

CURRITUCK COUNTY
NORTH CAROLINA
JULY 16, 2007

The Board of Commissioners met on July 16, 2007, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Bowden, Taylor and Etheridge. Commissioner Gregory was absent.

Invocation and Pledge of Allegiance

Reverend Bill Ralph was present to give the invocation.

Approval of Agenda

Commissioner Bowden moved to approve. Commissioner Taylor seconded the motion. Motion carried

- Item 2 **Public Comment**
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation to the Naval Support Activity, Northwest Annex**
- Item 4 **Diane Sawyer, Tourism Director, presentation on July 4th Celebration**
- Item 5 **Paul O'Neal presentation and update on Albemarle Hospital construction**
- Item 6 **Public Hearing and Action on PB 05-03 UDO AMENDMENT-OUTER BANKS OVERLAY DISTRICT (R01) SIGN REGULATIONS** An amendment to Article 17, Signs, Part 4. On-Premise Signs - Outer Banks Overlay District and Article 6 Utilities, Part II, Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township, Section 620 Compliance to modify the sign regulations for the Currituck County Outer Banks Residential Outer Banks 1 Overlay District.
- Item 7 **Public Hearing and Action on Proposed Rural Operating Assistance Program (ROAP)**
- Item 8 **Update on Walnut Island Sewer District**
- Item 9 **Consideration of Bid on Elevated Water Tank at Harbinger**
- Item 10 **Appointment to ABC Board**
- Item 11 **Consent Agenda:**
1. Waiver of Assessments for Curbside Waste and Recycling Collection for Corolla Light Town Center Apartments
 2. Resolution of Approval of NCDOT Project R-4429 A and Authorization to Execute Agreement with NCDOT.
 3. Resolution of Approval of NCDOT Project B-2950 and Authorization to Execute Agreement with NCDOT.
 4. Resolution of Approval of NCDOT Project R-4429 C and Authorization to Execute Agreement with NCDOT.
 5. Petition for Road Addition for Northwest River Drive
 6. Petition for Road Addition for Tabby Street in Juniper Ridge Subdivision, Travis Blvd. in Launch Landing Estates and Trevor Blvd. in Launch Landing Subdivision
 7. Charge to Tax Collector the Levy on Motor Vehicles for March and April Renewals

8. Disposal of Finance Records

Item 12 Commissioner's Report

Item 13 County Manager's Report

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Nelms opened the public comment period.

Mike Painter, Currituck Chamber, introduced the new Chamber President, Shannon Kinser.

Steve Canady, commented on his permit being denied by the Board of Adjustment.

William Wolfe, stated that the location of the tattoo parlor was in harmony with surrounding area.

Brian Beshears, did not agree with BOA statement that tattoo parlors are sexually oriented businesses.

Merle Waddell, supports tattoo parlors.

Kirk Watson, questioned process for road addition.

Chairman Nelms, stated that the Board cannot overturn any decision of the Board of Adjustment. They would need to take to Superior Court.

There being no further comments, Chairman Nelms closed the public comment period.

Presentation to the Naval Support Activity, Northwest Annex

Commissioner Taylor presented a county and state sign to Lieutenant Commander A.J. McMenammin to be placed at the portion of the Northwest Annex Naval Base which is located in Currituck County.

Lt. Commander McMenammin presented a picture of the base to the Board of Commissioners.

Diane Sawyer, Tourism Director, presentation on July 4th Celebration

Diane Sawyer, Tourism Director, thanked the staff and volunteers for their hard work and efforts with the July 4th

celebration at the Whalehead Club. The cost for the event was \$30,000 which was paid for by the occupancy tax.

Chairman Nelms also thanked the staff for a very good event.

Paul O'Neal presentation and update on Albemarle Hospital construction

Paul O'Neal introduced Scott Helt, Vice President, Albemarle Hospital.

Mr. Helt reviewed the new construction that should be completed by 2009. The 44 million dollar expansion will include a new surgery and emergency department with a new cardiac lab.

Public Hearing and Action on PB 05-03 UDO AMENDMENT-OUTER BANKS OVERLAY DISTRICT (R01) SIGN REGULATIONS An amendment to Article 17, Signs, Part 4. On-Premise Signs - Outer Banks Overlay District and Article 6 Utilities, Part II, Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township, Section 620 Compliance to modify the sign regulations for the Currituck County Outer Banks Residential Outer Banks 1 Overlay District.

David Webb, Chief Planner, reviewed the amendment.

