

## **CURRITUCK COUNTY PLANNING BOARD**

December 13, 2005

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning Board met in the Historic Courthouse on December 13, 2005. The following members were present: Alvin Keel, Pat Riley, Joe Kovacs, Alvin Winter, Horace Bell, Bobby Bell, Eddie Hawley, Forrest Midgette. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present. Absent: William Etheridge.

Planning Board Chairman Bell called the meeting to order, announced a quorum had been met.

Rev. Todd Underwood, Currituck Christian Center, gave the invocation.

### **APPROVAL OF NOVEMBER 8, 2005 AGENDA**

Mr. Midgette motioned to approve the November 8, 2005 agenda with corrections noted. Mr. Winter seconded the motion. Motion passed unanimously.

### **APPROVAL OF DECEMBER 13, 2005 MINUTES**

Mr. Hawley motioned to approve the September 13, 2005 minutes. Mr. Riley seconded the motion. Motion passed unanimously.

No one representing the Whalehead Club appeared before the board.

Mr. Bell asked to be disqualified from voting on item 3, as he is a member of the Whalehead Preservation Trust. Mr. Midgette motioned to disqualify Mr. Bell from voting, Mr. Winter seconded the motion.

Mr. Bell asked the board to consider hearing this item without representation. Mr. Keel made a motion to hear the item, Mr. Midgette seconded the motion.

Mr. Ferguson presented the following case analysis to the board.

**PB 05-34 WHALEHEAD PRESERVATION TRUST: Amendment to Article 17, Section 1702 to establish regulations for local event signs.**



## Currituck County

Department of Planning and Inspections  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-3055/252-232-3378  
FAX 252-232-3026

### MEMORANDUM

TO: Planning Board

FROM: Planning Staff

DATE: December 2, 2005

SUBJECT: Whalehead Preservation Trust Amendment  
Updated Memo

The Whalehead Preservation Trust (WPT) has requested an ordinance amendment to allow advertisement banners for the summer concert series held on the grounds of the Whalehead Club. The banners are proposed to contain advertisement area that would include a logo and name for the concert business sponsors. According to the WPT, there are eight Thursday evening concerts held during the summer.

The current Unified Development Ordinance provides language for special event signs but, does not provide a definition of a local event. The type of activity that takes place on the grounds of the Whalehead Club is an accessory use and not a special event that would require a special use permit. In addition, the UDO does allow temporary off-premise signs where not more than one sign may be located on any lot and does not exceed six square feet in area, is not displayed for longer than three consecutive days and not more than ten days in any 365-day period.

Over the past couple of years, Corolla Concerned Citizens (CCC) Sign Committee has been working to develop new language for signs, including local event signs, in the Outer Banks Overlay District. The proposed CCC language was presented to the Planning Board May 10, 2005 but has not been adopted by the board.

The comparison between the WPT and the CCC amendments are as follows:

<b>Whalehead Preservation Trust</b>	<b>Corolla Concerned Citizens</b>
Area: 36 square feet per sign	Area: 2' x 3' (6 square feet) per sign
Height: 6 feet	Height: 4 feet
Total number of off premise signs: 2	Total number of off premise signs: 4
Total number of on premise signs: 1	Total number of on premise signs: 2
Erected: 6 days preceding	Erected: 72 hours preceding
Removal: the day following the event	Removal: 48 hours following event
Advertisement: event only	Advertisement: event, sponsor name and logo

The staff recommendation for the WPT amendment is denial. Should the WPT reduce the sign area per sign and prohibit off-premise sponsor advertisement, the staff recommendation would be approval.

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Since this last review of the Whalehead Preservation Trust request, the Corolla Concerned Citizens (CCC) sign committee met to review this proposal. As a result of this meeting, they agreed to the following:

1. Create a separate category of sign allowance for the Whalehead Club because the type of activities being hosted occur weekly which does not fit the definition of “Special Events”.
2. They asked that the sign sizes be reduced from 36 square feet to 32 square feet.
3. They asked that no commercial identification be allowed on these signs because this would constitute “off-premise” advertising which continues to be prohibited in the Outer Banks Overlay District. Commercial signage of all kinds would be allowed on site as long as such signs are not visible from NC 12 – Ocean Trail.
4. All other Whalehead Club sign requests were supported by the committee including the following:
  - a. maximum height: six (6) feet.
  - b. signs may be erected six (6) days before the event and removed the day following the event.
  - c. a total of two (2) off-site and one (1) on-site sign(s) shall be permitted.

**ORIGINAL REQUEST SUBMITTED BY THE WHALEHEAD  
PRESERVATION TRUST  
OPTION 1**

**WHALEHEAD PRESERVATION TRUST  
PB 05-34  
UDO AMENDMENT REQUEST**

**WHALEHEAD PRESERVATION TRUST** requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-34 WHALEHEAD PRESERVATION TRUST: Amendment to Article 17, Section 1702 to establish regulations for local event signs.

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 Section 1702 1. be amended by adding the following text:

- (o) **signs/banners for special events at Currituck Heritage Park. The signs/banners shall not be illuminated and, shall not be located within any public right-of-way or site triangle. Up to a maximum of two (2) off-premise signs/banners not located on the same parcel and one (1) on premise banner shall be permitted. Each sign/banner or combination shall not exceed thirty-six (36) square feet in area and six (6) feet in height. The signs/banners may include event sponsor name and logo; however, the maximum area devoted to sponsorship shall not exceed 25% of the total sign/banner area at each location. The banners may be erected up to six (6) days preceding the event and must be removed the day following the event.**

Item 2. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_



Attest:

Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS

.....  
PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

***REQUEST SUBMITTED BY COROLLA CONCERNED CITIZENS,  
SIGN COMMITTEE  
OPTION 3***

PB 05-03  
UDO AMENDMENT REQUEST

The following amendment to the Currituck County Unified Development Ordinance has been requested:

PB 05-03 Corolla Concerned Citizens, Sign Committee requests an amendment to Article 17, Part 4, and Article 6, Section 620 of the UDO 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 Currituck County Unified Development Ordinance be amended as follows:

