

Pender County Planning and Community Development

Planning Division

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AGENDA

**Pender County Planning Board
Tuesday, January 10, 2012 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Boney

Roll Call: Chairman Boney

Pender County Planning Board Members:

Boney: _____ Smith: _____ Edens: _____ Garrett: _____ Marshburn: _____ Millette: _____ Williams: _____

1. Election of Officers: Chairman/Vice-Chairman

2. Adoption of the Agenda

3. Approval of Minutes: December 6, 2011

4. Public Comment:

(Public Hearings)

5. Master Plan Review (THIS ITEM HAS BEEN WITHDRAWN)

Jamestown Pender Residential, LP, and Jamestown Pender Commercial, LP, applicant and owners, are requesting approval of a Master Development Plan for The Preserve; a mixed use planned development community. The development proposal includes: 346 single family lots, 244 multi-family units, ±484,000 ft² of commercial space and seven (7) outparcels. The project will be located on the north side of US Highway 17, between Jenkins Road and Caison Drive in Hampstead. There are seven (7) tracts associated with this request totaling ±684 acres and are zoned PD, Planned Development District. The tracts may be identified by PIN(s): 3293-77-2170-0000; 4203-09-0309-0000; 3294-60-6544-0000; 3293-66-7790-0000; 3293-76-9844-0000; 3293-67-5211-0000; 3293-66-2594-0000.

6. Discussion Items

a. Planning Staff

- i. Thoroughfare Setbacks**
- ii. Minor Subdivision Road Standards**
- iii. Planned Development Requirements**
- iv. Permitted Uses within the GB, General Business District**
- v. Temporary Sign Enforcement Program**
- vi. Currie Small Area Plan Updates**

b. Planning Board Members

7. Adjournment

Thoroughfare Setbacks Fact Sheet | Pender County Planning Board

What is a thoroughfare setback?

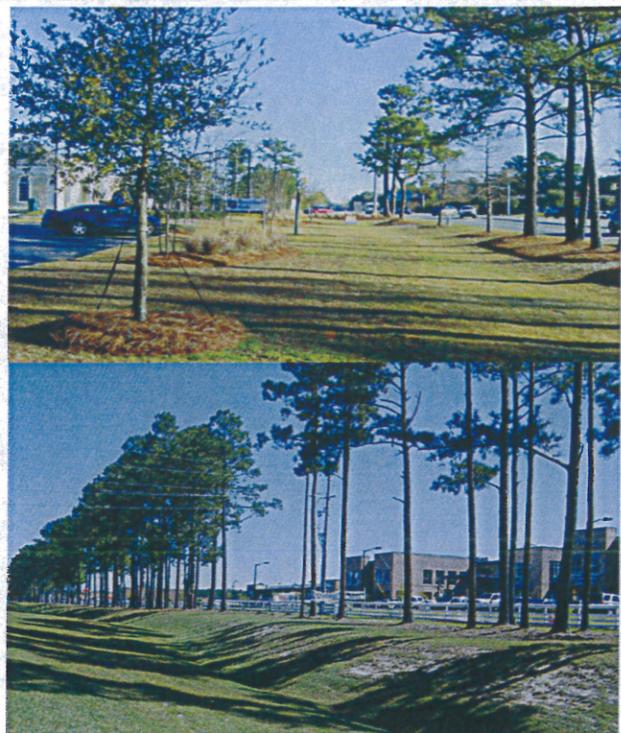
A thoroughfare setback is a line parallel to the centerline or right of way line of a road in which no structure shall be erected. In some cases, they are proposed to improve safety and visibility along a highly congested corridor. In addition, many communities implement them in order to protect future right of way expansions. Thoroughfare setbacks are recommended along major arterial highways by the NCDOT as a means to reserve property for future widening of major thoroughfares.

Implementing thoroughfare setbacks can have positive and negative effects on a corridor and its community.

Positives	Negatives
Improves traffic safety <ul style="list-style-type: none"> Improves visibility for the driver at highly traveled intersections 	Reduces visibility for businesses due to a increased setback from the main road
Provides area for future right of way expansions	Does not help to create a sense of place or "Main Street" feel for a central business district
Decreases future acquisition costs	Increases sprawl and land use
May create a more attractive community with the adoption of a greenway buffer within the thoroughfare setback	Without the adoption of a greenway buffer, greater setbacks may not be visually pleasing <ul style="list-style-type: none"> May result in the addition of larger signs May increase the use of directional signage along the main road to attract customers
	Anti traffic calming <ul style="list-style-type: none"> Decreased building setbacks may force drivers to slow down
	Creates unsafe driving conditions <ul style="list-style-type: none"> "Raceway" appearance of wide, open corridors results in excessive speeds and more accidents.

