

**TOWN OF ANGIER
PLANNING BOARD
AGENDA
December 10, 2019
7:00 P.M.
Municipal Building
28 North Raleigh Street
Angier, North Carolina 27501**

1. Opening
2. Pledge Of Allegiance
3. Invocation
4. Approval Of The November 12, 2019 Planning Board Minutes
5. Consideration Of The Agenda
6. New Business

A. Rezoning Request – 8365 S. N.C. 55 HWY

Applicant/Property Owner: Aneta Paval
Property PIN: 0675506834 (Wake County)
Current Zoning: R-30 (Wake County)
Requested Zoning: General Commercial (Angier)

B. Rezoning Request – Chalybeate Springs Road

Applicant: Jim Chandler – Timmons Group
Property Owners: Rebecca Everett, James Barefoot, Aldos Barefoot III
Property PINs: 0674-01-6434.000, 0674-11-5217.000, 0674-11-1816.000
Current Zoning: RA-30
Requested Zoning: R-6

C. Rezoning Request – 190 & 200 W. Williams Street

Applicant/Property Owner: Trevel Construction Corp.
Property PINs: 0674-60-5161.000, 0674-60-5111.000
Current Zoning: R-10
Requested Zoning: R-6

D. Ordinance Amendments

Discussion of amendments to Chapter 6 of the Ordinance – Open Space Requirements, Parks & Recreation Development Fee

7. Old Business

A. Ordinance Amendments

Discussion of amendments to Chapter 10 of the Ordinance – Sign Regulations

8. Adjournment



REZONING STAFF REPORT

File #: 2019-000315
Staff Contact: Sean Johnson
sjohnson@angier.org
(919) 331-6702

Planning Board: December 10, 2019

Public Hearing: January 7, 2020

Requesting Rezoning: RA-30 to R-6

Applicant Information

Owner of Record:

Name: Rebecca Everett, James Barefoot, Aldos Barefoot III

Address: 2012 Nakoma Pl

City/State/Zip: Raleigh, NC 27607

Applicant:

Name: Jim Chandler – Timmons Group

Address: 5410 Trinity Rd, Suite 102

City/State/Zip: Raleigh, NC 27607

Property Description

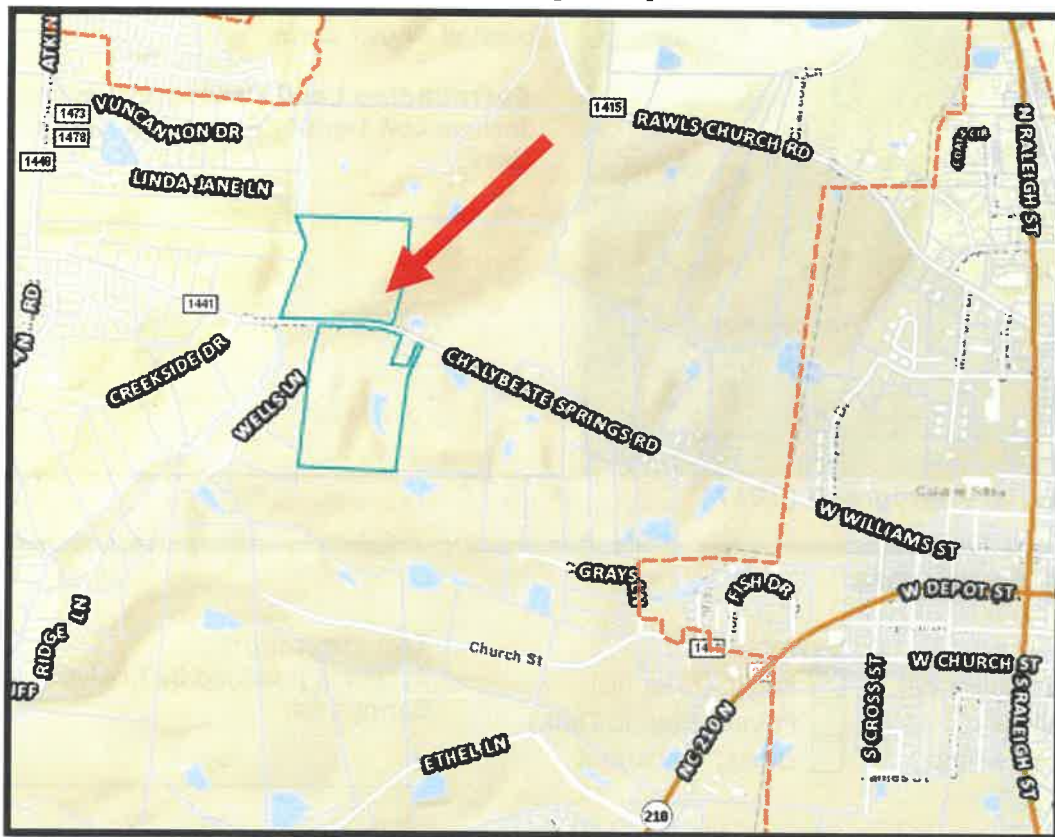
PIN(s): 0674-01-6434.000, 0674-11-1816.000, 0674-11-5217.000

Acreage: **72.12** Acres

Address: 1343 Chalybeate Springs Rd, Angier, NC

****PROPERTY IS CURRENTLY IN THE VOLUNTARY ANNEXATION PROCESS****

Vicinity Map



Physical Characteristics

Zoning District Compatibility



	CURRENT	REQUESTED
	RA-30	R-6
Min. Lot Size	30,000	6,000sq.ft.
Parks & Recreation Facilities	P	P
Single Family/Duplexes	P	P
Multi-Family (Apartments)		P
Schools	P	P
Offices & Services		
Retail Uses		
Churches		
Governmental Uses	P	P
Agriculture	P	
Manufacturing Uses		

P=Permitted Use S=Special Use



Aerial Photograph (2017)

Site Description: The Properties in question are on both the North and South side of Chalybeate Springs Road. The properties are currently wooded and contain 2 single family homes. The property has access to Town of Angier sewer.

