Section 900 Nonconforming Uses

Any parcel of land, use of land, building or structure lawfully existing at the time of the adoption of this ordinance, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this article and other applicable provisions of this ordinance.

It is the intent of this ordinance to discourage the continuance of nonconforming uses, to prevent their enlargement, expansion, extension, and not to allow such uses to be made more permanent, except as authorized by this ordinance. Further, it is the intent of this ordinance to permit the continuance of certain of these nonconforming uses, buildings, or structures until they are removed by economic forces or otherwise, and to require discontinuance within a reasonable period of time of certain other nonconforming uses, structures, or buildings.

900.1 Nonconforming Vacant Lots

This category of nonconformance consists of vacant lots for which plats or deeds have been recorded at the Register of Deeds office of Henderson County, which at the time of the adoption of this ordinance, fail to comply with the minimum area or dimensional requirements of the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located provided that:

(1) Where the lot area is not more than ten (10) percent below the minimum specified in this ordinance, and other dimensional requirements are otherwise complied with, the Zoning Administrator is authorized to issue a certificate of zoning compliance.

(2) Where the lot area is more than ten (10) percent below the minimum specified in this ordinance, or other dimensional requirements cannot be met, the Board of Adjustment may, in its discretion, approve a variance.

900.2 Recombination of Nonconforming Lots

Whenever this ordinance creates a nonconforming lot and the owner, or his successor in title thereto, of the nonconforming lot also owns land adjacent to the nonconforming lot and a portion of the adjacent land can be combined with the nonconforming lot to create a conforming lot (without creating other nonconformities), the owner of the nonconforming lot shall, before selling or beginning any construction thereon, so combine the nonconforming lot and the adjacent lot, and, where necessary, re-divide the lots comprising the adjacent land to create a conforming lot.
900.3 Nonconforming Occupied Lots

This category of nonconformance consists of lots occupied by buildings or structures that, at the time of adoption of this ordinance, fail to comply with the minimum requirements for area, width, yard, and setbacks for the district in which they are located. These lots may continue to be used, provided the nonconformity may not be increased.

900.4 Nonconforming Open Uses of Land

This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted, at the time of adoption of this ordinance, in the district in which it is located. A legally established nonconforming open use of land may be continued except as follows:

(1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.

(2) Nonconforming open use of land shall be changed only to conforming uses.

(3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

(4) When any nonconforming open use of land is discontinued for a period in excess of one hundred eighty (180) days, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

900.5 Nonconforming Uses of Structures

This category of nonconformance consists of buildings or structures used at the time of enactment of this ordinance for purposes or use not permitted in the district in which they are located. Such uses may be continued as follows:

(1) If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use, provided that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards for the protection of the public interest and the value of neighboring properties.

(2) When a nonconforming use has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.
(3) A nonconforming use may not be extended or enlarged, nor shall a nonconforming structure be altered except as follows:

(a) Structural alterations as required by law or ordinance to secure the safety of the structure are permissible.

(b) On any building devoted in whole or in part to any nonconforming use, work may be done in a period of twelve (12) consecutive months of ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

(c) Expansion of a nonconforming use of a building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.

(d) Enlarging or extending the structure to bring it up to the minimum square footage requirement for the district in which it is located, or to change the structure to a conforming use is permissible.

(4) When any nonconforming use of a building or structure is discontinued for a period in excess of one hundred eighty (180) days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Vacancy and/or non-use of the structure, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

900.6 Reconstruction of Damaged Buildings or Structures

Any nonconforming building or structure which has been damaged by fire, wind, explosion, flood, or other causes, may be reconstructed or repaired and used as before provided:

(1) The repairs or reconstruction are initiated within six (6) months and are completed within one (1) year of such damage (except that an extension may be approved by the Board of Adjustment provided reasonable progress is being made).

(2) The total amount of space devoted to a nonconforming use shall not be increased.

(3) The building or structure has not been declared by the Zoning Administrator to have been damaged to such an extent that the repair costs will exceed sixty (60) percent of the most recent tax valuation before the damage was incurred. If the building or structure is damaged to such a degree that repair costs will exceed sixty (60) percent of the most recent tax valuation before the damage was incurred, future use of the building and site shall conform with the regulations of the district in which it is located.
Section 901  Off-Street Parking and Loading

901.1 Intent

It is the intent of this ordinance that adequate parking and loading facilities be provided on private and public property in order to promote public safety and to reduce and prevent traffic congestion and unsafe conditions created by on-street parking and loading. In order to achieve these purposes, this section requires that the use of all buildings or the use of any lot shall require off-street parking and loading space which meets the minimum standards of this section. This provision shall include the erection of any new building or structure, the expansion of a building or use of land, or the conversion of one type of use to another.