Feasibility Study: US Highway 17 Improvements

- The study evaluated three different alternative roadway improvements to the US 17 corridor, with and without the proposed Hampstead Bypass in place.
- The study recommended executing Alternative 2 for the US Highway 17 corridor.
- Alternative 2 assumes the Hampstead Bypass is in place and that a considerable amount of through traffic on US 17 will use the Hampstead Bypass, thus reducing the overall through traffic on US 17 between Grandview Drive, where there is a connection to the Bypass, and just north of Leeward Lane where the northern terminus of the Bypass ties back to the existing US 17 facility. Based on Alternative 2 recommendations, a portion of US Highway 17 would be improved to a six lane corridor with a 23 foot median, while the remaining section north of Sloop Point Loop Road would remain as four lanes.



Thoroughfare Setbacks Fact Sheet

Pender County
Planning Board

Implementing thoroughfare setbacks in the County can be achieved with setting setback standards for every major thoroughfare or by adopting an overlay district establishing dimensional setback requirements along individual corridors. Both actions require review of the following setbacks and how they may be applied in Pender County.

Examples:

The following examples are standard dimensions adopted for existing thoroughfare setbacks in other communities, along with the range in different dimensional requirements.

– Thoroughfare classifications are based on Coastal Pender Collector Street Plan.

- Arterial – Highway 17 and Highway 421
 - 150 – 100 feet from centerline*
 - 100 – 75 feet from right of way line *
- Major – Highway 210 and Highway 117
 - 100 – 85 feet from centerline *
 - 50 – 35 feet from right of way line *
- Minor – Highway 50 and Highway 11
 - 85 – 75 feet from centerline*
 - 50 – 25 feet from right of way line*

*Whichever is greater



Example of a thoroughfare setback implemented along US Highway 17

Thoroughfare Setback Deviations

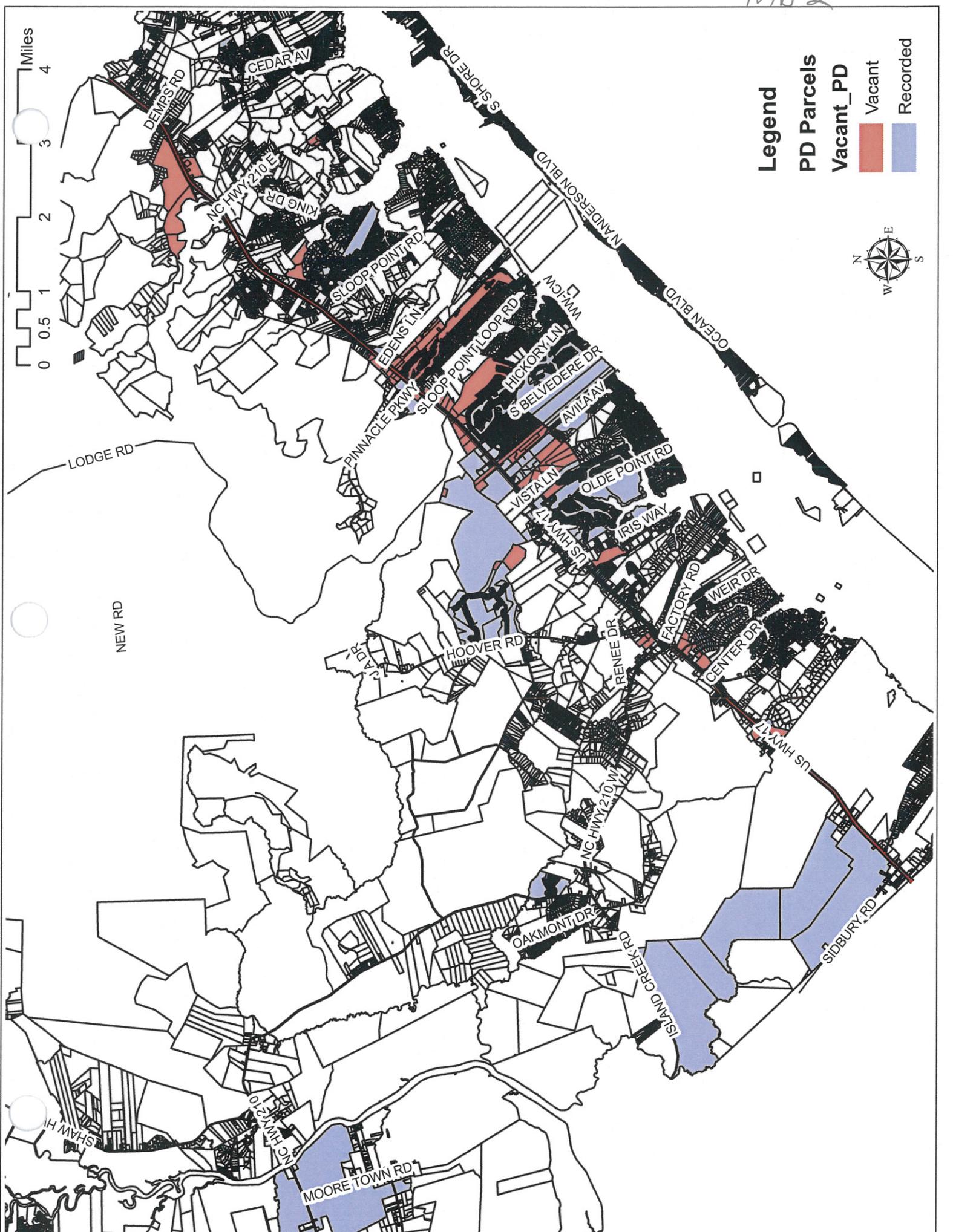
With the implementation of thoroughfare setbacks, many communities also adopt thoroughfare setback deviations for unique properties. Some examples of setback deviations are as follow:

