

Section 1.0 Purpose and Intent

1.1 The purpose of this Ordinance is to regulate off-premise signs so as to promote traffic safety; safeguard public health and comfort; facilitate police and fire protection; prevent adverse community appearance and overcrowding of land; and protect the character of the County.

1.2 The regulations are designed to permit the maximum legibility and effectiveness of signs while preventing their over-concentration, improper placement, and excess height, bulk, and area.

1.3 In general, it is intended that off-premise signs of a general commercial nature be regulated for all non-residential activities. Therefore, it is the intent of this Ordinance to provide limiting controls, where necessary, to preserve community, scenic, economic, and aesthetic values by accomplishing the following:

(A) Provide a pleasing overall environmental setting and good community appearance which is deemed vital to tourism and to the continued economic attractiveness of the County;

(B) Allow signs appropriate to the planned character of the County;

(C) Promote highway safety, the welfare and comfort of travelers, the convenience of the public, and the enjoyment of public travel;

(D) Restrict private signs that overload the public's capacity to receive information and increase the probability of accidents by distracting attention or obstructing vision;

(E) Protect property values within the County;

(F) Reduce conflict among private signs and between private/public information systems.

Section 2.0 Authority

This ordinance is adopted under the authority granted by North Carolina General Statute 153A-121.

Section 3.0 Jurisdiction

The regulations set forth in this Ordinance shall be applicable within all areas of the County not included within an incorporated area or the extraterritorial jurisdiction of an incorporated area.

Section 4.0 Definitions

For the purposes of this Ordinance, the following items, phrases, and words shall have the meaning herein:

4.1 Animation. The movement, or optical illusion of movement, of any part of the sign structure, design or pictorial segment, including the movement of any illumination, or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any sign or part of a sign shall be considered to be animation. Also included in this definition are signs have chasing action, which is the action of a row of lights commonly used to create the appearance of motion.

4.2 Automatic Changeable Facing Sign. A sign, display, or device which changes the message or copy on the sign facing electronically by movement or rotation of panels or slats.

4.3 Significantly Damaged Sign. A sign which has been damaged or partially destroyed due to factors other than vandalism or other criminal or tortuous acts to such extent that the damage to the sign is greater than fifty percent of the total replacement cost of the sign structure.

4.4 Sign. Any letters, pictorial representation, symbol, emblem, flag, banner, 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 as signs.

4.5 Sign, Double-Faced. A sign with two faces which are usually parallel, but may be V-shaped.

4.6 Sign, Height of. The vertical distance measured from the ground to the top of the sign face or sign structure, whichever is greater.

4.7 Sign, Off-Premise. A sign which directs attention to a business, commodity, service, or establishment not exclusively related to the premises where such sign is located or to which it is affixed.

4.8 Sign Structure. A supporting structure erected or intended for identifying/ advertising purposes, with or without a sign thereon, situated upon or attached to real property, upon which any sign is fastened, affixed, displayed, applied or a part of, provided, however, this term shall not include a building, fence, flag pole, illumination standards or sailboat masts.

Section 5.0 Application

5.1 The provisions of this Ordinance shall have immediate application to all signs erected hereafter or to which repairs are necessary which exceed 50% of the total replacement cost of the sign immediately prior to the making of the repairs. The term *ACTUAL VALUE* shall mean the value based on the higher of the value indicated on the original permit or registration as indicated in Section 6.2(E).

5.2 No existing sign which fails to meet the standards of this Ordinance shall be enlarged or replaced.

5.3 No permits for additional off-premise signs shall be issued which will make a nonconforming sign situation more non-conforming.

Section 6.0 Administration

The Craven County Planning Director, or his designee, shall administer this Ordinance.

6.1 Interpretation. If any conflict arises during the enforcement of this Ordinance, or more than one interpretation is possible, Section 1.0 Purpose and Intent, shall be used as a guideline for interpretation. Additionally, the most restrictive interpretation shall apply.

6.2 Permit Procedure. No construction, reconstruction, alteration, or other work related to a sign shall commence until the appropriate permits have been secured from the Craven County Building Inspections Department. It is the responsibility of the owner or agent responsible for the sign to comply with these or any other permit requirements.

(A) Sign Permit. A sign permit shall be obtained by the property owner or authorized agent. An agent shall provide a letter from the owner of the property on which the sign is to be located granting permission for the agent to act on behalf of the property owner.

(B) Submittal Requirements. The applicant shall submit the following information for each proposed off-premise sign.

