

ARTICLE 10. DEVELOPMENT STANDARDS

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PART I. OFF-STREET PARKING, STACKING AND LOADING REQUIREMENTS

10.1. GENERAL REQUIREMENTS.

- 10.1.1. Parking, Stacking and Loading Space Required. When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Article shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Article shall apply only to such enlargements, modifications or increases in capacity.
- 10.1.2. Required Number of Spaces. The minimum number of required off-street parking, stacking and loading spaces is indicated in **Section 10-3** (Parking and Stacking Areas) and **Section 10-7** (Loading Areas). In cases of mixed occupancy, the minimum number of off-street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.
- 10.1.3. Handicapped Spaces. Spaces for the physically handicapped shall be provided as required by the NC Building Code, Volume I-C.
- 10.1.4. Reduction of Minimum Requirements. Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance.
- 10.1.5. Maintenance Required. All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.
- 10.1.6. Street Access. All parking, stacking and loading facilities shall have vehicular access to a public street, approved private street, or approved private easement.
- 10.1.7. Use for No Other Purpose. Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

(Ord. 12/1/1997; 7/8/2014, 14-1))

10.2. PARKING REQUIREMENTS FOR A CHANGE IN USE.

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent in the required number of parking spaces, no additional off-street parking shall be required.

(Ord. 12/1/1997; 7/8/2014, 14-2))

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10.3. NUMBER OF PARKING AND STACKING SPACES REQUIRED.

- 10.3.1. The minimum number of required off-street parking and stacking spaces is indicated in **Table 10-1** below.
- 10.3.2. Whenever the number of parking spaces required by **Table 10-1** results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- 10.3.3. For any use not specifically listed in **Table 10-1**, the parking and stacking requirements shall be those of the most similar listed use, as determined by the Zoning Inspector.
- 10.3.4. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- 10.3.5. The Board of Commissioners recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in **Table 10-1** may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the permit-issuing authority (Zoning Inspector for zoning permits; the Board of Commissioners for special use permits) may permit deviations from the requirements of **Table 10-1** and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the general standard delineated in **Section 10.3.4.** above. The permit issuing authority may allow deviations, for example, when it finds that a residential development is irrevocably oriented toward the elderly, disabled or other population that demonstrates a lesser parking need or when it finds that a business or service is primarily oriented to walk-in trade. Whenever the permit-issuing authority allows or requires a deviation from the requirements of **Table 10-1**, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(Ord. 12/1/1997; 7/8/2014, 14-3)

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Table 10-1

Off-Street Parking and Stacking Requirements

USE	SPACES REQUIRED
RESIDENTIAL USES	
1) Boarding and rooming house; bed & breakfast	1/bedroom plus 2/3 employees on the largest shift
2) Family care or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
3) Multi-family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
4) Single-family detached; duplex dwellings; manufactured homes; townhouse dwellings; manufactured home parks	2/dwelling unit on the same lot
5) Tourist Cottages	1/unit
ACCESSORY USES	
1) Home occupations	1/each non-resident employee
RECREATION	
1) Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
2) Athletic fields	25/field
3) Batting cages, golf driving ranges; miniature golf	1/cage or tee
4) Billiard parlors; tennis courts	3/table or court
5) Bowling centers	4/lane
6) Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
7) Go-cart raceways	1/go-cart plus 1/employee on the largest shift

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USE	SPACES REQUIRED
8) Recreational vehicle park or campground	See Section 11-1.31(E)
9) Swimming clubs	1/100 square feet of water and deck space
EDUCATIONAL AND INSTITUTIONAL USES	
1) Ambulance services; fire stations; police stations	1/employee on the largest shift
2) Churches	1/4 seats in main chapel
3) Day care, child or adult	1/employee plus 1/client served with parking located on-site
4) Elementary and middle schools	3/room used for offices plus 3/classroom
5) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
6) Libraries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
7) Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
8) Senior high schools	3/room used for offices plus 7/classroom
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES	
1) Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
2) Banks and financial institutions	*1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car washes	
a) Full-service	*stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Equipment rental and leasing	1/200 square feet gross floor area

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USE	SPACES REQUIRED
6) Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation
7) Hotels and motels containing...	
a) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1. 1/rental unit
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
8) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on the largest shift
9) Laundromat (coin operated)	1/4 pieces of rental equipment
10) Laundry and dry cleaning plants or substation	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
11) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
12) Offices not otherwise classified	1/250 square feet of gross floor area
13) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
10) Theaters (indoor)	1/4 seats
15) Veterinarian	4/doctor plus 1/employee including doctors
16) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in the operation
DRIVE-THRU OPERATIONS	
	Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to the use requirement

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USE	SPACES REQUIRED
RETAIL TRADE	
1) Convenience stores	*1/200 square feet gross floor area plus 4 stacking spaces at pump islands
2) Department/variety stores; food stores	1/200 square feet gross floor area
3) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in the operation
4) Motor vehicle or recreational vehicle sales or rental; manufactured homes sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on the largest shift
5) Restaurants	*1/4 seats plus 2/3 employees on the largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
6) Retail sales not otherwise classified	1/200 square feet gross floor area
7) Retail sales of bulky items (appliances, building materials, etc.)	1/500 square feet of gross floor area
8) Service stations, gasoline sales	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
WHOLESALE TRADE	
1) Wholesale uses	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
TRANSPORTATION, WAREHOUSING AND UTILITIES	
1) Communications towers; utility lines or substations	No required parking
2) Self-storage warehouses	1 space/5,000 square feet devoted to storage
3) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on the largest shift plus 1/vehicle used in the operation

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USE	SPACES REQUIRED
MANUFACTURING AND INDUSTRIAL USES	
	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
OTHER USES	
Flea markets; other open air sales	1/1,000 square feet of lot area used for storage, sales, and display
Shopping Centers	
a) < 250,000 square feet gross floor area	1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet

/ = Per

* = NCDOT may require additional stacking spaces on state or federal highways.

(Ord. 12/1/1997; 7/8/2014, 14-3)

10.4. DESIGN STANDARDS FOR PARKING, STACKING AND LOADING AREAS.

10.4.1. Parking facilities shall be designed and constructed so as to:

- 10.4.1.1. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
- 10.4.1.2. Minimize delay and interference with traffic on public streets and access drives;
- 10.4.1.3. Maximize sight distances from parking lot exits and access drives; and
- 10.4.1.4. Allow off-street parking spaces in parking lots to have access from parking lot driveways and not directly from streets.

(Ord. 12/1/1997; 7/8/2014, 14-4(A))

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10.4.2. **Dimensional Requirements:** Parking facilities shall be designed and constructed to meet the minimum parking space dimensions, aisle dimensions and other standards found in **Table 10-2** below:

Table 10-2

Parking Space Geometric Design Standards

PARKING ANGLE (degrees)	STALL WIDTH	STALL TO CURB (ft.)	AISLE WIDTH (ft.)	CURB LENGTH (ft.)
0	9'-0"	9.0	12.0	23.0
30	9'-0"	17.3	11.0	18.0
45	9'-0"	19.8	13.0	12.7
60	9'-0"	21.0	18.0	10.4
90	9'-0"	19.0	24.0	9.0

Stacking Space Geometric Design Standards

Stacking Spaces shall be twelve feet (12) by twenty (20) feet.

(Ord. 12/1/1997; 7/8/2014, 14-4(B))

10.5. IMPROVEMENTS.

10.5.1. Paving Required for the following.

10.5.1.1. Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

10.5.1.2. Access drives shall be paved and maintained from the curb line to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.

(Ord. 12/1/1997; 7/8/2014, 14-4(C))

10.5.2. Paving Not Required for the following:

10.5.2.1. Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

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10.5.2.2. Parking facilities for any use where six or fewer spaces are required.

10.5.2.3. Parking areas for agricultural uses.

10.5.2.4. Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.

- (a) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.
- (b) All paved parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.
- (c) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two feet into a required planting area.
- (d) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.