**PB 05-03
UDO AMENDMENT REQUEST
OUTER BANKS OVERLAY DISTRICT SIGN REGULATIONS**

An amendment to Article 17, Signs, Part 4. On-Premise Signs – Outer Banks Overlay District and Article 6 Utilities, Part II, Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township, Section 620 Compliance to modify the sign regulations for the Currituck County Outer Banks Overlay District.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Article 17, Signs, Part 4. On-Premise Signs – Outer Banks Overlay District be amended by deleting the following language indicated with strikethrough marks:

~~PART 4. ON PREMISE SIGNS OUTER BANKS OVERLAY DISTRICT~~

~~**Section 1712 Number and Area of On-Premise Signs in Outer Banks Overlay District Within Poplar Branch Township.**~~

- ~~1. Sign area shall be determined by drawing the smallest geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color~~

~~forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Unified Development Ordinance regulations and is clearly incidental to the display itself. The area of a double-faced sign shall be the area of one face of the sign provided the two faces are of the same size and are parallel to one another with no more than twenty four (24) inches between each sign face. In the event of "V" shaped signs, there shall be no more than six (6) feet separating the end of the sign. (Amended 11/6/95)~~

~~Section 1713 Illumination of On-Premise Signs in Outer Banks Overlay District Within Poplar Branch Township.~~

- ~~1. Internally illuminated signs are prohibited. Only indirectly illuminated signs are permitted. The light source shall not be visible from any public or private street right of way or from exterior property lines. Further, no sign shall be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates except for approved time and temperature signs. (Amended 11/6/95)~~
- ~~2. All illuminated freestanding signs shall be turned off during nonoperating hours to decrease unneeded lighting. (Amended 7/1/02)~~

~~Section 1714 Setbacks for On-Premises Signs in the Outer Banks Overlay District Within Poplar Branch Township.~~

- ~~1. Unless otherwise provided, no sign shall be located within any public or private right of way or within thirty (30) feet of the centerline of any public or private right of way, whichever is greater. Further, no sign shall be located within ten (10) feet of any side or rear property line and within a site distance triangle as established in Section 1709(2). (Amended 4/17/00)~~

~~Section 1715 Permitted On-Premise Signs in Designated Residential Areas in the Outer Banks Overlay District Within Poplar Branch Township.~~

- ~~1. One (1) on-premise sign or bulletin board not to exceed twelve (12) square feet for any permitted church, school, or other semi-public institution. Such sign or board shall be setback at least fifteen (15) feet from any property line.~~
- ~~2. Signs announcing the name of a subdivision located on the premises at the major entrances provided that such signs are neatly constructed and maintained; limited to only announcing the name of the subdivision;~~

~~do not obstruct corner visibility; and do not exceed fifty (50) square feet in display area. The area of any base, pedestal or monument that is used to display such a sign shall not exceed six (6) feet in height.~~

- ~~3. "Yard Sale", "Open House" signs and banners, provided such signs are removed no later than sunset of the day during which they are displayed.~~

~~Section 1716 Sign Requirements in Designated Commercial Areas in the Outer Banks Overlay District Within Poplar Branch Township.~~

- ~~1. Total signage for each lot, tract or parcel in a designated commercial area, including wall and free standing signs, shall not exceed one (1) square foot of sign area for each two (2) linear feet of frontage along a street right of way, not to exceed sixty four (64) total square feet.~~
- ~~2. Wall Signs: wall signs placed against the exterior walls of the building shall not extend more than three (3) feet beyond the building wall surface and shall not exceed twenty (20) percent of the exposed finished wall surface area, including openings. (Amended 11/6/95)~~
- ~~3. Freestanding Signs: one (1) freestanding sign per lot shall be permitted at a height not to exceed eight (8) feet. Height shall be measured from the average grade level to the highest point of the sign, including supports, framing, and the like. The maximum freestanding sign area shall not exceed thirty two (32) square feet.~~
- ~~4. Window Signs: window signs shall be placed only inside a commercial building and shall not exceed twenty five percent (25%) of the glass area of the pane upon which the sign is displayed.~~
- ~~5. Combination Uses: freestanding and wall signs for combination uses shall be in accordance with the following:

 - ~~(a) freestanding signs: one (1) freestanding sign announcing the name of the combination use and/or tenants per street frontage; eight (8) feet in height; thirty two (32) square feet maximum area; ten (10) feet setback from any right of way and any adjoining property line; and,~~
 - ~~(b) wall signs: one and one half (1.5) square feet of sign area per one (1) foot of building width where the use is located provided the sign is placed on a wall that is oriented towards a public street or interior drive where a public entrance into the building is located; all uses allowed a maximum of thirty two (32) square feet sign; no wall sign may project more than twelve (12) inches from the structure to which it is attached nor may it extend above the roof line. (Amended 4/17/00)~~~~

6. ~~Shopping center signs shall be in accordance with the provisions listed below. (Amended 4/17/00)~~

~~(a) freestanding signs: one (1) freestanding sign announcing the name of the shopping center and/or tenants per street frontage. The sign shall not exceed eight (8) feet in height and thirty two (32) sq. ft. in area. The sign shall not be required to observe setbacks from street right of ways but shall be subject to a 10'x35' site triangle and be setback thirty (30) feet from any adjoining property line. All out parcels shall be permitted to have one on premise ground sign per street front not to exceed eight (8) feet in height and thirty two (32) square feet in area provided the sign is not located in any site triangle and is five feet from interior lot lines. (Amended 10/19/93, 11/6/95, 1/4/99, 4/17/00)~~

