been removed or brought into compliance with the provisions of this Ordinance within the allotted thirty (30) days

and if no appeal has been taken, as specified above, then said Sign shall be removed by the Town and the cost of removal shall be billed to the owner of the Sign.

~~801.95 Failure to Pay Removal Costs. (a) Pursuant to N.C.G.S. § 160A-193, if the Zoning Administrator determines that a Sign removed by the Town was dangerous or prejudicial to the public health or safety and the owner of the Sign has not paid the costs of removal within thirty (30) days of the billing date, then a lien in the amount of the costs of removal shall be placed on the real property where the removed Sign was located, and shall be collected as unpaid ad valorem property taxes. (b) If no determination of danger or prejudice to the public health or safety is made, then the costs of removal shall be collected by the Town in a civil action in the nature of a debt.~~

802 **Prohibited Signs.** The following Signs are prohibited, unless otherwise expressly permitted in this Ordinance:

802.1 **Signs Constituting Traffic Hazards.** Any Sign located in a manner or place so as to constitute a hazard to vehicular or pedestrian traffic as determined by the Zoning Administrator.

802.2 **Signs in Street Right-of-Way.** Any ~~free-standing-ground-mounted~~ Sign located in a Street right-of-way, or projecting over into a Street Right-of-Way, ~~except that~~ ~~one~~ house number and/or name plate shall be permissible for each Dwelling. Subject to Section 802.1.

802.3 **Signs Obstructing Passages.** Any Sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any Building.

802.4 **Off-Premises Advertising Signs.** A sign erected on behalf of a business, commodity, service, establishment, or other activity conducted, sold or offered at a location other than the premises on which the sign is erected. Billboards and other types of off-premises advertising Signs.

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Commented [KD7]: Gives more direction than "other types of off premise advertising signs".

802.5 **Flashing Devices.** Any flashing device or Sign displaying flashing or intermittent lights or lights of changing degrees of intensity.

802.6 **Moving Devices.** Any commercial Use of moving Signs or devices to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any said device has a written message.

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802.7 Posted Signs. Any Sign posted to utility poles (except as permitted in Section 807), trees, Fences, rocks or other Signs. ~~Honorarium Signs meeting the requirements of 805.25 are not prohibited under this section.~~ House Number and Nameplate Signs meeting the requirements of 804.7 are not prohibited under this section.

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802.8 Copies of Official Signs. Any Sign which is a copy or an imitation of an official Sign, or which purports to have official status but does not have an official purpose.

802.9 Portable Signs. A Sign that is not permanently affixed to a Building, Structure or the ground.

802.10 Roof Signs. Any Sign which is affixed to the roof of a Building or Structure.

802.11 Signs Not Permitted. Any Sign not expressly permitted or exempted elsewhere in this Ordinance.

803 Exempt Signs. The following Signs are exempt from the provisions of this Ordinance:

803.1 GOVERNMENTAL AGENCY SIGNS. (i) Signs erected ~~or~~ maintained by ~~with the approval of the governing body of the Town of Montreat or~~ governmental agency to regulate, control or direct traffic including Wayfinding Signs, Signs indicating bus stops, parking areas, and similar transportation facilities, or Signs employed to serve as a directory for services that may be found within the Town; (ii) official notices posted by public officers or Town employees in the performance of their duties; and (iii) informational ~~Signs~~ ~~erected and maintained by with the approval of the governing body of the Town of Montreat that provide maps and locational information.~~ Such Signs may be illuminated, flashing, or moving as required for public safety. Furthermore, Signs erected by a governmental agency which convey information regarding a public service, or the location of a public facility may also be illuminated as necessary.

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803.2 SIGNS REQUIRED BY LAW. Signs erected pursuant to federal, state, or local laws or ordinances.

803.3 WARNING SIGNS. Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

803.4 MONTREAT CONFERENCE CENTER SIGN STRUCTURE NEAR GATE. The longstanding Montreat Conference Center Sign Structure containing approximately five sign panels is permitted. Sign panels may be changed as and when necessary. If destroyed by casualty or other cause, such sign structure may be reconstructed

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consistent with its previous size and design. A change in the design or size of the Montreat Conference Center sign structure is subject to approval of the Zoning Administrator.

804 **Signs Allowed Without a Permit.** The following types of Signs shall be permitted in any Zoning District without the issuance of a sign permit provided they meet the stated requirements:

804.1 ~~TEMPORARY REAL ESTATE SIGNS.~~ Temporary real estate Signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such Signs shall not exceed six (6) square feet in surface area per side. Signs shall not be illuminated and shall not exceed one (1) per parcel of land unless such land is located at an intersection of two Streets; in such a case, two Signs shall be allowed, one facing each Street.