(1) A plot plan, at an appropriate scale, which illustrates the following items within one thousand (1,000) feet of the proposed sign:

- (a) Location of proposed sign;
- (b) Setbacks;
- (c) Right-of-way lines;
- (d) Buildings;
- (e) Roads;
- (f) Distance in linear feet to the nearest existing off-premise sign.
- (g) The dimensions of the sign and sign structure;
- (h) The area of the sign face;
- (i) Illumination;
- (j) Colors and materials;
- (k) Any other relevant features of the sign;

(3) A description of the type of commercial or industrial activity which is being used to qualify for the sign(s).

(4) Any other information determined necessary by the Planning Director to ensure compliance with this Ordinance and the North Carolina Building Code.

(C) Fees. Nonrefundable permit fees to cover the costs of administering this Ordinance, including sign inspections, shall be paid in accordance with the following schedule:

(1) A permit fee as set out in the Craven County Fee Schedule shall be paid when the sign permit application is submitted to Craven County for review and determination of compliance.

(D) Off-Premise Registration Tag. A registration tag shall be issued by Craven County to the sign owner or agent with the valid sign permit. This tag shall be placed on the sign structure so as to be legible at ground level adjacent to the sign.

(E) Registration of Existing Off-Premise Signs. Within six (6) months from the effective date of this Ordinance, all existing off-premise signs shall be registered with the Craven County Planning Department. The following information concerning each existing sign location shall be provided:

(1) Name and address of the owner of the sign.

(2) Name, address, and parcel identification number of real property on which the sign is to be located.

(3) Height, area, and dimensions of the sign face, and setback from the right- of-way.

No initial permit fees shall be charged, but a registration tag shall be issued by Craven County to be placed on the sign structure so as to be legible at ground level adjacent to the sign. Failure to register existing signs in accordance with these provisions shall be considered a violation of this Ordinance.

(F) Expiration of Off-Premise Permit. An off-premise advertising sign permit shall expire six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by a permit that has expired may be performed until a new permit has been secured.

(G) Revocation of Permits. Following written notice by the Planning Director, an off-premise advertising sign permit may be revoked for any of the following actions or omissions by the applicant:

(1) Substantial departure from the approved permit application or plans and specifications;

(2) Refusal or failure to comply with the requirements of the North Carolina Building Code or this Ordinance;

(3) False statements or misrepresentations made in securing the sign permit; or

A permit mistakenly issued in violation of this Ordinance or any other State or County law or ordinance may also be revoked.

Section 7.0 Nonconforming Signs

Any signs already legally in existence on the effective date of this Ordinance may be maintained for the reasonable life of the sign. If the sign is destroyed or partially destroyed to 50% or greater of its total replacement cost, or the sign owner wishes to secure any permit to replace the sign structure for any other reason, the sign shall be made to conform to this Ordinance except as otherwise provided by State law. Periodic maintenance and repair of a nonconforming sign, including changing the sign copy or advertisements, is permitted, provided such activities are not intended to extend the life of the sign or increase the extent of nonconformity. NOTE: Changing the plywood panels in billboards does not constitute an act of extending the life of the sign. The relocation of a sign due to roadway expansion or road relocation would be exempt from the requirements of this ordinance.

Section 8.0 Violations

8.1 Notice. If any violation of this Ordinance is committed, the Planning Director shall give notice by certified or registered mail, return receipt requested, to the owner of the sign and owner of record of the property upon which the sign is situated. The notice shall give the nature of the violation, with reference to the applicable provisions of this Ordinance; actions necessary to correct any deficiencies; whether immediate corrective action is to be taken or whether thirty (30) days are allowed to correct or remove the sign in violation; and that the decision of the Planning Director may be appealed as provided in Section 10.0. Any required actions shall be at the expense of the sign owner or property owner.

8.2 Failure to Comply. If no corrective action has been taken after notice has been given, the Planning Director shall initiate or cause to be initiated any legal action or proceedings necessary to enforce this Ordinance.

Section 9.0 Penalties and Remedies

9.1 Criminal Penalty. Any person, firm, corporation, or association placing or erecting any sign in violation of this Ordinance shall be guilty of a misdemeanor, punishable as provided by NCGS 153A-123(b) and NCGS 14-4, with each day considered a separate violation.

9.2 Civil Penalty. In addition, as provided in NCGS 153A-123(c), violation of this Ordinance shall also subject the offender to a civil penalty of \$50.00 for each offense. After due notice, as per Section 9.1, 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.

9.3 Removal of Sign. Except where it may cause a breach of peace, Craven 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 9.1 and further provided that the owners have been requested by certified mail to remove the sign which is in violation of this Ordinance.

9.4 Other Remedies. Craven County may seek injunctive relief, and all other appropriate remedies to ensure compliance with these provisions.

Section 10.0 Appeals

Interpretations and decisions of the Planning Director regarding this Ordinance may be appealed in writing to the Craven County Board of Adjustment, provided such appeal is initiated within ten (10) days of denial of a sign permit or receipt of a violation notice.