901.2 Minimum Parking Requirements

Off-street parking shall be provided on every lot on which any of the uses are hereafter established. The number of spaces provided shall equal or exceed the number shown in this section. Off-street parking spaces shall be provided in a garage, carport, and/or driveway for residential dwellings, and in garages, carports, and/or parking lots for all other uses. With the exception of residential dwellings, parking spaces for all uses shall have the minimum dimensions of nine (9) feet wide by nineteen (19) feet long, and shall have adequate space for maneuvering without requiring a vehicle to back into a street.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches or places of public assembly</td>
<td>One (1) space for each 4 seats plus one (1) space for each 200 square feet of floor area not used for seating</td>
</tr>
<tr>
<td>Convalescent, nursing, rest homes, progressive care, and similar institutions</td>
<td>One (1) space for each six patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four employees.</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>One (1) space for each accommodation plus one (1) space for each two employees</td>
</tr>
<tr>
<td>Medical and dental offices and clinics</td>
<td>Six (6) spaces for each doctor plus one (1) space for each employee</td>
</tr>
<tr>
<td>Microbrewery</td>
<td>One (1) space for each four seating accommodations, plus one (1) space for each four employees.</td>
</tr>
<tr>
<td>Multi-family unit</td>
<td>Two (2) spaces per unit</td>
</tr>
<tr>
<td>Offices, business and professional, including banks, savings and loans, and other similar financial institutions</td>
<td>One (1) space for each 400 square feet of gross floor area.</td>
</tr>
<tr>
<td>Planned Commercial Developments</td>
<td>One (1) space for each 200 square feet of leased floor area.</td>
</tr>
<tr>
<td>Private clubs</td>
<td>One (1) space for each 200 square feet of gross floor area.</td>
</tr>
<tr>
<td><strong>Public and private schools</strong></td>
<td>One (1) space for each ten students for whom the school was designed, plus one (1) space for each classroom and administrative office.</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Recreational facilities</strong></td>
<td>One (1) space for each two persons using the facility at maximum capacity, plus one (1) space for each two employees.</td>
</tr>
<tr>
<td><strong>Restaurants</strong></td>
<td>One (1) space for each four seating accommodations, plus one (1) space for each four employees.</td>
</tr>
<tr>
<td><strong>Retail sales and service</strong></td>
<td>One (1) space for each 200 square feet of retail floor area.</td>
</tr>
<tr>
<td><strong>Single-family unit</strong></td>
<td>Two (2) spaces per unit.</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td>One (1) space for each employee on the shift with the greatest employment, plus one (1) additional space for each 400 square feet of office space.</td>
</tr>
</tbody>
</table>

### 901.3 Parking Requirements for Mixed Uses

When two or more uses are combined in one development, the required number of off-street parking spaces shall be the sum of the requirements for each individual use.

### 901.4 Landscaping Provisions for Large Parking Lots

All parking areas which contain ten (10) or more parking spaces shall be landscaped in accordance with the following standards:

1. For every off-street parking area constructed or expanded after the effective date of this ordinance, the owner shall provide and maintain landscaped planting areas within and adjacent to the parking areas. Each planting area shall have at least one locally adapted deciduous tree with a minimum of one inch (1") caliper. There shall be one tree for the first eight off-street parking spaces required in the project. One tree shall be required for every eight additional parking spaces or fraction thereof.

   All landscape materials shall be located in a manner which will prevent damage from cars in the parking areas. All damaged or diseased landscape materials shall be removed and replaced in a timely manner.

   When natural vegetation is retained in the construction of a parking area, new landscape materials shall not be required if the standards of this section are met or exceeded. However, landscape materials which do not survive shall be replaced.

2. Any project which requires a landscaped parking area as required in this section shall submit a landscape plan with an application for a zoning compliance permit. The landscape plan shall be reviewed by the Planning Board.
901.5 **Off-Street Loading and Unloading Space**

Every industrial or commercially developed lot and Planned Commercial Development shall provide space as herein indicated for off-street loading and unloading.

Every space shall have access to an alley or a street. For the purposes of this section, an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet, with an overhead clearance of at least fourteen (14) feet above the alley or street grade.

One (1) space shall be required for each business or each 20,000 square feet of gross floor area.

901.6 **Handicapped Parking Requirements**

(1) For all new developments which require new parking facilities, handicapped parking shall be provided in accordance with requirements of the North Carolina State Building Code Volume 1-C.