(Ord. 12/1/1997; 7/8/2014, 14-4(C))

10.6. LOCATION OF OFF-SITE PARKING.

10.6.1. When required off-street parking is permitted to be located off-site, it shall begin within four hundred feet of the lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare.

(Ord. 12/1/1997; 7/8/2014, 14-5)

10.7. COMBINED PARKING.

10.7.1. **Combined Parking for Separate Uses.** The required parking for separate or mixed uses may be combined in one facility.

10.7.2. **Shared Parking.** A maximum of fifty percent of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off-site as allowed in **Section 10-6**. In either case, the Zoning Administrator must determine that the various activities will have peak parking demand at different periods of the day or week. Otherwise, no off-street parking required for one building or use shall be applied toward the requirements of any other building or use.

10.7.3. **Reassignment.** Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in **Section 10.7.2.** above.

(Ord. 12/1/1997; 7/8/2014, 14-6)

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10.8. LOADING AREAS.

10.8.1. **Location.** Off-street loading areas shall be located on the same lot as the use they serve.

10.8.2. **Design Standards.** The minimum number of loading spaces required for non-residential uses are shown in **Table 10-3** below.

Table 10-3
Minimum Number of Loading Spaces Required for Nonresidential Uses

Gross Floor Area (Square Feet)	Number of Spaces Required
0 – 20,000	0
20,001 – 40,000	1
40,001 – 75,000	2
75,001 – 150,000	3
150,001 – 250,000	4
For each additional 250,000 square feet or fraction thereof	1

10.8.3. Each loading area shall be at least twelve feet wide, sixty-five feet long and fourteen feet in clearance.

10.8.4. All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from a street or maneuvering on the street right-of-way shall be permitted.

(Ord. 12/1/1997; 7/8/2014, 14-7)

10.9. LANDSCAPING FOR PARKING AND LOADING AREAS.

10.9.1. All parking lots containing ten or more spaces shall provide landscaping and screening in accordance with the standards delineated in **Section 15.21.2.**

(Ord. 12/1/1997; 7/8/2014, 14-8)

10.10. – 10. 14. RESERVED.

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PART 2. SIGNS.

10.15. PURPOSE OF SIGN REGULATIONS.

The purpose and intent of this Article is to recognize that signs serve a legitimate public service and that they complement and support trade, tourism and investment within the Town of White Lake. These regulations are intended to establish standards which recognize the rights of all citizens to protection under the First Amendment to the US Constitution while also supporting public safety and the natural attractiveness of the area.

10.15.1. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

10.15.2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

10.15.3. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth.

10.15.4. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of any harm that may be caused by signs.

(Ord. 7/8/2014, 13-1)

10.16. APPLICABILITY.

10.16.1. Permit Required. Except as otherwise provided, no sign shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this chapter and pursuant to issuance of a Sign Permit. No Sign Permit shall be issued unless plans and supporting information have been submitted to clearly demonstrate that the sign will conform to all applicable requirements of this Article, or to clearly demonstrate that the sign is exempt from issuance of a Sign Permit.

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10.16.1.1. Permit Form. Application for permits shall be submitted on forms obtainable at the Office of the Zoning Administrator. Each application shall be accompanied by plans which shall:

- (a) Indicate the proposed site by identifying the property by ownership, location, and use;
- (b) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs;
- (c) Show size, character, complete structural specifications and methods of anchoring and support; and
- (d) If conditions warrant, the Zoning Administrator may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.

10.16.1.2. Change Out of Existing Sign. Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy does not change the nature of the sign so as to render it in violation of this ordinance.

10.16.1.3. When Part of Special Use Permit. If plans submitted for a special use permit include sign plans in sufficient detail that the Board of Commissioners can determine whether the proposed sign(s) comply with the provisions of this Article, then issuance of the requested special use permit shall constitute approval of the proposed sign(s).

10.17. DEFINITIONS.

10.17.1. The following definitions, as detailed in Article 2, apply to this Section:

Sign. An object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design, symbols, fixtures, colors, illumination, or projected images or any other attention directing device.

Sign, A-Frame. A sign not permanently attached to the ground or other permanent structure, that is displayed for a limited period of time, and is constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as a "menu board" or "sandwich board sign."

Sign, Animated. A sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.

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Sign, Attached. A sign that is affixed directly or indirectly to the exterior of any surface of any building, to a projecting structure of a building, or to any outdoor structure.

Sign, Awning. Any sign which is a part of a fabric or other nonstructural awning.

Sign, Canopy. A sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway.

Sign, Changeable Copy. A sign which displays messages in which the copy may be arranged or rearranged by hand.

Sign, Construction. A sign which identifies the architects, engineers, contractors, and other individuals or firms involved with construction of development, the name of the building or development, the intended purpose of the building or development, and/or the expected completion date.

Sign, Electronic Changeable Copy. A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays, and also include projected images or messages with these characteristics onto buildings or other objects. Electronic changeable copy signs do not include traffic control or other official signage.

Sign, Flashing. A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source.

Sign, Freestanding. A sign which is placed on or anchored in the ground with one or more supports that are not part of a building or other structure.

Sign, Governmental. A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information of significant importance, and direct or regulate pedestrian or vehicular traffic.

Sign, Historical or Memorial. A sign which commemorates a historical person, structure, place, or event or which denotes, honors, celebrates, or acknowledges an historical person, structure, place, or event.

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Sign, Identification. A sign used to display the name, address, logo or other identifying symbol of an individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

Sign, Instructional. A sign that provides assistance, with respect to the premises on which it is maintained, for the direction, safety, or convenience of the public such as "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions.

Sign, Marquee. A sign attached to, in any manner, or made a part of a marquee.

Sign, Monument. A monolithic sign in which the bottom of the sign is flush with the ground.

Sign Owner. A person holding legal title or legal right to occupy or carry on business in a structure or any facility and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than 1 landowner, as defined, their duties and obligations under this Ordinance are joint and several, and shall include the responsibility for such sign.

Sign, Portable. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T- frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

Sign, Projecting. A sign end-mounted or otherwise attached to an exterior wall of a building which forms an angle with the wall.

Sign, Real Estate. A sign displayed for the purpose of offering for sale, lease, or rent the land on which the sign is erected, affixed, or otherwise established.

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

Sign, Special Promotion. An advertising activity or circumstance of a business which is not part of its daily activities or normal routine and in which the display and/or sale of merchandise, ware, or other tangible items is the sole purpose for the promotion.

Sign, Suspended. A sign which is suspended from the underside of a horizontal plan surface and is supported by the surface.

Sign, Temporary. A sign that is displayed for a limited period of time and/or is not permanently mounted.

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Sign, Video. A sign consisting of a single computer monitor, video projector or television set, or multiple computer monitors, video projectors, or television sets tiled together contiguously or overlapped in order to form one large screen. Typical display technologies include, but are not limited to, LCD panels, LED arrays, DLP tiles and rear projection screens. Such signs may display static text, animation, images or photos, electronic changeable copy including the use of changing light to depict action or create special effects, video, or any combination thereof.

Sign, Wall. A sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by a wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only 1 sign surface.

Sign, Warning. A sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing," and similar directives.

Sign, Window. A sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.

10.18. GENERAL STANDARDS – ALL SIGNS.

10.18.1. **Area:** Sign face area and height shall be measured in accordance with the standards in the section applicable to the sign type.

10.18.2. **Removal of Signs:** A sign for which a sign permit has lapsed or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.

10.18.3. **Multiple-Lot Development:** Signage within a multi-lot development shall be subject to the following standards:

10.18.3.1. A multiple-lot development shall be considered as a single lot for the purposes of sign review and permitting.

10.18.3.2. A development entrance or development identification sign shall be permitted in accordance with the zoning district where it is located.

10.18.4. **Signs in Right-of-Way:** A sign installed or placed on public land or rights-of-way, except in compliance with this section or under an encroachment agreement with NCDOT or the Town, shall be forfeited to the public and be subject to confiscation.