Surrounding Land Uses: Surrounding Land Uses include Low Density Residential Uses and Agricultural Uses.

Services Available

Water:

- ☒ Public (If Extended)
- ☐ Private (Well)
- ☐ Other: Unverified

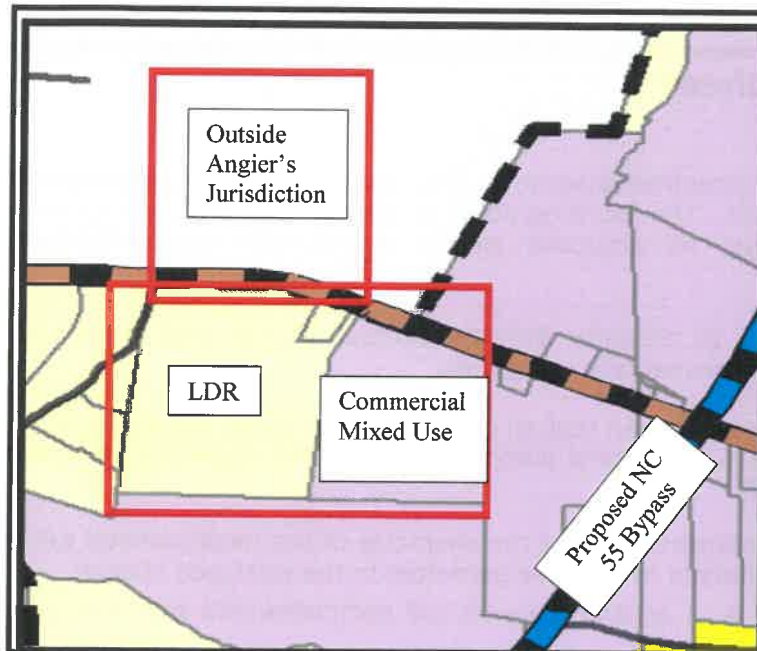
Sewer:

- ☒ Public (Existing)
- ☐ Private (Septic Tank)
- ☐ Other: unverified

Transportation:

Access is provided by Chalybeate Springs Rd.

Land Use Classification Compatibility



Future Land Use Map (2019)

	REQUESTED ZONING	LAND USE
	R-6	CMU/LDR
Parks & Rec Facilities	P	P/P
Detached Single Family	P	N/P
Multi-Family	P	N/N
Churches	S	N/S
Schools	P	P/P
Professional Offices		P/N
Retail Uses		P/N
Restaurants		P/N
Governmental Uses	P	P/P
Distribution		S/N
Manufacturing Uses		S/N

P = Permitted Use, S = Special Use, N = Not Permitted

Angier Comp. Land Use Plan: Low Density Residential & Commercial Mixed Use

The Proposed Rezoning Is Not Compatible With The Land Use Plan

Evaluation

- ☒ **Yes** ☐ **No** The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.
REASONING: The requested zoning would allow for uses compatible with adjoining uses.
- ☐ **Yes** ☒ **No** The requested zoning district is NOT COMPATIBLE with the existing Land Use Classification.
REASONING: The Land Use Plan calls for Commercial Mixed Use and Low Density Residential, which is not compatible with the uses allowed by the requested zoning district.
- ☒ **Yes** ☐ **No** The proposal does ENHANCE or maintain the public health, safety and general welfare.
REASONING: The requested zoning would allow for uses compatible with adjoining uses.
- ☐ **Yes** ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness
REASONING: The proposed zoning district would allow for similar uses as the properties in the vicinity.

Suggested Statement-of-Consistency (Staff concludes that...)

While the requested rezoning to R-6 is not consistent with suggested classifications shown on the Future Land Use Plan, the R-6 zoning district would allow for residential uses compatible with the area. Other examples of properties being rezoned to R-6 in areas not previously including R-6 zoning include: The Coble Farms property on Rawls Church Rd, The Johnson's Landing subdivision, the Kathryn's Retreat subdivision and Whetstone Phase II. Each of these properties has had single family developments approved on them in recent years.

The rezoning would not have an unreasonable impact on the surrounding community, and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. It is recommended that this rezoning request be **APPROVED**.

Standards of Review and Worksheet

STANDARDS OF REVIEW

The Planning Board shall consider and make recommendations to the Town Board of Commissioners concerning this proposed conditional zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- ☐ Yes ☐ No A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ Yes ☐ No B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ Yes ☐ No C. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ Yes ☐ No D. The proposed change is in accordance with the comprehensive plan and sound planning practices.