Part 1. That the following sections be amended:

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)~~

### **Section 1712 Currituck Outer Banks Overlay District.**

**All the area beginning at the southern Outer Banks Currituck/Dare County line from one thousand (1,000) feet west of the Currituck Sound shoreline to one thousand (1,000) feet east of the Atlantic Ocean mean high water line, and continuing north (approximately 23 miles) to the North Carolina/Virginia State line. This area intersects Poplar Branch and Fruitville Townships.**

### **Section 1713 Purpose.**

- 1. To protect the public welfare and the Currituck Outer Banks Overlay District property values by preserving the aesthetic qualities of the unique natural environment that distinguishes the area.**
- 2. Preserving the environment from excessive and obtrusive signs is a matter of critical importance to the Currituck Outer Banks economic reliance on the 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.**
- 4. To promote the efficient transfer of general public and commercial identification or information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation.**

### **Section 1714 Definitions.**

**Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.**

**Awning Sign:** Any printed message 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:** Any activity (i) for profit; (ii) co-located with a nonprofit activity but operated in whole or mainly for profit; (iii) ostensibly for a non-profit purpose but more than twenty (20) percent of the gross receipts are used to pay for other than nonprofit purposes.

**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.

**Contractor Sign:** Sign placed at a home or building site displaying the name and phone number of the contractor performing the work.

**Cottage Sign:** Sign placed on a home or house displaying the name of the house or cottage.

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

**Designated Residential Area Sign:** A sign at the entrance of a designated residential area identifying the name of the community.

**Display Board:** Electronic display with changing light indicators such as time and temperature displays.

**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 located (for example a church or open house).

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

**Heritage Park Community Event Sign:** Signs that are associated with this landmark feature that are announcing non-commercial community events such as concerts, plays, art shows, and governmental functions that are open to the general public. Such signs shall not contain commercial messages or logos.

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

**Internally Illuminated Sign:** (Not permitted in the Outer Banks Overlay District) A sign where the source of the 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 their parts of the sign that contain the message, shall also be considered an internally illuminated sign.

**Landscape Sign:** Any commercial sign placed within a landscaped area.

**Non-conforming sign:** A sign that on the effective date of this Ordinance does not conform to one (1) or more of the regulations in this ordinance that would qualify it for a permit or an exemption.

**Off-premise sign:** (i) A sign that is not an on-premise sign; (ii) A sign, permanent or temporary, for any activity that does not exist or is not conducted, sold, offered, maintained, or provided on the premise where the sign is located; or, (iii) A sign offering real estate or other property for sale or lease on property for sale or lease unless an agent is on duty at the location of the sign.

**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.

**Open House Sign:** A sign placed along the highway pointing towards a model home or a home that is For Sale, or placed in front of the home that is and open for public viewing.

**Out-Parcel:** A parcel or lot within a Commercial Area or Shopping Center area that is zoned commercial and is a separate unit within the Commercial Area or Shopping Center area.

**Political Sign:** A sign posted prior to and during an election to solicit votes.

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

**Railing Sign:** A sign attached to a railing.

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

**Roof Sign:** A sign placed on the roof.

**Sandwich/Tent Sign:** 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 serves to indicate the presence or existence of something where such device is located.

**Sign Size:** The area of a sign is determined by measuring the maximum height point and maximum width point including the base and supports. The resulting two values are multiplied together and the resulting value is the sign size or area.

**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.

**Temporary sign:** A sign that is not bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way or a sign that is not intended to be permanent.

**Vehicle Sign:** A sign on any type of wheeled vehicle, including towed trailers, that is owned by a local business.

**Wall Sign:** A sign placed on the wall in front of a business unit within Shopping Center, Commercial Area, or Out Parcel.

## **Section 1715 Prohibited Signs.**

1. Except as may be hereinafter specifically permitted, it shall be unlawful after the date of the adoption of this Article for any person to erect, place or use within the Currituck Outer Banks Overlay District, when visible from NC12, private or public road, or any body of water within county jurisdiction, any of the following signs:
  - (a) Off-premises signs except non-commercial special event signs, or signs as described elsewhere in this Ordinance.
  - (b) Signs or portions of signs which move by any means or signs that give the appearance of movement in any manner except for flags as described in this Ordinance.
  - (c) Any sign which emits a sound, odor or visible matter such as smoke or vapor.
  - (d) Wall signs or signs where any portion of the sign extends above the roof of the building or beyond the building wall where the sign is located.
  - (e) Sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.
  - (f) Any sign painted on or attached to trees, bushes, other natural features, or utility poles.
  - (g) Any sign located on any land subject to periodic inundation by tidal saltwater.

- (h) 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.
- (i) Any sign towed behind a vehicle or watercraft.
- (j) Any sign which exhibits statements, suggestive words or pictures of an obscene or pornographic nature, or a sign that is inconsistent with community architecture and mores.
- (k) Temporary signs.
- (l) Inflatable signs or balloons of any type.
- (m) Internally illuminated signs, neon signs, or signs which contain a visible light source.
- (n) Banners, commercial flags, pennants, streamers, propellers, whirlygigs, umbrellas, and display boards.
- (o) Any sign which requires a permit and does not meet the requirements of this Ordinance or where a permit has been denied or revoked.
- (p) Any billboard.
- (q) Integral decorative or architectural features of buildings that is depicted as a sign.
- (r) Off-premise signs advertising the existence of a roadside stand.
- (s) Free hanging or suspended signs capable of movement in any way.
- (t) Rooms for Rent Signs.
- (u) "Sold" Real Estate Signs.
- (v) Landscape Signs.
- (w) Any roof sign.
- (x) Outside display of merchandise.
- (y) Any item used as a method of attraction that is capable of becoming airborne, i.e. an umbrella.

## **Section 1716 Miscellaneous Restrictions and Prohibitions.**

1. No person may cause, suffer, or permit a sign that is in conformity with the provisions of this Article on its effective date to thereafter become nonconforming.
2. No sign may be located within the site distance triangle of 10' x 70' at the intersections of public rights-of-way. Further, no sign shall be located within a site distance triangle of 10' x 35' at a point where driveways and private road rights-of-way intersect with public and private road rights-of-way.

