

SECTION 600 SIGNS

The purpose of this section is to encourage the effective use of signs as a means of communication for businesses and residents in Banner Elk, while maintaining a pedestrian scale and enhancing the aesthetics of our environment. The intentions are to prevent obtrusive signage that will negatively impact the Town's streetscape; to improve pedestrian traffic and safety; and, to minimize the possible adverse effects of signs on nearby public and private property.

SECTION 600.1 Sign Materials

Signs should be designed to have minimum detrimental impact on the environment. Material and craftsmanship should be in harmony with the natural and mountain character of the surroundings. As a quick summary, you may refer to items (a) and (b) below. For more complete details refer to Sections 603 through 606. (Amended 12/21/2010)

(a) ALLOWED:

- *Colors provided in Section 600.2 (gold leaf lettering is allowed)*
- *Sandblasted (minimum ¼ depth)*
- *Hand carved signs*
- *Routed signs*
- *Supports constructed from rock, brick, other natural materials, or wood posts*
- *Ground signs with incorporated landscaping*
- *Attracting direction to business conducted on the premises upon which the sign is displayed*
- *Day glow or reflective signage is permitted for addressing and emergency purposes*
- *Neon signs that display open and/or closed only*
- *Signs in the Heritage Overlay District shall be reviewed and approved by the Architectural Review Committee*

(b) PROHIBITED:

- *Off-premise signs including billboards, except where permitted by Table 608-3*
- *Portable signs*
- *Directly/Internally illuminated signs*
- *Flashing or moving signs*
- *Fluorescent colors*
- *Roof signs*
- *Sign faces with an aluminum, vinyl, or similar material*
- *High gloss finishes*
- *Day-glow and fluorescent colors (except for as permitted in 600.1 (a))*

SECTION 600.2 Sign Colors

Colors shall be natural and subdued (earth tones are recommended) and shall blend in well with the natural surroundings. The Banner Elk Color Chart shall serve as a guideline. If the color for repainting matches the existing, then no permit will be required, unless the colors are out of compliance. Accent color(s) may be allowed with no greater than 2% of the overall sign calculated for the accent color(s) and with prior approval from the Zoning Administrator.

SECTION 601 Applicability.

a) A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this section.

The effect of this ordinance is more specifically set forth, herein:

- To establish a permit system for an allowable variety of signs in commercial districts, and a limited variety of signs in other districts, subject to the standards and permit procedures of this ordinance;
- To enhance the Town's ability to attract sources of economic development and growth, while protecting the beauty and unique character of Banner Elk and enhancing the aesthetic environment of the Town by eliminating visual blight (added 08-08-11);

- To allow certain signs that are small and unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without the a requirement for permits;
- To minimize the possible adverse effect of signs on nearby public and private property (added 08-08-11);
- To provide for temporary signs for a limited timeframe and under limited circumstances;
- To prohibit all signs not expressly permitted by this article;
- To promote public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the Town (added 08-08-11);
- To provide for the enforcement of the provisions of this ordinance.

b) Alteration of the Sign Face. Repainting of a sign face for maintenance purposes, and not including changes to color or message shall be considered maintenance or repair and a sign permit is not required. However, any physical alteration of the sign frame or supporting structure shall be considered the same as construction of a new sign and shall require a sign permit and conformance with the standards established in this section.

SECTION 602 Definitions.

Words and phrases used in this article shall have the meanings set forth below. Words and phrases not defined in this article but defined in Section 2 of the Zoning Ordinance shall be given the meanings set forth in such article. (Last amended 08-08-11)

A-Frame Sign (Sandwich board) - A portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

Animation - The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

Artwork – Integral decorative or architectural feature of a building or attached to a building or works of art; so long as such features or works do not contain trademarks, moving parts or lights, or any commercial reference or messages (added 08-08-11).

Balloon - A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

Banner, Permanent – Banners, supported by brackets, that have characters, letters, illustrations, ornamentations, symbols, color or visual representation applied to cloth fabric or like kind of malleable material. Used to promote cultural or historical events and the promotion of approved institutions within the Town of Banner Elk (added 08-08-11).

Building Front - The linear length of building facing a street right-of-way or in the case of a planned unit development, facing a legal private access road.