☐ **GRANTING THE REZONING REQUEST**

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

☐ **DENYING THE REZONING REQUEST**

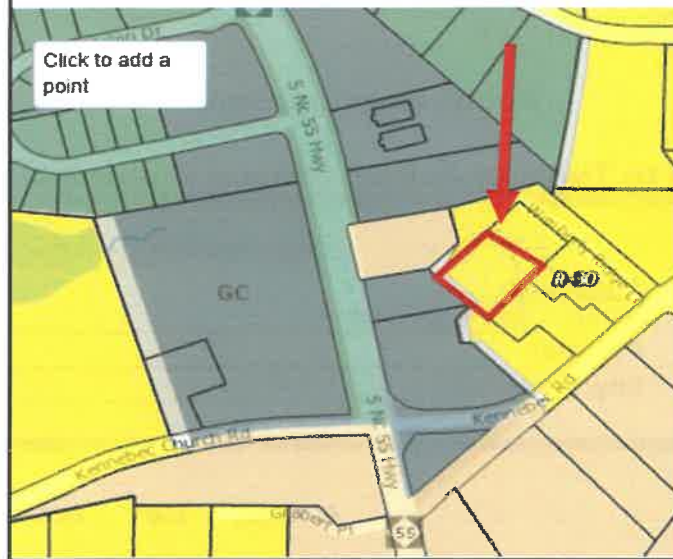
Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- ☐ There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ The proposed change is not in accordance with the comprehensive plan and sound planning practices.
- ☐ The proposed change was not found to be reasonable for a small scale rezoning

Attachments

- ☒ Original Rezoning Application

Zoning District Compatibility



	CURRENT WC R-30	REQUESTED TOA GC
Parks & Recreation Facilities	Out of	P
Single Family/Duplexes	Angier's	
Multi-Family (Apartments)	Jurisdiction	
Schools		P
Offices & Services		P
Retail Uses		P
Churches		
Governmental Uses		P
Agriculture		
Manufacturing Uses		S

P=Permitted Use S=Special Use

Physical Characteristics



Aerial Photograph (2017)

Site Description: The Property is Currently Wooded and contains 2 abandoned barn structures.

Surrounding Land Uses: Surrounding Land Uses Include Low & Medium Density Residential Uses, Service Uses and Retail Uses.

Services Available

Water:

- ☒ Public
☐ Private (Well)
☐ Other: Unverified

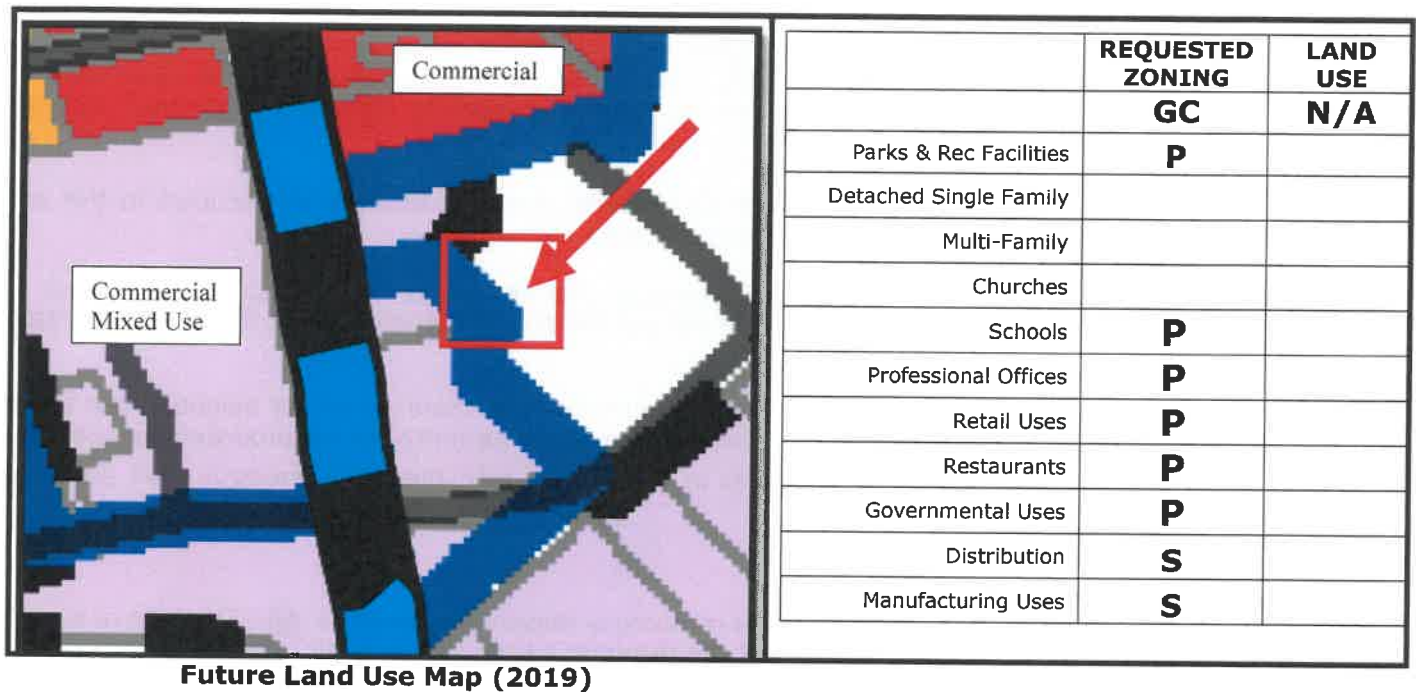
Sewer:

- ☒ Public
☐ Private (Septic Tank)
☐ Other: unverified

Transportation:

Access is provided by existing driveway on 8381 S. NC 55 HWY

Land Use Classification Compatibility



The Proposed Rezoning Is In Compatible With Adjacent Classifications Shown On The Land Use Plan

Evaluation

- ☒ **Yes** ☐ No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.
REASONING: The requested zoning would allow for uses compatible with adjoining uses.
- ☒ **Yes** ☐ No The requested zoning district is COMPATIBLE with the existing Land Use Classification.
REASONING: The Land Use Plan calls for Commercial Mixed Use and Commercial on adjacent properties, which is compatible with the uses allowed by the requested zoning district.
- ☒ **Yes** ☐ No The proposal does ENHANCE or maintain the public health, safety and general welfare.
REASONING: The requested zoning would allow for uses compatible with adjoining uses.
- ☐ Yes ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness
REASONING: The proposed zoning district would allow for similar uses as the properties in the vicinity.