3. Any sign or part of a sign that revolves or is animated or utilizes movement or apparent movement to attract attention of the public is prohibited. Without limiting the foregoing banners, streamers, animated display boards, pennants, and propellers are prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in as specifically provide in these regulations, such as temporary signs.
4. No sign may be erected so that by its location, color, illumination, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
5. Freestanding 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.
6. No sign shall be attached to any traffic sign, utility pole, or tree.
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.

### **Section 1717 Signs Exempt from Permits.**

1. The following Commercial and Residential signs are exempt from regulation under this Article except for those stated in Section 1716 Miscellaneous Restrictions and Prohibitions:
  - (a) sign 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.
  - (b) official signs of a non-commercial nature erected by public utilities.
  - (c) governmental flags, pennants, or insignia of any governmental organization.
  - (d) For Sale Signs less than six (6) square feet in area are regulated but do not require a permit.
  - (e) Political Election Signs

### **Section 1718 Residential District Signs Allowed Without a Sign Permit.**

All such signs shall have a professional design and appearance except as otherwise provided.

1. Church, School or other Semi-public Institution Signs. One (1) On-Premise Free Standing Sign is permitted. The sign's external size dimension shall not exceed

forty-eight (48) square feet in area and shall not exceed six (6) feet above natural grade. The sign must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways.

2. **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 three (3) feet high by two (2) feet wide and four (4) feet above natural grade. This type 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.
3. **Contractor Sign.** One (1) on-premise sign, not to exceed three (3) feet high by two (2) feet wide is permitted per lot, and shall not exceed four (4) 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.
4. **Open House Directional Sign.** One (1) Off-Premise directional sign, three (3) feet high by two (2) feet wide and shall not exceed four (4) feet above natural grade is permitted at the entrance to a community and one, one (1) foot by two (2) foot arrow directional sign 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.
5. **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.
6. **For Sale Sign.** One (1) On-Premise "For Sale" sign per lot three (3) feet high by two (2) feet wide, and shall not exceed four (4) 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.
7. **Cottage For Rent Sign.** "For Rent" signs shall not exceed two (2) square feet in area (normally 12" X 24"), and shall be attached to the residence when possible.
8. **Cottage Name Sign.** Signs displaying the name of a cottage shall be no larger than twelve (12) square feet in area, and shall be attached to the house.
9. **Heritage Park Community Event Sign.** Two (2) off-premise and one (1) on-premise sign(s) not greater than thirty-two (32) square feet each and not greater than six (6) feet in height maybe erected up to six (6) days prior to a Heritage Park community event and must be removed the day following the event. Such signs shall display no commercial message or logos.

### **Section 1719 Residential District Signs Requiring a Permit.**

All such signs shall have a professional design and appearance.

1. **On-Premise Free Standing Community Entrance Signs.** Community or Subdivision Signs announcing the name of a subdivision shall be located on the premises at the major entrances. Such signs shall be neatly constructed and maintained and shall be limited to only announcing the name of the community or subdivision. Such sign(s) shall not obstruct corner visibility. The sign's external size dimension shall not exceed forty-eight (48) square feet in area. The sign shall not exceed six (6) feet above natural grade. One (1) sign is permitted at each major entrance to the

community. No sign shall be located within ten (10) feet of any side or rear property line. All signs must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways. 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.

2. **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.
3. **Indirectly Illuminated Signs.** 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. All sign lighting shall be full cut-off fixtures and shall be in compliance with Article 6, Part II Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township.

### **Section 1720 Commercial Districts Signs Requiring a Permit.**

The following Commercial District Signs require a sign permit and the payment of fees. All such signs shall have a professional design and appearance, and conform to the requirements set forth within this Ordinance.

1. **Total signage for each lot, tract or parcel in a designated commercial area.** Each lot, tract or parcel in a designated commercial area, including wall, window, and freestanding signs, shall not exceed a combined total of eighty (80) square feet. The combined total shall only be allowed if the lot contains 200 lineal feet of frontage or more. A designated commercial area does not include a shopping center.
2. **On-Premise Free Standing Sign.**
  - (a) Each shopping center, commercial area or out parcel with less than 200 lineal feet of road frontage: no on premise free standing sign shall be permitted.
  - (b) Each shopping center, commercial area or out parcel with 200 lineal feet of road frontage or more may have: One (1) On-Premise Free Standing Sign (may be double sided), the signs size dimension shall not to exceed forty-eight (48) square feet in area, and shall be no higher than six (6) feet above natural grade. 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 twelve (12) 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.
3. **Free Standing Sign Area Determination.** The area of a sign is determined by measuring the maximum height point and maximum width point including the base and supports. The resulting two values are multiplied together, and the resulting value is the sign size or area.
4. **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 by the Board of Commissioners.

5. **Railing Sign.** A sign meeting “Wall Sign” requirements may be attached to a railing, which is no further than ten (10) feet from the building, if wall space is unavailable.
6. **Wall Sign.** Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have: One (1) Wall Sign per business front not to exceed 32 square feet in area that is compliant with the applicable total combined signage allowances indicated in subsection 1 of this section. A sign on an awning is subject to the same requirements as a wall sign.
  - (a) **Wall Sign Anchoring.** 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. Wall signs shall be placed on a wall that is oriented towards a public street, public vehicular access, public drive aisle leading to public parking or public entrance.
7. **Window Sign.** Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have a Window Sign not to exceed 25% of the total pane area that contains the sign. Window sign area is inclusive in the total thirty-two (32) square foot wall sign allocation.
8. **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, three (3) feet high by two (2) feet wide not to exceed six (6) square feet in area. The sign may be double sided. Temporary sandwich signs 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. The sign shall have a professional appearance. Reflective lettering is prohibited. The permit shall be displayed on the internal surface of the sign.
  - (a) Temporary Sandwich signs are allowed along NC12, and private or public roads only from October 1<sup>st</sup> to May 1<sup>st</sup>. The October to May restriction applies only to signs visible from NC12. The placement of these signs within a center and not visible from NC12 or public roads is controlled by shopping center rules and may be allowed year around. 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.
  - (b) Real Estate “Open House”, “Agent on Duty” and “Open” are allowed along NC12, and private or public right-of-way in front of Real Estate Offices or other Businesses only from October 1<sup>st</sup> to May 1<sup>st</sup>. Such sign shall be three (3) feet high by two (2) feet wide. 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.
9. **Internally illuminated signs are prohibited.**
10. **Indirectly Illuminated Signs.** Illumination lights shall not shine into the street right-of-way or adjoining properties. All sign lighting shall be full cut-off fixtures and shall be in compliance with Article 6, Part II Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township.