Building Marker – Any sign indicating the name of a building, date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Sign – Any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy - A protective cover over a door, entrance, window, or outdoor service area, which is attached to or cantilevered from a building; also known as an awning. Permanent marquees and porticoes that are designed as a continuous or integral part of the structure shall not be considered canopies.

Canopy Sign - A sign that is suspended from, attached to, support from, applied to, or constructed as part of a canopy or awning. A marquee is not a canopy.

Changeable Copy Sign - A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels; also known as a reader-board sign. In no case shall the changeable copy portion exceed fifty percent (50%) of the total sign area (amended 08-08-11).

Combined Development - Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Directional Signs – An on-premise sign giving directions, instructions, or facility information. The signs may contain the name or logo of the establishment, but no advertising copy. Examples include “parking”, “exit”, or “ATM” signs (added 08-08-11).

Drive-Through Window Sign – An attached or freestanding sign listing choices and processes. The sign allows communication between the consumer and business. Limited to no more than two (2) signs and should not be seen from a road, only viewable to those waiting in line at a drive-through (added 08-08-11).

Electronic Message Board - A sign that displays messages, such as time and temperature, or advertising, in alternating light cycles.

Facade - The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Facsimile Sign - An oversized, three-dimensional object, such as a chicken bucket, lettering, automobile (or automobile part), or human figure, which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.

Fence Sign - A sign mounted on, attached to, or constructed as part of a fence or similar structure.

Festoon Lighting - A string of outdoor lights suspended between two or more points.

Flag - Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity. The height of any flagpole cannot exceed the 35-foot height restriction (amended 08-08-11).

Flag, Corporate – a flag that contains the official registered corporate identity of a corporation in a recognizable logo or word-mark form. Corporate colors must be in compliance with the color chart or modified (added 08-08-11).

Flag, Ornamental – Any fabric containing distinctive colors or patterns that is used as an ornamental residential decoration. No commercial advertising is allowed. Size is restricted to no greater than 3 feet by 5 feet and should be mounted on a small pole attached to the house or a fence. If placed on a fence, the flag cannot protrude into the road or right-of-way. Quantity limited to two (2) per residence (added 08-08-11).

Freestanding Sign – A sign supported by a sign structure placed in the ground that is wholly independent of any building, fence, vehicle, or object other than the sign structure for support (added 08-08-11).

Gasoline Pump Sign – Signs which are normally associated with the sale of gasoline, including the price, self-service, etc. and information contained on the pump. Any additional promotional signage must remain inside the station (added 08-08-11).

Government Entity – The Town of Banner Elk and its departments, Avery County and its departments, the State of North Carolina and its departments, and the United States of America and its departments (added 08-08-11).

Government Sign – Any temporary or permanent sign erected and maintained by a governmental entity (added 08-08-11).

Grade - The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest Town or state street curb.

Ground Sign - A free standing sign with its base or its supports mounted directly to the ground. For the purposes of this ordinance, a ground sign shall be defined as two sign faces that are located back-to-back on a single structure. The maximum sign area as set forth in Tables 608-1, 608-2 and 608-3 shall be applied to each of the sign faces independently.

Holiday Decorations - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

Identification sign – A sign whose copy is limited to the name and address of a building, institution, person and/or activity or occupation being identified (added 08-08-11).

Illumination, Indirect - Illumination that reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

Illumination, Internal - Illumination provided from a source located inside or within the face of the sign.

Individual Establishment or Business - A single establishment or business occupying one or more buildings and located on an individual parcel of land, designed to function as a single enterprise.

Inflatable Signs - A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

Informational Sign – A sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. credit cards or a sign indicating hours of operation (added 08-08-11).

Lettering – Building letters that are mounted to the side of a building may be allowed in order to identify the business at that location. Lettering can be made of high-density urethane or wood. Maximum allowable area for lettering is 1 square foot per linear foot of building wall the lettering is attached to and not to exceed 50 square feet for all zoning districts and 32 square feet for all residential zoning districts (added 08-08-11).

Logo – A graphic mark or emblem commonly used by commercial enterprises, organizations and even individuals to aid and promote instant public recognition. Logos are either purely graphic (symbols/icons) or are composed of the name of the organization. An example of a word-mark: “IBM” (added 08-08-11).