Suggested Statement-of-Consistency (Staff concludes that...)

The requested rezoning to General Commercial is consistent with suggested classifications shown on adjacent properties on the Future Land Use Plan. The requested zoning district would allow for uses of the property similar to those uses surrounding it. The rezoning would not have an unreasonable impact on the surrounding community, and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. It is recommended that this rezoning request be **APPROVED**.

Standards of Review and Worksheet

STANDARDS OF REVIEW

The Planning Board shall consider and make recommendations to the Town Board of Commissioners concerning this proposed conditional zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- ☐ Yes ☐ No A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ Yes ☐ No B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ Yes ☐ No C. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ Yes ☐ No D. The proposed change is in accordance with the comprehensive plan and sound planning practices.

☐ **GRANTING THE REZONING REQUEST**

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

☐ **DENYING THE REZONING REQUEST**

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- ☐ There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ The proposed change is not in accordance with the comprehensive plan and sound planning practices.
- ☐ The proposed change was not found to be reasonable for a small scale rezoning

Attachments

- ☒ Original Rezoning Application



REZONING STAFF REPORT

File #: 2019-000362
Staff Contact: Sean Johnson
sjohnson@angier.org
(919) 331-6702

Planning Board: December 10, 2019

Public Hearing: January 7, 2020

Requesting Rezoning: R-10 to R-6

Applicant Information

Owner of Record:

Name: Trevel Construction Corp.
Address: 8421 Wynnridge Drive
City/State/Zip: Apex, NC 27539

Applicant:

Name: Same as Owner
Address:
City/State/Zip:

Property Description

PIN(s): 0674-60-5161.000, 0674-60-5111.000

Acreage: 0.287 Acres

Address: 190 & 200 W. Williams Street, Angier, NC

Vicinity Map



Zoning District Compatibility



	CURRENT R-10	REQUESTED R-6
Min. Lot Size	10,000	6,000
Parks & Recreation Facilities	P	P
Single Family/Duplexes	P	P
Multi-Family	P	P
Schools	P	P
Offices & Services		
Retail Uses		
Churches		
Governmental Uses	P	P
Agriculture	P	P

P=Permitted Use S=Special Use

Physical Characteristics



Aerial Photograph (2017)

Site Description: The property is currently vacant.

Surrounding Land Uses: Surrounding Land Uses include medium density residential, commercial and recreational uses.

Services Available

Water:

- ☒ Public
- ☐ Private (Well)
- ☐ Other: Unverified

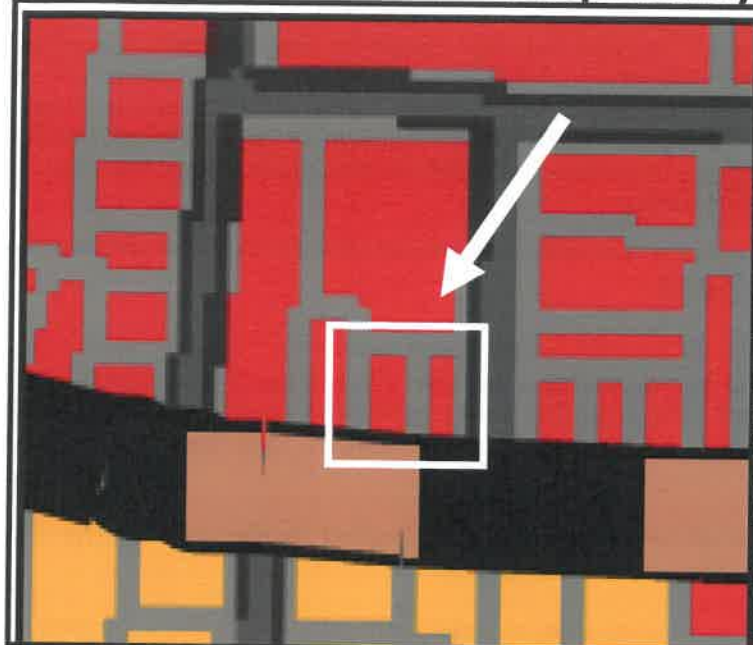
Sewer:

- ☒ Public
- ☐ Private (Septic Tank)
- ☐ Other: unverified

Transportation:

Access is provided by W. Williams Street & N. Park Street

Land Use Classification Compatibility



	REQUESTED ZONING	LAND USE
	R-6	COMM
Parks & Rec Facilities	P	P
Detached Single Family	P	
Multi-Family	P	
Churches	S	
Schools	P	P
Professional Offices		P
Retail Uses		P
Restaurants		P
Governmental Uses	P	P
Distribution		S
Manufacturing Uses		S

Future Land Use Map (2017)

Angier Comp. Land Use Plan: Commercial, Redevelopment Area

The Proposed Rezoning Is Not In Compliance With The Uses Identified In The Land Use Plan, But Would Allow For The Redevelopment Of The Property

Evaluation

- ☒ **Yes** ☐ **No** The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.
REASONING: The requested zoning would allow for uses compatible with adjacent uses and for density similar to adjacent developments.
- ☐ **Yes** ☒ **No** The requested zoning district is COMPATIBLE with the existing Land Use Classification.
REASONING: The Land Use Plan calls for Commercial uses, which are not allowed in the proposed district.
- ☒ **Yes** ☐ **No** The proposal does ENHANCE or maintain the public health, safety and general welfare.
REASONING: The rezoning would allow for uses compatible with surrounding uses and would facilitate redevelopment in an area targeted for redevelopment.
- ☐ **Yes** ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness
REASONING: The uses allowed by the proposed rezoning are similar to that of adjacent parcels.