## **11. Sign Location.**

- (a) Unless otherwise provided, no sign shall be located within any public or private right-of-way or within thirty-five (35) 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. All signs must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways.
- (b) Freestanding 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. The sign must meet building code standards.

## **Section 1721 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. Subject to the remaining restrictions of this section, pre-existing nonconforming signs that were otherwise lawful on the effective date of this section may be continued for three (3) years with a temporary three (3) year permit. This shall not include pre-existing nonconforming freestanding on-premise signs that do not exceed 8 feet in height and 32 square feet in sign area which are subject to subsection 3. and 4. of this section.
3. When all or a portion of a nonconforming sign is removed or damaged, which equals 25 percent or more of the sign replacement costs, then such nonconforming sign may not be relocated or replaced except in compliance with this ordinance.
4. The message of a nonconforming sign may not be changed except in compliance with this ordinance.
5. If a nonconforming off-premises 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 1722 Effective Date.**

Part 4 of this Article will be effective as of the date of adoption by the Currituck Board of Commissioners (*insert date*).

## **Section 1723 Permitting Requirement.**

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

### **Section 1724 Application Process.**

1. Except as otherwise provided in Sections 1717 Signs Exempt from Permits., no on-premise signs or off-premise signs (temporary or permanent) may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with a sign permit issued pursuant to this section.
2. An application for a sign permit shall be submitted to the Administrator. The Administrator 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 Administrator to determine whether the proposed sign will comply with the provisions of this Article. 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.
3. The Administrator 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.
4. The Currituck County Planning and Inspections Department shall process all sign applications and issue all sign permits.
5. 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.

### **Section 1725 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 1726 Unlawful Cutting of Trees or Shrubs.**

1. 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:
  - (a) 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; and /or
  - (b) 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
  - (c) in any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

#### **Section 1727 Expiration.**

1. Notwithstanding Section 1717 Signs Exempt from Permits., or other provisions of this Ordinance, 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 completed.
2. 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 1728 Penalties for Nonconformance.**

1. The enforcement of a violation shall be in accordance with Article 23 of this ordinance.

#### **Section 1729 Revocation of Permit for Nonconformance.**

1. Permit revocation for the signs located within the Currituck County Outer Banks Overlay District shall be in accordance with the provisions of this section and not the provisions of Section 2305 Permit Revocation.
2. The Administrator shall revoke any sign permit issued under this Article for any of the following reasons:

- (a) issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;
  - (b) misrepresentation of a material fact by the applicant for a sign permit; and,
  - (c) 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 1721 Nonconforming Signs.
3. Before revoking a sign permit, the Administrator shall give the sign owner twenty (20) 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.
  4. 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 under Section 1727 Expiration.

Part 2. That the following sections be amended:

**Section 620 Compliance.**

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

Part 3. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
 MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
 SECONDED BY COMMISSIONER: \_\_\_\_\_  
 VOTE: \_\_\_AYES\_\_\_ NAYS\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_  
 PLANNING BOARD RECOMMENDATION: \_\_\_\_\_

VOTE:           AYES \_\_\_\_\_ NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

**DISCUSSION**

Mr. Bobby Bell asked if sponsorship for the banners rotates.

Mr. Ferguson said that he suspects there will be more than one sponsor.

Mr. Earl Weimer, member of the sign committee for the Corolla Concerned Citizens, read a statement from the proposed sign ordinance drafted by the CCC. He said that the committee feels that signage of this sort constitutes a billboard. The sponsorship is so expensive that the small local businesses can't compete.

Mr. Herb Robbins, co chair of CCC, said that there is an exception for special events placed in the proposed sign ordinance. Since the musical events happen every week, the committee felt it impractical to put the signs up and take them down twice a week. They felt that there should be a compromise between the Whalehead Trust and the Corolla Concerned Citizens and the signs should be allowed to stay all week, but without the advertising on the banners on NC 12 as that constitutes off premise signage and the committee objects to that.

Mr. Hawley asked what the CCC's specific concerns were and did the committee feel that the larger sponsors were competing with local business.

Mr. Robbins said that the committee is trying to level the playing field for the businesses.

Mr. Hawley asked how many non profit signs there were last year in the area.

Mr. Robbins gave examples of the different signs that go up regularly, citing churches, library functions, etc.

Mr. Hawley said that the sponsors on the banners are not competing with the local business owners.

Mr. Robbins said that he feels that they are because the advertising is so expensive small businesses can't afford.

Mr. Hawley said that without sponsorship these events wouldn't happen.

Mr. Robbins disagreed. He said that he was told the advertisements were strictly for the funds, the public already attends the concerts.

Mr. Hawley disagreed with the fact that Mr. Robbins feels that these advertisements give the businesses an unfair advantage.

Mr. Robbins said that this is still off site advertising and feels that there has been a compromise offered and this amendment undermines the concept that the committee is trying to create.

Mr. John Schrote stated that the sign committee has offered a compromise to the Whalehead Preservation Trust in that there are no off site advertising or banners allowed in the sign ordinance at all. The Whalehead club is a county park, the Whalehead Trust is a non profit organization made to fund the Club.

Mr. Kovacs asked if advertisements inside the park could have sponsorship.

Mr. Schrote said that as long as they are not on NC 12, it would be permissible.

Mr. Riley asked if the site of the concert could have signage with logos.