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804.2 ~~804.1~~ **SIGNS ON WINDOW GLASS SIGNS.** Signs on window glass, regardless of size.

804.3 ~~PRIVATE REGULATORY SIGNS.~~ Private, unofficial regulatory Signs not exceeding two (2) square feet in surface area per side, which indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. Such Signs shall be located entirely on the property to which they pertain and shall not contain any advertising message.

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804.4 ~~CONSTRUCTION SIGNS.~~ One (1) construction Sign per construction project not exceeding sixteen (16) square feet of Sign area in residential Zoning Districts or thirty two (32) square feet in the Institutional or Institutional/Residential Zoning Districts, provided that such Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid Building Permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.

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804.5 ~~PUBLIC NOTICE.~~ Official notices posted by public officers or employees in the performance of their duties.

Commented [KD14]: Redundant. See 803.1.

804.6 ~~804.2~~ **HOUSE NUMBER AND NAMEPLATE SIGNS.** House number Signs and nameplate Signs shall be displayed in a manner compliant with this Ordinance. Street address numbers must be clearly displayed so that the location can be identified easily from the road. Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned.

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804.7 ~~POLITICAL SIGNS.~~ Political Signs shall, with the permission of the property owner, be allowed on private property more than five (5) feet from the traveled portion of the roadway, sixty (60) days before and on the date of the election or referendum, and shall be removed within one day after said election or referendum. Political

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Signs are defined as Signs for candidates for election or for issues on the ballot, and such Signs shall not exceed eight (8) square feet in area per display side. Political Signs may not be illuminated.

**804.804.3 TEMPORARY SPECIAL EVENT/PUBLIC INTEREST SIGNS. Temporary**

Signs must comply with the following requirements, providing notice of upcoming events or gatherings of special interest to the public, including meeting dates and locations, etc. may be displayed, but only in accordance with the following requirements:

804.41 Such Signs shall be no larger than four (4) square feet of surface area per side and shall not exceed three (3) feet in height;

804.42 Such Signs must be located at least two (2) feet from the paved or traveled portion of the road or sidewalk along which they are placed;

804.43 Such Signs shall be placed no earlier than fifteen (15) days of the occurrence of their purpose before the event, if any, to which they refer; and,

804.44 Such Signs must be removed no later than two (2) five (5) days after the conclusion of the event of their purpose, if any, to which they refer, being exhausted to which they refer,

804.45 Only one (1) such Sign shall be allowed per Lot Frontage. Where a parcel has frontage on more than one road, one such Sign shall be allowed for each road. Such Signs must be promptly removed if they become torn, tattered, or otherwise deteriorated.

804.46 Such Signs may only be placed with the consent of the property owner.

804.47 Illumination of such Signs is prohibited. Signs shall be limited to informational material only; no commercial advertisements or for-profit endorsements shall be permitted.

804.5 FLAGS, Flags shall, with the permission of the property owner, be allowed on private property in accordance with the following provisions:

804.51 No Flag shall exceed twenty-four (24) square feet in surface area.

804.52 Flags must otherwise comply with Sections 801 and 802 of this Ordinance.

804 **Signs Allowed with Permits.** The following types of Signs shall be allowed within the Town of Montreat upon the issuance of a sign permit for each proposed Sign and subject to the regulations set forth below:

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Commented [KD16]: Per BF, while we can regulate the number of signs per lot, regulating the number of temporary signs will create a situation would limit things like campaign signs which during campaign season people may want to display more than one and regulating political speech can create liability. Could be stepping into a hornets nest if you tell people they cant put up a president and governor campaign sign. Delete.

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Commented [KD17]: Just stating ToM excludes the ETJ.

**805804.1 SIGNS ALLOWED IN RESIDENTIAL ZONING DISTRICTS (R-1, R-2, AND R-3).** The following types of Signs shall be allowed in all of the residential Zoning Districts subject to the accompanying restrictions and the issuance of a sign permit:

~~805.11 HOME OCCUPATION SIGNS. Each Home Occupation shall be allowed one (1) Sign for purposes of identification. Said Sign shall not exceed four (4) square feet of surface area. Signs shall not be illuminated.~~

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~~805.12 SUBDIVISION SIGNS. One (1) ground Sign per entrance to a subdivision. Said Sign(s) shall be no larger than sixteen (16) square feet of surface area per side. Signs shall not exceed six feet (6') in height and may not be illuminated.~~

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**805804.11 NON-RESIDENTIAL USES.** Non-residential Uses permitted in accordance with Article V as a Special Use in residential Zoning Districts shall be allowed one (1) freestanding ground mounted or wall identification Sign per Street fronted on by the permitted Use. Said Sign shall be no larger than eight (8) square feet of surface area per side. Signs shall not exceed eight feet (8') in height and shall not be illuminated.