(2) For developments which incorporate existing buildings and/or parking areas but require additional parking spaces, the following requirements shall apply:

   (a) One handicapped space is required for the first 25 parking spaces or fraction thereof. For more than 25 parking spaces, North Carolina State Building Code Volume 1-C applies.

   (b) Each handicapped space shall be designed for a minimum width of 8 feet and an adjacent access aisle 5 feet in width.

   (c) Handicapped spaces shall be clearly lined and signage provided in accordance with the code requirements in Volume 1-C of the NC State Building Code.

   (d) Handicapped spaces shall be located within 200 feet of an accessible entrance to the facilities and shall not have slope which exceeds 1 inch to 48 inches.
Section 902  Sign Regulations

The provisions of this section shall apply to the display, construction, erection, use, location, and maintenance of all signs within the zoning jurisdiction of the Town of Laurel Park. It shall be considered a violation of this ordinance to display, construct, erect, alter, use, or maintain any sign except in conformance with the provisions of this section. Furthermore, it shall be a violation of this ordinance to alter, maintain, or enlarge any sign erected or constructed prior to the enactment of this ordinance, except in conformance with the provisions of this section.

902.1 Definitions

(1) Signs Defined:

(a) **Sign**: Any display of letters, words, numbers, parts of letters or numbers, figures, devices, emblems, pictures, designs, logos, trade names or trademarks, or any other means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to, or as a part of a structure, surface, or any other object whether natural or man made.

(b) **Sign, Exempt**: Any sign which is specifically listed as exempt from this ordinance. Said listed exempt signs are not regulated by the terms of this ordinance and shall not require a permit.

(c) **Sign, Nonconforming**: A sign that is legally erected and in place prior to the adoption of this ordinance which does not conform to one or more provisions of this ordinance. A legally erected sign that is in place and which conforms to the provisions of this ordinance at the time it is erected, but which does not conform to an amendment of this ordinance enacted subsequent to the erection of said sign shall be considered a nonconforming sign.

(d) **Sign, Off-Premise**: Any sign used for the purpose of displaying, advertising, identifying, or directing attention to products, services, or activities offered elsewhere than on the premises on which the sign is located.

(e) **Sign, On-Premise**: Any sign advertising or identifying a product, service, or activity that is sold, located, or conducted on the premises where the sign is located.

(f) **Sign, Prohibited**: Any sign, or element of a sign, which is specifically listed as prohibited in this section.

(g) **Portable and Moveable Signs**: A sign with a permanent frame and a display area for changeable copy designed or intended to be readily relocated and not permanently affixed to the ground. This shall include signs on wheels, trailers, or any other device which is intended to be moved from one location to another.
(h) **Sign Structure:** Any structure which supports, has supported, or is capable or supporting a sign.

(i) **Temporary Sign:** A sign or banner constructed with or without a structured frame intended for temporary use for a specific sale or event. This definition does not include portable or moveable signs.

(j) **Residential Sign:** A sign which displays the name and/or number of a residential unit and/or its owner or tenant.

(k) **Directional Sign (on-premise):** An on-premise sign which directs pedestrian or vehicular traffic on or within the premises where the sign is located.

(l) **Real Estate Sign:** A sign advertising the sale, rental, or lease of the property on which the sign is located.

(m) **Subdivision or Residential Development Identification Sign:** A sign containing the name of a subdivision or the residential development in which it is located.

(n) **Construction Sign:** A sign whose message is limited to the identification of architects, engineers, contractors and others associated with the construction of a building, structure or development. Construction signs may also include the name of the building or development, the intended purpose, and the expected completion and/or opening date.

(2) **Area of Signs Defined:** The area of a sign shall be considered to be that of the smallest rectilinear figure which encompasses all lettering, wording, design or symbols, together with any background that is designed as an integral part of and related to the sign. Any cut-outs or extensions shall be included in the area of a sign, but supports and bracing which are not intended as a part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

(3) **Illumination of Signs Defined:**

(a) **Directly Illuminated Sign:** A sign designed to give forth artificial light directly, either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(b) **Indirectly Illuminated Sign:** A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs.

(c) **Non-Illuminated Sign:** A sign which has neither direct nor indirect illumination.
(4) **Height of Signs Defined.** As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is highest, and the base of the sign structure at grade.

(5) **Value of Signs Defined.** The value of an existing sign shall be the value for tax purposes of the listed sign. If the tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to the original cost submitted by the sign owner, the Zoning Administrator shall estimate the original cost based upon the best information reasonably available.

