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Sec. 9-4010. Signs.

(a) *Permit required.* It shall be unlawful for any person to erect, locate, relocate, alter or display within the zoning jurisdiction of the city any sign or other advertising structure, other than those specifically exempted from this Article or otherwise specifically allowed without a permit, until first obtaining a permit from the zoning enforcement officer, issued in accordance with the following limitations, conditions and requirements:

(1) *Application.* Application for permits shall be made upon the forms provided by the city and the applicant shall accurately provide all information requested on such application form.
(2) *Fee.* A permit shall be issued only upon the payment of the required fee, as established from time to time by the City Council, such fee to be payable at the time application is made.
(3) *Continued compliance required.* The permit shall remain valid only upon the continued compliance by the applicant or owner of the sign with the conditions, limitations and requirements set forth herein. Failure to comply with these regulations may result in the revocation or cancellation of such permit by the zoning enforcement officer, and may subject the applicant or owners of the sign to any other remedy, civil or criminal, permitted by law.

(b) *Prohibited signs.* Notwithstanding anything herein to the contrary, the following signs are prohibited in all districts within the zoning jurisdiction of the city:

(1) Any sign which encroaches within or extends over or otherwise interferes with streets, alleys or other public rights-of-way.
(2) Signs which are illuminated by or contain lights or other parts that flash, blink or move, or simulate flashing, blinking or movement.
(3) Roof signs.
(4) Signs mounted on a chassis with wheels.
(5) Any sign which impedes the flow of vehicular traffic or interferes with the view of an operator of a motor vehicle, either because of the location of the sign or the direction, glare or intensity of any illumination or reflection. Any sign located in a parking area or near an entrance or exit shall not interfere with the traffic flow or safe movement and shall be separated from vehicular travel areas by bumpers, protected medians or similar devices.
(6) Any sign located on a pole as provided in 6-1129 of the Charter and Code of Ordinances for the City of Morganton.
(7) Any sign located on a tree, rock or other natural feature.
(8) Any sign which is harmful or poses a threat to the public health, safety or welfare.
(9) Any sign advertising a business which has been out of operation for more than 180 days.
(10) Any sign which imitates an official traffic sign or any signs which are of a size, location, content, coloring or manner of illumination which may be confused with or construed as a traffic control device.
(11) Signs or sign assemblies and supports which obstruct ingress or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to any room or building.
(12) Any free-standing sign which is located within 25 feet of any other free-standing sign, or within 50 feet of any off-premises advertising sign.
(13) All other signs which are not specifically permitted under this Article.
(14) All off-premises advertising signs erected after October 1, 2006. Notwithstanding anything in this Zoning ordinance or in any other provision of the Code to the contrary, the erection, installation or construction of off-premises advertising signs, regardless of size, is prohibited effective October 1, 2006.

Section 9-4010(f)(5)f as well as Section 9-4012 (f) and (i) are retained for administrative purposes and shall continue to apply to those off-premises signs erected prior to October 1, 2006. Nothing in those sections of the Code shall be construed as in conflict with the prohibition of new off-premises advertising signs from and after October 1, 2006.

Further, certain off-premises advertising signs legally erected pursuant to Section 9-4010(f)(5) f. prior to October 1, 2006 shall also be subject to the special provisions set forth in Section 9-4010(i) entitled “Special Provisions for Off-Premises Advertising Signs Prior to 10/1/06”.

(c) *Exemptions.* The following signs are exempt from the provisions of this Article, and the regulations hereunder shall not apply:

(1) Signs erected or maintained by governmental agencies or bodies.
(2) Signs placed within a building, including signs placed on the inside of windows and doors.
(3) Signs which are not visible from the public right-of-way.
(4) Works of art which in no way identify a product, service organization or business.

(5) Banners located within streets, alleys or public rights-of-way only if such banners do not interfere with or impede the flow of traffic, and only with the permission of the City Manager.
(6) Official signs of a noncommercial nature erected by public utilities such as signs denoting the location of underground utilities.
(7) National, state, county, or city flags.
(8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles, provided such signs do not project from the vehicle body, and provided such vehicles are used primarily for transportation and not as a sign.
(9) Signs forming an integral part of a gasoline pump, service appliance, phone booth, teller machine, if such sign is located off of the public right-of-way.