~~(b) wall signs: one and one half (1.5) square feet of sign area per one (1) foot of building width where the use is located provided the sign is placed on a wall that is oriented towards a public street, public vehicular access, public drive aisle leading to public parking or public entrance. All uses are allowed a maximum of thirty two (32) square foot wall sign. No wall sign may project more than three (3) feet from the structure to which it is attached nor may it extend above the roof line. (Amended 11/6/95, 4/17/00)~~

7. Temporary signs shall be permitted as provided below.

~~(a) between October 1 and May 1, each business that remains open may display one temporary sign not to exceed six (6) sq. ft. per side and four (4) feet in height to help inform guest during the off-season what businesses are open. The temporary sign must be on the property where the business is located outside of site triangle at driveways so as not to block views and shall not be lighted. Further, "Open House" and "Agent on Duty" signs shall not be allowed at real estate offices except as may be allowed between October 1 to May 1. (Amended 4/17/00)~~

Item 2. That Article 17, Signs, be amended by adding the following underlined language:

**PART 3. SIGNS – OUTER BANKS OVERLAY DISTRICT –
POPLAR BRANCH TOWNSHIP**

Section 1712 Applicability. These regulations shall apply only to the Outer Banks Overlay District (RO1) within Poplar Branch Township.

Section 1713. Purpose and Intent.

1. To protect the public welfare as well as property values by preserving the aesthetic qualities of the unique natural environment (especially

along North Carolina Route 12) that distinguishes the Currituck Outer Banks;

2. To preserve the environment from excessive and obtrusive signs in support of the Currituck Outer Banks resort and tourism industry;
3. To promote the safety of persons and property by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment; and
4. To promote the efficient transfer of general public and commercial identification or information and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation.

Section 1714. Definitions. Unless specifically defined below, words or phrases used within this Article shall be interpreted so as to give them the meaning they have in common usage and to give its most reasonable application.

Awning: A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window (see also wall sign).



Awning Sign: Any message printed on an awning.



Billboard: An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling and advertising space on that sign.



Combination Use: A use consisting of a combination on one lot of two (2) or more principal uses separately listed in the Table of Permissible Uses, Article 13. Under some circumstances a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.

Commercial Area: A group of commercial establishments that include off-street parking that encompass less than four (4) acres of area. A commercial area will include combination uses on one lot.

Commercial: Any activity involving the sale of goods or services carried out for profit.

Community Event Sign: A temporary sign announcing a specific occurrence taking place within the Overlay District

Community Identification Sign: A sign at the entrance of a designated residential area identifying the name of the community.



Contractor Sign: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.



Cottage Sign: A sign placed on a dwelling displaying the name of the house or cottage.



Directional Sign: An off-premise sign that displays the name of a business or other location or activity and the direction in which it is location (e.g. church or open house).



Designated Residential Area: A generally recognized residential community or development such as, but not limited to, Pine Island, Spindrift, Currituck Club, Ocean Sands, Crown Point, Buck Island, Whalehead Beach, Monterey Shores, Corolla Light, Ocean Hill-1, The Villages at Ocean Hill, and all North Beach areas.

Display Board: that portion of a sign where the message changes by way of lights or some other mechanical means (e.g. time and temperature displays).



Freestanding Sign: A sign that is attached to, erected on, or supported by some structure, such as pilings, that is not itself an integral part of a building or other structure.



Governmental Sign: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Illegal Sign: Any sign that does not have a valid permit.

Inflatable Sign: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.



Internally Illuminated Neon Sign: A sign where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electrical current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to the parts of the sign that contain the message, shall also be considered an internally illuminated sign.



Landscape Sign: A sign placed on the lawn of a residential or commercial property advertising the company that landscapes and maintains the property.



Nonconforming Sign: A sign that on the effective date of this Ordinance does not conform to one (1) or more of the regulations that would qualify it for a permit or an a exemption.

Off-premise Sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or proved at a location other than the premises where the sign is located.

Off-premise Directional Sign: An off-premise sign that displays the name of a business or other location or activity and the direction in which it is location (e.g. church or open house). The off-premise directional sign is similar in size and style to street name signs.



On-premise Sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted sold, offered, maintained, or provided on the premises where the sign is located. On-premises signs are bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way and are built to state building codes and have valid building permits issued for their construction.



Open House/Model Home Sign: A sign placed along the highway pointing toward a model home or a home that is for sale or placed in front of the home for sale and open for public viewing.



Out-Parcel: A lot or pad site within a Commercial Area or Shopping Center that is zoned for commercial use and functions as a separate unit.

Political Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.



Portable Sign: A sign that is not permanent, affixed to a building, structure, or the ground (e.g. sandwich/tent signs).



Public Road: Roads maintained by North Carolina Department of Transportation.

Railing Sign: Any sign attached to a railing (see wall sign).



Real Estate For Sale Sign: A sign placed on a property for sale, identifying the Real Estate Company or Agent and a phone number.



Rental Sign – A Sign placed on a residentially zoned building that is in a rental program offered by a rental company or private owner.



Roof Sign: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

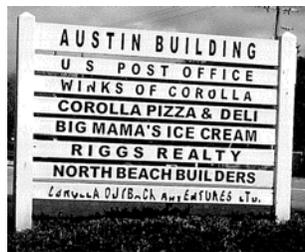


Security Sign: A sign placed on the lawn of a residential or commercial property advertising the company that provides security services for the property.