10.18.5. **Obstructions at Street Intersections:** No sign shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection.

10.18.6. **Obsolete Sign:** A sign which advertises a business no longer conducted on the premises shall be removed within 90 days of cessation of such business.

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- 10.18.7. **Unsafe Sign:** A sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice is given by the Planning and Development Director.
- 10.18.8. **Deteriorated or Abandoned Sign:** A sign which is abandoned or which is not properly maintained, including cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice is given by the Town.
- 10.18.9. **Sign Installed Without a Permit:** A sign which is installed in violation of the State Building Code or in violation of this Ordinance shall be removed after due notice is given by the Town.
- 10.18.10. **Nonconforming Signs:** Nonconforming signage shall be subject to the requirements in **Section 14.5, Nonconforming Signs.**
- 10.18.11. **Nonconforming Uses:** New signage for a nonconforming use shall be permitted provided the signage complies with the standards in this section.

(Ord. 7/8/2014, 13-2)

10.19. DESIGN, CONSTRUCTION AND MAINTENANCE – ALL SIGNS.

A sign shall be designed, constructed, and maintained in accordance with the following standards:

- 10.19.1. **Other Codes:** A sign shall comply with applicable provisions of the State Building Code and the electrical code.
- 10.19.2. **Permanence:** Except for banners, flags, temporary signs, and window signs conforming with the requirements of this section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- 10.19.3. **Maintenance:** A sign shall be maintained in good structural condition, in compliance with the building and electrical codes, and in conformance with this section.
- 10.19.4. **Obstruction:** A sign shall not be erected so as to obstruct a fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- 10.19.5. **Ventilation Interference:** A sign shall not be erected so as to interfere with an opening required for ventilation.
- 10.19.6. **Above Ground Clearance:** A sign shall be located in such a way that it maintains horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Safety Code (NESC).

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10.19.7. **Ground Clearance:** A sign and its supporting structure shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of a sign and its supporting structure shall not interfere with natural or artificial drainage ways.

10.19.8. **Interference with Warning or Instructional Sign:** A sign shall not be erected so as to interfere with any existing warning or instructional sign.

10.19.9. **Minimum Wind Loads:** A sign, except a sign attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the State Building Code.

(Ord. 7/8/2014, 13-3)

10.20. PROHIBITED SIGNS.

Unless otherwise allowed under this section or this Ordinance, the following signs are prohibited:

10.20.1. A windblown device such as a pennant, banner, streamer, spinner, balloon, gas filled figure, and other similar device, except as temporary identification for market showrooms and as advertising for a temporary event or special promotion.

10.20.2. An animated sign, except video wall signs that use changing light to depict action or create special effects.

10.20.3. Wall Murals.

10.20.4. A portable sign legible from the public right-of-way, except as allowed for A-frame signs.

10.20.5. A sign which projects over a public right-of-way, except that a wall sign may project not more than 18 inches over a public right-of-way in zoning districts which permit structures to be built at the lot line adjoining the street.

10.20.6. A sign on a vehicle that is parked in a location which is visible to the public, for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

10.20.7. A sign which is affixed to a tree, rock, or other natural feature.

10.20.8. A sign of any type which imitates a traffic control device.

10.20.9. A sign which extends vertically above the highest portion of the roof of any structure.

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10.20.10. A sign on a roadside appurtenance, including but not limited to a roadside bench, bus stop shelter, planter, utility pole, or refuse container.

10.20.11. A series of 2 or more signs placed in a line parallel to a public or private street, or a series of 2 or more parallel signs carrying a single commercial message.

(Ord. 7/8/2014, 13-5)

10.21. SIGNS WHICH ARE EXEMPT FROM REQUIREMENTS.

The following signs are exempt from the requirements of this Article except that a lighted sign requires an electrical permit:

10.21.1. A governmental sign.

10.21.2. Lights and decorations with no commercial message that are temporarily displayed on civic, patriotic or religious holidays.

10.21.3. A hand carried sign.

10.21.4. A sign located on the interior of a building, court, lobby, athletic field, stadium, or other structure which is not intended to be seen from the exterior of the building or structure.

10.21.5. A sign affixed to a vehicle or trailer used on a regular basis for the normal transport of goods or persons.

10.21.6. A sign affixed to the window of a vehicle which does not exceed the size of the window.

10.21.7. A sign not legible from a public or private street.

10.21.8. A flag without a commercial message with an area of not more than 60 square feet.

10.21.9. A window sign painted on or attached to a window, covering a maximum of 25% of the window area.

10.21.10. A sign painted on an active public water tower.

(Ord. 7/8/2014, 13-4)

10.22. SIGNS WHICH ARE ALLOWED WITHOUT A SIGN PERMIT.

There are certain signs that are allowed within the Town of White Lake without a sign permit. However, these signs must comply with the following general and specific standards:

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10.22.1. **General Standards for Signs Not Requiring a Permit:** Signs that include lighting or are illuminated shall be subject to an approved building permit for electrical service.

10.22.2. **Specific Standards for Signs Not Requiring a Permit:** Signs not requiring a sign permit shall be subject to the specific standards outlined in **Table 10-4** below.

**Table 10-4
Requirements for a Sign Which Does Not Require a Sign Permit**

SIGN TYPE	NUMBER PERMITTED	AREA (in Sq. ft.)	SETBACK (feet)	MAXIMUM HEIGHT (feet)	ILLUMINATION
Warning signs in residential districts	n/a	4	n/a	8	Direct
Warning signs in nonresidential districts	n/a	6	n/a	8	Direct
Historical, memorial markers in all districts	1/lot	4	R/W	6	Indirect
Flags, emblems, insignia of corporate, political, professional, fraternal, civic, or educational organization in all districts	1/frontage	60	R/W	40	Indirect
Temporary religious, philosophical, or educational signs in all districts		6	R/W	6	
Temporary real estate, yard sale and construction signs in AGR and R Districts		6	R/W	6	
Temporary real estate and construction signs in RM districts, nonresidential districts, and major subdivisions in R districts		100	R/W	12	
Temporary political signs in all districts		6	6	R/W	
Identification signs: name and address plates, home occupations, and building markers	1/building	2/unit	R/W	6	Not allowed
A-Frame in CB and MX districts and MS district (sub-district B)	1/building entrance	6	R/W	3	
Vending machine, gas pump, ice machine, or similar device signs	n/a	n/a	R/W	n/a	

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10.22.3. **Additional Specific Standards:** In addition to the standards in **Table 10-2-1, Requirements for a Sign Which Does Not Requiring a Sign Permit**, signs subject to the standards in this section shall also comply with the following:

- 10.22.3.1. A warning sign shall not contain a commercial message, but it may contain a business logo or name.
- 10.22.3.2. A temporary real estate or construction sign must be removed within 7 days of the end of the completion of construction, sale, or lease of land.
- 10.22.3.3. A temporary yard sale sign shall be posted for no longer than 3 days per sale.
- 10.22.3.4. A temporary political sign shall be located on private land with the landowner's permission, and be removed within 7 days after the election.
- 10.22.3.5. Temporary religious, philosophical, educational, real estate, yard sale, construction, and political signs shall comply with the following standards:
 - (a) Be located outside the street right-of-way, or at least 6 feet from the back of curb or edge of pavement where no curb exists;
 - (b) Not be placed in public street medians or traffic islands;
 - (c) Not interfere with or obstruct pedestrian or vehicular traffic, or obstruct safe sight distances at intersections;
 - (d) Not be placed on private land without the consent of the landowner or occupant.
- 10.22.3.6. An A-frame sign in the B district, if:
 - (a) It is displayed only during operational hours of the use and is removed each day at the close of business;
 - (b) There is 1 sign per building entrance that fronts on the primary street, and only 1 sign per nonresidential use;
 - (c) Windblown devices, including but not limited to balloons and streamers, are not attached or otherwise made part of the sign;
 - (d) It does not interfere with safe sight distances for motorists on the adjacent roadways, does not interfere with or obstruct pedestrian or vehicular traffic, and allows a minimum of 5 feet of clear passage on the sidewalk between the street and the sign;
 - (e) It is not anchored to the sidewalk or affixed to a pole, vending box, or other structure or appurtenance; and

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(f) It may be placed on the public sidewalk portion of the public street right-of-way directly in front of the use.