Suggested Statement-of-Consistency (Staff concludes that...)

The requested rezoning to R-6 is not compatible with The Land Use Plan. However, the adjacent property is zoned R-6 and the uses permitted by the requested district would be compatible with existing uses. The rezoning request would not have an unreasonable impact on the surrounding community and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. Also, the approval of this rezoning request may facilitate the redevelopment of an area targeted in the land Use Plan for such. It is recommended that this rezoning request be **APPROVED**.

Standards of Review and Worksheet

STANDARDS OF REVIEW

The Planning Board shall consider and make recommendations to the Town Board of Commissioners concerning this proposed conditional zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- ☐ Yes ☐ No A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ Yes ☐ No B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ Yes ☐ No C. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ Yes ☐ No D. The proposed change is in accordance with the comprehensive plan and sound planning practices.

☐ **GRANTING THE REZONING REQUEST**

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

☐ **DENYING THE REZONING REQUEST**

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
 - ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
 - ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
 - ☐ There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
 - ☐ The proposed change is not in accordance with the comprehensive plan and sound planning practices.
 - ☐ The proposed change was not found to be reasonable for a small scale rezoning
-

Attachments

☒ Original Rezoning Application

**Amendment Under Consideration - Chapter 6 of the Zoning Ordinance
Includes Changes Made Based On Discussion At The November 19th Board
Workshop**

EXISTING LANGUAGE

LANGUAGE TO BE REMOVED

LANGUAGE TO BE ADDED

Section 6.1. - Purpose.

The purpose of this chapter is for the preservation of open space, the purchase and development of recreational land and parks, and the protection of existing environmental resources including open space, streams, wetlands, watersheds, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value to the town and make it a desirable place to live and visit.

Section 6.3. - Open space requirements.

6.3.1 Applicability. The requirements of this section apply to new major subdivisions and multifamily developments with greater than five residential dwelling units. Single family developments in which all lots are ~~five acres~~ **one acre** or more are exempt from ~~this provision~~ **the open space dedication requirements of this section.**

6.3.3 Minimum open space dedication.

Open space shall be dedicated at a ratio of ~~15~~ **20** percent of the total area for developments ~~less than 20 acres in size and 20 percent of the total development area for developments~~ equal to or greater than 20 acres. **This required dedication of open space shall be limited to a maximum of 10 acres.** At least 50% of the acreage dedicated to meet these requirements, ~~or 5 acres, whichever is less,~~ must include active recreational facilities such as playgrounds, **swimming pools,** athletic courts or fields, **greenways** or walking trails as determined by the Administrator during preliminary plat or site plan review. **All reasonable efforts should be made by the developer to ensure wetlands and floodplain areas are reserved in open space areas and left undisturbed.**

6.3.4 Types of open space.

All required open space shall be classified in accordance with this section. Dedicated open space shall fit into one or more of the following categories and be classified as private or public open space. Illustrations used herein are intended for general purposes only and shall not be used as a literal interpretation of requirements. The existing features plan should be used as a guide for the town and the developer to determine the most appropriate open space type and location. Also town and county plans, particularly park and open space plans, shall be considered when evaluating the most appropriate open space type.

A. Playground. Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

B. Square. Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

C. Park. Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses, athletic fields and community gardens.

D. Green. The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; brick, concrete or asphalt walking paths are required.

E. Greenway. Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.

F. Agricultural preserve. Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. ~~No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be an agricultural preserve.~~

G. Nature preserve. Open spaces designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature preserves are the preferred form of open space for steep slopes in excess of 25 percent grade. ~~No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be a nature preserve.~~

Section 6.5. - Payment-in-lieu-of dedication.

A. If open space within a development is physically impractical due to unusual conditions then the town may accept a fee paid in lieu of dedication.

B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the town, and the funds shall be used by the town for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the town, pending their expenditure in accordance with the terms of this Code; such funds may be invested as other funds of the town. The town may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.

C. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.

D. Such payment in lieu of dedication shall be ~~the product of the current assessed market value of 1/35 of an acre of the land to be subdivided (as~~ established from time to time by the Angier Board of Commissioners ~~and listed in the current Rate and Fee Schedule. in subsection E. below.) multiplied by the number of total acres within the boundaries of the development.~~

~~E. — Payment in lieu of open space dedication shall be made in the amount of \$600.00 per lot.~~

Section 6.7. – Parks and Recreation Development Fee

In addition to the open space dedication requirements of this chapter, the Town of Angier seeks to provide adequate recreational facilities to residents within proposed developments and in surrounding areas.

Pursuant to the authority granted to the Town of Angier by North Carolina General Statute §160A- 372, this section shall require that the developer of a proposed major subdivision or multifamily development provide funds to the Town for the acquisition or development of recreation facilities, park facilities, or open space sites that serve the immediate area of the proposed subdivision.

The Parks and Recreation Development Fee shall be as established from time to time by the Angier Board of Commissioners and listed in the current Rate and Fee Schedule.

REVISED PER PLANNING BOARD COMMENTS ON 11/12/19

UDO Chapter 10 - SIGNS

Section 10.1. - Purpose and applicability.