Maintenance – The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign (added 08-08-11).

Mansard - A steeply pitched roof, pitched at such an angle as to resemble a building wall.

Monument Sign – A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

Neon Signs – Luminous tube sign that contains neon or other gasses at a low pressure. Refer to Section 501.1 Colored Lighting (added 09-14-2009)

Nonconforming Sign – A sign that was legally erected, but that does not comply with the subsequently enacted sign regulations and restrictions (added 08-08-11).

Off-Premise Sign - A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition shall include Outdoor Advertising or “Billboard” signs.

On-Premise Sign - A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

Outdoor Advertising (Billboard) Signs - A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

Panel - The primary surface of a sign that carries the identifying/advertising message.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign - A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

Portable Sign - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on

portable structures such as trailers, tent signs, A-frame or T-shaped signs, attached to a person and/or normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention (amended 08-08-11).

Projecting Sign - A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

Public Right-of-Way – The land or interest therein acquired for or devoted to transportation purposes by the Town of Banner Elk or the State of North Carolina Department of Transportation (added 08-08-11).

Pylon (or Pole) Sign – A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof, and extending vertically above the highest portion of the roof.

Real Estate Signs – Signs advertising the sale, rental, and/or lease of the property on which said sign is located. Signs must be mounted on a wooden pole that shall not exceed 4” x 4” or a one-inch channel iron post or similar material, if approved by the Zoning Administrator. The sign shall be removed within seven (7) days of the sale, rental or lease of the property. Construction of said sign shall be in compliance with Section 605 (a). See Tables 608-1 and 608-2 for size and placement. One (1) info tube shall be allowed per sign and must be attached to the bottom of the sign. (Added 12/21/2010 amended 08-08-11).

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof, and extending vertically above the highest portion of the roof.

Sign - Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display is made on, attached to, or constructed as part of a building, structure, vehicle, or object.

Snipe Sign – A temporary sign or poster affixed to a tree, public utility pole, fence, etc...(added 08-08-11).

Spinner - A wind activated, propeller-type device, which may or may not be attached to advertising copy.

Streamer - A string or strip of miniature or full size pennants or flags that may or may not be suspended between two points.

T-Shaped Sign - A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

Temporary, Agricultural Product Signs – Signs advertising the availability of agricultural or horticultural products. These signs are considered temporary in nature dependent on the harvest season of the product. (Added 9-14-09)

Temporary, Banner - A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame that advertises a limited event (i.e. grand opening

or special sale). National flags, state or municipal flags, or the official flag of any nonprofit institution shall not be considered banners. Limited to thirty (30) days in a six-month period (amended 08-08-11).

Temporary, Open House Sign – One-day temporary signs used only for the hours the Realtor is on site and for the purpose of showing the property for sale, lease or rent. One may be placed on a main thoroughfare with “Open House” and an arrow; a second sign may be placed on the actual property being shown that reads “Open House” (added 08-08-11).

Temporary, Seasonal Business Sign – A sign advertising a seasonal business shall be allowed for no longer than 120 days. The sign must meet the ordinance and can be attached to a permanent freestanding sign or canopy sign. Only one allowed per business and shall not exceed 24 square feet (added 08-08-11).

Temporary Sign - A sign advertising a special event and not intended to be displayed on a permanent basis. Temporary Signs have a time limit for how long they will be erected stated on the sign permit application. (Amended 12/21/2010)

Vehicle Sign – Signs that are transported in the back of a vehicle, trailer or signs that compose more than 50% of the exterior of the surface of a vehicle and is purposely left parked in a location other than the actual business in order to advertise their business. See Portable Sign. (Amended 08-08-11).

Vision Obstruction – The placement of a sign that would limit a full view of both pedestrian and vehicular traffic to less than seventy (70) feet measured along an intersecting right-of-way line (added 08-08-11).

Wall Sign - A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

Window Sign - A sign that is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form that communicates information can be read from off-premise.