(6) **Sign Maintenance Defined.** For the purpose of this ordinance, maintenance shall include those activities and procedures listed in Section 902.8 of this ordinance. Work done to restore or repair a sign which has been damaged or destroyed shall be considered repairs in accordance with the provisions in Section 902.10

(7) **Method of Attachment Defined:**

   (a) **Attached Sign:** A sign attached to, applied on, or supported by any part of a building, and may include a wall, window, canopy, awning, or marquee. Attached signs may also include projecting signs.

   (b) **Freestanding Sign:** A sign which is permanently affixed to the ground by a pole or other structure and which is not part of a building. A free-standing sign also includes a ground sign which is flush to the ground and is not elevated upon poles or other structures.

   (c) **Roof Sign:** A sign that is mounted on or attached to the roof of a building or structure, or which is mounted or erected in a manner which projects above the roof or eave line of a building or structure.

**902.2 General Provisions**

The Zoning Administrator shall be responsible for the enforcement of the provisions of this section. The duties of the administrator shall be to issue permits for signs, make any necessary inspections, and enforce all provisions of this section.

(1) **Permit Requirements.** Except as otherwise provided in Sections 902.3 and 902.4, it shall be unlawful to erect, relocate or structurally alter any sign without first obtaining a sign permit. A sign permit shall be made in writing on forms furnished by the Zoning Administrator and shall be signed by the applicant or authorized agent.

(2) **Fees.** A sign permit fee shall be paid to the Town of Laurel Park upon the application for a permit. Except where permits are not required, all
applications for a sign permit shall require payment of a fee in accordance
with the Town of Laurel Park's fee schedule for signs. An administrative
charge equal to twice the scheduled fee will be assessed against the owner
of any sign erected without a required permit.

(3) Revocation of Sign Permits. A sign permit may be revoked for any of the
following reasons:
(a) No work has been initiated on the erection of a sign within ninety
(90) days of the issuance of a sign permit, unless a written
extension has been granted by the Zoning Administrator.
(b) A sign is erected, altered, or constructed in a manner which does
not conform to the sign permit issued.
(c) A sign is not maintained in accordance with the provisions of this
section.

902.3 Signs Exempt From Regulation

The following signs are exempt from the regulations of this ordinance:

(1) Signs which are not visible beyond the boundaries of the lot on which they
are located and/or from any public right-of-way.

(2) Official governmental notices, governmental signs to control traffic or
other regulatory purposes, or governmental signs which identify streets,
provide directions, or warn of danger.

(3) Flags of the federal, state, or local government, any religious, civic, or
fraternal organization, or any educational or cultural facility when said
flags are not used as an advertising device.

(4) Temporary decorations or displays which are associated with a national,
local or religious holiday, or celebration.

(5) Warning signs posted by utility or construction companies.

(6) Commemorative markers erected by or with the permission of the Laurel
Park Town Council.

(7) Trade names, product names, or graphics which are located on gasoline
pumps, newspaper, soft drink, and similar vending devices, provided said
identification relates to the products within the vending device.

(8) Signs required by law, statute, or ordinance.

902.4 Signs Exempt From Permit Requirements

The following signs are permitted in all zoning districts and shall not require a
sign permit. However, all such signs in this section shall conform to the
requirements set forth below as well as in other applicable sections of this
ordinance.

(1) Real Estate Signs. One on-premise real estate sign is permitted per street
frontage per lot, not to exceed two signs per lot. Said signs shall not
exceed four (4) square feet per sign face, two faces per sign, and a
maximum height of six (6) feet in areas zoned residential; sixteen (16) square feet per sign face, two faces per sign, and a maximum height of eight (8) feet in all other districts. All real estate signs shall be removed within seven (7) days of the closing of the sale, rental, or lease of the premises. These signs shall be non-illuminated.

Real estate directional signs are not permitted. Open house directional signs are permitted the day of the open house only and must be removed immediately thereafter.

(2) **Construction Signs.** One on-premise construction sign per street frontage, not to exceed two signs per property. Such signs shall not exceed four (4) square feet per sign face, two (2) faces per sign, and a maximum height of eight (8) feet in residentially zoned districts; and thirty-two (32) square feet per sign face, two (2) faces per sign, and a maximum height of ten (10) feet in all non-residential districts. Construction signs shall not be erected prior to issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of occupancy. These signs shall be non-illuminated.

(3) **Changeable Copy Signs.** No permit shall be required for copy changes made to a changeable copy sign, marquee, or menu board, nor shall a permit be required for maintenance carried out in accordance with Section 902.8.

(4) **Residential Signs.** One on-premise residential sign shall be permitted per street frontage per lot, not to exceed two (2) square feet per sign face, two (2) faces per sign. Any free-standing residential sign shall not exceed four (4) feet in height. These signs shall be non-illuminated.