- Reduced setbacks may be permitted in cases of unusual lot size or topographies, existing patterns of lesser setbacks of buildings on nearby properties, or varying alignment of highway right of way lines
- Deviations may be granted by Planning Staff that will not be in conflict with the goals and objectives of the Ordinance or other plans.
- A decrease in setbacks may be granted when additional plantings and landscaping are proposed.



Items to consider regarding thoroughfare setbacks in Pender County:

- Are thoroughfare setbacks needed in the County?
 - If so, shall they be implemented throughout the County or as an overlay for individual corridors?
- If thoroughfare setbacks are warranted, shall the County implement a setback deviation process for those proposals that cannot meet the adopted setbacks for the corridor?
- Should the County focus on implementing greenway buffers along major thoroughfares to be protected from building and parking development?



Legend
PD Parcels
Vacant_PD



Miles
 0 0.5 1 2 3 4

Map labels include: CEDAR AV, SLOOP POINT RD, HICKORY LN, S BELVEDERE DR, AVILA WAY, OLDE POINT RD, IRIS WAY, FACTORY RD, WEIR DR, CENTER DR, HOOPER RD, RENEE DR, OAKMONT DR, ISLAND CREEK RD, SIDBURY RD, MOORE TOWN RD, SHAW H, NC HWY 210, Pinnacle Pkwy, Edens Ln, Vista Ln, Sloop Point Loop Rd, W/3M, S Shore Dr, N Anderson Blvd, Ocean Blvd, Lodge Rd, New Rd, Dempsey Rd, King Dr, and Sloop Point Rd.

ARTICLE 10 SIGNS

10.1 INTENT

The intent of this Article is to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety and general welfare of the public and the orderly development of the County by protecting property values, and providing adequate signage for businesses and motorists; protecting and enhancing the image, appearance and economic vitality of the County. Any type of sign not currently listed in this Article shall be prohibited.

10.2 ADMINISTRATION, FILING PROCEDURE AND APPROVALS

10.2.1 Approval Procedure Applications for approval to construct or install all signs shall be submitted on forms obtained from the Administrator showing the following:

- A. Surface area of the sign;
- B. Size, character, general layout and designs proposed for painted display;
- C. The method and type of illumination, if any;

Commentary: Each applicant for sign approval must apply for a building permit, if applicable.

- D. The location proposed for such signs in relation to property lines, zoning district boundaries, if applicable, right-of-way lines, and existing signs; and
- E. If conditions warrant it, the Administrator may require such additional information that will enable them to determine if such sign is to be erected in conformance with the requirements of this Ordinance.

10.3 GENERAL PROVISIONS

10.3.1 Traffic Safety. No sign shall be erected or constructed that:

- A. Obstructs the sight distance at intersections or along a public right-of-way;
- B. Would, by its location, color, or nature, tend to be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle; or which might be confused with traffic directional signals and signs such as "stop", "go", "slow", "danger", etc.

10.3.2 Certain Signs Prohibited

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or other man-made objects not intended to support a sign or any tree, rock, or other natural objects.

10.3.3 Special Use Permits

A Zoning Approval for uses which require a Special Use Permit shall not be issued until a Special Use Permit is approved by the Board of County Commissioners.