Yard or Garage Sale Sign – A sign advertising a “yard sale” or “garage sale” with an arrow indicating the direction of the premise the sale is to be conducted on. The signs cannot be illuminated and are restricted to 4 sq ft of area and cannot exceed 4 feet in height. One on-premise and one off-premise sign shall be allowed per property. No neon colored poster board allowed. (amended 08-08-11)

SECTION 603 General Regulation of Signs

Measurement of Sign Area and Height. The following guidelines shall control the computation of the sign area and height: (amended 08-08-11).

- (a) Computation of Area of Single-Faced Signs: The area of a sign face shall be considered to be that of the smallest rectangle or triangle which encompasses all lettering, wording, design, or symbols together with any background difference in the balance of the wall on which it is located, if such background is designed as an integral part of and obviously related to the sign.
- (b) Computation of the Area of a Double-Sided Sign: The area of a sign which is designed to be seen from both sides shall be considered to be no greater than the overall allowable dimensions of that zoning district.

- (c) Supports: The supports, which affix a sign to the ground or to a building, shall not be considered in the area of the sign unless supports are obviously designed to be an integral part of the sign, as defined by these regulations. Wooden ground supports shall be a minimum of 4" x 4". Temporary signs may use one 2" x 2" channel iron support.
- (d) Computation of Height: The height of a sign shall be measured from the highest point of a sign or its support; whichever is greater, to the base of the sign at the highest adjacent grade.
- (e) Copy Area: The area of the sign face that is covered by text or symbols. No more than 50% of the sign area shall be covered with text or symbols, with the exception of real estate signs.

SECTION 603.3 Computation of Height.

The height of a sign shall be measured from the highest point of a sign or its support; whichever is greater, to the base of the sign at the highest adjacent grade.

SECTION 604 Reserved for Future Use.

SECTION 605 Design, Construction and Maintenance.

All signs shall be designed, constructed, and maintained in good structural condition according to applicable provisions of the North Carolina State Building Code, all applicable electrical codes and this ordinance. (amended 08-08-11)

- (a) Technique: All signs shall be sandblasted, hand carved or routed.
- (b) Materials: A minimum of ¼ inch depth; made of wood or like material manufactured to replicate wood, with craftsmanship to be in harmony with the natural and mountain character of the surroundings. The approved Banner Elk Color Chart shall serve as a guideline for the acceptable colors. Any color outside this color chart will need to be approved by the Planning Board. Temporary materials may be allowed for temporary signs with prior approval from the Zoning Administrator.
- (c) Landscaping: All ground mounted signs shall have incorporated landscaping which is consistent with the Banner Elk Streetscape Format with support being constructed from rock, wood posts or other natural materials being located outside of road rights-of-way.
- (d) Locations: Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinances, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment. Signs shall not be placed in the road right-of-way and shall be kept out of the sight triangle (See 402.9 for an illustration of sight triangle).
- (d) Design Area: All signs, unless otherwise stated or implied, shall have no more than two faces, displayed on opposite sides and without a space or angled projection to one another. Said signs shall have the same message and general design on both faces.
- (e) Maintenance: The immediate premises around a sign shall be kept free from litter and debris. However, no person other than persons authorized by the Town shall damage, trim, destroy, or remove trees, shrubs, or other vegetation located within the public right-of-way of any street for the purpose of increasing or enhancing the visibility of a sign; nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.
- (f) Lighting: Illuminated signs shall be by a shielded indirect white or amber light of reasonable intensity and directed solely at the sign face. Internally lit signs are not allowed.

- (g) Vision Obstruction: No sign shall create a vision obstruction onto a public right-of-way, including alleys and sidewalks, except for government signs. All signs shall be set back out of the right-of-way and the sight triangle as addressed in Section 402.9.
- (h) Changeable Copy: In no case shall the changeable copy area of a sign or marquee exceed fifty percent (50%) of the total sign area.
- (i) Projecting, Suspending, and/or Canopy Signs: Projecting, Suspending, and/or Canopy signs may be no less than eight feet at their lowest point above any sidewalk or walkway.

SECTION 606 Prohibited Signs.