- A. This chapter is intended to regulate signs and their placement throughout the Town of Angier and its extraterritorial area for the following purposes:
1. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the town and its environs;
 2. To create a more productive, enterprising, professional business atmosphere;
 3. To allow signs appropriate to the planned character and development of each zoning district;
 4. To ensure that permitted signs do not become a hazard or nuisance;
 5. To promote traffic safety;
 6. To prevent conflicts with public safety signs;
 7. To protect and enhance the value of properties; and
 8. To promote the public safety and general welfare of the Town of Angier and its ETJ.
- B. The provisions of this chapter shall apply to the construction, erection, alteration, use, type, number, location, size, height, and maintenance of all signs. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign visible from off-site, without first having obtained a sign permit for such sign from the zoning administrator as required by this ordinance.

Section 10.2. - General provisions.

10.2.1 Sign design standards.

A. Materials, colors, and shapes of proposed signs shall be designed so as to integrate with the buildings and the surrounding area. In the Central Business zoning district, sign design and color shall ~~closely match the current theme as~~ be determined by the ~~administrator~~ Planning Director.

~~B. The sign shall not be excessive or confusing.~~

10.2.2 Sign area. For freestanding signs, neighborhood identification signs, and other similar signs, the area shall not include the area of the surface to which the sign is affixed. For example, a decorative framework or wall shall not be included in the sign area.

10.2.3 Sign height. The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street and shall not be used as a means to avoid compliance with regulations.

10.2.4 Sign setbacks.

- A. All signs shall set back a minimum of ten feet from side property lines.
- B. No sign shall be placed in the street right-of-way or sight triangles.
- C. No freestanding ground sign shall be located within 50 feet of any other freestanding ground sign. In cases where this requirement prevents location of a sign on a site on which no other sign exists, a sign may be placed at the furthest distance possible from existing freestanding ground signs on adjacent property.

10.2.5 Sign illumination. Illuminated signs shall conform to the following:

- A. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- B. External light sources shall not ~~be visible from the right-of-way nor~~ cause glare hazards to pedestrians, motorists, or adjacent properties.
- ~~C. A maximum of ten footcandles may be permitted on any portion of sign.~~
- D. All lighting shall meet all applicable building and electrical codes.
- E. A sign within 100 feet of an existing residential use shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m.
- F. Lighting for signs shall be maintained and shall not create excessive noise.
- ~~G. Back lit signs located in the town center land use classification shall be limited to two colors.~~
- G. Signs attached to buildings in the Central Business District shall not be back-lit or utilize interior illumination

10.2.6 Maintenance and upkeep of signs.

- A. All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this ordinance (unless deemed a legal nonconforming sign by nonconformities chapter of this ordinance). Any sign which is determined by the zoning administrator or building inspector as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this ordinance.
- B. If a sign advertises a business, service, commodity, attraction or other enterprise or activity that is no longer operating or being offered or conducted, then that sign and sign structure shall be considered discontinued regardless of reason or intent and shall, within ~~30~~ 90 days after such discontinuation, be removed by the owner of the property where the sign is located. A blank sign face shall be provided to prevent any exposed sign light bulbs and other internal sign components.
- C. If a nonconforming sign is damaged or destroyed 50 percent or more of its assessed value, such sign may be reconstructed only in compliance with the regulations found herein.

10.2.7 Amortization of nonconforming signs. Any sign which was erected, placed, attached, suspended, or otherwise put into use prior to the adoption date of this ordinance shall, within ~~ten~~ **years 5 years** of the effective date of this ordinance, comply in every respect with the provisions contained herein. After that time, any such sign which does not comply with these regulations shall be removed or held to be in violation of this ordinance.

Section 10.3. - Signs that do not require a permit.

The following types of signs are exempt from permit requirements and may be placed in any zoning district. Such signs shall otherwise be in conformance with all applicable requirements contained in this ordinance. All such signs (except government signs) shall be located outside of the street right-of-way and shall not be illuminated.

- A. *Building marker signs.* Signs etched into building or wall plaque that identify the name of the building, designer, year constructed, or provides similar information.
 - 1. Maximum **sign area size**: Two square feet.
 - ~~2. Maximum number: One per building entrance.~~
- B. *Address and Occupant signs.* Signs that identify the address of a property **or name of the occupant**.
 - 1. Maximum **sign area size**: Two square feet.
 - 2. Maximum number: One per building side.
 - ~~3. Occupant/street number signs.~~
- C. *Directional signs (on-premises).* Signs that are located on the premise/property to provide directions. Such signs contain no copy other than directional information.
 - 1. Maximum **sign area size**: Three square feet.
 - 2. Maximum **overall** height: Forty-three inches tall.
 - 3. Maximum number: As necessary.
- D. *Flags.* Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.
 - 1. Maximum **sign area size**: Forty-five square feet.
 - 2. Maximum **overall** height: **35 feet** ~~Maximum district height.~~
 - 3. Maximum number: Four per lot of record.
 - 4. Use of the American flag shall be in conformance with the Federal Flag Code.
- E. *Government signs.* Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development. Such signs include regulatory signs, traffic signs, welcome signs, bulletin board, and directory signs.
- F. *Wayfinding signs (town-sponsored).* Town sponsored wayfinding signs may be posted within the zoning jurisdiction of Angier. Such signs shall direct travelers and tourists to points of interest including the town center, government facilities, cultural arts facilities, historical sites, galleries, accommodations, restaurants, and shops. These directory signs shall meet the design requirements of town sponsored signage as directed by the town

board of commissioners. The town shall install and maintain the signs and shall have discretion over the text posted on the signs. This shall not apply to directory signs installed and maintained by NCDOT.