Sandwich/Tent Sign: A temporary sign regulated by season.



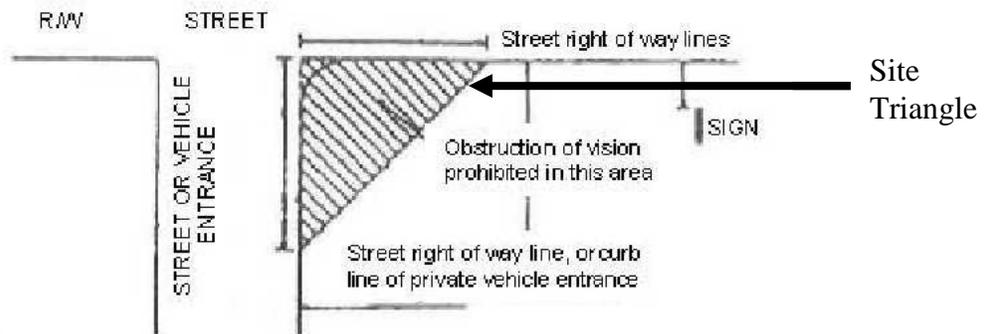
Shopping Center: A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four (4) acres in area.



Sign: any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them.

Sign Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Site Triangle: A triangular shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. The site triangle is 10' x 70' where public road rights-of-way intersect and, 10' x 35' where driveways intersect with road rights-of-way.



Special Event: A circus, fair, carnival, festival, or other type of special event that (i) runs for longer than one (1) day but not longer than two (2) weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Suspended Sign: A sign hanging down from a marquee, awning, or porch that would exist without the sign.



Temporary Sign: A sign or advertising display designed or intended to be displayed for a short period of time.



Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that area does not project more than twelve (12) inches from such building or structure. Railing and awning signs are also included in this definition.



Window Sign: Any sign attached to the window glass of a commercial building.



Section 1715 General Provisions

1. Except as otherwise provided, no sign clearly visible, legible, and distinguishable from a public right-of-way including Currituck Sound may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.

2. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as:

a. With respect to V-type signs, the two (2) sides are at no point separated by a distance that exceeds six (6) feet; and



b. With respect to double-faced (back to back) signs the distance between the backs of each face of the sign does not exceed twelve (12) inches.

3. Unless otherwise provided, no sign shall be located within any public or private right-of-way or within ten (10) feet of any side or rear property line.

4. Signs not visible from a public right-of-way shall be governed by individual community or commercial development restrictive covenants.

5. No person may cause, suffer, or permit a sign that is in conformity with the provisions of this Ordinance on its effective date to thereafter become nonconforming.

6. No sign may be located within the site distance triangle as defined above.
7. Lights shall not shine into the street right-of-way or adjoining properties.
8. No business may arbitrarily attach a sign to the structure of a lawfully permitted sign without submitting an application to the administrator in accordance with a sign permit pursuant to this ordinance.
9. All signs shall have a professional design and appearance and be constructed with durable materials such as finished wood or metals. Signs constructed with fabric, cardboard, or paper are prohibited (except awning signs).
10. All signs shall be adequately secured or stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property. Signs shall meet all applicable building code standards.
11. Only externally illuminated signs are permitted. The light source shall not be visible from any public or private street right-of-way. Further, no sign shall be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates. All sign lighting shall be in compliance with Article 6, Part II Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township. No sign lighting shall exceed 15 foot candles at any location on the property and the maximum illumination at the property line shall not exceed 1.5 foot-candles measured at the ground level. All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting in compliance with the above referenced lighting ordinance with the exception of those used for safety or security purposes.

Section 1716 Prohibited Signs.

The following signs are expressly prohibited in the Outer Banks Overlay District:

1. Off-premises signs except special event signs as permitted by this ordinance.
2. Signs or portions of signs designed to move by any means or signs that give the appearance of movement in any manner except for flags as described in this Ordinance.

3. Any sign which emits a sound, odor or visible matter such as smoke or vapor.
4. Roof signs
5. Sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.
6. Any sign painted on or attached to trees, bushes, other natural features, or utility poles.
7. Any sign located on any land subject to periodic inundation by tidal saltwater.
8. Any sign abandoned for more than six months or dilapidated signs where the costs to renovate or repair the sign is 25 percent or more of the sign replacement cost.
9. Any sign which exhibits statements, suggestive words or pictures of an obscene or pornographic nature.
10. Inflatable signs or balloons of any type that are used by their movement or message to attract attention.
11. Internally illuminated signs or signs which contain a visible light source for exterior signs only. Interior lights within a store are not regulated by this ordinance.
12. Banners, all flags (except those exempted in this ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and display boards.
13. Any sign which requires a permit and does not meet the requirements of this Ordinance or where a permit has been denied or revoked.
14. Any Billboard.
15. Integral decorative or architectural features of buildings that represent the commercial use of the building depicted as a sign.
16. Off-premise signs advertising the existence of a roadside stand.
17. Free hanging or suspended signs capable of movement in any way.
18. Rooms for Rent Signs.
19. Outside display of merchandise unless granted a special use permit by the Board of Commissioners.