10.1 Review by Board of Adjustment.

(A) In accordance with the procedures stated in the By-laws 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; and
- (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; and
- (3) If the hardship relates to the applicant's land (such as the terrain of the site) rather than to personal circumstances; and
- (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 Ordinance 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 above listed requirements have been met. If a variance is granted, it shall be the least possible deviation from the requirements of this Ordinance. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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 Ordinance.

10.2 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.

10.3 Further Appeals. Decisions of the Craven County Board of Adjustment are subject to judicial review in Craven County Superior Court.

Section 11.0 Repeal of Conflicting Ordinances

Any resolution, ordinance, or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 12.0 General Provisions

It shall be illegal for a sign to be placed in Craven County except as provided in this Article.

12.1 Traffic Hazards and Sign Illumination.

(A) No flood lights shall be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property, nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

(B) No sign illumination system shall contain or utilize any beacon, spot, search or stroboscopic light or reflector which is visible for any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized public agencies.

(C) No sign shall be animated (see definition of Animation).

(D) No sign shall obstruct the view of motor vehicle operators entering a public roadway from a driveway, street or alley.

(E) No sign shall be permitted which may be confused with an official traffic sign, signal or device, or any other official sign or which uses the words "stop," "warning," "danger," "caution," or similar words implying the existence of danger or need for stopping or maneuvering.

12.2 Design Standards.

(A) All signs shall be constructed of durable materials and designed to meet all applicable requirements of the North Carolina State Building Code.

(B) A sign shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of any fire escape, or any window or door or opening used as a means of egress.

(C) All projecting signs shall be constructed entirely of metal or other noncombustible materials and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.

(D) All signs shall be constructed to withstand the wind pressure as designated by the North Carolina State Building Code.

(E) All signs shall be permanently anchored or affixed and constructed as required by the North Carolina State Building Code.

(F) Signs in Disrepair and Unsafe Signs.

(1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and perpetually maintained in safe condition, free from deterioration, defective or missing parts or peeling or faded paint, and able to withstand the required wind pressure. Any sign not in compliance with this provision is hereby declared to be a nuisance.

(2) The Administrator may order the repair or removal of any such signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this Article. If the Administrator shall find that any sign is in violation of this section, then he shall give notice to the property owner specifying the location of the hazard or deteriorated sign, what needs to be done to render the sign safe and in good repair, and that in the event the same is not done by the owner that the County will remove the sign at the expense of the owner of the property upon which it is located. Service of the notice shall be made in person or by the United States Postal Service.

Service shall be deemed complete upon delivery; in the event the address of the person to be notified is unknown or the notice which has been mailed is returned, such notice may be served by posting the same on a conspicuous place on the premises on which the nuisance is located and by advertising said notice in the local newspaper, in which event service shall be deemed complete after the preceding is accomplished.

(3) The person(s) so notified shall remove or initiate alteration of such sign within 15 days or such notice, and such sign condition shall be completely rectified within 60 days. In the case of unavailability of critical replacement parts, an additional 30 days for compliance may be granted by the Administrator, but such availability of parts shall not give reason to delay repair of the sign to the maximum extent feasible. If the person(s) so notified fails or refuses to remove or alter such sign within the time periods specified herein above, then the Administrator may cause such sign to be removed at the expense of the owner of the property upon which it is located.

(4) Should any sign become insecure or in danger of falling or is otherwise unsafe in the opinion of the Administrator, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Administrator, forthwith in the case of immediate danger, and in any case within ten days, remove such sign or secure the same in a manner to be approved by the Administrator, in conformity with the provisions of this Ordinance. If such order is not complied with within ten days, the Administrator shall remove such sign at the expense of the owner or lessee thereof.

(5) In the event that any sign is damaged exceeding 50% of the replacement value according to appraisal thereof by competent appraisers, such sign maybe restored, reconstructed, altered or repaired only to conform with all of the provisions of this Article.

Section 13.0 Prohibited Signs

13.1 No signs shall overhang or be erected in any public right-of-way. Traffic regulation, information or warning signs erected by the State Department of Transportation or signs erected by the County are exempt.

13.2 No sign shall be permitted in the vertical area between two and one-half feet and ten feet above the adjacent crown of the road unless the sign is set back 20 feet or more from the adjacent right-of-way line.

13.3 No sign or outdoor advertising display shall be permitted which contains obscene statements, words, or pictures.

13.4 No sign shall be permitted which is located or designated so as to intentionally or effectively deny an adjoining property owner reasonable visual access to an existing sign.

13.5 Obsolete and abandoned signs that advertise or pertain to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in use for three months, or any sign structure that no longer displays any sign copy shall be prohibited.