Mr. Schrote said that the committee is just concerned with the corridor of NC 12, they have no problems with advertisement at the event.

Mr. Kovacs motioned to approve the request with option 3 as presented. Mr. Riley seconded the request. Motion passed 5-2 with Mr. Keel and Mr. Hawley voting no. Mr. Horace Bell did not vote.

John Delucia appeared before the board.

Ms. Eggar presented the following case analysis to the board.

**PB 05-37 ALBEMARLE & ASSOCIATES, LTD: Amendment to Article 4, Section 402 5. and Article 13, Section 1310 to establish parking standards for office/warehouse operations.**

**ALBEMARLE & ASSOCIATES, LTD.**  
PB 05-37  
UDO AMENDMENT REQUEST

**ALBEMARLE & ASSOCIATES, LTD.** requests the following amendment to the Currituck County Unified Development Ordinance:

PB 05-37 ALBEMARLE & ASSOCIATES, LTD: Amendment to Article 4, Section 402 5. and Article 13, Section 1310 to establish parking standards for office/warehouse operations.

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 the following section be amended:

Article 4, section 402

5. Table of Parking Requirements.

Use	Description	Parking Requirement
3.121	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principle use (conducted entirely within a fully enclosed building) and, where office space is less than 25% of total building square footage and warehouse space is used for storage of materials/products to support business.	1 space per 750 square feet of gross floor area.

Item 2. That the following section be amended:

Article 13, Section 1310

	A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM
<b>3.121 Office/warehouse operations designed to attract little to no customer or client traffic other than employees of the entity operating the principle use (conducted entirely within fully enclosed building). Where office space is less than 25% of total building square footage and warehouse space is used for storage of materials/products to support business</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>			<b>Z</b>	<b>Z</b>	<b>Z</b>	<b>Z</b>	<b>Z</b>

Item 3. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Gwen H. Keene



The lot is "split zoned" and contains a total area of approximately 190 acres of which approximately 145 acres is zoned Residential (R) and is currently being developed as Shingle Landing.

**LOCATION:** This site is located on the east side of Caratoke Highway approximately 1500' northeast of Tulls Creek Road, Tax Map 9, Parcel 29E, Moyock Township.

**OWNER:**  
CTX, Inc.  
c/o Scot realty, Inc.  
378 Caratoke Hwy.  
Moyock, NC 27958  
(252) 435-2531

**AGENT:**  
J. Larry Gaither  
c/o Scot realty, Inc.  
378 Caratoke Hwy.  
Moyock, NC 27958  
(252) 435-2531

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<b>ZONING:</b>	<b><u>Current Zoning</u></b> Agricultural	<b><u>Proposed Zoning</u></b> General Business (46 acres)
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**ZONING HISTORY:** This property has been zoned Agricultural (A) since the adoption of the 1989 Zoning Map.

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Woodlands and Cropland – zoned LM  
**SOUTH:** Residential & Cropland - zoned A  
**EAST:** Residential, Woods and Croplands – zoned R  
**WEST:** Vacant Commercial - zoned GB

**EXISTING LAND USE:** Farmland and woodlands

**PROPOSED LAND USE:** Commercial development for retail businesses

**PUBLIC SERVICES AND UTILITIES:** Moyock Volunteer Fire Department provides fire protection for this area. Electric, telephone, county water, natural gas and cable are currently available.

**TRANSPORTATION:** The ingress/egress for this property is on Caratoke Highway which is classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan. Currently non-gated railroad tracks must be crossed when utilizing this access.

In conjunction with the development of Shingle Landing, a gated railroad crossing will be installed.

**LAND USE PLAN:** The 1990 Land Use Plan has this property designated Urban Transition and Rural. However, the maps are not

clear due to a diminished scale and it is difficult to precisely determine the exact locations of these classifications on this property.

The Urban Transition class is intended "to provide for future intensive urban development on lands that are suitable and that will be provided with the necessary urban services to support the intense urban development". The Urban Transition area described in the LUP are areas that are presently being developed for urban purposes, or will be developed in the next 5 to 10 years, to accommodate the anticipated population and urban growth. These areas are in an urban "transition" going from lower intensity uses to higher intensity uses. This class is intended for mixed land uses such as residential, commercial, institutional, industrial and other uses at, or approaching, high to moderate densities.

The "Rural" classification described in the LUP calls for "low density dispersed single-family residential uses at a gross density of approximately one unit per acre are appropriate."

**SOILS:**

Approximately half of the site is marginally favorable for septic systems while the remaining portion unfavorable for septic systems.

Due to the soils, any intensive development at this site will most likely require the use of a centralized wastewater system.

**FLOOD ZONE:**

The eastern third of the site is located within a 100 year floodplain with the remaining portion being outside of the 100 year floodplain.

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**STAFF COMMENTS:**

- When the General Business (GB) zoning district was created along Caratoke Highway numerous lots ended up with split zoning. The GB zoning district along this portion of Caratoke Highway spans from the railroad right-of-way to the highway.
- The site is adjacent to GB zoned land to the west and LM zoned land to the north.
- The Land Use Plan promotes commercial nodal development instead of having it stretched out along the highway. A goal of the 1994 Highway Corridor Plan is to promote economic development along Caratoke Highway in such a manner to minimize the negative impacts to the traveling public.
- The purpose of the commercial nodes is to minimize the effects of strip commercial development. This rezoning will foster commercial nodal development along Caratoke Highway.
- Consistency with the Land Use Plan is difficult to determine due to the fact that the maps do not clearly indicate the classifications. In addition, the current Land Use Plan is dated and may not be valid. A General Business development is consistent with the Urban Transition designation, yet it is not consistent with the Rural designation.
- The property's ingress/egress is currently via a dedicated 65' right-of-way off of Caratoke Highway and requires crossing non-gated railroad tracks for access. In conjunction with the Shingle Landing development, a gated railroad crossing will be installed. This gate will help mitigate safety concerns for the future development.
- A rezoning for this portion of the property was previously requested in May 2003. That request was for 40 acres of General Business and 150 acres of Residential. The item was tabled at the Board of Commissioners level and was never voted on.
- On April 19, 2004 the BOC approved rezoning 145 acres of the site from Agricultural (A) to Residential (R). This residential portion is currently being developed as Shingle Landing, an 82 lot Conservation Subdivision.
- This rezoning would promote commercial nodal development which is supported by the 1990 Land Use Plan and the 1994 Highway Corridor Plan

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**STAFF**

**RECOMMENDATION:** This site is contiguous with an existing General Business zone and is located in an area that is experiencing concentrated growth. On this basis, staff recommends approval of this rezoning.