Section 1717 Signs Excluded from Regulation.

The following signs are excluded from regulation in all zoning districts:

1. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs;
2. Official signs of a non-commercial nature erected by public utilities; and
3. Governmental flags, pennants, or insignia of any governmental organization.
4. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
5. Flags, Pennants or insignia of any governmental or non-profit organization when NOT displayed in connections with a commercial promotion or as an advertising device.

Section 1718 Signs Permitted in All Zoning Districts Without a Sign Permit.

The following signs are permitted in all zoning districts within the Outer Banks Overlay Zone without securing a sign permit:

1. Real estate signs less than six (6) square feet in area not to exceed three (3) feet above natural grade and at least ten (10) feet from a public or private right-of-way.



2. Political signs no greater than six (6) square feet in area not to exceed three (3) feet above natural grade. Such signs shall be removed within ten (10) days following the election or conclusion of the campaign.
3. Contractor Sign. One (1) on-premise sign, not to exceed six (6) square feet in area and shall not exceed three (3) feet above natural grade. The purpose of the sign is to identify the contractor performing the

construction. A Contractor sign must be removed upon the issuance of a Certificate of Occupancy or Certificate of Compliance.



4. Landscape Sign. One (1) on-premise sign not to exceed one (1) square foot in area and two (2) feet above natural grade is permitted per parcel. Such signs may be placed on the lawn or landscaped area of the property only with the property owner’s permission.
5. Security Sign. One (1) on-premise sign not to exceed one (1) square foot in area and two (2) feet above natural grade is permitted per parcel. Such signs may be placed on the lawn or landscaped area of the property only with the property owner’s permission.



6. Open House Directional Sign. One (1) Off-Premise directional sign, not to exceed two (2) feet in width and three (3) feet in height and shall not exceed four (4) feet above natural grade is permitted at the entrance to a community and one arrow directional sign not to exceed one (1) foot in height by two (2) feet in width is permitted at intersections identifying the location of an open house or model house for sale for the duration of each day the house is open for inspection.



7. Open House Flags. Two (2) allowed per major entrance to subdivision not to exceed six (6) feet in height and to be removed at the close of each business day.



8. Open Flags. One (1) flag indicating a business is open is permitted per nonresidential or business use along NC12 or other public roads. Such flags shall contain no words other than “Open”; shall be displayed only when said business is open and operating; shall be anchored only to the wall of the subject business. If the subject business is surrounded by a covered porch or deck, the flag may be attached to one of the support posts and if a post is not available, it may be anchored to the deck or porch railing. Flags shall not be attached to any roof structure or free standing sign. Open Flags must be removed at the close of business each day.



9. For Sale Sign. One (1) On-Premise “For Sale” sign per lot not to exceed six (6) square feet in area and shall not exceed three (3) feet above natural grade is permitted on the property for sale. For Sale signs shall not be placed on a structure and must be removed upon sale.



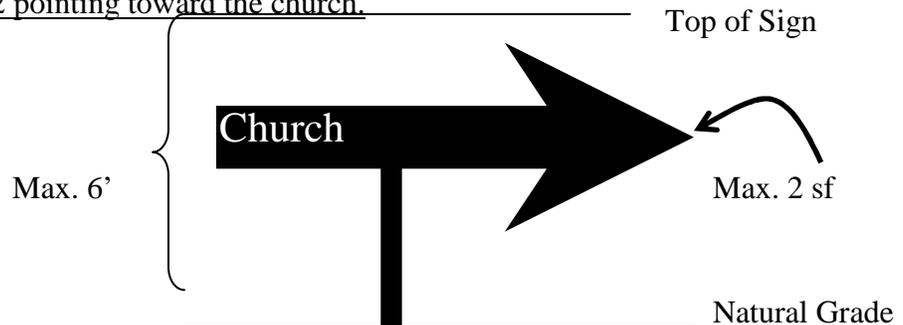
10. Cottage For Rent Sign. One (1) on-premise “For Rent” sign not exceeding two (2) square feet in area (normally 12” X 24”) is permitted per lot. Such signs shall be attached to the residence when possible.



11. Cottage Name Sign. One (1) sign displaying the name of a cottage no larger than twelve (12) square feet in area and attached to the house is permitted per lot.



12. Church Directional Sign. One (1) off-premise directional sign (arrow type), no larger than two (2) square feet in area and no higher than six (6) feet above natural grade may be placed at an intersection along NC12 pointing toward the church.