(d) *Signs allowed without a permit.* The signs set forth in this subsection shall be allowed without the issuance of a permit, and may be located or erected in any zoning district; however, such signs shall otherwise comply with all other conditions, limitations and requirements of this Article.

(1) One name and/or address sign for each single-family dwelling unit; however, such signs shall not exceed four square feet in area.
(2) One sign identifying a home occupation or bed or breakfast operations; however, such a sign shall only be located on the same lot as the home occupation or bed and breakfast operations, and shall not exceed four square feet in area.
(3) Signs which warn of health and safety standards, such as high voltage electrical equipment, radiation, explosives or other dangers.
(4) No trespassing signs which do not exceed four square feet in area and are not illuminated.
(5) Identification signs used for the sole purpose of identifying a church, school, hospital, (except animal hospital), library and institutions of a philanthropic nature; however, such signs shall be located on the same lot as the principal use.
(6) Signs directing and guiding traffic on private property which do not exceed four square feet each and which contain no other advertising material.
(7) Information signs which do not exceed ten square feet.
(8) Memorial signs or tablets, cornerstones and names of buildings and dates of erection, when made of noncombustible material and when located on the building; however, such signs shall not exceed ten square feet in area.
(9) One sign for each service station or garage denoting a State of North Carolina Motor Vehicle Inspection Station; however, such signs shall not exceed four square feet in area.

(e) *General rules and regulations.* In the issuance of sign permits and the interpretation, application and enforcement of this section dealing with signs, certain rules and regulations are hereby established:

(1) Signs which would ordinarily be exempt or would not require the issuance of a permit except for its failure to comply with a size or other technical requirement shall nevertheless be allowed if in full compliance with the conditions, limitations and requirements of another category of signs permitted in the applicable district regulations. The use of such sign, however, may preclude the use of other signs of the same category which may be permitted in that particular zoning district.
(2) Any sign, display or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of this Article.

(f) *District regulations.* In addition to exempt signs, which are not regulated by this Article, and signs which are allowed without the issuance of a permit in all zoning districts, the following signs shall be allowed, only in those districts where designated and only in accordance with the conditions, limitations, and requirements set forth.

(1) *RL, RLMF, RT, RM, RH, RH-S:*

a. Identification signs used for the sole purpose of identifying a subdivision, apartment building, mobile home park, condominium complex or other residential group development. Two signs per entrance shall be permitted, provided that the maximum size where one sign is used shall be 32 square feet and where two signs are used, shall be 16 square feet each. Maximum height of such signs shall be 12 feet.
b. One free-standing sign or one wall sign not to exceed four square feet for each lot in which a nonresidential use is located.

(2) *OI:*

a. Identification signs used for the sole purpose of identifying a subdivision, apartment building, mobile home park, condominium complex or other residential group development. Two signs per entrance shall be permitted, provided that the maximum size where one sign is used shall be 32 feet square feet and where two signs are used, shall be 16 feet each. Maximum height of such signs shall be 12 feet.
b. One free-standing sign or one wall sign not to exceed 25 square feet in area and 12 feet in height.

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Where there is more than one business occupancy on a lot or where a development shares parking or other common facilities as in a planned development, free-standing signs shall be calculated as follows:

Number of Business	Number of Free-standing signs	Maximum sign size	Maximum sign height	Space between Free-standing signs
1-3	1	40 sq. ft.	12 ft.	25 ft.
4-6	2	40 sq. ft.	12 ft.	25 ft.
7 or more	3	40 sq. ft.	12 ft.	25 ft.

c. One wall sign per public entrance to each building not to exceed ten square feet, provided such signs are located adjacent to the entrance.

(3) *NB:*

a. Identification signs used for the sole purpose of identifying a subdivision, apartment building, mobile home park, condominium complex or other residential group development. Two signs per entrance shall be permitted, provided that the maximum size where one sign is used shall be 32 square feet and where two signs are used, shall be 16 square feet each. Maximum height of such signs shall be 12 feet.
b. One free-standing sign per lot with a maximum sign area of one-half square feet per foot of property frontage; provided that no sign in a neighborhood business zone shall be larger than 40 square feet, and have a maximum height of no greater than 20 feet.