10.4 EXEMPTIONS

10.4.1 The following types of signs are exempt from the application of the regulations herein:

- A. Signs unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, post office numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.
- B. Flags and insignia of any government.
- C. Holiday decorations in season.
- D. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number.
- E. Signs directing and guiding traffic and parking on private property.
- F. Signs which cannot be seen from public road or right-of-way.
- G. The act of changing advertising copy of messages on any sign designated for the use of replaceable copy such as a ready board or product price sign or on sign having its own changing copy capacity such as a time-and-temperature sign.
- H. Interior Window Signs located on the interior of the windows and with a total area not exceeding 1/2 square foot per lineal foot of the building front wall space.
- I. State required signs, i.e., inspections at service stations etc.
- J. Off-Site real estate signs not exceeding six (6) square feet

10.5 SIGNS NOT REQUIRING ZONING APPROVAL

10.5.1 The following signs may be erected, hung, or placed without zoning approval from the Administrator, but shall not be illuminated unless otherwise specified.

- A. Temporary Real Estate Sign
 - 1) One (1) on-premise temporary real estate sign not exceeding ten (10) square feet in area shall be allowed per residential lot. One (1) on-premise temporary real estate sign not exceeding thirty-two (32) square feet in area shall be allowed, for commercial or industrial property, and/or for tracts of land five (5) acres or more in area. Where the property on which said sign is to be placed faces more than one (1) road, one (1) such sign shall be allowed on each road frontage.
- B. Temporary Construction Sign
 - 1) One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project.
- ~~C. Other Temporary Signs~~
 - ~~1) One sign, including portable signs and banners, for promotional purposes by a business may be displayed on the premises for a period not to exceed ten (10) calendar days during each month, with a maximum total size of sixty (60) square feet.~~
 - ~~a) Shopping Centers and multi-tenant developments may utilize one banner, for promotional purposes which may be displayed. Such banner shall be affixed to the development's~~

~~existing, permanent, free-standing sign and shall be displayed for no more than ten (10) calendar days during each month. The maximum allowable square footage shall be sixty (60) square feet.~~

- ~~i) Shopping centers or multi-tenant with more than 5 units or 400' or more of road frontage may utilize two (2) banners for ten (10) days per month.~~
- ~~2) Pennants, ribbons, posters, streamers, strings of light bulbs, or other similar devices may be displayed for a period of not more than forty-five (45) days on the occasion of the opening of a new business.~~
- 3) Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
- 4) Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within 30 days after primary election for the loser, and 30 days after the general election for everyone. Such signs shall not exceed thirty-two (32) square feet in area.

10.5.2 Direction, Information or Public Service Signs

- A. Direction or information signs of public or quasi-public nature will not need zoning approval if the sign does not exceed thirty-two (32) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
- 1) The name or location of the county, hospital, community center, public or private school, church, synagogue, or other place of worship, may be illuminated;
 - 2) The name and place of meeting of an official body, may be illuminated;
 - 3) Zoning and subdivision jurisdiction; and
 - 4) An event of public interest such as public hearing, election, rezoning announcement, church and public meeting, local or county fair, and other similar community activities and campaigns.

10.5.3 Setback Requirements

Signs which do not require zoning approval shall be set back at least five (5) feet from any public right-of-way or property line whichever is greater.

10.5.4 Religious and Civic Events

A sign advertising a non-commercial occasional activity of a religious or civic activity or event sponsored by a public body or a private charitable or other non-profit entity. All such signs shall be removed within thirty (30) days after the event.

10.6 SIGNS APPROVED IN RESIDENTIAL DISTRICTS AND RURAL AGRICULTURAL DISTRICTS

10.6.1 Subdivisions

Permanent signs for subdivisions and residential developments shall not exceed thirty (30) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting. Two one sided signs no larger than 20 sq. ft. may be approved on either side of the entrance consistent with the above conditions.

10.6.2 Mobile Home Parks

Permanent signs for mobile home parks, campgrounds, and residential developments shall not exceed twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the Mobile Home Park or campground but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

10.6.3 Multi-Family

One (1) permanent sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat mounted against the wall of an apartment building or freestanding. If freestanding, such signs shall be set back a minimum of ten (10) feet from any public right-of-way or property line whichever is greater and shall not exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

10.6.4 Home Occupation

One (1) sign for each home occupation is allowed, but shall not be closer than ten (10) feet to any property line, or road right-of-way, whichever is greater. Such signs shall not project higher than four (4) feet above ground level, and shall not exceed two (2) square feet in area. If more than one home occupation exists on the premises, total signage shall be combined into one sign location, the total sign area not to exceed ten (10) square feet in area.