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**DISCUSSION**

Mr. Kovacs motioned to table this request due to lack of representation. Mr. Hawley seconded the motion. Motion passed unanimously.

John Sawyer appeared before the board.

Ms. Eggar presented the following case analysis to the board.

**PB 05-40 COOPER LANDING Sketch Plan for 18 lots on property located on the west side of Narrow Shores Rd. approximately 1,500' North of Lighthouse View. Tax Map 82, Lots 20 A, 20B, Poplar Branch Township.**

West side of Narrow Shores Road approximately 1,500' north of Lighthouse View, Poplar Branch Township.

**TAX ID:** Tax Map 82; Parcels 20A & 20B

**ZONING DISTRICT:** Residential (R) & Agricultural (A)

**OWNERS:**

Tammy & Joseph Long, Jr.  
Anna & Thomas Sullivan, III  
105 Waterway Court  
Aydlett, NC 27916  
(800) 939-5664

**APPLICANT:**

Narrow Shores Development, Inc  
Cooper Quality Construction, Inc  
104 Deerfield Lane  
Aydlett, NC 27916  
(252) 255-4612

**AGENT:**

Hyman & Robey, PC  
150A US Hwy 158 E  
Camden, NC 27921  
(252) 335-1888

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Currituck Sound  
**WEST:** Wetlands - zoned A

**NARRATIVE OF REQUEST:**

Seeking Sketch Plan/Special Use Permit approval for 18 single family lots through the major subdivision process. These 18 lots are split between two parcels under separate ownership. The acreage of the entire development is approximately 25 acres.

All of the development is located in the Residential zoned portion of the site. Since the development is under 20 lots, no open space is required. The tract is being developed as an Open Space Subdivision where the typical lot size is approximately 32,000 sf. Due to the lot size reduction from 40,000 sf, 2.61 acres of open space is required to be dedicated. There are 8.67 acres of open space being dedicated of which 2.61 acres is uplands.

The subdivision will have one point of entry from Narrow Shores Road. This project consists of two adjacent parcels being developed together incorporating only one road to access both properties. Additional street connectivity is not practical since the adjacent lots are long and narrow and are currently developed with single family homes. The lots will be served by individual septic systems and county water.

#### **OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

- STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.
- WATER:** This development will be served by county water.
- FIRE:** This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department.
- WASTEWATER:** Individual, on-site septic systems are proposed.
- SOILS:** The majority of the soils found on the site are favorable for septic systems. The rear third of the site the soils are classified as marginally suitable for septic systems.
- SCHOOL CAPACITIES:** Using national averages for school age student generation from the *1987 American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. high students and 0.1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764
- Based on these pupil generation figures, Currituck can expect six elementary students, one junior high student, and two high school students from this development.

According to the January 2005, school population projections, Griggs Elementary School will be -126 over capacity after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Jarvisburg. Once the new 300 student school is in operation the student count will be an additional capacity of 174 students.

- OPEN SPACE:** Due to lot size reductions, 2.61 acres of open space is required.
- DRAINAGE:** Roadside and property line swales/ditches will be used to address drainage for this property.
- FLOOD ZONES:** The rear third of the property is located inside the 100 year flood plain (flood zone AE) while the remaining portion is located outside of the 100 year floodplain (flood zone C).
- LAND USE PLAN:** The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 18 lot subdivision is 0.72 units per gross acre which is consistent with the Land Use Plan.

**STAFF COMMENTS:**

- During the pre-application meeting the applicants presented the yield plan and the sketch plan. Both of the plans had a maximum cul-de-sac length of 1,000'. At this meeting a second sketch plan was presented with the same number of lots, but with the cul-de-sac approximately 1,200' long. After reviewing both layouts, staff determined that the longer cul-de-sac made for a much better subdivision design and improved access to the open space.
- On November 10, 2005, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. The primary concern was with the size of the waterline to service the project. The line will need to be increased from a 2" line to a minimum of 3".
  2. Lots 3 and 18 need a 5' non-access buffer along Narrow Shores Road.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
  - The waterline was increased to 3" in size.

- The non-access buffer was added.

### QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

(a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, and access for emergency services have been adequately addressed within this proposal.

(b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

(c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

(d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;

(e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect six elementary students, one junior high student, and two high school students from this development.

According to the current school population projections Griggs Elementary School has (-126) additional student capacity after full development of the currently approved subdivisions. The proposed subdivision is **not** reflected in

the student population count. It should be noted that after the new Jarvisburg School is open the student count will have an additional capacity of 174 students.

### **STAFF RECOMMENDATION:**

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

### **DISCUSSION**

Mr. Kovacs asked if lots 2 and 3 would be better served by turning and accessing from Narrow Shores Rd.

Ms. Eggar said that the developer is interested in maximizing the number of water front lots.

Mr. Kovacs asked about the walking path for the cemetery and whether there will be vehicles allowed .

Mr. Sawyer said that the cemetery is land locked presently and the developers are interested in creating access to the cemetery without walking through someone's yard.

Mr. Hawley asked if the Home Owner's Association would maintain the open space.

Ms. Eggar said yes.

Mr. Hawley said that the developer, not the State is responsible for maintaining the area at the water.

Mr. Hawley asked if the Fire Marshall signed off on this project.

Mr. Ferguson said that the development went through Technical Review and he was supportive.

Mr. Keel asked if 3'' water lines were big enough and asked about hydrants.

Mr. Ferguson said there are no fire hydrant requirement until 20 lots, this is 18.