Where there is more than one business occupancy on a lot where a development shares parking or other common facilities as in a planned development, free-standing signs shall be calculated as follows:

Number of business	Number of Free-standing signs	Maximum sign size	Maximum sign height	Space between Free-standing signs
1-3	1	40 sq. ft.	20 ft.	25 ft.
4-6	2	40 sq. ft.	20 ft.	25 ft.
7 or more	3	40 sq. ft.	20 ft.	25 ft.

c. One wall sign located on a building or one canopy sign painted on a canopy, for each business occupancy within a building, provided the sign does not exceed one square foot in area per linear foot of that business' building frontage. If the business fronts on more than one public street, the business may have an additional wall or canopy sign of a size determined above for each additional public street on which it fronts; however, each additional sign shall face the additional public street.
d. Gasoline pump island canopy signs provided the following standards are adhered to:

1. Only one sign on one edge of the canopy roof, provided that it does not project above, below, or to the side of the roof and that is mounted parallel and flush to the canopy edge.
2. One sign, including gasoline price signs on a structural support, not to exceed 15 square feet in area.
3. Informational signs, containing no advertising, not over ten square feet in area.

(4) *CB:*

a. Identification signs used for the sole purpose of identifying a subdivision, apartment building, mobile home park, condominium complex or other residential group development. Two signs per entrance shall be permitted, provided that the maximum size where one sign is used shall be 32 square feet and where two signs area used, shall be 16 square feet each. Maximum height of such signs shall be 12 feet.
b. One wall sign located on a building or one canopy sign painted on a canopy per building entrance, provided the sign does not exceed one square foot per linear foot of building frontage. As an alternative to wall or canopy signage one projecting sign may be placed per public entrance at least 10 feet from other projecting signs, provided:

(1) The projecting sign does not exceed 6 square feet and the mounting bracket is subordinate to the sign,
(2) The sign and mounting bracket shall be contained between the heights of 8 and 15 feet from the ground,
(3) The sign may be illuminated indirectly but not internally,

(4) Constructed of non-glossy, non-glare painted, sandblasted or silk-screened wood, metal, high density foam or plastic materials, but not plywood, and
(5) The sign shall be no more than 8 inches in thickness.

c. One canopy sign per business occupancy, hung below a canopy or awning, not to exceed five square feet in area.
d. Gasoline pump island canopy signs provided the following standards adhered to:

(i) Only one sign on each edge of the canopy roof provided that it does not project above, below, or to The side of the roof and that it is mounted parallel and flush to the canopy edge.
(ii) One sign, including gasoline price signs on a structural support, not to exceed 15 square feet in area.
(iii) Informational signs containing no advertising, not over ten square feet.

(5) *GB,LI,HI:*

a. Identification Signs

1. Used for the sole purpose of identifying a residential subdivision, apartment building, mobile home park,condominium complex or other residential group development. Two (2) signs per entrance shall be permitted, provided that the maximum size where one sign is used shall be 32 square feet and where two (2) signs are used, shall be 16 square feet each. Maximum height of such signs shall be 12 feet.

2. Used for the sole purpose of identifying a commercial or industrial subdivision occupied by numerous businesses. One sign shall be permitted at the entrance of the subdivision provided that the maximum size shall not exceed 50 square feet. Maximum height of such sign shall be 12 feet.

b. One free-standing sign for each business occupancy, with a maximum sign area not exceeding two square feet per foot of building frontage, provided that the maximum size of any free-standing business sign shall not exceed 150 square feet. The maximum sign height shall be 30 feet.

Where there is more than one business occupancy on a lot where a development shares parking or other common facilities as in a planned development, free-standing signs shall be calculated as follows:

Number of Business	Number of free-standing signs	Maximum sign size	Maximum sign height	Space between free-standing signs
2-6	1	150 sq. ft.	30 ft.	25 ft.
7-14	2	150 sq. ft.	35 ft.	25 ft.
15 or more	3	150 sq. ft.	40 ft.	25 ft.