10.7 SIGNS APPROVED IN THE COMMERCIAL AND MIXED USE DISTRICTS AND NON-RESIDENTIAL USES IN THE RESIDENTIAL DISTRICTS

10.7.1 Within the Commercial Districts, Mixed Use Districts and Non-Residential uses in the Residential Districts, the following types of signs are approved. Any residential uses within the Commercial and Mixed Use Districts shall comply with the standards set forth in Section 10.6 of this Article.

A. Freestanding Signs

- 1) 100' To 300' Road Frontage:

- a) One (1) permanent freestanding sign of (32) thirty-two square feet of signage is allowed for the first one hundred (100) feet or less of road frontage. Thereafter the area of the sign may be increased three and two-tenths (3.2) square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of ninety-six (96) square feet for three hundred (300) feet of road frontage.
- 2) 300' to 1,000 Feet Road Frontage:
 - a) Beginning at three hundred (300) feet of road frontage, the area of the sign may be increased 1.5 square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of two hundred (200) square feet for one thousand (1,000) feet of road frontage.
- 3) Corner Lots
 - a) Corner lots may utilize two freestanding signs one for each road frontage, so long as they are not placed closer than fifty (50) feet from the corner intersection and do not exceed the total freestanding sign area allowed.
- B. Sign Height
 - 1) The maximum height of signs described in this Section shall be twenty-five (25') feet.
- C. Wall Signs
 - 1) A permanent wall sign shall be allowed for each separate business establishment provided the total allowable sign area for the wall signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street.
- D. Canopy/Marquee Sign
 - 1) One (1) sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of the sign.
- E. Setbacks
 - 1) No freestanding sign shall be closer than ten (10') feet from any property line.

10.7.2 Temporary Signs

- 1) One sign, including portable signs and banners, for promotional purposes by a business may be displayed on the premises for a period not to exceed ten (10) ~~calendar~~ **consecutive** days during each month, with a maximum total size of sixty (60) square feet.
- 2) **Each sign must receive zoning approval prior to placement of any temporary sign. Approval shall be valid for a ten (10) day period.**
 - a) Shopping Centers and multi-tenant developments may utilize one banner, for promotional purposes which may be displayed. Such banner shall be affixed to the development's existing, permanent, free-standing sign and shall be displayed for no more than ten (10) ~~calendar~~ **consecutive** days during each month. The maximum allowable square footage shall be sixty (60) square feet.
 - i) Shopping centers or multi-tenant with more than 5 units or 400' or more of road frontage may utilize two (2) banners for ten (10) days per month.

- 3) Pennants, ribbons, posters, streamers, strings of light bulbs, or other similar devices may be displayed for a period of not more than forty-five (45) days on the occasion of the opening of a new business.
- 4) **Dimensional Standards**
 - a) **Setbacks:** Temporary Signs shall be setback a minimum of five (5') feet off of any property line or road right-of-way.
 - b) **Height:** Temporary signs shall not project any higher than fifteen (15') above ground level.

10.8 SIGNS APPROVED IN THE INDUSTRIAL DISTRICTS

10.8.1 Within the IT and GI Districts as shown on the Zoning Map, only the following signs shall be allowed:

- A. **Freestanding Signs**
 - 1) One (1) freestanding sign is allowed for each principal use. The area of the sign shall not exceed eighty (80) square feet in area, and shall not project more than twenty-five (25') feet above ground level. Business fronting on more than one (1) public road shall be allowed one (1) free-standing sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area of eighty (80) square feet.
- B. **Wall Signs**
 - 1) Permanent wall signs are allowed for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location of wall signs is at the option of the owner or tenant. The total allowable sign area for wall signs shall not be more than one (1) square feet per lineal foot of building wall facing a public road.
- C. **Canopy/Marquee Signs**
 - 1) Signs may be suspended from or attached to the underside of a canopy marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of such signs is maintained.
- D. **Off-Premises Advertising Signs**
 - 1) One off-premises advertising sign may be allowed. In which case the sign shall be setback from any road right-of-way or property line by at least fifty (50) feet, shall not be closer than one hundred (100) feet to any residential property line, shall not project higher than twenty-five (25) feet above ground level, shall not exceed two hundred (200) square feet in area and not closer than 1,000 feet to another off premises advertising sign.

