

ARTICLE

XIV

BUFFERS

14.1 Purpose of Buffers

Buffers are required to protect one class of use from adverse impacts caused by a use in another class. This regulation benefits both the developer and the adjoining landowner(s) because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved. Buffers are also used to protect streams from excess pollution due to unfiltered runoff.

14.2 Buffers Required for Permits

Each application for a Certificate of Zoning and Watershed Protection Compliance or a Certificate of Occupancy shall include information on the location and types of buffers to be constructed or already existing. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are being met.

The installation of all required buffers shall be completed prior to the issuance of a Certificate of Occupancy.

14.3 Location, Installation, and Maintenance of Buffers

All property abutting perennial streams or other waters and all business or industrial uses which abut property zoned R-20, along the side or rear property lines, other than streets, shall install and maintain a buffer.

Buffers shall be located around the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, and shall not be located on any portion of an existing or dedicated public or private street right-of-way. The exact location of planted trees and shrubs is at the discretion of the property owner. Buffers shall not be used for accessory buildings, parking, storage, trash bins or dumpsters, or any other similar use.

The property owner shall be responsible for the maintenance of all buffers. Litter and debris shall be kept cleared and dead plants shall be replaced with plants meeting the specifications in Section 14.4. All structures shall be kept in good repair. If proper maintenance is not provided, the Zoning Administrator shall notify the property owner of such fact and, if the proper action is not taken within thirty (30) days of such notice, the Town shall be authorized to enter the property and perform the work. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the Town is reimbursed.

14.4 Buffer Specifications

In all districts all lots abutting perennial streams or other waters shall maintain a vegetative buffer of a minimum thirty (30) feet from the normal elevation of the pool or from the bank beside the stream. Where permission to develop under the 5/70 rule is granted a minimum one hundred (100) feet wide vegetative buffer may be required. Where possible, the buffer shall be natural vegetation, not a grassed lawn or other cultivated or fertilized plantings.

In the Commercial and Industrial Districts, the buffer shall be a minimum six

(6) feet high solid evergreen hedge of a species expected to reach eight (8) feet in height within three (3) years of normal growth, and a fifty (50) foot wide strip of natural wooded area or a fifty (50) foot wide area landscaped with grass or other ground cover and at least three (3) trees and five (5) shrubs for each one hundred (100) feet, or portion thereof, of boundary abutting property zoned with a residential designation, if a natural wooded area does not exist.

Existing trees and shrubs in the buffer area may be used toward the required landscaping. Planted trees, which are of an evergreen variety, must be at least three (3) feet in height. Other trees must be at least four (4) feet in height. Planted shrubs must be at least twelve (12) inches in height.

A six (6) foot high chain link fence shall be located between the business use and the buffer. If development, including buildings, parking lots, accessory buildings and streets encroach closer than one hundred (100) feet toward property lines zoned R- 20, a masonry wall eight (8) inches wide and eight feet high must be installed instead of the chain link fence. Any fence or wall shall be located between the commercial or industrial use and the buffer, rather than along the property line.

#### 14.5 Enclosure Requirements

In the Commercial and Industrial districts all business activities, servicing, processing, or storage, except off-street parking and loading, shall be within completely enclosed buildings, or enclosed by a wall or fence (including entrance and exit gates) not less than eight (8) feet in height. Such fences or walls shall not be less than forty (40) feet from the front lot line, not less than fifteen (15) feet from the side lot lines, and not less than fifty (50) feet from the rear lot line. In automobile wrecking yards and similar types of used material industries, such fence or wall shall not be less than one hundred (100) feet from any street line and not less than fifty (50) feet from any property line.

#### 14.6 Development in Buffers

No new development is allowed in the buffer areas established in this Ordinance except for water-dependent structures and public projects, such as road crossings, boat ramps and docks, and greenways where no practical alternative exists. These activities should minimize built upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices.

ARTICLE XV

SIGNS

15.1 Statement of Purpose

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs and lighting and between the private and public information systems.

15.2 General Requirements

No sign of any type or any part thereof shall be erected, painted, repainted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.

All electrified signs and all signs over six (6) square feet in size, including molding, shall require a Certificate of Zoning Compliance. No permit is required to erect other signs; however, the Zoning Administrator shall have the authority to order the removal or modification of any new sign which does not meet these requirements according to the following procedures:

- A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, within thirty (30) days, remove or modify the sign or structure in a manner approved by the Zoning Administrator or his designated agent.
- B. If such order is not complied with within thirty (30) days, the Zoning Administrator or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action has not taken place within fifteen (15) days the Town will remove the sign at the cost of the owner or leaser of the sign.
- C. If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the Zoning Administrator shall order the removal of the sign by the Town.