The following signs are prohibited within the Town of Banner Elk and its ETJ:

- (a) Signs that are similar, or mimic, official highway signs, warning signs, or regulatory devices.
- (b) Signs displaying blinking, flashing, or intermittent lights, animation and moving parts or electronically displayed messages, with the exception of LED Reader Board style signs which display the time and temperature.
- (c) Portable signs
- (d) Off-premise signs except those expressly permitted herein
- (e) Off-premise Outdoor Advertising signs or billboards.
- (f) Facsimile signs
- (g) Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers.
- (h) Roof signs
- (i) Pavement markings for purposes other than traffic control
- (j) Signs placed within or extending into the right-of-way of Town and state maintained streets and roads, except those erected by a duly constituted government body
- (k) Signs that contain language and/or pictures obscene to the general public in accordance with NCGS 14-190.1
- (l) Signs that advertise an activity or business no longer conducted on the property on which the sign is located, except as addressed in Table 608.3, “Business Relocation Signs”.
- (m) Indirect illumination, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways or that causes a nuisance to the occupants of adjoining property.
- (n) Signs that obstruct fire escapes, windows, doors or other openings used as a means of egress or as required legal ventilation
- (o) Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs) or spinners

- (p) Directly illuminated signs, with the exception of seasonal holiday decorations without commercial advertising
- (q) Signs whose face is composed of vinyl, aluminum or similar materials
- (r) Signs that do not conform to the provisions of these regulations
- (s) Snipe signs

SECTION 607 Exempt Signs.

The following signs do not require a permit:

- (01) **Building Marker Signs.** A sign etched into masonry, bronze or similar material on a building.
- (02) **Business Identification Sign.** A pedestrian oriented sign attached to a building to identify the tenant within. Such sign shall contain no advertising other than trade name and/or logotype. One sign is permitted per entrance. **MAXIMUM SIZE: 6 SQUARE FEET**
- (03) **Construction/Contractor's and Subdivision Project Signs.** Such signs shall be non-illuminated and may be located in any district to identify future tenants, homebuilders, contractors, and architectural or engineering designers during the period of construction. These signs shall be removed no later than seven days after the completion of the project and for Planned Residential Developments one year after final plat approval, whichever comes first. **MAXIMUM SIZE: 24 SQUARE FEET TOTAL PER SITE; LOCATED 15 FEET BACK OF STREET AND/OR SIDEWALK. (Amended 07-14-08)**
 - a. **Directional Signs.** Signs that are located on the premise/property to provide directions. Such signs contain no copy (i.e. company name or logo) other than directional information. No more than two (2) signs per entrance or exit shall be permitted. **Max. size: 4 SF; Max. height: 4 feet.**
- (05) **Drive-Through Signs.** Signs that are permitted as either a freestanding or attached wall sign. Such signs may not exceed 28 square feet and should not be visible from the front of the building. No more than two drive-through signs are allowed per location (added 08-08-11)
- (06) **Flags.** Flags or insignia of any nation (United States), organization of nations (United Nations), state (North Carolina), county or municipality (Avery County or Banner Elk), any religious (Star of David), civic or fraternal organization (Kiwanis or Lees McRae College Phi Beta Kappa), or any educational or cultural facility and/or any one corporate flag per lot. The total number of flags allowed is three (3) in all zoning districts; except residential. With the exception of flags flown in an official capacity, flags are restricted to no greater than 4' x 6' on a flag pole and 3' x 5' otherwise. Ornamental residential flags are allowed with no more than two (2) per residence and no greater than 3' x 5'. Flagpoles cannot exceed the 35-foot height restriction.
- (07) **Government Signs.** Signs posted or authorized by various local, state, and federal agencies in the performance of their duties such as regulatory signs, welcome signs, and traffic signs. Also, Bulletin Boards erected and maintained by the Town of Banner Elk.
- (08) **Historical Marker.** An historic marker may be placed on the premise or property for the expressed purpose of signifying the site or an event that occurred on the site as having historical value. The request should be accompanied with a notation of the historical value of the site or the event or person(s) it is representing. **Max Size: 16 SF (Added 07-14-08)**