10.9 SHOPPING CENTER SIGNS, MALLS, STRIP MALLS AND OFFICE, BUSINESS & INDUSTRIAL PARKS/BUILDINGS

10.9.1 Pylon/free Standing Sign

For multi-unit commercial, office & industrial developments under single ownership or under unified control, one (1) pylon or free standing sign shall be allowed for each street frontage not to exceed two

signs per development and the total sign area does not exceed 200 sq. ft. When a single frontage development has 400 or more of road frontage, a second sign will be allowed as long as both signs do not exceed 200 sq. ft.

A. Such signs shall be subject to the following:

- 1) Content: Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center, or other activities on the site.
- 2) Area: The gross area in square feet allowed for the pylon/free standing signs shall be one (1) square foot per lineal foot of development frontage; however such signs shall not exceed a total of two hundred (200) square feet.
- 3) Location: The sign shall not be closer than twenty (20) feet to any property line or road right-of-way and shall not project higher than twenty five (25') feet above ground level.

B. When a single frontage development has 400 or more feet of road frontage, the following standards shall apply for increased square footage.

- 1) For each additional foot of road frontage exceeding 400', the square footage of the Pylon/free standing sign may be increased by 0.25.
- 2) The total allowable square footage based on road frontage shall not exceed 350 sq. ft. or 1000' of lineal road frontage and may be divided between two signs following Section 10.9.1.A.3.

10.9.2 Wall Signs

In addition to the pylon/free standing sign such developments may have one wall sign, for each tenant. Such wall sign shall be in accord with Section 10.7.1.C of this Section.

10.9.3 Free Standing Signs

If a Shopping Center, Mall, Strip Mall, Office, Business & Industrial Park does not utilize a multi-unit free standing sign, each principal structure in the development will be allowed to have one free standing sign, advertising tenants or activities in that structure only. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height and not be closer than 20' to any street right-of-way or 10' to any parking or access way or structure. The sign and structure for which the sign is erected shall be on a separate lot in the development or the sign shall be within 30' of the front entrance of the structure.

10.10 OFF PREMISE DIRECTIONAL REAL ESTATE SIGNS

Residential subdivisions and planned developments containing more than fifteen (15) lots or units shall be permitted to erect one (1) temporary directional off-premise real estate sign directing the public to the subdivision or planned development where property is for sale, rent or lease. The applicant must apply for zoning approval and building permits for each sign. Once issued, the approval is good for a period not to exceed two (2) years. Upon expiration, the approval may be renewed for a period not to exceed two (2) years, provided the applicant reapplies within ten (10) days after expiration. If the applicant/owner fails to remove the sign or reapply within ten (10) days of expiration, the county shall take appropriate violation measures to establish compliance.

A. Each sign must meet the following criteria:

- 1) Maximum sign area is thirty-two (32) square feet;
- 2) Maximum sign height is ten (10') feet;
- 3) The maximum number of sign faces is one (1) per side of the sign, not to exceed two (2) sign faces. If the sign is located on a property where two public roads intersect, the sign may be constructed so that one sign face faces each road frontage;
- 4) No temporary directional off-premise real estate sign shall be placed within three hundred (300') feet of an existing temporary off-premise real estate sign measured from the same side of the right of way;
- 5) The sign shall not be located within a sight triangle or impede the vision of motorist in any manner;
- 6) The sign shall not be internally or externally illuminated;
- 7) The sign and supporting posts shall be constructed of treated lumber or vinyl, or other materials not prone to rot or decay. The supporting post shall have a maximum dimension of 4" x 4" and be trimmed out at the top and capped with a decorative post cap.
- 8) The sign shall not be located on any property that is currently zoned within a Special Purpose District (Environmental Conservation)
- 9) The sign shall be maintained in substantially similar condition as to when it was originally erected. Maintenance shall include periodic painting, replacement of defective or missing parts, cleaning, and replacement of any sign face that exhibits damage or deterioration. Refer to Section 10.14.

10.11 OUTDOOR ADVERTISING SIGNS ALLOWED ONLY ALONG INTERSTATE 40

No outdoor advertising sign shall be located any closer than fifteen hundred (1,500) feet off the state right-of-way on Interstate-40. The maximum height of sign on I-40 shall be thirty (30) feet. The maximum size of any one sign shall be two hundred (200) square feet with a maximum length of forty (40) feet. No two (2) outdoor advertising sign structures shall be spaced less than fifteen hundred (1500) feet apart.

10.12 PROHIBITED SIGNS

10.12.1 Unless otherwise allowed, the following signs are prohibited:

- A. Banners, posters, pennants, ribbons, streamers, inflatable signs, strings of light bulbs, spinners, or other similar devices except as allowed in Section 10.5.C.2.
- B. Signs which contain, include, or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature, and date.
- C. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.
- D. Roof signs.
- E. Projecting signs and freestanding signs located within a public right-of-way except erected by a governmental agency.
- F. Rotating or revolving signs.