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**805804.2 SIGNS ALLOWED IN THE INSTITUTIONAL/RESIDENTIAL AND INSTITUTIONAL ZONING DISTRICTS.** The following types of Signs shall be allowed in the above Zoning Districts for Uses permitted in accordance with Article V the Special Use permitting process or for a use-by-right for that Zoning District subject to the accompanying restrictions and the issuance of a sign permit:

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**805.21 GROUND OR FREE-STANDING MOUNTED SIGNS.** For each Principal Building on a Lot, one (1) ground Sign not to exceed the following surface area limitations: Sixteen (16) square feet in surface area per side of Sign.

**805.22 WALL SIGNS.** For each Principal Building on a Lot, one (1) wall Sign located on the Street frontage side of the Building not to exceed sixteen (16) square feet. Existing or newly engraved permanent wall Signs consisting of chiseled or hewn stone which identify the current Use or occupancy of an associated Structure are permitted to serve as one (1) allowable wall Sign on the Street frontage side of the Building. Should the Use or occupancy change such that the chiseled or engraved Sign no longer serves to indicate the current Use or occupancy of the Structure, one (1) new wall Sign shall be permitted.

**805.23 MULTI-TENANT SIGNS.** Buildings occupied by two or more tenants, regardless of individual or shared ownership, are permitted to have one (1) free-standing ground-mounted Sign on the property on which the Building is located. The maximum size of such free-standing ground-mounted Signs shall not exceed sixteen (16) square feet in surface area per side of Sign. In addition, each multi-tenant Building shall be allowed one (1) wall Sign, per

tenant, not to exceed eight (8) square feet of surface area. The Sign Structure(s) may be designed to allow the addition or removal of copy elements as tenants change in the case of multi-tenant Buildings.

805.24 **BUILDINGS LOCATED ON CORNER LOTS.** In cases where a Building is located on a Corner or Double-Frontage Lot, then said Building is allowed two (2) wall and two (2) ~~freestanding-ground-mounted~~ Signs - one (1) of each Sign type facing each Street that borders the Lot.

805.25 **BANNERS.** Banners may be permitted, but only in accordance with the following provisions:

805.25.1 One (1) Banner per Lot Frontage shall be allowed no more than two (2) times per calendar year, for a maximum duration of thirty (30) days each time. Where a parcel has frontage on more than one road, one (1) Banner shall be allowed for each road.

805.25.2 No Banner shall exceed one hundred and sixty-five (165) square feet.

805.25.3 Banners must be attached to the wall of a Principal Building or securely anchored in a landscaped area outside of the Street Right-of-Way. No loose, non-secure attachments are allowed.

805.25 ~~HONORARIUM SIGNS.~~ ~~Honorarium signs shall be permitted if the size and scale are deemed proportionate to the Structure and location whereon displayed. Signs may be located on existing rocks, Buildings or other Structures as approved by the property owner. Signs shall be constructed of stone or bronze and securely anchored so as to prevent dislocation by weathering or impact. Signs erected above walkways or other areas of public assembly shall be subject to approval by the Building Inspector for adequate anchorage and structural support.~~

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805.25.1 ~~EDUCATIONAL SIGNS.~~ ~~Signs that supply information about people, facilities, natural features or other areas of educational or historical interest shall be permitted as educational Signs. Maximum size of such free-standing Signs shall not exceed twelve (12) square feet in surface area for pedestal-mounted Structures.~~

Commented [KD23]: Removed due to specificity of sign type.

806 ~~Temporary Signs allowed in all Zoning Districts.~~ In addition to the provisions of 804.9, temporary Signs, flags, or banners advertising the initial openings of businesses, establishments, special events or special sales may be permitted provided the size, location and duration of such Signs is approved by the Zoning Administrator. Such Signs may be freestanding or attached to any part of a Building, wall, or other Structure and shall meet all other applicable requirements. An example of a Sign permitted hereunder is the

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"Welcome" wall Sign hung by Montreat College (approximately 23' x 7') below the wall of the Howerton Building at the beginning of academic terms.

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**Recreational Signs.** Sign Structures designed to identify the location of, and provide other information concerning, specific recreational features, such as hiking and walking trails and bicycle paths, through maps and trail-head informational displays, are permitted in all zoning Districts. Such Signs are to be limited to the location of the associated feature(s) and are subject to approval by the owner of the land on which the Sign and recreational feature(s) are located. Maximum size of such free-standing Signs shall not exceed twenty-four (24) square feet in surface area for multi-base frame Structures. Sign Structures are to be fabricated of naturally durable species of wood in the form of logs and rough-hewn dimensional timbers that cohere with the adjacent natural setting and location. Sign Structures may be allowed with small roof or canopy features to provide weather-protective cover for viewers, subject to approval by the Building Inspector. Roof coverings shall also be constructed of naturally durable species of wood such as cedar, redwood, black locust or black walnut.