Therefore, it is always in the interest of the sign owner to consult with the Zoning Administrator prior to the purchase and installation of a sign. The sign user should bring to the Town Hall a drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed and a plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

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### 15.3 Exemptions

The following types of signs are exempted from the application of the regulations herein:

- A. signs, unlighted, not exceeding one (1) square foot in area and bearing only property numbers, mail box numbers, and the name of the owner or occupant of the premises. Such signs in commercial buildings shall not exceed one (1) square foot in area per business occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed four (4) square feet.
- B. Flags and insignia of any government except when displayed in connection with a commercial promotion.
- C. Holiday decorations in Boston.
- D. Legal notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.
- E. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.
- F. Signs directing and guiding traffic and parking on private property.
- G. Signs which cannot be seen from a public street or right-of-way.
- H. The act of changing advertising copy of messages on any sign designated or the use of replaceable copy such as a ready board or product price sign or on a sign having its own changing copy capacity, such as a time-and-temperature sign.
- I. Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.
- J. Signs announcing the location of self-service or full gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed eight (8) square feet in area.

15.4 Signs Permitted in the R-20, RM-20, RD, and FP Districts

Within the R-20 District, and FP Floodplain Protection District as shown on the Zoning Map, only the following types of signs shall be permitted:

- A. Permanent identification signs for subdivisions and residential developments not exceeding twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the subdivision but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed four (4) feet in height above ground level, and illumination shall be restricted to indirect white lighting.
- B. Permanent identification signs for manufactured home parks not exceeding six (6) square feet in area. One (1) sign may be erected at each major entrance to the manufactured home park but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed four (4) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- C. One (1) permanent, identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat-mounted against the wall of an apartment building or free-standing. If free-standing, such signs shall be setback a minimum of ten (10) feet from any property line and shall not exceed four (4) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- D. One (1) permanent, identification sign for non-residential uses permitted as a matter of right may be erected on the premises, provided such signs do not exceed twenty (20) square feet in area. If free-standing, no sign shall be located closer than ten (10) feet to any property line nor exceed four (4) feet in height above ground level. If the sign is a wall sign, it shall not project higher than twenty (20) feet above ground level. Illuminations shall be limited to indirect white lighting.
- E. One (1) identification sign for each home occupant is permitted but shall not be closer than ten (10) feet to any property line, shall not project higher than two (2) feet above ground level, and shall not exceed one (1) square foot in area.
- F. Temporary signs as permitted by Section 15.7.

15.5 Signs Permitted in the Commercial and Industrial Districts

Within the C Commercial and I Industrial Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

- A. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area is not exceeded. The location and number of wall signs shall be at the option of the owner or lessee, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent. Street number numerals shall not count toward this requirement. Wall signs shall not project higher than the building

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- or thirty (30) feet, whichever is lower.
- B. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or awning, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one half feet between the sidewalk and the bottom of the sign.
  - C. Businesses shall be permitted one (1) permanent freestanding sign if the business is located on a corner lot or has at least one hundred (100) feet of street frontage. Any freestanding sign mounted on one or two poles and located along a US or NC numbered highway shall not exceed thirty (30) feet in height or thirty square feet of sign area per side and all other such signs shall not exceed twenty (20) feet in height or twenty (20) square feet in sign area per side. These signs shall be located on private property such that no part of the sign shall project over any public right-of-way and shall be setback at least ten (10) feet from any other property line. Other freestanding signs shall not exceed twenty (20) square feet in area, shall not exceed four (4) feet in height and shall be no closer to any property line or public right-of-way than ten (10) feet.
  - D. The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed one (1) square foot for each lineal foot of building wall facing a public street.
  - E. Temporary signs as permitted in Section 15.7.

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### 15.6 Shopping Center Signs

For shopping centers in single ownership or under unified control one (1) additional sign on each street frontage, other than those regulated above, shall be permitted, subject to the following.

#### A. Content

Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center.

#### B. Area

The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-half ( 1/2) square foot per lineal foot of building facing a public street.

#### C. Location

The additional sign shall not be closer than twenty (20) feet to any property line or street right-of-way and shall not project higher than thirty (30) feet above ground level.

### 15.7 Temporary Signs

The following signs of a temporary nature including portable or mobile signs on wheels are permitted in all zoning districts:

- A. One unilluminated sign per street frontage pertaining only to the lease, rent or sale of the property upon which it is displayed. The maximum size of such signs shall be as follows:
  - 1) In all residential districts, four (4) square feet.
  - 2) In all other districts, such signs shall be limited to one (1) square foot of area for each five (5) lineal feet of advertised property which abuts a public street; provided, however, no such sign shall exceed one hundred (100) square feet in area.
- B. One (1) construction sign may be erected on a site during the period of construction, remodeling, or landscaping of a building or other similar project. The sign may identify the owner and/or developer, architect, engineer, contractor and other individuals or firms, and the character or purpose for which the structure or item is intended. The sign shall be unilluminated and removed within two (2) days after the work has been completed. The maximum size of a construction sign shall be as follows:
  - 1) In residential zones, six (6) square feet.
  - 2) In all other zones, twenty (20) square feet or one (1) square foot of sign area for each five (5) lineal feet of property abutting a public street, whichever is greater. In no instance, however, shall any such sign exceed one hundred (100) square feet in area.
- C. Signs for promotional purposes by an individual business may be displayed on the premise for a period not to exceed twenty-eight (28) days during each calendar year.
- D. Banners, pennants, ribbons, posters, streamers, strings of light bulbs, spinners or other similar devices may be displayed for a period of not more than fourteen (14) days in any one calendar year on the

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occasion of the opening of a new business.