Ms. Eggar stated that the developer is increased the water line from 2'' to 3''.

Mr. Bell asked if this is an old cemetery

Mr. Sawyer said that it is old and is not aware if someone has been buried there recently.

Mr. Midgette motioned to approve the request as presented. Mr. Riley seconded the motion. Motion passed unanimously.

Jimmy Lea appeared before the board.

Ms. Eggar presented the following case analysis to the board.

**PB 05-14 WHISPERING PINES Preliminary Plat for 10 lots on property located on the east side of Narrow Shores Rd., approximately 250' north of Soundview Rd. Tax map 91, Lot 11E, Poplar Branch Township.**

East side of Narrow Shores Road approximately 250' north of Soundview Road, Poplar Branch Township.

**TAX ID:** 0092-000-063F-0000

**ZONING DISTRICT:** Residential

**OWNER:**  
James L. Lea  
174 Mariner's Way  
Moyock, NC 27958

**APPLICANT/AGENT**  
Performance Engineering  
8604 Caratoke Hwy.  
Powell's Point, NC 27966

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Residential - zoned R  
**WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

The property owner is seeking Preliminary Plat approval for 10 single family lots through the major subdivision process. The acreage of the entire development is approximately 10 acres.

This property is zoned Residential. No open space is required or provided. Seven of the lots within this development are proposed to be 40,000 sq. ft. with the remaining two lots being in excess of 45,000 sf.

The subdivision will have one point of entry from Narrow Shores Road. Since the surrounding area is developed with single family homes, the site does not offer an opportunity future street connectivity. The lots will be served by individual septic systems and county water.

On July 18, 2005, the Board of Commissioners granted Sketch Plan approval for this development of 10 lots.

***Note: Since the Sketch Plan approval occurred after November 1<sup>st</sup> 2004, the BOC will not be reviewing this plat and therefore the Planning Board has complete authority in approving, approving with conditions, or denying plat approval.***

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.

**WATER:** This development will be served by county water.

**FIRE:** This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department.

**WASTEWATER:** Each lot has been approved for individual on-site septic systems.

**OPEN SPACE:** No open space is required or provided.

**DRAINAGE:** Roadside and property line swales/ditches will be used to address drainage for this property.

As part of the drainage improvements, an existing 18" culvert will be replaced with a 24" culvert at the intersection of Soundview Drive and Narrow Shores Road. The storm runoff will discharge into an existing ditch system. Part of the off-site improvements will be the regrading of over 700' of the existing outfall ditch,

**FLOOD ZONES:** The property is located outside of the 100 year floodplain (flood zone C).

**STAFF COMMENTS:**

- On November 10, 2005, Technical Review staff reviewed this application. Staff's concerns included the following:
  1. The primary concern was with storage of the run-off and the storage volume in the soil voids.
  2. It was requested that lot line swales be installed along all of the side lot lines. Since the swales are not necessary for stormwater management, it was agreed that the swales will be installed at the time the homes are constructed. There will be a note on the final plat stating this requirement.
  3. The pavement needs to meet the new NCDOT superpave surface design criteria.
  4. The drainage plan has been approved by the County Engineer and Soil & Water Conservation.
    - (a) County Engineer - reviewed & approved
    - (b) Soil & Water Conservation - reviewed & approved
    - (c) Fire Marshal – reviewed & approved
    - (d) County Water Department – Change the water service detail to reflect a 6” distance from the meter lid to the meter setter
    - (e) County Mapper – no comments received
    - (f) Lower Currituck VFD Fire Chief – approved with request to have fire hydrant on same side of road as development
    - (g) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control
    - (h) NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit for the whole development
    - (i) NCDOT – reviewed and approved driveway permit and encroachment agreement
    - (j) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct
    - (k) Phone Company – no comments received
    - (l) Superintendent of Schools – reviewed with no comments
    - (m) N C Power - reviewed and showed location for conduit crossings
    - (n) CAMA – outside of jurisdiction
    - (o) USACOE – outside of jurisdiction
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
  - The road cross section reflects the NCDOT required superpave surface
  - Water meter detail has been corrected

- Due to servicing existing homes, the fire hydrant on Narrow Shores Rd. will be located across the street from the development

### **STAFF RECOMMENDATION:**

Staff recommends **approval** subject to the following conditions:

1. That required improvements be installed and accepted prior to submission for final plat approval;
2. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Planning Board;
3. Preliminary plat approval shall remain valid for 24 months. If after one year of approval, if no work has commenced, the preliminary plat will not retain a vested right against any amendment to the UDO which would cause the plat as approved to be in violation of any of the UDO provisions. The developer may request a maximum two year extension on the plat approval prior to the expiration of the preliminary plat approval;
4. That the applicant meet all requirements of the County's Unified Development Ordinance; and
5. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

### **DISCUSSION**

Mr. Bell reminded the board that this request would not go before the Board of Commissioners.

Mr. Hawley asked if all the conditions had been met.

Ms. Eggar read the requirements and stated whether they were completed.

Ms. Eggar stated that there would be an extensive ditch restoration off site. The ditch would be upgraded from 18 to 24'' for approximately 700'.

Mr. Bell asked if Technical Review staff had any concerns.

Ms. Eggar said that all concerns had been addressed

Mr. Keel motioned to approve the request as presented. Mr. Winter seconded the motion. Motion passed unanimously.

**PB 05-38 BRIGHT MINE Special Use permit for 29 acre mine on property located on the east side of Marsh Causeway adjacent to the Virginia border. Tax Map 55, Lots 1, 2, and 3**

**Fruitville – Knotts Island Township.**

**This item was removed from the agenda.**

Mark Bissell appeared before the board.

Ms. Eggar presented the following case analysis to the board.

**PB 03-28 WATERSIDE VILLAGES: Phase 7A, 7B Preliminary Plat for 18 condos at the east end of Waterfront Dr., approximately 2,000’ east of Caratoke Highway. Tax Map 108, Lots 20, 21, 22B, 22C, 22D, Poplar Branch Township.**

**DISCUSSION**

East end of Waterfront Drive, approximately 2,000’ off Caratoke Hwy, Poplar Branch Township.