- G. *Legal and warning signs.* Signs erected to warn of danger or hazardous conditions such as signs erected by public utility companies or construction companies; signs required for or specifically authorized for a public purpose by any law, statute or ordinance.
- H. *Incidental signs.* Signs that cannot be read from the street right-of-way which inform or instruct customers or visitors on-site (i.e. drive-through menu boards, gas pump signs, bulletin boards).
- I. *Stadium signs.* Signs located within a stadium intended to be read only by persons seated within the stadium.
- J. *Real estate signs (on-premises).* On-premises real-estate signs advertise the sale or lease of the property on which said sign is located. Signs shall be removed within seven days of the sale or lease of the property. Signs advertising lots for sale within an approved subdivision may be posted at the entrance to the subdivision and shall be ~~allowed until 75 percent removed when all~~ of the lots are sold within the subdivision.
 - 1. *Maximum sign area size.* Six square feet for individual single-family residential properties and 32 square feet for multifamily residential properties, nonresidential properties, vacant properties, and subdivisions.
 - 2. *Maximum overall height.* Four feet tall for single-family residential and six feet for multifamily and nonresidential.
 - 3. *Maximum number.* One per street frontage per lot of record.
- K. *Real estate signs (off-premise).* Off-premise signs that advertise the sale or lease of residential property. ~~Signs shall only be displayed on weekends and shall not be erected before 5:00 p.m. on Friday and shall be removed by 7:00 a.m. on Monday.~~ Signs shall not be placed in the public right of way or on Town owned property, and shall be removed within 7 days of the sale or lease of the property.
 - 1. Maximum sign area size: ~~Three~~ Six square feet.
 - 2. Maximum overall height: Three feet tall.
 - 3. Maximum number: ~~Three~~ Five off-premises signs.
- ~~L. *Holiday decorations (nonresidential only).* Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration may be displayed not more than 45 60 days prior to and not more than 14 days following said holiday.~~
- M. *Yard sale signs.* ~~Signs shall only be displayed on weekends and shall not be erected before 5:00 p.m. on Friday and shall be removed by 7:00 a.m. on Monday.~~ Signs shall not be placed in the public right of way or on Town owned property, and should be removed 24 hours after the sale ends.
 - 1. Maximum sign area size: Four square feet.
 - 2. Maximum overall height: Three feet tall.
 - 3. Maximum number: One on-premises sign per street frontage and ~~two~~ five off-premises signs.

N. *Window signs.* Signs, graphics or decals ~~temporarily~~ attached ~~or temporarily~~ to the interior or exterior ~~painted to~~ of a window or door of a business for advertisement purposes. ~~announcing sales or special features.~~ Signs that exceed the maximum coverage shall be treated as wall signs.

1. Maximum coverage: ~~Thirty percent of window area~~ Twenty-five (25) percent of the total window area in the Central Business district.

O. *Sidewalk signs.* A-frame or sandwich board signs may be used ~~to announce sales or special feature~~ during hours of operation only. Such signs ~~shall be professionally made of materials intended for sign manufacturing and~~ shall not impede pedestrian traffic, safety, or access as determined by the administrator.

1. Maximum sign area size: Six square feet.

2. Maximum overall height: Three feet.

Section 10.4 - Temporary signs ~~that require a waiver.~~

Temporary signs shall not be subject to a sign permit or fee, but persons or entities placing temporary signs shall ~~sign a waiver stating that they understand and agree to~~ adhere to the requirements for each type of temporary sign. Temporary signs shall be located on private property, shall not be located within a public street right-of-way (except as allowed by N.C. Law) or sight triangle and shall not be attached to trees or utility poles or on publicly Town owned property. Temporary signs shall not be illuminated except for temporary holiday decorations. Temporary signs that do not fit into one of the following categories are not permitted.

Section 10.5. - ~~Signs that require a temporary permit~~ Temporary Sign Requirements.

A. *Political signs.* Signs may be displayed during a period beginning ~~45~~ 60 days prior to an election, primary, or referendum and concluding seven days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until 48 hours after the runoff election. This section shall not apply to signs displayed inside of a building or on a motor vehicle.

1. Maximum sign area size: ~~Six~~ thirty-two square feet in the Extraterritorial jurisdiction, sixteen square feet inside Town Limits

2. Maximum overall height: ~~Four~~ Ten feet in the Extraterritorial jurisdiction, Eight feet in Town Limits

3. Maximum number: One per candidate/referendum per lot of record.

B. *Special event signs (on and off-premise).* Signs may be erected by public or nonprofit organizations such as, but not limited to, schools and churches for promoting public events such as fund drives, fairs, festivals, sporting events, etc. Signs may be displayed during a period beginning ~~seven~~ thirty (30) days prior to the event and concluding 48 hours after the event. Such signs shall not be illuminated. Off-premise signs ~~will be on town property only.~~ must be placed on private property with the permission of the property owner.

1 Maximum sign area size: Thirty-two square feet.

2. Maximum overall height: Six feet ~~tall.~~

3. Maximum number: One on-premises sign and ~~three~~ five off-premises signs.

C. **Banners.** Banners ~~advertising sales or special features~~ may be ~~hung~~ securely fastened against a ~~wall-face~~ building or structure ~~only~~ or secured between poles or stakes on private property for a ~~14-day~~ 45 day period of time. ~~, no more than six times annually.~~ Banners may be used periodically for special events, but in no case shall banners be used in place of a permanent sign.