- G. Portable signs as a permanent use.
- H. Obscene signs are prohibited. No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene, offensive character or offensive nature.
- I. Signs on parked inoperable vehicles or trailers visible from the public right-of-way where the primary purpose of the vehicle parked at that location is to advertise a product or service or to direct people to a business or activity on the same or nearby property. For the purposes of these regulations, vehicular signs include business logos, identification or advertising on vehicles.

10.13 ILLUMINATION

10.13.1 Where illuminated signs are allowed, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this Subsection shall be constructed to meet the requirements of the National Electric Code.
- B. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements, provided however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be allowed.
- C. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- D. Flame as a source of light is prohibited

10.14 MAINTENANCE AND REMOVAL OF UNSAFE SIGNS

10.14.1 All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Administrator or their designated agent shall order the sign to be made safe or removed subject to the following provisions:

- A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon written notice by certified mail, return receipt requested from the Administrator, or their designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Administrator or their designated agent or remove it.
- B. If such order is not complied with within ten (10) days the Administrator or their designated agent shall remove the sign at the expense of the owner or lessee thereof.
- C. Whenever a sign has been abandoned, advertises an activity, business, product, or service no longer conducted on the premises or is erected in violation of the provisions of this Article, the Administrator shall initiate action to cause such sign structure or face of sign to be removed or

brought into compliance in accordance with the method prescribed for nonconforming signs in Section 10.5.

ARTICLE 12 ENFORCEMENT AND PENALTIES

12.1 **PURPOSE**

This Article sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this Section are intended to encourage the voluntary correction of violations.

12.2 **APPLICABILITY**

This Ordinance shall be enforceable in accordance with the provisions of G.S.153A-113. The Administrator may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Administrator determines an imminent hazard exists, he may summarily revoke this permit.

12.3 **VIOLATIONS**

11.3.1 Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance. One or more of the following responsible parties may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this Section:

- A. A contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and
- B. An owner of the property, on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

12.4 **ENFORCEMENT PROCEDURES**

11.4.1 Investigation

On receiving complaints or other information suggesting a violation of this Ordinance, the Administrator, or other official(s) designated by the Board of County Commissioners shall investigate the situation and determine whether a violation exists. The Administrator or their designated agent shall

have the right to enter upon private property at any reasonable time necessary to carry out their duties. All questions arising in connection with enforcement and interpretation shall be presented first to the Administrator. Appeal from their decision may be made to the Board of Adjustment.

11.4.2 Initial Notice of Violation

- A. On determining that a violation exists, the Administrator shall give the responsible person(s) written notice of the violation by personal delivery, first class mail, or certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Administrator within ten days to discuss the violation and how it may be corrected. The Administrator may provide the alleged violator additional written notices of violation.
- B. If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery, first class mail, or certified or registered mail have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of not less than ten days.
- C. Before revoking a permit or other authorization, the Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Administrator. On revoking a permit or authorization, the Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

11.4.3 Final Notice of Violation; Correction Order

The Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall order correction of the violation not to exceed thirty 30 days, state which of the remedies and penalties authorized in Section 12.4.9 the Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

11.4.4 Reinstatement of Permit by Zoning Administrator

The holder of a revoked permit or authorization may, within 90 days after the revocation, submit to the Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the Administrator may reinstate the permit or authorization

11.4.5 Appeal to the Board of Adjustment.

- A. Any person aggrieved by the Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 3.15, Appeal of Administrative Decision. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.

- B. If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 3.15, Appeal of Administrative Decision, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

11.4.6 Appeal of Temporary Sign Violation

- A. Any person aggrieved by the Zoning Code Enforcement's determination of a violation may appeal that determination to the Administrator.
- 1) Appeals to the Administrator must be taken within ten (10) business days of the receipt of violation.
 - a) The Administrator shall review all pertinent evidence to the case and make a determination within five (5) business days of the appeal hearing.
 - b) If the recipient of a correction order or determination of a violation does not appeal within the allotted time limit specified in 11.4.6.A., that person may not later appeal to the Administrator and will become liable to all civil penalties incurred.

11.4.7 Extension of Time Limit to Correct Violation

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Administrator or designated agent, a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit, the Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

11.4.8 Enforcement Action after Time Limit to Correct Violation

Following the time limit for correction of the violation, including any stay or extension thereof, the Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

11.4.9 Emergency Enforcement without Notice

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Section 12.4.9, below.