10.22.3.7. A vending machine, gas pump, ice machine, or similar device sign shall be:

- (a) Painted or adhered to the device; and
- (b) Indicate only the contents of the machine, the name or logo of the supplier, the price, or operating instructions.

10.22.3.8. Fence Wraps. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage under this section until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter.

- (a) No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- (b) If construction is not completed at the end of 24 months from the time the fence wrap was installed, the Town shall regulate the signage in the same manner as banners affixed to a building.

Statutory Reference – N.C.G.S. Chapter 160D-908.

10.23. SIGNS WHICH REQUIRE A PERMIT.

All signs within the Town of White Lake except those outlined in **Sections 10.16, 10.17 and 10.18**. shall require a sign permit in accordance with the requirements of **Section 10.12.1, Permit Required**. Signs which require a permit are listed below along with any specific requirements for the sign type:

10.23.1. Freestanding Signs.

10.23.1.1. Location Standards:

- (a) It shall be allowed only on a lot with an existing principal use.
- (b) If greater than 6 feet in height, it shall not be located within 100 feet of a residential district.
- (c) Where two or more establishments at the same location receive approval of directional signs, the signs shall share the same support structure.

10.23.1.2. Illumination Standards:

- (a) **Residential Districts.**

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- (i) Indirect illumination of a freestanding sign is allowed in all residential districts.
- (ii) Direct illumination of a freestanding sign in a residential district requires a Special Use Permit and is subject to all of the following standards:
 - a. It must be for a permitted nonresidential use.
 - b. The nonresidential use and sign must front on a thoroughfare.
 - c. Illumination of the sign must be needed for identification of the nonresidential use due to the use's non-daylight activities.

(b) Nonresidential Districts.

- (i) Indirect illumination of a freestanding sign is allowed in all nonresidential districts.
- (2) Direct illumination of a freestanding sign is allowed in the RA, R-2 and B districts.

(c) Requirements for Size, Height, Setback and Number: Freestanding signs shall be subject to the following requirements on size, height, setback and number as shown in **Table 10-5** below.

**Table 10-5
Requirements for Freestanding Signs**

ZONING DISTRICT	MAXIMUM NUMBER PER LOT	MAXIMUM AREA (SQ. FT.)	SETBACK FROM STREET RIGHT-OF-WAY (FEET)	MAXIMUM HEIGHT (FEET)
RA (Residential Agriculture)	1	50	Per District Requirements	10
R-1 (Permanent Residential)	1	50	Per District Requirements	6
R-1A (Permanent Residential with Manufactured Homes)	1	50	Per District Requirements	6
R-2 (Recreational Residential)	1	50	Per District Requirements	6
B (Business/Commercial)	1	100	Per District Requirements	15

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10.23.2. Electronic Changeable Copy Signs.

10.23.2.1. Districts Where Allowed: B district.

10.23.2.2. Location Standards: Electronic changeable copy signs shall be located as a portion of and on the same support structure with a legal conforming accessory freestanding sign. Such signs shall not be added to a sign that is nonconforming, nor shall any part of an existing nonconforming sign be converted to an electronic changeable copy sign.

10.23.2.3. Illumination Standards:

- (a) Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.
- (b) Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.
- (c) All electronic changeable copy signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

10.23.2.4. Requirements for Size, Height, Setback and Number: Electronic changeable copy signs shall be subject to the following requirements on size, height, setback and number as shown below.

- (a) **Size:** The area of an electronic changeable copy sign shall not exceed 33 percent of the permitted area of a freestanding sign, and shall be counted toward the maximum allowable signage.
- (b) **Height:** The height maximum for a Freestanding Sign Requiring a Sign Permit.
- (c) **Number:** Only 1 electronic changeable copy sign may be permitted per lot.

10.23.2.5. Personalized Messages: The display of personalized "smart" messages that are triggered or initiated by license plate recognition, facial recognition or by reading or analyzing electronic signals from traffic or an individual vehicle, is prohibited unless used in a public emergency or public service capacity.

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- 10.23.2.6. Malfunctions: Any electronic changeable copy sign which malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing therein motion, flashing, movement or an inability to read the text of the message clearly shall be turned off, or shall display a blank screen until repairs can be made.
- 10.23.2.7. Rate of Change: The rate of change for each individual message shall not be faster than 8 seconds.
- 10.23.2.8. Color: The use of color is not limited, however, the entire text of an individual message shall be the same color, and shall not vary in intensity during its display frame.

10.23.3. Video Signs.

- 10.23.3.1. Districts Where Allowed: B district.
- 10.23.3.2. Location Standards: Video signs shall be allowed only on a lot with an existing principal use. No part of a freestanding video sign shall be closer than 25 feet from intersecting street rights-of-way. No encroachment by any part of the sign face, its base or support structure into the street right-of-way is permitted. Such signs shall not be incorporated with, or added to, any other freestanding sign, nor shall any other freestanding sign be converted to a video sign.
- 10.23.3.3. Orientation: It is intended that video signs be pedestrian oriented, and positioned in a manner that minimizes direct view from approaching vehicular traffic. All video signs shall be positioned so that the sign face is parallel to a street right-of-way, except if a sign faces inward (away from the street) and is not readily visible from the street right-of-way.
- 10.23.3.4. Illumination Standards: Maximum brightness levels for video signs shall not exceed 2500 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face. Prior to the issuance of a sign permit, the applicant shall submit the manufacturer's specifications that verify compliance with this section. All freestanding video signs shall have a light sensing device that will adjust brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.
- 10.23.3.5. Requirements for Size, Height, Setback and Number:
- (a) **Size**. The area of a single video sign shall not exceed 32 square feet.

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- (b) **Height.** Video signs shall be limited to 8 feet in height.
- (c) **Setback.** Shall be as required for district.
- (d) **Number.** One sign per street frontage shall be permitted where street frontage along a single street is between 50 and 199 linear feet. Two signs shall be permitted where street frontage along a single street is 200 linear feet or more. No freestanding video sign shall be permitted where street frontage along a single street is less than 50 linear feet. The maximum number of video signs allowable per zone lot shall be 6, and no more than two signs shall be permitted per street frontage.

10.23.4. Attached Signs.

10.23.4.1. Districts Where Allowed: RA, R-2 and B district.

10.23.4.2. Location Standards:

- (a) On a building wall that faces a street or parking area.
- (b) Signs shall be located at least 9 feet above pedestrian ways and 15 feet above vehicular drives.

10.23.4.3. Illumination Standards :

- (a) Illuminated attached signs are prohibited in residential districts.
- (b) In nonresidential districts all signs may be directly or indirectly illuminated.
- (c) Wall signs that face an abutting single-family or duplex use shall be indirectly illuminated only.

10.23.4.4. Requirements for Size, Height, Setback and Number: Attached signs shall be subject to the following requirements on size, height, setback and number as shown in **Table 10-6** below.

**Table 10-6
Requirements for Attached Signs**

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM HEIGHT (FEET)	COMPUTATION OF AREA (SQ. FT.)
Wall Signs	1/wall	Top of wall	10% of wall area
Awning and Canopy Signs	1/wall	Top of awning or canopy	10% of the canopy or awning area
Suspended Signs	1/entrance	Top of wall	10% of wall area
Banner Signs – Special Events (Temporary)	1/wall	Top of wall	10% of wall area

10.23.4.5. A business which is the sole occupant (as owner or tenant) of a building and which owns or operates multiple franchised businesses at that building shall

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be allowed one (1) overall business name sign and one (1) sign for each franchise, which may be located on the same wall. Signs for franchises shall be no larger than one-third of the size of the overall business name sign.