The Board of Adjustment may permit as a special exception, a higher sign, provided:

(i) The applicant presents plans and specifications for the proposed sign, including a site plan showing the proposed location.
(ii) The proposed location is within 500 feet of the right-of-way of US Interstate Highway 40.
(iii) The proposed sign is not an off-premises advertising sign.
(iv) The proposed sign is advertising a business that is primarily oriented toward attracting the traveling public on I-40.
(v) The proposed sign is not of a height objectionable to either residents of the area of the proposed sign or the general population of Morganton.
(vi) That the proposed sign height is not higher than is reasonably necessary to be seen from I-40.

Notwithstanding the above, a single business occupancy located on a tract of land that abuts on a publicly maintained road for at least 750 feet shall be entitled to one additional free-standing provided the road frontage is adjacent without interruption to the same publicly maintained road; however, any additional sign will not be located within 150 feet of any other free-standing sign nor shall the additional sign be larger than 75 square feet nor greater than 30 feet in height. An additional sign shall not be allowed for tracts of land located at the intersection of two publicly maintained roads nor for tracts of land having frontage on two separate publicly maintained roads unless the tract abuts at least one of the roads for at least 750 feet. Furthermore, should the tract of land be redivided or should additional business entities occupy the tract of land so that none of the business have at least 750 feet of road frontage, then the additional sign shall be removed and all other signs shall be immediately brought into compliance with the size, height, type and number restrictions set out above.

c. One wall sign located on a building or one canopy sign painted on a canopy, for each business occupancy within a building, provided the sign does not exceed one square foot in area per linear foot

of that business' building frontage. If the business fronts on more than one public street, the business may have an additional wall or canopy sign of a size determined above for each additional public street on which it fronts; however, each additional sign shall face the additional public street.

d. Gasoline pump island canopy signs, provided the following standards are adhered to:

(i) Signs on one edge of the canopy roof provided that it does not project above, below or to the side of the roof and that it is mounted parallel and flush to the canopy edge.
(ii) One sign, including gasoline price, limited to a location on a single structural support, not to exceed 15 square feet in area.
(iii) Informational signs containing no advertising, not over ten square feet.

e. One canopy sign per business occupancy, hung below a canopy or awning, not to exceed five square feet in area.

f. Off premises advertising signs subject to the following restrictions:

(a) Sign shall not be located closer than 500 feet to any other outdoor advertising sign, 100 feet to any residential structure and 50 feet to any free-standing sign.
(b) The maximum size shall be 300 square feet.
(c) Sign shall conform to all building setbacks, and in the case of a co-location with any principal commercial building and off premises advertising sign on a single lot, the sign shall also comply with a 40 foot spacing requirement from any principal commercial structure.
(d) V-type signs, forming an angle of 35 degrees or less, shall be permitted provided that each panel does not exceed the maximum sign size of 300 square feet.
(e) The maximum sign height shall not exceed 30 feet. For signs located below road grade the sign shall not exceed 30 feet above the nearest adjacent public road elevation.

(g) *Special provisions for wall signs located in NB,CB,GB, LI, and HI districts.* In any case where wall signs are permitted in the NB, GB, LI, HI and CB districts, the sign area of the wall sign may be as set forth for the district or not more than 10% of the area or the wall upon which it is mounted, whichever is the greater.

(h) *Temporary signs.* Temporary signs shall be permitted in the GB,LI,HI and CB districts subject to the following conditions:

(1) The following permit procedures shall be followed when installing temporary signs:

a. No temporary sign, unless exempted hereunder, may be installed or erected unless a temporary sign permit is first obtained from the city. The applicant for a temporary sign permit shall accurately set forth all information requested upon the application form and shall pay a fee in such amount as may be established by the City Council from time to time and set forth in its Schedule of Fees and Charges.
b. Only one permit may be obtained per business occupancy within any 180-day period (unless otherwise permitted herein).
c. Each temporary sign permit shall be valid for a period of 20 consecutive calendar days. The permit shall specify the date the sign is to be erected and removed.