11.4.10 Remedies and Penalties

The Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one (remedy or penalty) from imposition of any other authorized remedies or penalties.

A. Permit Revocation

- 1) In accordance with the provisions of Section 12.2 of this Ordinance and the provisions of N.C.G.S. 153A-362, the Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

B. Permit Denial

- 1) As long as a violation of this Ordinance remains uncorrected, the Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

C. Civil Penalty

- 1) Violation of this Ordinance subjects the violator to a civil penalty in the amount of One Hundred (\$100.00) Dollars for each offense. **If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt to be recovered by the county in a civil action in the nature of debts,** as provided in G.S.153A-113(c). The Administrator shall make written **or in person** demand for payment, delivered by certified mail, return receipt requested, upon the person or persons responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County Attorney for the institution of a civil action in the nature of debt in the name of Pender County in the appropriate division of the General Court of Justice in Pender County, for recovery of the penalty, and any equitable remedy available to the County.
- 2) Each day a violation continues, shall constitute a separate and distinct offense, punishable as set forth herein and described above.
 - a) **Violations of Section 10.7.2, Temporary Signs, shall in all cases be deemed a civil penalty in accordance with Section 12.4.9.**

D. Criminal Penalty

- 1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to \$500.00 or imprisoned not more than thirty (30) days.

E. Injunction and Abatement Order

- 1) If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby. The Administrator may institute action in the district Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other

structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

F. Other Equitable Relief

- 1) In addition to the above remedies and penalties, the Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

Pender County Planning and Community Development

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MEMORANDUM

To: Pender County Planning Board

From: Kyle M. Breuer, Director

Date: January 10, 2012

RE: Discussion Items

Planning Board Members,

The following items are to be presented to the Board during the discussion items portion of your agenda. Staff is requesting feedback and direction from the Board on these various topics.

Thoroughfare Setbacks (Please refer to TAB #1 for text reference)

Upon direction from the Board of Commissioners, staff was requested to research the use of thoroughfare setbacks along specified roadways within Pender County. Staff will provide the Board with our findings and entertain discussion and direction based off of recommendations from planning staff. Please see reference **TAB #1** for a fact sheet highlighting pros and cons for thoroughfare setbacks as well as some ideas shall the Board request implementation.

Minor Subdivision Road Standards

Minor Subdivisions, 10 lots or less, currently require road networks to be constructed to NCDOT Secondary Road Standards (UDO Reference: Section 3.9, Minor Subdivision; Section 7.5, Street Design). Minor variations to design are permitted upon review of the Planning Board at Master Plan level. Currently Minor Subdivisions, unless located within the PD Zoning District, do not require Master Plan review by the Planning Board, therefore, not granting deviations from NCDOT standards.

NCDOT standards are met by providing an adequate base course material, depending on soil type for the site, then providing the appropriate asphalt surface treatment. Staff has been requested to review these requirements to address rural areas within the county. As it has been conveyed to staff, other road types may be suitable in certain circumstances (i.e. minimum densities, zoning districts, and road maintenance agreements established).

Planned Development Requirements (Please refer to TAB #2 for map reference)

Current standards within the UDO require a mix of uses to be incorporated within the Planned Development District. The mix of uses requires a residential and non-residential component to a project (UDO Reference: Section 4.8.1.B.1)).

Uses Permitted in the GB, General Business District

Concern has been raised over the permitted uses within the General Business District.

Temporary Sign Program (Please refer to **TAB #3** for text reference)

Staff has been working to implement a summons program for temporary sign enforcement. An internet based program has been developed to issue and track temporary sign approvals in accordance with UDO standards. Draft text amendment language enabling the program will need to be incorporated within Article 10 – Signs, and Article 12 – Enforcement and Penalties. Following review and comment from the Board, staff will present the text amendment language at your February meeting and request consideration of adoption at their February 20, 2012 meeting.

Small Area Plan (SAP) Announcements

Staff will present to the Board, a work plan for the creation of the Currie SAP. A member of the Planning Board is being requested to please sit on this steering committee for valued input. The anticipated time frame until requested adoption should be around 6-8 months. A public kickoff meeting is scheduled for Saturday, January 28, 2012 from 10 AM to 12 PM at the Moore's Creek National Battlefield. At the meeting, a public survey will be distributed as well as applications for the project Steering Committee, to reflect a comprehensive representation of stakeholders in the study area. Staff intends to request appointment of the Steering Committee by the Board of Commissioners at the February 20, 2012 meeting and hold an orientation meeting for the committee near the end of February.