(5) **Directional Signs (On-Premise).** Directional signs shall be permitted provided no logo or advertising is placed on said signs, and provided that said signs do not exceed two (2) square feet per sign face, two (2) faces per sign, and shall not exceed four (4) feet in height if free-standing or six (6) feet in height if attached. There shall not be more than four (4) directional signs per property and these signs may be directly or indirectly illuminated.

(6) **Political Signs.** Political signs for candidates or issues shall be allowed in all districts 60 days prior to and three (3) days following the day of the election. No more than two (2) signs per candidate or issue are permitted per property. Political signs shall not exceed four (4) square feet in size per sign face, and a maximum height of four (4) feet. Political signs shall not be located within a public right-of-way or attached to a utility pole or tree and shall conform with the provisions of Section 902.6. These signs shall not be illuminated.

(7) **Temporary Event Signs.** One on-premises sign advertising a public event, either attached or freestanding, is permitted per street frontage per lot where an event is scheduled to take place, not to exceed two signs per lot. Said signs shall not exceed eight (8) square feet per sign face, two faces per sign, and a maximum height of four (4) feet.

Off-premises signs advertising a public event shall not exceed two (2) square feet per sign face, two faces per sign, and a maximum height of
four (4) feet.

Temporary signs, whether on or off-premises, may be displayed no more than seven (7) days before an event, and must be removed no later than two (2) days after the completion of an event. These signs shall not be illuminated.

(8) Yard Sale Signs. One (1) on-premises and no more than five (5) off-premises signs promoting a yard sale, garage sale, or estate sale may be displayed no more than 24 hours before the sale start time, and removed no later than 24 hours after the end of the sale. Said signs shall not exceed four (4) square feet per sign face, two faces per sign, and a maximum height of four (4) feet. The signs must display the street address of the sale. These signs shall not be illuminated.

902.5 Non-Commercial Messages

Any sign, display, or device allowed under this ordinance 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, provided that said sign and message complies with the size, number, lighting, setback, height, and other requirements for the district in which they are located.

902.6 Prohibited Signs

The following signs, including sign features or components, shall not be permitted or erected in any zoning district within the jurisdiction of this ordinance:

(1) Off-premise signs.

(2) Portable and moveable signs.

(3) Roof signs.

(4) Signs with visible moving, revolving, or rotating parts, including signs which contain optical illusions of movement or simulation of movement.

(5) Signs which resemble any traffic sign, signal, or warning.

(6) Signs with flashing or intermittent lights, except that signs with exclusive time and temperature information are permitted.

(7) Signs or sign structures which have been abandoned or no longer advertise a business, product, or service offered on the premises where said sign or structure is located.

(8) Any sign declared unsafe by the Zoning Administrator or the Henderson County Inspection Department.

(9) Signs which obstruct ingress or egress to or from a required door, window, or exit way, or signs which obstruct visibility from vehicular ingress and egress points.

(10) Signs located in public rights-of-way, with the exception of permitted governmental signage.
902.7 **Sign Regulations by District**

Except as otherwise permitted or exempted by this ordinance, all signs which are to be erected, posted, placed, or painted in the following districts shall require a sign permit and meet all of the regulations set forth.

(1) **Residential Districts.** The following signs are permitted in the R-30 and R-20 districts:

(a) Subdivision or Residential Development Identification Signs.

   Number of Signs: One sign per entrance to a subdivision or a residential planned unit development.

   Size of Signs: Signs shall not exceed twenty-four (24) square feet per sign face, two faces per sign.

   Setback: Ten (10) feet back of the street right-of-way.

   Height: Signs shall not exceed eight (8) feet in height.

   Lighting: Signs may be indirectly illuminated or non-illuminated.

(b) Church Identification and Bulletin Boards and Signs.

   Number of Signs: One free-standing and one attached sign per street frontage, not to exceed two free-standing and two attached signs per property.

   Size of Signs: Free-standing and attached signs shall not exceed twenty-four (24) square feet per sign face, two faces per sign.

   Setback: Ten (10) feet back of the street right-of-way.

   Height: Free-standing signs shall not exceed eight (8) feet in height.

   Lighting: Signs may be indirectly illuminated or non-illuminated.

(c) On-Premise Signs for Permitted, Conditional, or Nonconforming Uses.

   Number of Signs: One free-standing and one attached sign.

   Size of Signs: Free-standing and attached signs shall not exceed twenty-four (24) square feet per sign face, two faces per sign.

   Setback: Ten (10) feet back of the street right-of-way.

   Height: Free-standing signs shall not exceed eight (8) feet in height.