(A) Signs associated with a business that is normally open on a seasonal basis shall not be considered to be obsolete or abandoned, provided there is a clear intent to continue operation of the business within nine months.

(B) When any sign is relocated, made inoperative, or removed for any reason except for maintenance, all structural components including the sign face and sign structure shall be removed or relocated with the sign. All structural components of freestanding signs shall be removed to ground level.

(C) The Administrator shall have the right to remove such sign if the owner thereof fails to remove such sign within 30 days of written notification, or if the owner cannot be located; and the costs thereof shall be collected as provided for real and personal property taxes.

13.6 Animated signs shall not be permitted. (See definition of Animation), but changeable copy signs shall be allowed and must conform to the off-premise sign requirements. (See definition of Automatic Changeable Facing Sign.

13.7 Any other type or kind of sign which does not comply with the terms, conditions, and provisions contained in this section shall be prohibited.

Section 14.0 Off-Premise Signs

14.1 General Provisions for Off-Premise Signs. Following the effective date of this Section, off-premise signs shall not be erected, or maintained in Craven County except in compliance with the provisions set forth in this Section.

(A) Computation of Sign Area. The area of the sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, frame, design, or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

Where three dimensional figures are used as or on signs, the area shall be the total of all sides made an integral part of the projected figure used in conveying the intended message.

(B) Encroachment into the Right-of-Way. No part of any sign shall be located on or extended into a public right-of-way.

(C) Illumination. Illuminated signs shall be subject to the following conditions: a) Any light used for the illumination shall be shielded so that the beams or rays of light will not shine directly into surrounding areas or on the public roadway; and b)

Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

(D) Visibility. No sign or structure shall be erected or maintained to impede safe and adequate visibility from vehicles or for pedestrians.

(E) Extensions. Extension(s) shall be allowed beyond those dimensions for the sign area as initially permitted as long as the extension does not exceed more than 10% of the sign surface area square footage.

14.2 Off-Premise Signs Requirements. The following sign regulations shall be applicable for all off-premise signs. Any sign not specifically allowed is prohibited.

(A) Size. No off-premise signs shall exceed three hundred and seventy-eight (378) square feet per directional flow of traffic.

A maximum of four (4) faces per sign structure is allowed, positioned either back to back or v-shaped, such that only two (2) faces are allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than two faces per directional flow of traffic.

(B) Height. No off-premise sign shall exceed forty (40) feet in height from crown of the road.

(C) Spacing.

(1) The minimum distance between any two (2) sign structures shall be two thousand five hundred (2,500) linear feet on either side of the same street.

(2) No off-premise sign shall be located within a two hundred (200) foot radius of a school, public park, national park, and/or forestland(s) or bridge.

(3) No off-premise sign shall be located within two hundred fifty feet of any intersection.

(4) No off-premise sign shall be located within a one hundred (100) foot radius of the residentially zoned property of a County municipality.

(5) No off-premise sign shall be located over any building or on-premise sign.

(D) Setback. Minimum setback distances shall be as follows:

(1) for sign area of 0 to 190 square feet per face - 10 feet.

(2) for sign area of 191 to 378 square feet per face - 20 feet.

Setbacks listed above are calculated from property line facing street right of way. Under no circumstances shall an off-premise sign extend over adjacent property lines.

(E) All off-premise signs shall comply with the NCGS 136-126 Outdoor Advertising Control Act.

Section 15.0 Maintenance

To insure that signs are erected and maintained in a safe and aesthetic manner, it shall be unlawful for any sign designed to be visible from any public street or highway within the jurisdiction of Craven County to be erected or maintained by any person, other than by a sign contractor properly licensed under Section 6.2(B) or by a designated representative of such licensed contractor, except that this requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when said sign is used at said person’s place of business and to exclude licensed general contractors erecting signs as part of a permitted construction or renovation project; provided, however, in all cases, all erection must be properly permitted and inspected for compliance with the applicable codes of the State of North Carolina and Craven County and with other parts of this Article.

The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of this Article.

15.1 No sign shall have more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than thirty (30) successive days.

15.2 No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.

15.3 No sign shall be allowed to have weeds, vines, landscaping, or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days.

15.4 No neon or internally illuminated sign may be allowed to stand with only partial illumination for a period of more than thirty (30) successive days.

15.5 If a sign or sign structure is damaged such that more than fifty (50) percent of the value is lost, with such determination made by the Administrator, any repair or replacement must be done in conformance with this Section. The Administrator may inspect all signs for compliance with these maintenance requirements.

Section 16.0 Severability Clause

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective to the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17.0 Effective Date

This Ordinance shall replace any existing sign ordinance and become effective on July 12, 2007.

Chairman, Board of Commissioners Date

Attested: Clerk to the Board Date