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- (09) **Informational Signs.** Signs displayed for the direction and convenience of the public. Such signs shall not exceed two (2) square feet in area. (added 08-08-11)
- (10) **Legal and Warning Signs.** Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies; signs required for or specifically authorized for a public purpose by any law, statute or ordinance.
- (11) **Occupant/Street Number Signs.** Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs shall be placed in such a manner as to be visible from the street. **MAXIMUM SIZE: 2 SQUARE FEET.**
- (12) **Political Signs.** Political signs may not be located within a public street right-of-way, in no case closer than thirty (30) feet from the centerline of a public street, and shall not be attached to trees or utility poles. Signs may be displayed no longer than thirty (30) days after the election, primary, run-off, or referendum for which the sign was erected. Max. size: 16 SF; No more than 4 signs per lot; not to exceed aggregate of 64 SF.
- (13) **Temporary Holiday Decorations.** Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.
- (14) **Window Displays.** Merchandise, pictures or models of products or services that are incorporated as an integral part of a window display.
- (15) **Window Signs.** Signs temporarily attached or temporarily painted to a window or door, announcing sale or special features, provided they do not exceed 50% of the area of said window or door. Signs that exceed 50% of the area of said window shall be treated as wall signs. Temporary signs shall be removed within 2-days after the termination of such sale or special event.

(Section on requirement of Planning Board to review all signs was deleted on 4-12-10 by adoption of deletion from Town Council.)

Table 608-1 Standards for Permanent Signs in R-1, R-1-U, and R-2.

Type of sign	MAXIMUM SIZE OF SIGN	MAXIMUM NO. OF SIGNS	MAXIMUM HEIGHT	LOCATION OF SIGNS
<p>Free Standing</p> <ul style="list-style-type: none"> • Churches, schools, public buildings • Parks, community centers • Nursing homes, residential care facilities • Planned Residential Development 	<p>32sf</p> <p>16sf</p> <p>32sf</p> <p>32sf</p>	<p>1 per frontage</p> <p>1 per frontage</p> <p>1 per frontage</p> <p>1 per frontage</p>	<p>4'</p>	<p>Outside of street right-of-way and sight triangle**</p>
<p>Real Estate Signs <i>Signs that advertise the sale/rental or lease of the property on which said sign is located. Such signs may not be illuminated and must be placed on the actual lot for sale. (Amended 12/13/2010)</i></p> <p>Open House Signs <i>One-day temporary open house signs used only for the hours the Realtor is on site and for the purpose of showing the property for sale, lease or rent.</i></p>	<p>2sf</p> <p>2sf</p>	<p>1 per street frontage</p> <p>1 on a major thoroughfare and one on the actual property being shown.</p>	<p>3'</p> <p>4'</p>	<p>Outside of street right-of-way and sight triangle**</p> <p>Outside of street right-of-way and sight triangle**</p>
<p>Wall Signs</p> <ul style="list-style-type: none"> • Churches, schools, public buildings, nursing homes • Home Occupations, or other professional uses allowed in residential districts <p>** For illustration see 402.9</p>	<p>1sf per linear foot of building wall the sign is attached to and not to exceed 32 square feet.</p> <p>4sf</p>	<p>1 per building wall with frontage</p> <p>1</p>	<p>Not to extend above vertical wall</p>	<p>—</p> <p>—</p>
<p>Free Standing Project/Construction Sign</p> <p>Planned Residential Development</p> <p>** For illustration see 402.9</p> <p>Parking</p>	<p>24 square feet for tracts exceeding three acres or advertising lots for sale in approved subdivision</p>	<p>1 per PRD allowed for up to one year from final plat approval with renewal option by Architectural Review Committee</p>	<p>4'</p>	<p>Outside of street right of way and sight triangle **</p>

Table 608-2 Standards for Permanent Signs in C-1, C-1P, C-2, M-E*, and M-1 (to include all signs also permitted in Table 608-1)

Type of sign	MAXIMUM SIZE OF SIGN	MAXIMUM NO. OF SIGNS	MAXIMUM HEIGHT	LOCATION OF SIGNS
Freestanding/Ground Signs <i>Individual businesses may not exceed a combined total of 36 square feet.</i>	36 square feet	1 per street frontage	14'	Outside of street right-of-way and sight triangle**
Wall Signs Individual business and combined development	1 square foot per linear foot of building the sign is attached to, up to a maximum of 50sf.	1 per building wall that has frontage on a public street or parking lot.	Not to extend above the vertical wall or roof line	—
Real Estate Signs <i>Signs that advertise the sale/rental or lease of the property on which said sign is located. Such signs may not be illuminated and must be placed on the actual lot. (Amended 12/21/2010)</i>	3sf	1 per street frontage and no illumination will be allowed	4'	Outside of street right-of-way and sight triangle**
Common Entrance Sign Individual business and Combined Development	2sf for each unit served by common entrance; total combined area not to exceed 18 sf	—	—	—
Projecting/Suspending/Canopy Signs Individual business Combined development	8sf 8sf, plus 2sf per additional tenant, up to 12sf total	1 1	— —	Vertical clearance from sidewalk and/or public street is a minimum of 8'
*Signage in addition to that listed above is permitted in M-E district as a conditional use, when signs are needed to identify the name of more than one structure or use, or specific signs are needed for public health and safety. **For illustration see Section 402.9.				