- 10.23.4.6. Banner Signs shall be limited in duration to a maximum of thirty (30) continuous days and not more than three (3) occurrences in a calendar year.

10.23.5. Attached Video Signs.

- 10.23.5.1. Districts Where Allowed: RA, R-2 and B district.

10.23.5.2. General Requirements:

- (a) Shall not be permitted on a lot that has a freestanding video sign.
- (b) An attached video sign shall be located flat against a building wall that is parallel to a street, or that faces the interior of a lot.
- (c) An attached video sign cabinet shall not project from the wall more than 18 inches, and its height shall not be more than 15 feet above ground level. Screens shall not be angled and shall be parallel to the wall.
- (d) The area of an attached video sign shall be counted toward the maximum allowable wall signage, and shall not exceed 25 percent of the maximum allowable wall signage or 60 square feet, whichever is less.
- (e) No more than 1 attached video sign shall be permitted per zone lot.
- (f) Maximum brightness levels for attached video signs shall not exceed 2500 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.
- (g) Prior to the issuance of a sign permit, the applicant shall submit the manufacturer's specifications that verify compliance with this section.
- (h) All attached video signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

10.23.6. Off-Premises Outdoor Advertising Signs.

- 10.23.6.1. Districts Where Allowed: RA district.

- 10.23.6.2. Defined: Outdoor Advertising, Off-Premises. The use of land consisting of a sign erected and maintained for the purpose of (i) displaying, advertising, identifying, or directing attention to business products, operations, or services sold or offered at a site other than the site where the sign is erected or (ii) promoting an attraction, activity, idea, opinion, or other noncommercial messaging that is unrelated to the

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site where the sign is erected. A sign meeting this definition is commonly known as a billboard, where space is commonly made available or rented to advertisers to display their messages to the traveling public. For the purposes of this section, the term “off-premises outdoor advertising” includes off-premises outdoor advertising visible from the main-traveled way of any road.

Statutory Reference - N.C.G.S. Chapter 160D-912(a)

10.23.6.3. Special Use Permit Required. Off-Premises outdoor advertising signs shall be permitted through a Special Use Permit.

10.23.6.4. General Requirements.

- (a) No outdoor advertising sign may exceed four hundred and fifty (450) square feet in area and fifty (50) feet in height.
- (b) Attached signs, side by side signs and two sign structures facing in the same direction shall be prohibited.
- (c) Rooftop signs are prohibited.
- (d) No part of any outdoor advertising sign shall be located within a one thousand (1,000) feet radius of another outdoor advertising sign.
- (e) The backs of all outdoor advertising sign shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.
- (f) No part of any outdoor advertising sign shall be located within a five hundred (500) foot radius from any park property, school property, church property, or navigable body of water.
- (g) No part of any outdoor advertising sign shall be located within a two hundred and fifty (250) foot radius from any residential structure.
- (h) No sign shall be affixed to trees without the written permission of the property owner.
- (i) No sign shall be affixed to utility poles.
- (j) Off-premise outdoor advertising signs having automatic changeable copy/display shall meet the following requirements:
 - (i) The sign shall not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising.
 - (ii) The sign copy/display shall not change or alternate more frequently than once every 8 seconds.
 - (iii) Sign copy/display changes shall be accomplished without the use of animation, movement, or scrolling, except for any mechanical movements of the sign facing structure necessary to change the sign copy/display.

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- (iv) Sign copy/display changes shall be accomplished as quickly as the sign technology allows and in all cases shall be accomplished within an interval of two seconds or less.
- (v) The sign shall be designed and equipped to freeze the sign in one position with no more than the maximum allowable illumination if a malfunction occurs.
- (vi) The sign shall have a light sensing device that adjusts the brightness of the sign automatically as ambient light conditions change.
- (k) The sign shall not exceed a maximum illumination level of 0.3 foot candles above ambient light, regardless of the method of illumination. The 0.3 foot candles above ambient light shall be measured at a distance from the sign equal to the following equation: $\sqrt{(\text{Sign Area in square feet} \times 100)}$.
- (l) Prior to permitting, the applicant shall submit a signed letter from the sign manufacturer stating that the sign is equipped with the ability to comply with the regulations in this section and will be programmed to do so prior to operation. The applicant shall also submit a signed letter from the sign owner or operator stating that they have read the regulations in this section and will not tamper with the manufacturer preset illumination settings.

Statutory Reference - N.C.G.S. Chapter 160D-912(b)

10.23.6.5. Nonconforming Off-Premises Advertising Signs.

- (a) Any automatic changeable copy/display off-premise outdoor advertising sign lawfully established according the regulations in effect at the time of its establishment that does not conform to the standards in this section must be either removed or rendered conforming within 30 days from the date that nonconforming status is determined by the Zoning Administrator.
- (b) **Removal of Nonconforming Off-Premises Outdoor Advertising Signs.** The Town of White Lake may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and may regulate the use of off-premises outdoor advertising within its planning and development regulation_jurisdiction in accordance with the applicable provisions of this Chapter and subject to_G.S. 136-131.1 and 136-131.2.

Statutory Reference - N.C.G.S. Chapter 160D-912(b)

- (c) **Written Notice of Intent Required.** The Town of White Lake shall give written notice of its intent to require removal of off-premises outdoor advertising by

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sending a letter by certified mail to the last known address of the owner of the outdoor advertising and the owner of the property on which the outdoor advertising is located.

Statutory Reference - N.C.G.S. Chapter 160D-912(c)

- (d) The Town of White Lake may not enact or amend an ordinance of general applicability to require the removal of any nonconforming, lawfully erected off-premises outdoor advertising sign without the payment of monetary compensation to the owners of the off-premises outdoor advertising, except as provided below. The payment of monetary compensation is not required if:
 - (i) The Town of White Lake and the owner of the nonconforming off-premises outdoor advertising enter into a relocation agreement pursuant to subsection (g) of this section.
 - (ii) The Town of White Lake and the owner of the nonconforming off-premises outdoor advertising enter into an agreement pursuant to subsection (k) of this section.
 - (iii) The off-premises outdoor advertising is determined to be a public nuisance or detrimental to the health or safety of the populace.
 - (iv) The removal is required for opening, widening, extending or improving streets or sidewalks, or for establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311, and the local government allows the off-premises outdoor advertising to be relocated to a comparable location.
 - (v) The off-premises outdoor advertising is subject to removal pursuant to statutes, ordinances, or regulations generally applicable to the demolition or removal of damaged structures. This subsection shall be construed subject to and without any reduction in the rights afforded owners of outdoor advertising signs along interstate and federal aid primary highways in this State as provided in Article 13, Chapter 136.

Statutory Reference - N.C.G.S. Chapter 160D-912(d)

- (e) Monetary compensation is the fair market value of the off-premises outdoor advertising in place immediately prior to its removal and without consideration of the effect of the ordinance or any diminution in value caused by the ordinance requiring its removal. Monetary compensation shall be determined based on:
 - (i) The factors listed in G.S. 105-317.1(a); and

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- (ii) The listed property tax value of the property and any documents regarding value submitted to the taxing authority.

Statutory Reference - N.C.G.S. Chapter 160D-912(e)

- (f) If the parties are unable to reach an agreement under **subsection (e)** above of this section on monetary compensation to be paid by the Town of White Lake to the owner of the nonconforming off-premises outdoor advertising sign for its removal, and the Town of White Lake elects to proceed with the removal of the sign, the Town of White Lake may bring an action in superior court for a determination of the monetary compensation to be paid. In determining monetary compensation, the court shall consider the factors set forth in subsection (e) above of this section. Upon payment of monetary compensation for the sign, the Town of White Lake shall own the sign.