(2) The following temporary signs shall be exempted from obtaining a temporary sign permit.

a. Temporary signs used for political, construction, or real estate sales purposes; however, such signs may not be located in an area or erected in a manner that creates a nuisance by obstructing any street or sidewalk or in any way endangering the public safety, provided further, that such signs are removed within one week of the conclusion of the event or activity advertised on the sign.
b. Flag signs not exceeding ten square feet whose condition is not tattered or torn and whose maximum number does not exceed two per business occupancy.
c. Temporary signs that are installed on business occupancies for the sole purpose of promoting civic clubs, nonprofit organizations, institutions or similar uses, so long as the sign meets the size, location and time standards set forth within this subsection.
d. One easel sign that does not exceed five square feet and does not block public right-of-way or obstruct public sidewalks.

(3) Each business occupancy shall be allowed to obtain a temporary sign permit from one of the following lists of temporary sign categories under the conditions prescribed in each:

a. Portable signs. All portable signs shall be at least ten feet from all property lines. They shall not interfere with sidewalks or site triangle visibility. The maximum sign area shall not exceed 15 square feet. The maximum height shall not exceed five feet. No portable signs shall be allowed within a designated historic overlay district or allowed to flash or simulate flashing.

b. Inflatable signs. All inflatable signs shall meet the following standards:

(e) The sign shall not pose a threat to the health, safety or welfare of the public.
(f) The sign shall not exceed 40 feet in height.
(g) The sign shall not obstruct public parking areas.
(h) The sign shall not be located within a designated historic overlay district.
(i) The business will use no more than one inflatable sign per calendar year.

(i) *Special Provisions for Off Premise Advertising Signs Prior to 10/1/06.* Off premise advertising signs legally erected and/or amortized and brought into compliance with Section 9-4010(f)(5)(f) prior to October 1, 2006 may be reconstructed or replaced with a Digital Billboard under the following conditions:

(a) Applicant must designate and permanently remove four (4)non-conforming off-premises signs located elsewhere within the jurisdiction of the City of Morganton; however, the removed signs cannot include nonconforming off premise signs erected within public rights-of-ways that advertise service clubs, churches and civic organizations.

(b) The digital sign shall not be located closer than (i) 500 feet to any other outdoor advertising sign, (ii) 500 feet measured along the roadways to any residential structure, (iii) 250 feet radial to any residential structure not located on the same roadway, or roadways as the sign, and (iv) 50 feet to any free-standing sign.

(c) The maximum size of the sign shall be 300 square feet.

(d) The sign shall conform to all building setbacks, and in the case of a co-location with any principal commercial building and off premises advertising sign on a single lot, the sign shall also comply with a 40 foot spacing requirement from any principal commercial structure.

(e) V-type signs, forming an angle of 35 degrees or less, shall be permitted provided that each panel does not exceed the maximum sign size of 300 square feet.

(f) The maximum sign height shall not exceed 30 feet. For signs located below road grade the sign shall not exceed 30 feet above the nearest adjacent public road elevation.

(g) The images and messages displayed must be static and must remain static for a minimum of eight seconds, prior to being replaced by new images or messages.

(h) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,500 nits.

(j) Promotional wall display signs. Two (2) promotional wall display signs shall be permitted on the principal building façade in the GB, LI and HI Districts provided the signs comply with the following conditions:

(i) The sign may not exceed 12 square feet in area.

(ii) The sign shall be installed in a frame that is securely attached, flush to the primary building façade wall.

(iii) A valid permit shall be required and obtained prior to the initial installation of the sign.

(iv) The sign copy, words, letters and symbols within the frame may be interchanged as desired by the permit holder.

(Ord. 96-10, 3-4-96; Am. Ord. 98-18, 6-1-98; Am. Ord. 02-45, 9-9-02; Am. Ord. 04-13, 4-5-04; Am Ord. 06-17; Am Ord. 10-06, 4-5-10; Am Ord 11-03, 02-07-11, Am Ord 11-19, 10-03-11)

Sec. 9-4011. Landscaping requirements.

The following landscape requirements shall be provided as set forth in this section or as may otherwise be required for a use or situation as required by this Article.

(a) *Abutting property landscaping requirements.* Any non-residential use located in either the OI, NB, GB, LI or HI Districts and located on property abutting any Residential District, unless separated by a public street or railroad right-of-way,