13. Temporary Sign (Sandwich/Tent Signs). Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have one (1) Temporary On-Premise Sign, not to exceed two (2) feet in width by three (3) feet in height (measured from natural grade). The sign may be double sided. Such signs are further restricted by the following:

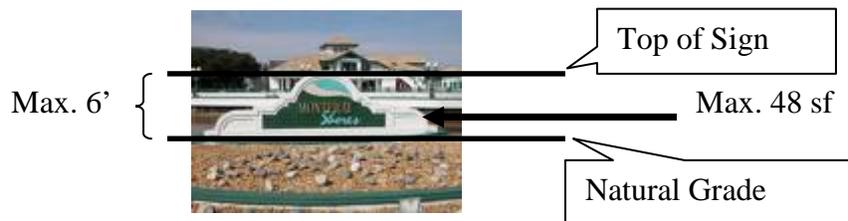
- a. The sign shall rest on the ground without legs or other means of support;
- b. The sign shall be displayed only if the unit is open for business. The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for two (2) or more consecutive days the sign must be removed until the store is again open;

- c. The sign shall have a professional appearance and shall not contain reflective lettering.
 - d. The sign is permitted along NC12 and private or public roads only from October 1st to May 1st. The October to May restriction applies only to signs visible from NC12. The placement of these signs within a shopping center is controlled by shopping center rules and may be allowed year around.
 - e. The sign must be on the property where the business is located and shall not reference additional locations of the business.
 - f. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.
14. Real Estate “Open House”, “Agent on Duty” and “Open” signs are allowed along NC12, or other public right-of-way in front of Real Estate Offices or other Businesses only from October 1st to May 1st. Such signs shall not exceed two (2) feet in width by three (3) feet in height (measured from natural grade). The business must be open and the temporary sign must be on the property where the business is located. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.

Section 1719 Signs in Residential Zoning Districts.

The following signs are permitted in all residential zoning districts within the Outer Banks Overlay District (RO-1) with approved sign permits in accordance with the following standards:

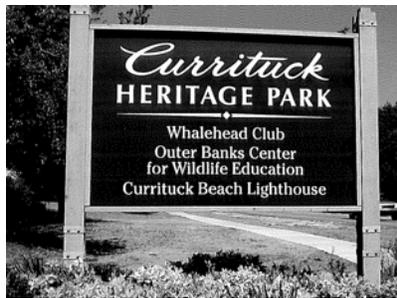
- 1. Community Identification Sign. One (1) free standing on-premise sign not exceeding forty-eight (48) square feet in area and no higher than six (6) feet above natural grade is permitted at each major entrance. No such sign may be located within ten (10) feet of any side or rear property line.



- 2. Church, School or other Semi-public Institution Signs. One (1) free standing on-premise sign not exceeding forty-eight (48) square feet in area or six (6) feet above natural grade is permitted.
- 3. Special/Local Event Sign. Up to a maximum of four (4) off-premise signs and two (2) on premise signs are permitted. Each sign shall not

exceed six (6) square feet in area and shall not exceed four (4) feet above natural grade. This type of sign is for identifying a special/local event such as a library book sale, art exhibit or other noncommercial event. Such signs may be erected up to 72 hours before the event and must be removed within 48 hours after the event. Such signs shall display no commercial messages or logos.

4. Heritage Park Community Event Sign. Two (2) off premise and one (1) on premise signs each not to exceed thirty-two (32) square feet in area and not greater than six (6) feet in height may be erected up to seven (7) days prior to a Heritage Park community event and must be removed within forty-eight (48) hours following the event. Such signs shall display no commercial messages or logos.



5. Developer On-Premise Free Standing For Sale or For Lease Sign. One (1) On-Premise Sign is permitted per new subdivision and the sign size shall not exceed forty-eight (48) square feet in area, and shall not exceed six (6) feet above natural grade. These signs are allowed for advertising the sale, lease, availability, of residential lot(s) provided the sign is located within the boundaries of the subdivision. Limited to three (3) years from permit issuance and must be renewed annually thereafter by the administrator.

Section 1720 Signs in Commercial Zoning Districts.

The following signs are permitted in all commercial zoning districts within the Outer Banks Overlay District (GB, C, LBH) with approved sign permits in accordance with the following standards:

1. Commercial Area (including combination uses).
 - a. Total Permitted Signage. Total signage in a commercial area as defined above including wall, window, and free-standing signs shall not exceed one (1) square foot in area for each two and one-half (2.5) linear feet of frontage along a street or right-of-way, not to exceed a combined total of eighty (80) square feet in area.
 - b. Free Standing Signs (On-Premise).

- i Commercial areas with less than 200 linear feet of road frontage may not erect a free standing sign.
 - ii Cther commercial areas with over 200 linear feet of road frontage may erect one free standing sign not to exceed forty-eight (48) square feet in area and six (6) feet above natural grade.
 - iii Where a commercial area maintains an entrance on more than one road frontage, additional free standing signs may be erected at each entrance excepting however that no more than one (1) free standing sign may be erected per road frontage and the total signage area of eighty (80) square feet shall not be exceeded.
 - c. Wall Signs. Wall signs shall be anchored directly to the wall if possible. The sign shall not project or be offset more than twelve (12) inches from the intended wall nor shall it extend above the roof line. Signs painted on building surfaces are not permitted. Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or public entrance.
 - i One (1) wall sign (including awning signs) not exceeding thirty-two (32) square feet in area that is compliant with the applicable total combined signage allowance above is permitted per business front.
 - ii Railing signs located no further than ten (10) feet from the building shall count toward the total allowable wall sign area.
 - d. Window Signs. Business identification window signs shall not exceed twenty-five (25) percent of the total pane area that contains the sign. Trademark signs and merchandise displayed for sale shall not be included in the total window sign area.
2. Shopping Center
- a. Total Permitted Signage. Total signage in a commercial area as defined above including wall, window, and free-standing signs shall not exceed one (1) square foot in area for each two and one-half (2.5) linear feet of frontage along a street or right-of-way.
 - b. Free Standing Signs (On-Premise).
 - i Commercial areas with less than 200 linear feet of road frontage may not erect a free standing sign.