- E. Temporary signs displayed on the interior or exterior of commercial building windows, provided that such signs shall not exceed twenty-five (25) percent of the total window area.
- F. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
- G. Directional signs advertising a private or event, such as a yard sale open house and located off premises may be displayed on private property on the day of the event only. No such sign shall exceed two (2) square feet in area.
- H. Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within one (1) week after elections. Such signs shall not exceed six (6) square feet in area.
- I. No more than one (1) portable or mobile sign, with or without wheels, shall be permitted each lot provided that they are located not less than ten (10) feet from any street right-of-way or other property line, not less than fifty (50) feet from a street intersection, are included in the total allowable sign area along with wall signs and other freestanding signs, do not include any flashing or colored lights, and otherwise meet all requirements set forth in this Article.

### 15.8 Signs Permitted in Conjunction With Nonconforming Uses

Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the C Commercial District or such signs as are existing at the time the use becomes nonconforming, whichever is the more restrictive with regards to sign size and number of signs. These existing signs may be maintained and repaired as needed but shall not be replaced or rebuilt except in conformity with this Article.



15.9 Nonconforming Signs

Any nonconforming signs, except those discussed in 15.8 above, existing on the effective date of this Ordinance may remain in place and be maintained, subject to the following requirements:

- A. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign, including repainting, unless the sign is specifically designed for periodic change of message.
- B. No nonconforming sign shall be structurally altered as to change the shape, size, type, or design of the sign, nor shall any nonconforming sign be relocated.
- C. No nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued.
- D. If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.

Upon failure to comply with any of the above requirements, the Zoning Administrator shall pursue additional remedies as hereafter provided:

- E. The Zoning Administrator or his designated agent shall give the owner of the nonconforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premise on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this section is violated and the manner in which such violation is to be remedied.
- F. Failure to correct such violation constitutes a violation of this Ordinance.
- G. If, after notification, the sign is not removed, the Zoning Administrator may cause

15.10 Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- A. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as allowed consistent with Section 15.7 or approved as a special use.

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- B. Signs advertising an activity, business, product, or service no longer conducted on the premise upon which the sign is located.
- C. Mobile signs, except as permitted in Section 15.7.
- D. Off-premises advertising structures or billboards.
- E. Roof signs.
- F. Projecting signs and freestanding signs located within a public right-of-way except when erected by a governmental agency.
- G. No flag of the United States of the State of North Carolina shall be displayed as part of a commercial promotion. When displayed, the flags shall be allowed to hang free and never draped or tied back.
- H. Any sign that obscures a sign displayed by a public authority for the purposes of giving traffic instruction or direction or other public information.
- I. Any sign which implies the need or requirement of stopping or caution or the existence of danger or which may be confused with a sign displayed by a public agency.
- J. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress for any building.

#### 15.11 Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this Article shall be constructed to meet the requirements of the National Electric Code.
- B. Signs which contain, include, or are lighted by any flashing, intermittent or moving lights **are** prohibited, except those giving public information such as time, temperature, and date.
- C. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the content; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
- D. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- E. Flame as a source of light is prohibited.

#### 15.12 Maintenance and Removal of Unsafe Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. No sign shall be erected or maintained in such a manner that any portion of its surface or its support shall interfere in any way with the free use of access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Administrator or his designated agent shall order the sign to be made safe or removed subject to the following provisions:

- A. The owner of the sign, the occupant of the premise on which the sign or structure is located, or the persons or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or his designated agent or remove it.
- B. If such order is not complied with within ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or lessee thereof.
- C. Whenever a sign has been abandoned, advertises an activity, business, product or service no longer conducted on the premise or is erected in violation of the provisions of this Article, the Zoning Administrator or his designated agent shall cause such sign to be removed or brought into compliance in accordance with the methods prescribed for nonconforming signs in Section 15.9.

#### 15.13 Display of Property Numbers

Every residence, office, retail establishment, industry, or any other structure with a street number assigned to it shall display such number in such a way as to be easily visible from the street providing access. The numerals shall be of such size and color as to be easily recognizable and shall be attached to the wall of the building facing the street or,

if the distance to the street or visibility due to other means make this impractical, shall be displayed on a nameplate or number sign placed at the main entrance to the property, or displayed on a rural mailbox. Property owners may choose one of the latter methods of display in addition to attaching numerals to the building.

ARTICLE XVI

(RESERVED)

**Note: Article XVI was formerly used as the location of "Manufactured Home Parks" and was repealed in June 2021.**