Table 608-3 Standards for Temporary or Incidental Signs Requiring a Permit

Zoning District	MAXIMUM SIZE OF SIGN	MAXIMUM NO. OF SIGNS	MAXIMUM HEIGHT	LOCATION OF SIGNS
<p>R-1, R-1-U <i>Temporary Agricultural Product Signs</i> <i>Off-Premise Directional Signs¹</i> <i>Security and Warning Signs²</i></p>	<p>4sf</p> <p>4sf</p> <p>2sf</p>	<p>2 per property</p> <p>3 per business/activity</p>	<p>4'</p> <p>4'</p>	<p>Outside of street right-of-way and sight triangle**</p>
<p>Yard or Garage Sale Sign. <i>One on-premise and one off-premise. Cannot be illuminated and must have owners name and phone number hand written in letters no taller than 3 inches on back of sign. (Added 09-14-09)</i></p> <p>Open House Signs <i>One-day temporary open house signs used only for the hours the Realtor is on site and for the purpose of showing the property for sale, lease or rent.</i></p>	<p>4sf</p> <p>2sf</p>	<p>2</p> <p>1 on a major thoroughfare and one on the actual property being shown.</p>	<p>4'</p> <p>4'</p>	<p>Must be kept 4' off the edge of the pavement.</p> <p>Outside of street right-of-way and sight triangle**</p>
<p>C-1, C-1P, C-2, M-E and M-1 <i>Temporary Banners³</i> <i>Temporary Seasonal Business Signs⁴</i> <i>Directory Signs for PCDs</i> <i>Off-Premise Directional and Business Relocation Signs⁵</i> <i>Menu Wall Signs</i></p>	<p>24sf</p> <p>24sf</p> <p>24sf, but not to exceed the size of the freestanding sign to which it is attached</p> <p>4sf</p> <p>6sf</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	<p>4'</p> <p>(endnote 4)</p> <p>4'Not to extend above the vertical wall or roof line</p>	<p>Outside of street right-of-way and sight triangle**</p> <p>Within ten feet of main entrance of principal building</p>

¹Off-premise directional signs shall only be used by places of business and institution; which are located in Banner Elk's zoning jurisdiction and said locations do not have direct frontage from NC 184 and NC 194. (Amended 06-11-2007)

²On-premise signs which designate health or safety warnings as required by law, and security signs which regulate the use of property (i.e. "no trespassing," "no hunting," "no soliciting") or provide other warnings of danger on the premises. Larger signs are permitted where required by law or statute provided the signs shall not exceed the maximum number or size required by said law or statute.

³Permitted for opening and other special events for a maximum of thirty (30) days during a six month period

⁴Sign shall be attached to or suspended from an existing conforming freestanding sign; the sign shall not extend above the permitted height of the existing sign, nor placed on top of the existing sign. Additions shall not extend below the permitted 8' vertical clearance over streets or sidewalks. Permit shall be valid for a period of 120 days. Only one sign shall be permitted at any one time. (Amended 10-16-2007)

⁵ Off-premise directional signs shall only be used by places of business and institution; which are located in Banner Elk's zoning jurisdiction and said locations do not have direct frontage from NC 184 and NC 194. Directional signs are limited to one per entity/activity, indirect illumination, and written permission of the property owner on which the sign is located is required for permit. Business Relocations: A sign may be placed at the original location giving directions to the new location provided the new location is within Banner Elk's Zoning Jurisdiction. If new location is not in Banner Elk's zoning jurisdiction then on the City/Town location may be used for a new location information. The sign may be placed at the original location for up to 30 days; the Administrator may consider extensions if the relocation is due to casualty loss. (Amended 06-11-2007)

SECTION 609 Non-Commercial Messages.