- ii All other commercial areas may erect one free standing sign not to exceed forty-eight (48) square feet in area and six (6) feet above natural grade.
 - iii Where a commercial area maintains an entrance on more than one road frontage, additional free standing signs may be erected at each entrance excepting however that no more than one (1) free standing sign may be erected per road frontage.
- c. Wall Signs. Wall signs shall be anchored directly to the wall if possible. The sign shall not project or be offset more than twelve (12) inches from the intended wall nor shall it extend above the roof line. Signs painted on building surfaces are not permitted. Wall signs shall be placed on a wall that is oriented toward a public street, public vehicular access, or public drive aisle leading to public parking or public entrance.
- i For each unit within a shopping center less than 5,000 square feet in floor areas, one (1) wall sign (including awning signs) not exceeding thirty-two (32) square feet in area that is compliant with the applicable total combined signage allowance above is permitted per business front.
 - ii For each unit within a shopping center measuring 5,000 square feet or greater of gross floor area is permitted to have one wall sign per business front not to exceed fifty-four (54) square feet in area that is compliant with the total combined signage area permitted.
 - iii Railing signs located no further than ten (10) feet from the building shall count toward the total allowable wall sign area.
- d. Window Signs. Business identification window signs shall not exceed twenty-five (25) percent of the total pane area that contains the sign. Trademark signs and merchandise displayed for sale shall not be included in the total window sign area.
3. Developer On-Premise Free Standing For Sale or For Lease Sign. One (1) On-Premise Sign is permitted per new subdivision and the sign size shall not exceed forty-eight (48) square feet in area, and shall not exceed six (6) feet above natural grade. These signs are allowed for advertising the sale, lease, availability, of commercial lot(s) provided the sign is located within the boundaries of the subdivision. Limited to three (3) years from permit issuance and must be renewed annually thereafter.
4. Internally illuminated Neon "Open" signs may be placed on the interior window pane, but only one (1) per business and must be

turned off at the end of the business day or whenever the business is closed.

Section 1721 Permitting Requirements.

Except as otherwise provided, no sign may be constructed, erected, moved, transferred, enlarged, illuminated, or substantially altered without obtaining necessary permits and approvals.

1. Application Process.
 - a. The Currituck County Planning and Inspections Department shall process all sign applications and issue all sign permits in accordance with this ordinance.
 - b. An application for a sign permit shall be submitted to the Planning and Inspections Department staff. The Department staff may require the applicant to complete a form supplied by the county and submit necessary information, including plans and specifications, if reasonably required by the staff to determine whether the proposed sign will comply with the provisions of this Article.
 - c. A sign permit from the building inspector, certifying that the sign complies with the North Carolina State Building Code, will also be needed in most every case, even when the sign is exempt under this Ordinance. Building inspector will not certify sign compliance at permit issuance. Certification is given at final inspection.
 - d. The Department shall issue the requested sign permit if he determines that the sign, if constructed, erected, moved, enlarged, illuminated, or altered in accordance with the plans submitted, will comply with the provisions of this Article. All illuminated signs shall comply with the Outer Banks Overlay District Lighting Ordinance.
2. The Currituck County Planning and Inspections Department shall post sign permit fees as specified by the Board of Commissioners. An application for a sign permit shall be accompanied with a permit fee in the amount specified by the Board of Commissioners.
3. Except as otherwise provided, a permit to erect a new sign shall expire within 6 months of the date of issuance unless within that time the work authorized by the permit has been started. Applicants shall have twelve (12) months to complete construction.
4. If a sign permit expires as provided in subsection (1), no further work to construct, erect, move, enlarge, illuminate, or alter the sign may take

place unless a new sign permit is obtained. The applicant shall be subject to all regulations applicable at the time a new application is submitted.

Section 1722 Standards for Maintenance of Signs.

1. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
2. If a sign advertises a business, service, commodity, accommodation attraction or other enterprises or activity that is no longer operating or being offered or conducted that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
3. If the message portion of a conforming sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.
4. The area within ten (10) feet in all directions of any part of a sign shall be kept clear of all debris.

Section 1723 Unlawful Cutting of Trees or Shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
2. on property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or
3. in any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

Section 1724 Nonconforming Signs.

1. Nonconforming signs shall be governed by the provisions of this section. Where these regulations refer to nonconforming signs, this shall mean to include nonconforming on-premise and off-premise signs. Where these regulations refer nonconforming on-premise or off-premise signs, then the applicable section shall apply only to that type of sign.
2. Pre-existing nonconforming signs which have a valid permit shall be allowed to remain.
3. When the Zoning Administrator determines that a nonconforming sign is removed or damaged by twenty-five (25) percent or more of the sign replacement cost then such nonconforming sign may not be relocated or replaced except in compliance with this ordinance.
4. If a nonconforming off-premise sign or on-premise sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

Section 1725 Penalties for Noncompliance.