Statutory Reference - N.C.G.S. Chapter 160D-912(f)

- (g) In lieu of paying monetary compensation, the Town of White Lake may enter into an agreement with the owner of a nonconforming off-premises outdoor advertising sign to relocate and reconstruct the sign. The agreement shall include the following:
 - (i) Provision for relocation of the sign to a site reasonably comparable to or better than the existing location. In determining whether a location is comparable or better, the following factors shall be taken into consideration:
 - a. The size and format of the sign.
 - b. The characteristics of the proposed relocation site, including visibility, traffic count, area demographics, zoning, and any uncompensated differential in the sign owner’s cost to lease the replacement site.
 - c. The timing of the relocation.
 - (ii) Provision for payment by the Town of White Lake of the reasonable costs of relocating and reconstructing the sign including:
 - a. The actual cost of removing the sign.
 - b. The actual cost of any necessary repairs to the real property for damages caused in the removal of the sign.
 - c. The actual cost of installing the sign at the new location.

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- d. An amount of money equivalent to the income received from the lease of the sign for a period of up to 30 days if income is lost during the relocation of the sign.

Statutory Reference - N.C.G.S. Chapter 160D-912(g)

- (h) For the purposes of relocating and reconstructing a nonconforming off-premises outdoor advertising sign pursuant to subsection (g) of this section, the Town of White Lake consistent with the welfare and safety of the community as a whole, may adopt a resolution or adopt or modify its ordinances to provide for the issuance of a permit or other approval, including conditions as appropriate, or to provide for dimensional, spacing, setback, or use variances as it deems appropriate.

Statutory Reference - N.C.G.S. Chapter 160D-912(h)

- (i) If the Town of White Lake has offered to enter into an agreement to relocate a nonconforming off-premises outdoor advertising sign pursuant to subsection (g) of this section, and within 120 days after the initial notice by the Town of White Lake the parties have not been able to agree that the site or sites offered by the Town of White Lake for relocation of the sign are reasonably comparable to or better than the existing site, the parties shall enter into binding arbitration to resolve their disagreements. Unless a different method of arbitration is agreed upon by the parties, the arbitration shall be conducted by a panel of three arbitrators. Each party shall select one arbitrator and the two arbitrators chosen by the parties shall select the third member of the panel. The American Arbitration Association rules shall apply to the arbitration unless the parties agree otherwise.

Statutory Reference - N.C.G.S. Chapter 160D-912(i)

- (j) If the arbitration results in a determination that the site or sites offered by the Town of White Lake for relocation of the nonconforming sign are not comparable to or better than the existing site, and the Town of White Lake elects to proceed with the removal of the sign, the parties shall determine the monetary compensation under subsection (e) of this section to be paid to the owner of the sign. If the parties are unable to reach an agreement regarding monetary compensation within 30 days of the receipt of the arbitrators' determination, and the Town of White Lake elects to proceed with the removal of the sign, then the Town of White Lake may bring an action in superior court for a determination of the monetary compensation to be paid by the Town of White Lake to the owner for the removal of the sign. In determining monetary

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compensation, the court shall consider the factors set forth in subsection (e) of this section. Upon payment of monetary compensation for the sign, the Town of White Lake shall own the sign.

Statutory Reference - *N.C.G.S. Chapter 160D-912(j)*

- (k) Notwithstanding the provisions of this section, the Town of White Lake and an off-premises outdoor advertising sign owner may enter into a voluntary agreement allowing for the removal of the sign after a set period of time in lieu of monetary compensation. The Town of White Lake may adopt an ordinance or resolution providing for a relocation, reconstruction, or removal agreement.

Statutory Reference - *N.C.G.S. Chapter 160D-912(k)*

- (l) The Town of White Lake has up to three years from the effective date of an ordinance enacted under this section to pay monetary compensation to the owner of the off-premises outdoor advertising provided the affected property remains in place until the compensation is paid.

Statutory Reference - *N.C.G.S. Chapter 160D-912(l)*

- (m) This section does not apply to any ordinance in effect on July 1, 2004. The Town of White Lake may amend an ordinance in effect on July 1, 2004 to extend application of the ordinance to off-premises outdoor advertising located in territory acquired by annexation or located in the extraterritorial jurisdiction of the Town. The Town of White Lake may repeal or amend an ordinance in effect on July 1, 2004 so long as the amendment to the existing ordinance does not reduce the period of amortization in effect on the effective date of this section.

Statutory Reference - *N.C.G.S. Chapter 160D-912(m)*

- (n) The provisions of this section shall not be used to interpret, construe, alter or otherwise modify the exercise of the power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General Statutes.

Statutory Reference - *N.C.G.S. Chapter 160D-912(n)*

- (o) Nothing in this section shall limit the Town of White Lake authority to use amortization as a means of phasing out nonconforming uses other than off-premises outdoor advertising.

Statutory Reference - *N.C.G.S. Chapter 160D-912(o)*

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10.23.7. Encroachment Agreement for Entrance Sign.

A development entrance sign shall be allowed to encroach into a public right-of-way provided an encroachment agreement between the sign owner and the Town in a form determined appropriate by the Town Attorney, is accepted. The encroachment agreement shall, at a minimum, provide that all of the following are met:

10.23.7.1. Not Compensated for Loss. The sign owner shall not be compensated by the Town for any loss of or damage to the sign from any cause.

10.23.7.2. Removal for Interference. The sign owner shall remove the sign at the sign owner's expense if the Town determines at any time that the sign interferes with the public use of the right-of-way.

10.23.7.3. Maintenance Required. The sign owner shall maintain the sign.

10.23.7.4. Insurance Required. If the sign projects or is suspended over the public right-of-way, the sign owner agrees to provide insurance or satisfactory indemnification to the Town against liability for injury to persons or property from the sign.

10.23.8. Savings Clause.

Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal, without consideration of message content. Any change to the structure or mounting device, or the refacing of a sign shall be subject to the requirements of permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, and to prevent favoring of any particular noncommercial message over any other noncommercial message.

10.24 – 10-29. RESERVED

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PART 3. LANDSCAPING, BUFFERING AND SCREENING

10.30. PURPOSE OF BUFFERING AND SCREENING.

The purpose of this Article is to establish minimum landscaping and screening requirements that provide (i) a visual buffer between parking and loading areas and public streets, (ii) a visual buffer between parking and loading areas and adjoining residential land uses, (iii) screening of solid waste collection dumpsters, and (iv) screening between certain incompatible land uses.

(Ord. 7/8/2014, 15-1)

10.31. PARKING AND LOADING AREA LANDSCAPING.

10.31.1. Street Side Buffer Yard Requirements. *(See Figure 10-1)*

10.31.1.1. All parking lots containing ten or more parking spaces shall include a minimum 10-foot perpetually maintained natural or planted buffer yard to screen the parking lot from all adjoining public street rights-of-way (where such parking lot is not screened visually by an intervening building).

10.31.1.2. The required streetside buffer yard shall contain at least one canopy tree for each sixty linear feet of street frontage and each tree shall be a minimum of 8 feet in height and shall have a minimum caliper of 2 inches (measured six inches above grade) at the time of planting. Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity. No tree shall be planted within 20 feet of the edge of a driveway at its intersection with the street right-of-way.

10.31.1.3. The required buffer yard shall also contain evergreen shrubs, planted four feet on center, which are of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.