Any sign, display, or device allowed under this section may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, height, lighting, and spacing requirements of this section.

SECTION 610 Community Events Advertisements.

Advertisements for community events may be placed upon a facility designated by the Town. These advertisements shall be in the form of a banner; a maximum of 24 square feet. The facility shall provide room for only one (1) advertisement at any time per set of posts. An advertisement shall be displayed for no longer than seven (7) consecutive days, and shall be displayed only one time within a six (6) month period. If an event is ongoing through several months, the Town can decide how long the banner can remain as long as other events can have access as needed. Any person or group using this facility shall have the burden of removing the banner on the business day directly following the event. Unclaimed banners shall become the property of the Town of Banner Elk. Placement of banners upon the community facility shall be at the discretion of the Zoning Administrator. Permit is required.

SECTION 611 Non-conforming Signs

- (a) Limitations to Continued Use of Non-Conforming Signs. Subject to the following schedule, a non-conforming sign may be continued and shall be maintained in good condition, but it shall not be:
- (i) Changed to another non-conforming sign;
 - (ii) Structurally altered as to prolong the life of the sign;
 - (iii) Expanded;
 - (iv) Reestablished after discontinuance for ninety (90) days; or
 - (v) Reestablished after damage, destruction, or deterioration if estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost.
- (b) Removal of all non-conforming signs. All signs already in place as of October 16, 2007 that do not conform with the regulations of this ordinance shall be brought into conformance with this ordinance or shall be removed within seven (7) years of **October 16, 2007**. Any sign placed after October 16, 2007 that becomes non-conforming as a result of any future amendment or rezoning shall have seven (7) years from the effective date of said amendment or rezoning to bring the sign into conformance with the ordinance or be removed.
- (c) Publicly owned signs. All publicly owned signs that are erected upon any public street, public right-of-way, or public property shall be approved by Town Council and they shall not come under the context of this ordinance.

- (d) Impoundment of Signs. The Town shall have the authority to remove and impound any sign, without further notice, where such signs are not in compliance with this Ordinance as per Section 606, Prohibited Signs, and the sign is placed in any street, state road or highway right-of-way or other right-of-way, attached to trees, fence posts, telephone and/or utility poles, and/or any other than natural features.
- (i) The Town shall impound such signs for a period of ten (10) days. The owner of a sign impounded may recover it prior to the expiration of the ten-day impoundment period. In the event a sign is not claimed within the ten (10) days of its impoundment, the Town shall have the authority to dispose of such sign.
 - (ii) In the event a violating sign requires special resources for its removal and impoundment, the Town, or independent contractor secured by the Town, shall remove the sign and the resulting charges shall be assessed and the resulting charges shall be assessed to the owner and/or lessee. (amended 7-13-09)

SECTION 612 Penalties

Each sign that is illegally displayed shall be subject to a civil penalty of \$25.00 per sign per day for each day that the offense continues, plus court costs and attorney fees. The Town shall have the authority to remove and impound any sign, without further notice, where any sign is creating a public safety hazard through placement in any street, state road or highway, right-of-way, or other right-of-way, attached to trees, other natural features, fence posts, telephone and/or utility poles. The Town will attempt to notify the sign owners by phone and/or first-class mail that the signs may be picked up after payment of the associated penalties within ten (10) business days at Town Hall before the sign(s) are destroyed. The Town will assess a \$10.00 pick-up fee for each sign the town removes. The Town shall impound such signs for a period of ten (10) days. The owner of a sign impounded may recover it prior to the expiration of the ten-day impoundment period upon paying all penalties assessed. In the event a sign is not claimed within ten (10) days of its impoundment, the Town shall have the authority to dispose of such sign. In the event a violating sign requires special resources for its removal and impoundment, the Town, or independent contractor secured by the Town, shall remove the sign and the resulting charges shall be assessed to the owner and/or lessee. (added 08-08-11)

Section 613. Violation of Section 600 of the Town of Banner Elk Zoning Ordinance shall not be deemed a misdemeanor. (Added 08-08-11)