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**807806 Utility Pole Banners in Town Center Overlay District.** Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may, in accordance with this section install temporary banners on utility poles located on their property for the purposes of (i) identifying the campus or buildings on the owner's property, or (ii) identifying special events occurring at or being celebrated on the owner's property. The following regulations apply:

**808.1** The location, size and period of time the banners may be displayed and total number of banners proposed shall be approved in advance by the Zoning Administrator, in her or his reasonable discretion; and in addition, the following requirements must be met: (a) the owner of the property shall obtain the prior written consent of the owner of the utility pole to the placement of the banner thereon.

Commented [KD26]: No discretionary authority to ZA.

**808.2 (b)** the maximum size of each banner shall be thirty inches (30") in width by six feet (6') in length.

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**808.3 (c)** the bottom of the banner shall be no less than eleven feet (11') above the ground surface (measured from the base of the applicable utility pole).

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**(d) 808.4** if the utility pole is within three feet (3') of the back of the curb (or if there is no curbing, within three feet (3') of the edge of the pavement) of an adjoining Street, the banner shall not be installed on the street side of the utility pole.

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**808.41** Banners on utility poles in the Street Right-of-Way are permissible provided that the requirements listed in Section 804.254 are met.

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~~808.5 (e) b~~ Banners may be installed for no more than one (1) month and shall be removed within seven (7) days of their purpose, if any, being exhausted, promoting special events shall not be permitted to be installed longer than one (1) month; and (f)

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~~808.6 a~~ Any banner on a particular utility pole shall not be displayed from such pole more than eight (8) months during any calendar year.

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~~808.2~~ Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may install banners for limited time periods on utility poles located within a Town Street Right-of-Way adjacent to the Owner's property for the purposes of identifying the campus or buildings on the Owner's property or special events occurring at or being celebrated on the owner's property, provided (i) the owner obtains the prior written consent of the Zoning Administrator upon such conditions as the Zoning Administrator may require in her or his sole discretion, including without limitation the execution of a written agreement setting forth any restrictions as to the location, size, number and permitted time periods for such banner(s), and (ii) requirements (a) through (f) provided for in the immediately preceding grammatical paragraph of this section are complied with in all respects.

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Commented [KD27]: Simplified with Section 808.41.

~~809~~ **Wayfinding Signs.** Government agency-owned Wayfinding Signs are exempt from the provisions of this Ordinance as provided in Section 803.1 above. Privately owned Wayfinding Signs which do not exceed four (4) square feet in surface area are permitted in all Zoning Districts except R-1, R-2 and R-3, provided the location of such Signs is approved by the Zoning Administrator. Privately owned Wayfinding Signs that are part of a community Wayfinding system approved and adopted by the Town may be greater than four (4) square feet in surface area and may be in any Zoning District if and to the extent such is provided for in the ordinance adopting such community Wayfinding system. No Wayfinding Signs other than government agency-owned Wayfinding Signs may be placed on Town Rights-of-Way or other Town property without obtaining the permission and approval of the Town, which approval or permission may be withheld or conditioned by the Town in its sole and complete discretion. As used in this ordinance, the term "Wayfinding Sign" means a Sign designed and intended to help to direct a person from point to point or confirming a person's progress along a route.

Commented [KD28]: Removed due to specificity of sign type and redundancy with new language in Section 803.1

~~808~~**807 Non-Conforming Signs.** Any Sign which existed on the Effective Date, but which does not meet the requirements of the Ordinance shall be deemed a non-conforming Sign and may continue to be used, but only in accordance with the following provisions:

**807.1 Maintenance of Non-Conforming Signs.** All non-conforming Signs shall be maintained in accordance with the requirements of this Article, provided, however, that no repainting of the Sign shall alter the design of the Sign in any fashion. If the design or dimensions of a non-conforming Sign are altered, the non-conforming Sign shall be removed or conformed to this Article at the time of the redesign.

807.2 Replacement of Non-Conforming Signs. If a non-conforming Sign is destroyed by vandals, accident, or adverse weather conditions, such Sign may be replaced. If it is replaced, it shall conform to the requirements in this Article. Normal weathering does not constitute destruction by adverse weather conditions which would permit replacement of a non-conforming Sign. If a Sign is allowed to deteriorate, it shall not be replaced under this Section.

807.3 Relocation of Non-Conforming Signs. A non-conforming Sign may be relocated on the same premises on which it is located if the relocation brings the Sign into conformity.

~~Removal of Non-Conforming Signs. All non-conforming Signs must be removed or brought into compliance with this Ordinance no later than five (5) years after the date of adoption of this Ordinance.~~