10.31.1.4. All portions of the streetside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

(Ord. 7/8/2014, 15-2(A))

10.31.2. Property Line Buffer Yard Requirements. *(See Figure 10-1)*

10.31.2.1. Any parking lot and loading area (i) which contains ten or more parking spaces, (ii) which is located on a commercially-, industrially-, institutionally-used lot, and (iii) which abuts a residentially zoned lot shall include a minimum 10-foot

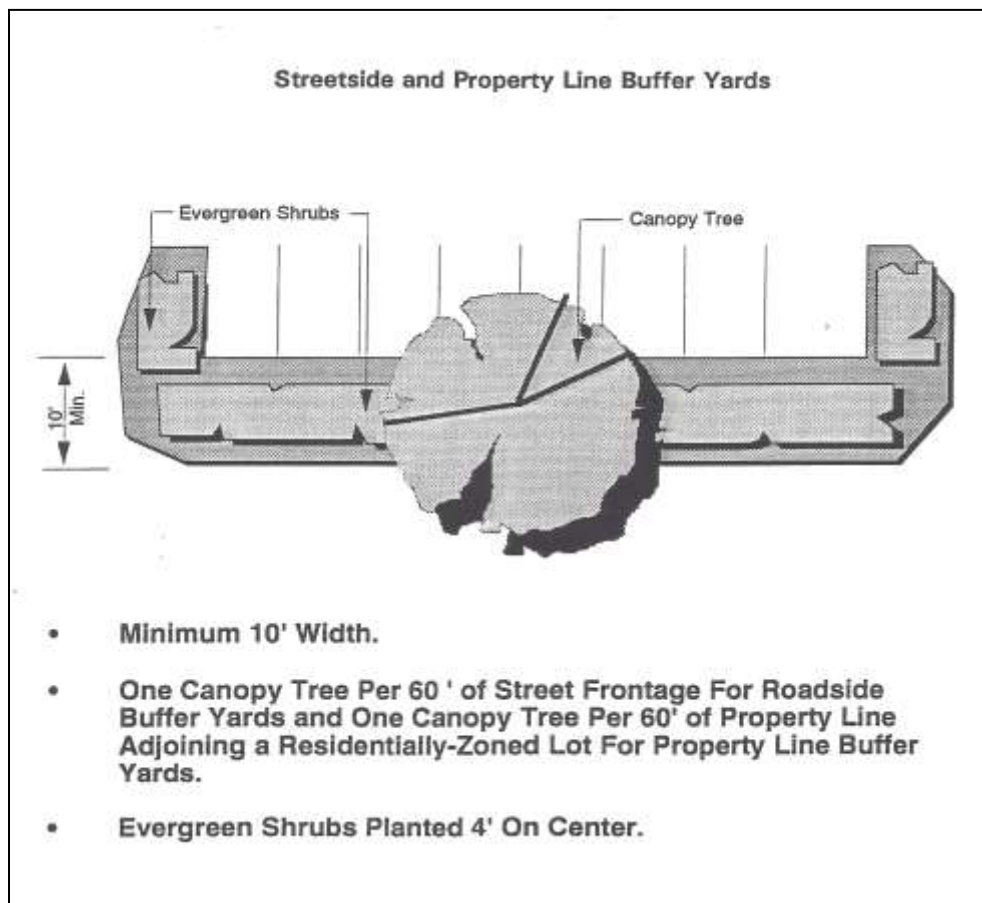
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perpetually maintained natural or planted buffer yard along all adjoining property lines that do not coincide with street rights-of-way.

10.31.2.2. The required property line buffer yard shall comply with the planting standards set out in **Section 10.21.2.1.** above for streetside buffer yards except that there shall be one canopy tree for each 60 LF of property line adjoining a residentially zoned lot rather than for each 60 LF of street frontage.

(Ord. 7/8/2014, 15-2(B))

**Figure 10-1
Planting Requirements for Buffer Yards**



10.32. SCREENING OF DUMPSTERS.

Solid waste collection dumpsters which are (i) located on sites used for multi-family residential, townhouse, condominium, commercial, institutional, or industrial purposes and (ii) abutting a residence, residentially zoned lot, or street right-of-way shall be screened from the view of adjoining residences, residentially zoned lots, or street rights-of-way. Such screening may consist of natural

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vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen.

(Ord. 7/8/2014, 15-3)

10.33. SCREENING OF ADJOINING INCOMPATIBLE LAND USES.

10.33.1. Multi-family Residential Uses. *(see Figure 10-2)*

Whenever four or more multi-family residential, townhouse, or condominium dwelling units are proposed to be located directly abutting property which is used for single-family residential purposes or which is zoned for single-family residential use, the multi-family, townhouse, or condominium use shall provide screening in accordance with the following standards:

- 10.33.1.1. A minimum 15-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a single-family used or zoned lot.
- 10.33.1.2. The buffer yard shall contain 2 canopy trees and 3 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
- 10.33.1.3. The buffer yard shall also contain 17 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- 10.33.1.4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

(Ord. 7/8/2014, 15-4(A))

10.33.2. Industrial and Commercial (Business) Uses. *(see Figure 10-2)*

Whenever an industrial or commercial (business) use is proposed to be located so that the principal building, accessory building(s), outdoor use areas, or parking and loading areas are within 100 feet of a lot which is used for residential purposes or which is zoned for residential use, the industrial or commercial use shall provide screening in accordance with the following standards:

- 10.33.2.1. A minimum 25-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.

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- 10.33.2.2. The buffer yard shall contain 3 canopy trees and 5 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
- 10.33.2.3. The buffer yard shall also contain 25 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- 10.33.2.4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

(Ord. 7/8/2014, 15-4(B))

10.34. FENCES, WALLS AND SCREENS

- 10.34.1. A fence, wall, or screen for the purposes of privacy and/or security may be located in any required yard provided:
- 10.34.1.1. The activities of the principal use may not extend into a front yard that is screened by a solid fence, wall, or shrubbery screen (e.g., a restaurant shall not enclose the front yard with a solid fence for the purpose of providing customers a lounge, a bar or an eating area).
- 10.34.1.2. No open wire fence of a type that could inflict injury from casual contact (such as barbed wire fence) is permitted below a height of six (6) feet in any district. Other types of open wire fencing (such as hurricane and chain link fencing) may be erected in any yard.
- 10.34.1.3. The height of a fence, wall, or screen shall be measured from the average undisturbed grade of the adjacent property.
- 10.34.1.4. Within residential zoning districts, the following fence, wall, and screen height limits shall apply:
- (a) Within front yards, the height for fences, walls, or screens shall be limited to four (4) feet except that the board of adjustment shall hear and decide requests for variances to allow height up to six (6) feet within front yards adjacent to thoroughfares. The variance request application shall include information on the factors set forth below, other requirements of this section and chapter, and any other information pertinent to granting the variance. In hearing the request for the height variance, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in this section and chapter, and the Technical

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Standards and Specifications Manual, and compliance with the following requirements:

- (i) The fence, wall or screen shall be set back a minimum of one-half ($\frac{1}{2}$) the distance of the required front yard setback for the district or fifteen (15) feet, whichever is greater;
 - (ii) At least fifty (50) percent of the area of the fence, wall, or screen above four (4) feet shall be open along the entire length such that clear vision is possible from one side to the other; and
 - (iii) Additional conditions may be specified to maintain safe access, ingress, and egress to and from the subject and surrounding properties.
- (b) Within any side or rear yard, the maximum height for any fence shall be eight (8) feet;
 - (c) Fence height limits shall not apply to electric/gas substations, water/sewer treatment plants or facilities, municipal water storage facilities, waste treatment facilities, or government facilities; and
 - (d) Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district;
 - (e) In all zoning districts, chain link, woven wire, and electric and barbed wire fences shall be prohibited in front yards, except on bona fide farms, electric and gas substations, and government facilities. Fences and walls of exposed concrete block, tires, junk or other discarded materials shall be prohibited.
 - (f) A fence, wall, or screen shall not impede access by emergency services to the subject and surrounding properties.
 - (g) A fence, wall, or screen shall be installed with the finished side facing adjoining properties and rights-of-way.
 - (h) A fence, wall, or screen shall be maintained in a sturdy upright position free from any broken or missing parts, slats or boards. Finishes shall be maintained in good condition.

10.35. LINE OF SIGHT

10.35.1. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no parking spaces, fences, walls, posts, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between thirty (30) inches and above ground level and ten (10) feet above ground level within a triangular sight distance.