1. Maximum sign area ~~size~~: Square footage shall not exceed two times the linear footage of the mounting surface or Thirty-two square feet for stand-alone banners.
2. Maximum number: One per business ~~up to six times annually.~~

~~D. **Inflatable signs.** Inflatable signs, including inflated balloons, having a diameter of greater than two feet may be flown only for a 14-day period of time, no more than six times annually.~~

- ~~1. **Maximum size:** Thirty-two square feet.~~
- ~~2. **Maximum number:** One per business up to six times annually.~~

Section 10.6. - Signs that require a permit.

Unless otherwise listed herein, signs shall obtain a permit as outlined within this section.

10.6.1 Signs permitted by type.

		Ma x. # of wal ls wit h sig ns	Max. # signs per			Max. sign area		Max · Heig ht	Min. distan ce betwe en signs on same prope rty	Notes
			Street Fronta ge	Proje ct	Entra nce	Project < one acre	Project > one acre			
SINGLE TENANT	Ground		1	2		70-100 sq. ft.	70-100 sq. ft.	20 25 ft.	300 ft.	
	Wall	3				sq. ft. = 1.5 times Total linear ft. of mounti ng wall	sq. ft. = 1.5 times Total linear ft. of mounti ng wall			
MULTI- TENANT & SHOPPING COMPLEX	Ground		1			40 sq. ft. + 10 sq. ft. for	40 sq. ft. + 12 sq. ft. for	20 25 ft.	300 ft.	

						each tenant up to 100 sq. ft.	each tenant up to 150 sq. ft.			
	Wall	2*				sq. ft. = 1.5 times Total linear ft. of mounti ng wall	sq. ft. = 1.5 times Total linear ft. of mounti ng wall			Applies to each tenant of complex
NEIGHBO RHOOD IDENTIFIC ATION	Ground				1	NA	32 70 sq. ft. per entran ce	20 ft.		
CIVIC & INSTITUTI ONAL	Ground		1	2		70-100 sq. ft.	70-100 sq. ft.	20 25 ft.	300 ft.	
	Wall	3				sq. ft. = 1.5 times Total linear ft. of mounti ng wall	sq. ft. = 1.5 times Total linear ft. of mounti ng wall			Applies to each facility
OFF- PREMISES CIVIC	Ground			2		6-sq. ft.	NA	8-ft.		
CONSTRU CTION	Temporary Ground		1	1		32 sq. ft.	64 sq. ft.	8 10 ft.	300 ft.	Must be removed at completion or end
MANUFAC TURED HOME PARK	Ground			1		24 sq. ft. /side MIN AREA	24 sq. ft. /side MIN AREA	12 8 ft.		Name of MHP and owner/oper ator phone num. shall

						: 16 sq. ft.	: 16 sq. ft.			be included.
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(Ord. of 10-1-2013)

10.6.2 Additional requirements by sign type.

A. Ground signs.

1. All ground signs shall be monument, pole, or arm style. Monument signs shall be constructed with the bottom of the sign portion of the structure beginning no more than three feet from the ground and shall not exceed ~~six~~ eight feet in height. Pole signs shall include encasement around any and all poles on the sign.
2. Developments with two or more tenants shall utilize a multitenant sign.
3. ~~If changeable copy, electronic reader board, or LED signs are utilized as part of a permitted ground sign, then the total area of such sign shall be a minimum of 30 percent and a maximum of 50 percent changeable copy, electronic reader board, or LED signage.~~ Electronic reader board or LED signs that display anything other than the time and temperature shall not change messages or images more often than every five seconds.

B. Wall signs.

1. The total allowable area for wall signs in the table above shall include canopy signs and awning signs.
2. Maximum projection is 12 inches from the wall face.
3. Signs shall not extend above the parapet or eave of the building.
4. Wall signs shall not utilize changeable copy, electronic reader board, or LED area **if located in the Central Business District.**
5. As indicated with an asterisk (*) in the "Signs Permitted by Type" Table, a second wall sign shall be permitted for multi-tenant and shopping mall complexes in cases where the second wall has frontage on a major corridor or if entrances are located on both walls.

10.6.3 Amortization of nonconforming signs. Any sign which was erected, placed, attached, suspended, or otherwise put into use prior to the adoption of this ordinance shall, within ~~ten years~~ **5 years** of the date of adoption of this ordinance, comply with the following provisions. After that time, any such sign that does not comply shall be removed or be considered in violation of this ordinance. All poles that are included as part of, or are related to, an existing pole sign shall be encased.

Section 10.7. - Prohibited signs.

- A. Any sign which the administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.

- B. Illuminated, highly reflective signs, or spot lights which hamper the vision of motorists or bicyclists.
- C. Signs not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", "Slow", "Danger", or any other simulation of traffic or regulatory signs or messages.
- D. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- E. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.
- F. Illuminated tubing or strands of lights except for temporary holiday displays as permitted in this chapter.
- G. Portable signs and any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "ground" sign as herein defined.
- H. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business and are not intended for primarily for advertising use).
- I. Rotating signs.
- J. Roof signs and signs that extend above the parapet wall.
- K. Billboards (except as allowed in NCDOT right of way by N.C. law)
- L. Off-premises signs and signs placed on property without permission of its owner(s) or agent, unless otherwise permitted in this chapter.
- ~~M. Wind-blown advertisement devices including flags, banners or signs.~~
- M. Inflatable air dancers and similar devices
- N. Other signs not expressly permitted in this chapter.

(Ord. of 11-1-2016)