   Lighting: Signs may be indirectly illuminated or non-illuminated.
(2) **MIC District.**

(a) On Premise Signs.

Number of Signs: One free-standing and one attached sign per property.

Size of Signs: Free-standing and attached signs for a single tenant shall not exceed twenty-four (24) square feet per sign face, two faces per sign. Free-standing and attached signs for a multiple tenants shall not exceed thirty-six (36) square feet per sign face, two faces per sign.

Setback: Ten (10) feet back of the street right-of-way.

Height: Free-standing signs shall not exceed eight (8) feet in height.

Lighting: Signs may be indirectly illuminated or non-illuminated.

(b) Residential Development Identification Signs (as permitted and regulated in Section 902.7(1).

(3) **Commercial District.**

(a) On-Premise Signs (single tenant, one principal use per lot).

Number of Signs: One free-standing sign per property. One attached sign per street frontage, not to exceed a maximum of three signs.

Size of Signs: Free-standing signs shall not exceed fifty (50) square feet per sign face, two faces per sign. Attached signs shall comply with the formula of one square foot of signage for each one linear foot of building frontage on which said sign is attached, not to exceed a maximum size of seventy-five (75) square feet.

Setback: Ten (10) feet back of the street right-of-way.

Height: Free-standing signs shall not exceed fifteen (15) feet in height.

Lighting: Signs may be directly, indirectly, or non-illuminated.

(b) On-Premise Signs (multiple tenants on one property).

*Number of Signs: One free-standing sign per property. One attached sign per business.*

*Size of Signs: Free-standing signs shall not exceed seventy-five (75) square feet per sign face, two faces per sign. Attached signs*
shall comply with the formula of one square foot of signage for each one linear foot of building frontage on which said sign is attached.

Setback: Ten (10) feet back of the street right-of-way.

Height: Free-standing signs shall not exceed fifteen (15) feet in height.

Lighting: Signs may be directly, indirectly, or non-illuminated.

*Each business or tenant in a multiple tenant development shall also be allowed one suspended or transom sign, awning, sign, or window sign per business, provided said sign shall not exceed four (4) square feet per sign face, two faces per sign.

(4) **Industrial District.**

Number of Signs: One free-standing sign per property, plus one attached sign per building, per street frontage.

Size of Signs: Free-standing signs shall not exceed seventy-five (75) square feet per sign face, two faces per sign. Attached signs shall comply with the formula of one square foot of signage for each one linear foot of building frontage on which said sign is attached.

Setback: Free-standing signs shall be setback at least ten (10) feet from the adjacent street right-of-way.

Height: Free-standing signs shall not exceed fifteen (15) feet in height.

Lighting: Signs may be directly, indirectly, or non-illuminated.

**902.8 Special Signs.**

Directional signs. The Town may approve and erect on a case-by-case basis an off-premise directional sign for the benefit of the traveling public. The cost of manufacture, erection, and maintenance of the signs shall be charged to those requesting the sign at a rate established by the Town.

(1) An off-premise directional sign is permitted for the following types of businesses: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; outdoor recreational area; and establishments providing lodging and/or meals for the general public.
(2) An off-premise directional sign shall not exceed 12” x 40” per sign face, one sign face per directional flow of traffic, and two sign faces per sign structure.

(3) All requests for an off-premise sign shall be submitted in duplicate to the Planning Board for review and approval. The Planning Board will consider sign location in relation to the business location. If approved, only one off-premise directional sign shall be permitted for the same business or activity.

902.9 Sign Maintenance

All signs, supports, braces, poles, wires, and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the standards in this section. Maintenance carried out in accordance with this section and not the result of damage or destruction shall not require a sign permit, provided the sign is not enlarged, moved, or altered in any manner which would create or increase a nonconforming condition.

(1) A sign shall be in a state of disrepair when more than twenty percent (20%) of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this ordinance.

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages, or struts which causes the sign to stand more than fifteen (15) degrees from the perpendicular.

(3) No sign or sign structure shall be allowed to have weeds, vines, or other vegetation growing on it that obscures it from the street or highway from which it is intended to be viewed.

(4) No neon or illuminated sign shall be allowed to stand with only partial illumination operational or partial neon operational.

(5) Shielding must be maintained on indirectly illuminated signs so that no direct rays from the light source are visible elsewhere than on the lot where the illumination occurs.

Any sign which violates the maintenance provisions listed above shall be in violation of this ordinance and shall be repaired or removed as required by the applicable sections of this ordinance.