10.35.2. The required triangular sight distance for any street intersections with thoroughfares shall be provided in compliance with the American Association of State Highway and

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Transportation Officials sight distance standards for roadway of similar classifications, intersections signalization/signage, and rated speeds.

10.36. ALTERNATIVE SCREENING METHODS

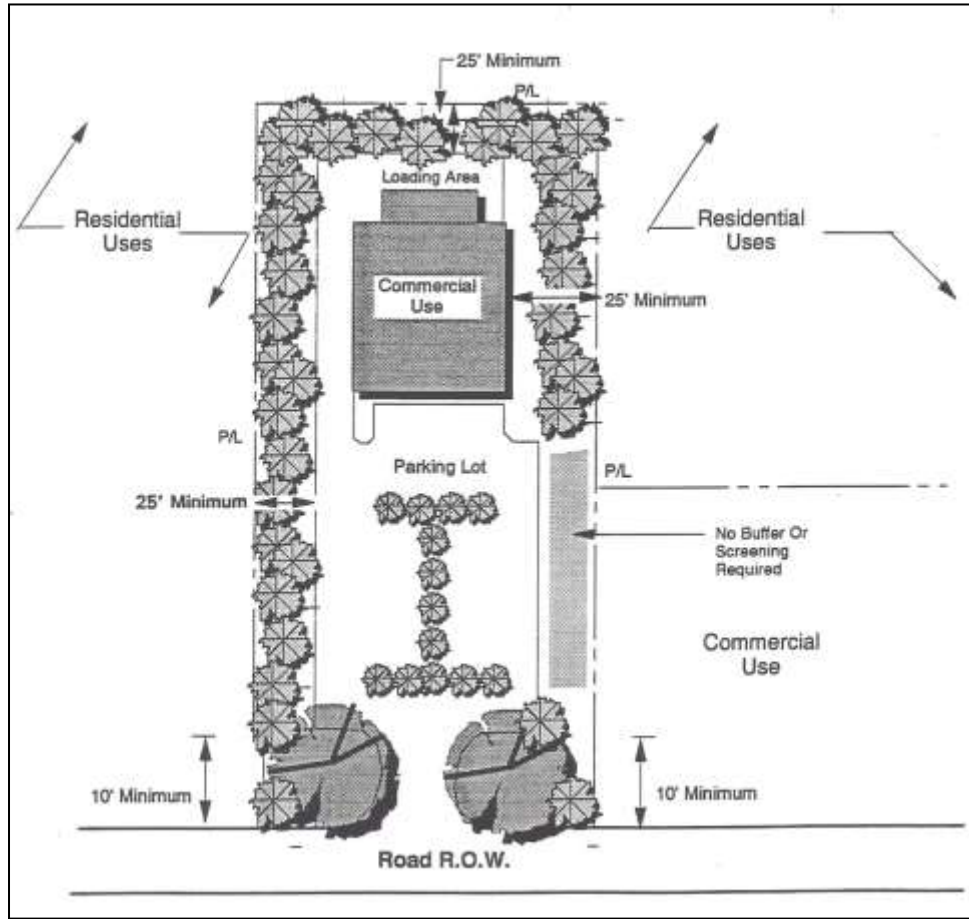
- 10.36.1. Under certain circumstances the application of the standards delineated in **Sections 10-31 through 10-33** is either inappropriate or ineffective in achieving the purposes of this Ordinance. When screening is required by this Article or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Administrator. This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in **Sections 10-31 through 10-33**. If approved by the Zoning Administrator, the alternative screening plan may be utilized to meet the requirements of this Ordinance.
- 10.36.2. A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of **Sections 10-31 through 10-33**. provided that the following standards are met:
- 10.36.2.1. Walls (a minimum of 5 feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque fence (a minimum of 5 feet in height) may be used to reduce the widths of the buffer yards required in **Sections 10.33.1.1. and Section 10.33.2.1** by 10 feet.
- 10.36.2.2. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Inspector upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.
- 10.36.2.3. Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 6 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).
- 10.36.2.4. Any berm utilized for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1.

(Ord. 7/8/2014, 15-4(B))

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Figure 10-2

Example of the Application of Buffers and Screens



10.37. MAINTENANCE REQUIRED.

In order for any screening to fulfill the purpose for which it was established, it must be properly maintained. The owner of the property and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all required screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Ordinance. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

(Ord. 7/8/2014, 15-6)

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10.38. USE OF EXISTING SCREENING.

When a lot is to be developed so that screening is required and that lot abuts an existing hedge, fence or other screening material on the adjoining lot, then that existing screen may be used to satisfy the requirements of this Ordinance. The existing screen must meet the minimum standards for screening established by this Ordinance and it must be protected from damage by pedestrians or motor vehicles. However, the burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original use continues in operation. Consequently, should the screening on the adjoining lot be removed, the use required to be screened shall, at that time, provide screening in accordance with the requirements of this Ordinance.

(Ord. 7/8/2014, 15-7)

10.39. GUARANTEE IN LIEU OF IMMEDIATE INSTALLATION OF LANDSCAPING AND SCREENING.

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, the developer may provide an adequately secured performance bond or other security to ensure that all of the requirements of this Article will be fulfilled.

(Ord. 7/8/2014, 15-9)

10.40. – 10-44. RESERVED.

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PART 4. Outdoor Lighting

10.45. PURPOSE.

Sufficient outdoor lighting at night increases safety, enhances the Town's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the Town.

10.46. DEFINITIONS.

As found in Article 2 of this Ordinance, the following definitions are used in this section:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-Shielded Lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

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Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

10.47. GENERAL REGULATIONS.

10.47.1. All public and private outdoor lighting installed in the Town of White Lake shall be in conformance with the requirements established by this Ordinance. All previous language in White Lake ordinances regarding outdoor lighting is replaced with this ordinance.

10.47.2. Control of Glare – Luminaire Design Factors:

10.47.2.1. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

10.47.2.2. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

10.47.2.3. Exceptions to the Control of Glare:

- (a) Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- (b) Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

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- (c) All temporary emergency lighting need by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- (d) All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- (e) Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

10.47.3. Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

10.48. OUTDOOR ADVERTISING SIGNS.

10.48.1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the glare control requirements of **Section 10.47.2**. Bottom-mounted outdoor advertising-sign lighting shall not be used.

10.48.1.1. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

10.48.2. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within five (5) years from the date of adoption of this provision.

10.48.3. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

10.49. RECREATIONAL FACILITIES.

10.49.1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

10.49.1.1. All fixtures used for event lighting shall be fully shielded as defined above, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

10.49.1.2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the

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playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

10.50. PROHIBITIONS.

- 10.50.1. **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- 10.50.2. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
- 10.50.3. **Outdoor Advertising Off-Site Signs.** Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

10.51. TEMPORARY OUTDOOR LIGHTING.

- 10.51.1. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Commissioners after considering:
 - 10.51.1.1. The public and/or private benefits that will result from the temporary lighting;
 - 10.51.1.2. Any annoyance or safety problems that may result from the use of the temporary lighting;
 - 10.51.1.3. The duration of the temporary nonconforming lighting.

10.52. EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES.

- 10.52.1. This ordinance shall take effect immediately upon approval by the Board of Commissioners of the Town of White Lake and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- 10.52.2. All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance.
- 10.52.3. Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

10.53. NEW SUBDIVISION CONSTRUCTION.

- 10.53.1. **Submission Contents.** The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply

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with this Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- 10.53.1.1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
 - 10.53.1.2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
 - 10.53.1.3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- 10.53.2. **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- 10.53.3. **Subdivision Plat Certification.** If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Town of White Lake Outdoor Lighting Code will be adhered to.
- 10.53.4. **Lamp or Fixture Substitution.** Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

10.54. NOTIFICATION REQUIREMENTS.

The Town of White Lake zoning permit shall include a statement asking whether the planned project will include any outdoor lighting.