

AN ORDINANCE TO AMEND
CHAPTER 30 (“SIGNS”)
OF THE
CRAVEN COUNTY
CODE OF ORDINANCES

WHEREAS, the proposed amendments to the Code of Ordinances will: (i) clarify the definition of “signs” for purposes of administering and enforcing Chapter 30 of the Code of Ordinances; (ii) make penalties and remedies for violations of Chapter 30 consistent with the penalties for other Chapters of the Code of Ordinances; and (iii) clarify an aggrieved person’s rights of review, variance and appeal under Chapter 30 of the Code of Ordinances; and,

WHEREAS, the proposed amendments are consistent with the County’s Land Use Plan’s goals and objectives, and with the County’s overall land use regulations and ordinances; and,

WHEREAS, the proposed amendments will further the purposes of the Code of Ordinances as to certain land use regulations, namely signs, and other ordinances and actions designed to implement the County’s Land Use Plan; and,

WHEREAS, the Planning Staff recommends approval of the proposed amendments; and,

WHEREAS, on February 26, 2015, the County’s Planning Board voted 5 to 0 to recommend that the Board of Commissioners approve the proposed Text Amendment set forth herein; and,

WHEREAS, the Board of Commissioners held a duly-noticed public hearing on April 6, 2015 to consider amending the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS as follows:

SECTION I

The proposed text amendments are found to be consistent with the County’s Land Use Plan, and other land use regulations, ordinances and policies; and otherwise promotes the public

health, safety and general welfare. Therefore, the County's Code of Ordinances is hereby amended as set forth herein.

SECTION II

1. That Chapter 30 ("Signs"), Article II ("Off-Premises Signs"), Section 30-21 ("Definitions") be amended, by deleting the current definition of "Sign" and replacing in its entirety as follows:

Sign means any: (i) surface, fabric, structure or device bearing lettered, pictorial or sculptured matter (including symbols, emblems, flags and banners) designed to convey information visually and exposed to public view, or (ii) any structure (including billboard or poster panel) designed to carry the above visual information and which is exposed to public view; and either of which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation.

2. That Chapter 30 ("Signs"), Article II ("Off-Premises Signs"), Section 30-26 ("Penalties and remedies") be deleted, and replaced in its entirety as follows:

Sec. 30-26 Penalties and remedies.

(a) ***In General.*** Violation of any provision of this Article shall be punishable as set forth in Sections 1-11 and 1-12 of the Craven County Code of Ordinances, and as may be otherwise allowed by this Code or state law.

(b) ***Removal of Sign.*** In addition to any remedy contained in Section 30-26(a), and except where it may cause a breach of peace, the county may physically remove the sign or have the sign removed from the property where a sign is in violation to ensure compliance with these provisions; provided, however that the owners must have had notice sent pursuant to Section 30-25(a), and further provided that the owners have been requested by certified mail to remove the sign which is in violation of this Article.

3. That Chapter 30 ("Signs"), Article II ("Off-Premises Signs"), Section 30-27 ("Appeals") be deleted, and replaced in its entirety as follows:

Sec. 30-27. Administrative Review; Variances; Appeals

The Board of Adjustment shall have the authority to conduct administrative reviews and appeals, and to grant variances. To the extent applicable for these purposes, the provisions of Sections 8-3 through 8-7 of Appendix F (“Coastal Carolina Regional Airport Zoning and Height Control Ordinance”), Sec. F-8.0 (“Board of Adjustment”) of the Code of Ordinances shall control.