902.10 Nonconforming Signs

All nonconforming signs as herein defined shall not be moved, expanded, changed to another nonconforming sign, or altered in any manner except in accordance with the provisions of this section.
All nonpermanent signs which are made nonconforming as a result of the adoption or amendment of this ordinance or the zoning map shall be required to conform to the regulations of this ordinance or be removed within three (3) years of the date of notification of nonconformance. All temporary signs and portable and moveable display signs which are made nonconforming as a result of the adoption or amendment of this ordinance or the zoning map shall be removed within ninety (90) days of the date of notification of nonconformance.

902.11 Reconstruction of Damaged Signs or Sign Structures

Any conforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage; however, if the sign should be declared unsafe by the Zoning Administrator, the owner of the sign or the owner of record of the real property whereon the sign is located shall immediately correct all unsafe conditions in a manner satisfactory to the Zoning Administrator.

902.12 Variances

In accordance with the procedures stated in Article XII Section 1304 of the zoning ordinance, the Board of Adjustment shall have the power to hear and act upon applications for a variance from the requirements of this ordinance.

902.13 Enforcement, Appeals, Penalties

(1) Enforcement. Violation of the provisions of these sign regulations shall be enforceable as set forth below in addition to the enforcement provisions set forth in Article XII of this ordinance. The Zoning Administrator is hereby authorized to enforce this section of the ordinance and shall have the following authority:

(a) To issue a Violation Notice for any violation of the ordinance. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the ordinance. Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the section of the ordinance violated, specify in detail what action must be taken to correct the violation, and specify a reasonable time limit of up to thirty (30) days within which the violation must be corrected.

(b) To issue a Remove Order for any sign or sign structure not corrected within the time allotted under the Violation notice or for a prohibited sign as established by this ordinance. A Remove Order shall be delivered to the sign owner or to the owner of
record of the real property whereon the sign is located in the same manner as set out for a Violation Notice and shall not be effective until received. The recipient of the Remove Order shall be allowed thirty (30) days after receipt of the Remove Order within which to remove the subject sign at his expense. The Remove Order shall identify the sign and the reasons for the issuance of the Remove Order and shall refer to the section of the ordinance violated.

(c) To remove or cause to be removed any sign or sign structure not removed in accordance with the Remove Order after thirty (30) days from receipt of such order, and to assess the recipient of such order with the cost of such removal.

(d) To issue citations for any violation of this ordinance.

(e) To issue an Unsafe Sign Notice should the Zoning Administrator find that any sign has become insecure or in danger of falling or otherwise unsafe. An Unsafe Sign Notice shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice except that the recipient of the notice shall forthwith, in the case of immediate danger and in any case within ten (10) days of receipt, secure the sign in a manner to be approved by the Zoning Administrator in conformance with the provisions of this ordinance or remove such sign. If the notice is not complied with in ten (10) days, the Zoning Administrator shall remove such sign at the expense of the recipient of the notice.

(2) **Appeals.** Violation Notices and Remove Orders issued by the Zoning Administrator may be appealed to the Laurel Park Board of Adjustment within thirty (30) days of receipt thereof. Pending appeal, the time limits set out in the notice or order shall be suspended. If the Board of Adjustment finds that the action of the Zoning Administrator has been taken for good cause and in accordance with the terms of this ordinance, it shall so find and the time period for compliance shall run from the issuance of that board's finding. If the Board of Adjustment sustains the appeal of the petitioner, no further action will be taken by the Zoning Administrator.

(3) **Violations and Penalties.** Pursuant to the provisions in Section 1207 of this ordinance, the Zoning Administrator may choose from the remedies set forth in said section to enforce the ordinance when there is a failure to comply with the notice of violation.

**Section 903 Stormwater and Subsurface Drainage**

In this section, pertinent North Carolina laws are summarized, responsibilities for design, installation, and maintenance of stormwater and subsurface drainage systems are defined, and requirements for land disturbing permits are defined.
903.1 Summary of Pertinent North Carolina Laws

All persons engaging in land-disturbing activities within the Town of Laurel Park must follow North Carolina Administrative Code, Title 15A, Chapter 4, Sedimentation Control Act of 1973, General Statute 113A-50 (as amended). The most pertinent points for building and development within the Town of Laurel Park are the following:

1. An approved plan from the Henderson County, Erosion Control Division, is required before any land disturbing activity is started if the disturbed area is one acre or more.

2. Installation and maintenance of sufficient erosion control practices are required to retain sediment within the boundaries of the site.

3. Surfaces shall be non-erosive and stable within or 120 calendar days after completion of the activity. The law is performance oriented. It prohibits visible off-site sedimentation from construction sites but permits the owner and developer to determine the most economical, effective means for erosion and sedimentation control.