1. The enforcement of a violation shall be in accordance with Article 23 of this Ordinance.
2. Revocation of Permit for Nonconformance. Permit revocation for the signs located within the Currituck County Outer Banks Overlay District shall be in accordance with the following provisions:
 - a. The Administrator shall revoke any sign permit issued under this Article for any of the following reasons:
 - i issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;
 - ii misrepresentation of a material fact by the applicant for a sign permit; and; and/or
 - iii failure to comply with any of the provisions of this article, except that a permit for a nonconforming sign may not be revoked so long as the nonconforming situation is allowed to continue pursuant to Section 1723 Nonconforming Signs.
 - b. Before revoking a sign permit, the Administrator shall give the sign owner thirty (30) days notice by certified mail of his intent to revoke the permit and shall inform such persons of the reasons for

the proposed revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the owner a written statement of the decision and the reasons thereof. The Administrator shall also inform the owner of his right to appeal the decision to the Board of Adjustment.

- c. No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than ten (10) days after the permit authorizing such sign has been revoked under this section or has expired.

Item 3. That Article 6 Utilities, Part II, Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township, Section 620 Compliance, Item be amended by deleting the following language indicated by strikethrough marks:

~~10. Lighting for signage shall be governed by the requirements contained in Article 17 and not the requirements of this article.~~

Item 4: This Ordinance will be effective as of the date of adoption by the Currituck Board of Commissioners. Any permit applicant with a valid sign or building permit issued prior to the adoption date may continue with their plans and specifications as permitted.

Item 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Nelms opened the public hearing.

Alicia McDonnell, supports the ordinance and the efforts by the committee.

Bonny McCarthy, supports ordinance.

John Snowden, would like the Board to have this as a countywide ordinance.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Bowden moved to adopt. Chairman Nelms seconded the motion. Motion carried.

Public Hearing and Action on Proposed Rural Operating Assistance Program (ROAP)

Dan Scanlon, County Manager, reviewed the proposed grant.

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than July 18, 2007 by the county of Currituck. The public hearing will be held on July 16, 2007 at 7:00 p.m. at the Currituck commissioners meeting in the Historic Courthouse located at Courthouse Rd. Currituck will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact Herb Mullen as soon as possible so that arrangements can be made.

The programs include in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. This transportation assistance allows for the individual to reside for longer periods in their homes, thereby enhancing their quality of life. For the purpose of EDTAP, an elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an individual who has a record of such impairment, or an individual who is regarded as having such impairment.
2. Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs. These funds are used to support the employment transportation needs of individuals that are not eligible to receive benefits from the Temporary Assistance for Needy Families (TANF) program.
3. Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients.

The period of performance for Rural Operating Assistance Program funds is July 1, 2007 through June 30, 2008. The FY 2007-2008 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$40,561
EMP	\$2,976
RGP	\$32,177
TOTAL	\$75,714

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Etheridge moved to approve. Commissioner Taylor seconded the motion. Motion carried.

Consideration of Bid on Elevated Water Tank at Harbinger

Commissioner Etheridge moved to award the bid to Caldwell Tanks, Inc. in the amount of \$1,098,900. Commissioner Taylor seconded the motion. Motion carried.

Appointment to ABC Board

Commissioner Bowden moved to appoint Harold Capps, Jr. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

**Waiver of Assessments for Curbside Waste and Recycling Collection for Corolla Light Town Center Apartments
Resolution of Approval of NCDOT Project R-4429 A and Authorization to Execute Agreement with NCDOT.
Resolution of Approval of NCDOT Project B-2950 and Authorization to Execute Agreement with NCDOT.
Resolution of Approval of NCDOT Project R-4429 C and Authorization to Execute Agreement with NCDOT.
Petition for Road Addition for Northwest River Drive
Petition for Road Addition for Tabby Street in Juniper Ridge Subdivision, Travis Blvd. in Launch Landing Estates and Trevor Blvd. in Launch Landing Subdivision
Charge to Tax Collector the Levy on Motor Vehicles for March and April Renewals
Disposal of Finance Records**

Commissioner Etheridge moved to approve. Commissioner Taylor seconded the motion. Motion carried.

Commissioner's Report

Commissioner Taylor stated she had received comments on ATV's and the water.

Commissioner Bowden stated that the Knotts Island Fire Department is ready to bid. He also requested staff to look at portable bathrooms for the Carova Beach area.

Chairman Nelms stated that the Jarvisburg School is moving forward also the Shawboro School. The Moyock Library site has changed.

County Manager's Report

Dan Scanlon, County Manager, reviewed the Tulls Creek Road improvement. He also stated that the corridor for the mid-county bridge has been narrowed down.

Mr. Scanlon commended the county staff and volunteers for their efforts with the best yet July 4th celebration.

Adjourn

There being no further business, the meeting adjourned.

