



**AN ORDINANCE TO AMEND TEXT SECTIONS OF THE LAND USE CODE,
APPENDIX A: CHAPTER NINE OF THE CODE OF ORDINANCES FOR
THE TOWN OF BLACK MOUNTAIN**

Section 9.2.1 Definitions

Feather Flag – a lightweight portable advertising medium, mounted on a pole that resembles a sail.

Flag – any fabric or other flexible material that is attached or designed to be attached to a pole or similar device, which represents or symbolizes a business, organization or group.

Flag (public) – a flag displaying the name, insignia, emblem, or logo of any nation, state or municipality.

Moving sign – any sign which in part or in total rotates, revolves, or otherwise is in motion by the atmosphere or electrical means.

Sign (civic event) – a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization. This could also be a flag.

Sign (holiday decoration) – temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with federal, state, local or religious holidays and contains no commercial message.

Suspended sign – a sign that is suspended, parallel, or perpendicular from a building wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

Section 9.3.1 Signs allowed without a permit.

K. Public flags which display the name, insignia, emblem, or logo of any nation, state or municipality.

L. One civic event sign, which other than a commercial sign, can be posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

M. Holiday decoration signs.

Section 9.4 Signs allowed with permits.

A. The following types of signs shall be permitted in all commercial and industrial districts:

3. One projection sign or suspended sign not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign. Signs attached to the building in any manner, including wall signs, suspended signs and projection signs, shall not have aggregate surface which encompasses an area greater than 50 percent of the total surface area of the walls which abut or front streets (surface area of the walls shall be computed excluding doors and windows). *Projection and suspended signs shall not be made of flexible materials.*

9. Flag Signs and Feather Flags

A. Location

1. Feather flags cannot be located in public right-of-ways and must be a minimum of five feet (5') from the edge of pavement.
2. Flags located on the building shall be located so that the clearance distance is nine feet (9') from the bottom of the flag to the sidewalk or roadway.

B. Size

1. Feather flags shall be no greater than twelve feet (12') in height and no greater than four feet (4') in width.
2. Flags shall be no greater than fifteen square feet (15 sq. ft.).

C. Number Allowed

1. Businesses may be allowed one (1) feather flag or two (2) flags per property.

D. Illumination

1. Feather flags and flags shall not be illuminated.
2. No electric or motor powered device shall be allowed.

E. Advertising Message

1. Feather flags and flags may have an advertising message or logo of the business for which the sign is intended.
2. No offensive content shall be allowed (included but not limited to obscenities, profanities, lewd material, adult content, etc.).

F. Materials

1. Feather flags and flags shall be of nylon, canvas, or plastic material.

G. Installation

1. Feather flags and flags shall be installed to safety measures as approved by the building inspector.
2. Feather flags and flags shall be affixed so as to sustain ninety (90) mile per hour winds.
3. Feather flags and flags shall be constructed of a non-combustible material.

H. Approval

1. Feather flags and flags will require a sign permit on an annual basis with fees based on the square footage of the feather flag or flag.
2. Feather flags and flags located in the Historic or Conservation District may be subject to review from the Historic Commission Minor Works Committee.

C. Signs in residential and *mixed use* districts.

Section 9.5.1 Prohibited signs

- A. Any sign, *feather flag or flag* located in a manner or place so as to constitute a hazard to traffic as demonstrated by the zoning administrator.
- B. Any free-standing sign, *feather flag or flag* located in a public right-of-way or located within four feet of the pavement of any town street.
- C. Any sign, *feather flag or flag* that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.
- D. Billboard and other types of off-premises advertising signs.
- E. Roof signs *or flags* which extend above the highest point of the building/structure (excluding chimneys, vents, and antennas). Roof signs *and flags* shall otherwise be subject to the regulations regarding wall signs.

- F. Digital or LED signs or billboards with changing images or graphics, or any type of video or video projection billboard.
- G. Any flashing device or sign displaying flashing or intermittent lights or lights of changing degrees of intensity or changing color, except a sign indicating time and temperature, with changes alternating on not less than a five-second cycle.
- H. Animated, rotating or other moving or apparently moving signs, flashing lights, inflatable signs and tethered balloons, propellers and discs.***
- I. Any sign ***or flag*** posted to utility poles, trees, fences, rocks, or other signs.
- J. Any sign, ***feather flag or flag*** which is a copy or an imitation of an official sign, or which purports to have official status.
- K. Portable signs (excluding temporary, removable signs associated with restaurant menus abutting the restaurant).
- L. Any illegal posting of signs, ***feather flags or flags***, placed or attached, will be removed by town authority and will become the property of the town. The town will retain such signs for seven days, during which period first-time offenders may pay \$25.00 to reclaim their signs. After those seven days and for a second or repeat offense, illegal signs, ***feather flags or flags*** shall be disposed of or destroyed.

**A STATEMENT OF CONSISTENCY TO AMEND THE SIGN ORDINANCE
(APPENDIX A: CHAPTER NINE OF THE CODE OF ORDINANCES) BY SEVERAL
TEXT AMENDMENTS**

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that they adopt the following STATEMENT OF CONSISTENCY:

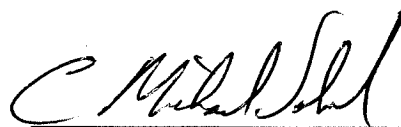
WHEREAS, when the Board of Aldermen adopted the Town of Black Mountain Code of Ordinances, the Planning Board committed to reviewing these regulations in order to improve their application to our community context; and

WHEREAS, in accordance with the provisions of North Carolina General Statute §160A-383, the members of the Planning Board find and determine that the adoption of the recommended text amendments are consistent with Vision Statement 3: Community Appearance of the adopted 2004 Comprehensive Plan and the 2008 adopted Comprehensive Pedestrian Plan; and

WHEREAS, the Planning Board recommends, and the Board of Aldermen find, that the proposed changes are consistent with current state regulations and find that these recommendations promote the general welfare and are in keeping with good zoning practice;

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the text amendments proposed for the Sign Ordinance, Appendix A: Chapter Nine of the Black Mountain Code of Ordinances are consistent with the Town's 2004 Comprehensive Plan and 2008 Comprehensive Pedestrian Plan.

READ, APPROVED AND ADOPTED this 12th day of May, 2014, by a vote of 4 to 1.



C. Michael Sobol, Mayor



Matt Settlemyer, Town Manager

ATTEST:



Darlene R. Whisenant, Town Clerk