North Carolina law states that one cannot impound the water. If a lot has a natural drainage path through the lot, then the water coming onto the lot through that natural drainage path must be accepted and passed through the lot so that the water discharges in the same natural drainage path. The Town of Laurel Park or the property owners at a higher elevation are not required to keep water off those below. It is up to each property owner to insure that the water discharged from his lot is clean and clear.

903.2 Land Disturbing Permits

Any activity that results in a change in the natural cover or topography, i.e., any grading, bulldozing, clearing, major digging, etc. of more than 100 square feet requires an erosion control permit from the Henderson County, Erosion Control Division.

903.3 Responsibilities Defined

The word “existing” in this section means existing at the date of adoption of this section of the ordinance.

All new proposed stormwater or subsurface drainage systems or portions thereof, including but not limited to pipes and pipe culverts, reinforced concrete culverts, catch basins, drop inlets, junction boxes, ditches, and natural drainage-ways, located within the dedicated and accepted rights-of-way of the Town's road system or located on Town owned property, shall be designed and installed according to the Town's specifications and requirements. Driveway culverts and facilities installed for the benefit of the property owner shall be paid for by the property owner.
All new and existing stormwater and subsurface drainage systems or portions thereof, including but not limited to pipes and pipe culverts, reinforced concrete culverts, catch basins, drop inlets, junction boxes, ditches, and natural drainage-ways, located on dedicated and accepted Town rights-of-way or located on Town owned property shall be maintained by the Town or its agents.

All new or proposed stormwater and subsurface drainage systems or portions thereof, including but not limited to pipes and pipe culverts, reinforced concrete culverts, catch basins, drop inlets, junction boxes, ditches, and natural drainage-ways, located on private property shall be designed, installed, and maintained by the property owner or his agent. All existing systems or portions thereof located on private property shall be maintained by the property owner or his agent.

All property owners whose stormwater and subsurface drainage systems or portions thereof, located on private property, are connected to a Town's culvert with a private culvert or buried water conductor, shall reimburse the Town for any damage to the Town's storm drainage or subsurface drainage systems, roads, rights-of-way or other Town property caused by an improperly installed or maintained private buried drainage system connected to a Town's culvert.

In instances where developers and property owners are required to make improvements to the Town's stormwater drainage and subsurface drainage systems, such improvements shall be in accordance to Town specifications and requirements.

**903.4 Connecting to or Altering an Existing Town’s Drainage System**

Prior written approval from the Town of Laurel Park is required before an existing Town's drainage system is altered, rerouted, deepened, widened, enlarged, connected onto, discharged into, or obstructed. This approval can be obtained by including details on the plans submitted with the request for the Certificate of Zoning Compliance. Cost of making a connection or changing the system shall be borne by the property owner.

Drainage facilities located on the Town's dedicated and accepted rights-of-ways or on Town property shall be dedicated to the Town of Laurel Park.

All new and proposed systems designed, installed, and maintained by an owner and connected to a Town's culvert with a private culvert or buried water conductor, shall have thirty (30) foot wide easements over the buried water conductor to allow the Town of Laurel Park to inspect and, if necessary, to take corrective action should the owner fail to maintain the buried system properly. Before taking corrective action, the Town of Laurel Park shall give the owner written notice of the nature of the existing defects. If the owner fails within thirty (30) days from the date of the notice to start corrective action or appeal the matter to the Town Council, the Town may take the necessary corrective action, the cost of which shall become a lien on the real property until paid.
Section 904  Vested Rights

A vested right may be established with respect to any property upon the valid approval, or conditional approval, of a site plan, following notice and public hearing by the Town of Laurel Park. Such vested rights shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site plan including any amendments thereto. Landowners seeking vested rights will fully comply with all provisions stated herewithin, and G.S. 160A-385.1 as amended.

904.1 Establishment, Duration, and Termination of Vested Rights

(1) Property owners wishing to establish vested rights will make their intentions known in writing to the Town of Laurel Park prior to the initiation of land development activities. If the Town is not notified in writing prior to the issuance of the certificate of zoning compliance, then the land development process will proceed as to established procedures, ordinances, and policies.

(2) Property owners electing to pursue the vested rights option will be subject to review procedures as specified in Article XI, Conditional Uses, and henceforth, the project under consideration for vested rights will be processed as a conditional use subject to all conditions, specifications, and procedures as outlined in Article XIII, Section 1307.

(3) A right which has been vested as provided for in this section shall remain vested for a period of two years from the date of Town Council approval. This vesting shall not be extended by any amendments or modifications to a site plan unless expressly approved by the Town Council.