**PARCEL ID:** Tax Map 108; Parcels 20, 21, 22B, 22C & 22D

**ZONING DISTRICT:** Agricultural and General Business

**OWNER:**  
VOC, LLC  
P.O. Box 147  
Harbinger, NC 27941

**APPLICANT/AGENT**  
Bissell Professional Group  
PO Box 1068  
Kitty Hawk, NC 27949

**ADJACENT/SURROUNDING PROPERTY:**

- NORTH:** Residential – zoned A
- SOUTH:** Vacant – zoned A
- EAST:** Currituck Sound
- WEST:** Residential/Commercial/Vacant – zoned GB

**NARRATIVE OF REQUEST:**

VOC, LLC is seeking Preliminary Plat approval for Phases 7A and 7B of Waterside Villages which consists of two multi-family buildings containing a total of 18 condo units. The total acreage of the entire development is 72.3 acres with a total of 250 retirement residences. The development as a whole is setting aside 45% of the total site area as open space. The development includes sound access with a marina, pier, nature trails, indoor/outdoor swimming pools and a clubhouse as recreational amenities.

This property is zoned Agricultural (A) and General Business (GB) with an overlay zoning for a Planned Adult Retirement community. The single family home sites are a minimum of 5,200 sf. The lots and multi-family buildings will be connected to an existing centralized wastewater treatment system and to the county's water system.

Waterside Villages has one ingress/egress point along Caratoke Highway (NC 158), for the residential section of the development. There is direct pedestrian access to the proposed urgent care facility from the development.

## **OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** All streets will be built to NCDOT Design and Construction Standards. The streets will be private and will be maintained the Homeowners Association.

A deceleration lane has been installed from Caratoke Highway into the project.

**WATER:** The County will provide water to this development. It is estimated that water usage at the development will be approximately 80,000 gallons per day.

**FIRE:** This development will be served by fire hydrants and is located within the Lower Currituck Volunteer Fire Department, which currently has a State ISO rating of 9.

**WASTEWATER:** A permit has been issued by the Division of Water Quality for a 90,000 gallons per day wastewater treatment and disposal area. The disposal area is 6.5 acres.

**OPEN SPACE:** A minimum 35%, or 25.3 acres, of the total tract must be set aside as open space. A total of 32.71 acres, or 45% of the site, will be dedicated open space. The Homeowners Association will be responsible for maintaining the open space.

**DRAINAGE:** A High Density Stormwater Permit has been issued by the Division of Water Quality. The drainage plan has been approved by County Engineer and the Soil & Water Conservation District.

**FLOOD ZONES:** Flood zone C (not within the 100 year flood area), zone A6 (within the 100 year flood area with 7' elevation), and zone A5 (within the 100 year flood area with 6' elevation).

**STAFF COMMENTS:**

1. Waterside Villages received initial Sketch Plan approval for 232 adult retirement residences from the Board of Commissioners on September 15, 2003. The approved residential mix is comprised of 148 single family lots and 84 multi-family units.
2. An amended sketch plan for the addition of 18 additional single family lots, for a total of 250 residences, was approved October 4, 2004
3. Preliminary Plat approval for Phases 1-6 with 148 single family lots and 1 multi-family building with 10 condo units was approved October 4, 2004.
4. The Final Plat for Phase 1 for 34 lots was approved by the Planning Board on October 11, 2005.
5. The following correction shall be made to the plat:
  - (a) Sheet S2 – Show the standpipe and sprinkler connection for building 7A
6. Technical Review Staff:

On November 10, 2005, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the sprinkler systems and delineating the limits of construction. The drainage plan has been approved by the County Engineer and Soil & Water Conservation.

  - (p) County Engineer - reviewed & approved
  - (q) Soil & Water Conservation - reviewed & approved
  - (r) Fire Marshal – Show standpipes and sprinkler connections for Building 7A.
  - (s) County Water Department – Submit specifications for the sprinkler riser and the connection to the public water supply. Require annual inspections on all sprinkler systems.
  - (t) County Mapper –approved as is
  - (u) Lower Currituck VFD Fire Chief – approved as is
  - (v) NCDEHNR, Water Quality – reviewed and approved a Wastewater Surface Irrigation Permit. And a Wastewater Collection System Extension Permit.
  - (w) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan for the complete development; letter of approval has been issued
  - (x) NCDEHNR, Water Quality – reviewed and approved a High Density Stormwater Permit for the whole development
  - (y) NCDOT – reviewed and approved driveway permit and encroachment agreement at Caratoke Highway
  - (z) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines for the complete development
  - (aa) Phone Company – no comments received

- (bb) Superintendent of Schools - no comments received
- (cc) N C Power - no comments received
- (dd) CAMA – reviewed and delineated
- (ee) USACOE – reviewed and issued Notification of Jurisdictional Determination

### **STAFF RECOMMENDATION:**

Staff recommends approval subject to the following conditions:

1. That the following corrections shall be made to the plat:
  - (a) Sheet S2 – Show the standpipe and sprinkler connection for building 7A
2. That the specifications for the sprinkler riser and the connection to the public water supply be submitted to the Water Department for review and approval.
3. Annual inspections on all sprinkler systems shall be required.
4. That a key or access code shall be provided to Fire and Rescue personnel for the entrance gate. In addition, the gates must be designed in a way that a fire truck or emergency vehicle could trigger the automatic opening when leaving the subdivision.
5. That during the phasing of the development, temporary cul-de-sacs shall be required..
6. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
7. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners. The plans may be amended from time to time per UDO provisions.

### **DISCUSSION**

**There was no discussion on this item.**

Mr. Hawley motioned to approve the request as presented. Mr. Bell seconded the motion. Motion passed unanimously.

### **OLD BUSINESS**

Mr. Horace Bell stated that he, Mr. Riley, Mr. Hawley will be stepping down at the end of this term, which ends in December.

## **ADJOURNMENT**

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Midgette seconded the motion and the motion passed unanimously. The meeting adjourned 8:40 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood  
Clerk to the Board