4. *This Ordinance is adopted and effective this ____ day of _____, 2015.*

CRAVEN COUNTY

(County Seal)

By

STEVE TYSON, Chairman
Craven County Board of Commissioners

ATTEST:

GWENDOLYN M. BRYAN
Clerk to the Board

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Amendments to Chapter 30 (Signs)

Redline Summary of Changes

1. That Chapter 30 ("Signs"), Article II ("Off-Premises Signs"), Section 30-21 ("Definitions") be amended, by deleting the current definition of "Sign" and replacing in its entirety as follows:

Sec. 30-21. – Definitions

...
Sign means any: (i) surface, fabric, structure or device bearing lettered, pictorial or sculptured matter – letters, pictorial representation, – (including symbols, emblems, flags, and banners) designed to convey information visually and exposed to public view, or (ii) any structure (including billboard or poster panel) designed to carry the above visual information and which is exposed to public view; and either of which directs attention to any realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation; illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to such device, and which is located within the view of the general public from a public way. Customary graphics found on soft drink and newspaper dispensaries and similar machines shall not be considered signs.
...

2. That Chapter 30 ("Signs"), Article II ("Off-Premises Signs"), Section 30-26 ("Penalties and remedies") be deleted, and replaced in its entirety as follows:

Sec 30-26. – Penalties and Remedies

(a) In General. Violation of any provision of this Article shall be punishable as set forth in Sections 1-11 and 1-12 of the Craven County Code of Ordinances, and as may be otherwise allowed by this Code or State law.

(a) Criminal penalty. Any person placing or erecting any sign in violation of this article shall be guilty of a misdemeanor, punishable as provided by G.S. 153A-123(b) and 14-4, with each day considered a separate violation.

(b) Civil penalty. In addition, as provided in G.S. 153A-123(e), violation of this article shall also subject the offender to a civil penalty of \$50.00 for each offense. After due notice, per subsection (a) of this section, the planning director shall issue a citation to the owner of the sign or to the owner of record of the property where the sign is located, with each day considered a separate violation.

(be) Removal of sign. In addition to any remedy contained in Section 30-26(a), and Except where it may cause a breach of peace, the county may physically remove the sign or have the sign removed from the property where a sign is in violation to ensure compliance with these provisions; provided, however that the owners must have had notice sent pursuant to Section

~~30-25(a)subsection (a) of this section~~, and further provided that the owners have been requested by certified mail to remove the sign which is in violation of this ~~A~~article.

~~(d) — Other remedies. The county may seek injunctive relief and all other appropriate remedies to ensure compliance with this article.~~

3. That Chapter 30 (“Signs”), Article II (“Off-Premises Signs”), Section 30-27 (“Appeals”) be deleted, and replaced in its entirety as follows:

Sec. 30-27. – Administrative Review; Variances; Appeals.

~~Interpretations and decisions of the planning director regarding this article may be appealed in writing to the county board of adjustment, provided such appeal is initiated within ten days of denial of a sign permit or receipt of a violation notice.~~

~~(1) Review by board of adjustment.~~

~~a. In accordance with the procedures stated in the bylaws for the board of adjustment, said board shall have the power to hear and act upon applications for a variance which meet the following requirements:~~

- ~~1. If the applicant complies strictly with the provisions of this article, the applicant can make no reasonable use of the sign allowed;~~
- ~~2. If the hardship of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public;~~
- ~~3. If the hardship relates to the applicant's land (such as the terrain of the site) rather than to personal circumstances;~~
- ~~4. If the variance will neither result in the extension of a nonconforming use nor authorize the initiation of a nonconforming use; and~~
- ~~5. If the variance is in harmony with the general purpose and intent of this article and preserves its spirit and if the variance secures the public safety and welfare and does substantial justice.~~

~~b. In granting a variance, the board of adjustment shall make written findings that all of the requirements listed in subsection (1)a of this section have been met. If a variance is granted, it shall be the least possible deviation from the requirements of this article. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this article. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the grant of the variance, shall be deemed a violation of this article.~~

~~(2) Suspension of time limits. When an appeal is filed, any time limitations imposed by the planning director shall be suspended until the board of adjustment renders decision.~~

~~(3) Further appeals. Decisions of the county board of adjustment are subject to judicial review in the county superior court.~~