



## CURRITUCK COUNTY NORTH CAROLINA

June 12, 2018

Minutes – Regular Meeting of the Planning Board

### WORK SESSION

A work session was held in the conference room with staff and board members. Senior Planner Tammy Glave reviewed the text amendment request to modify off-premise directional sign regulations and gave examples of the increase in numbers of signs with the approval of this request. The work session adjourned at 6:55 PM.

### CALL TO ORDER

The Currituck County Planning Board met at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Present	
Carol Bell	Board Member	Present	
Steven Craddock	Board Member	Absent	
John McColley	Board Member	Present	
Jeff O'Brien	Board Member	Absent	
Jane Overstreet	Board Member	Absent	
J. Timothy Thomas	Board Member	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order.

#### A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

#### B. Ask for Disqualifications

Chairman Whiteman asked if any board member had a conflict of interest with the matter coming before the board. Chairman Whiteman disclosed he lives in the Eagle Creek neighborhood, but did not have a conflict with the case to be heard.

#### C. Announce Quorum Being Met

Chairman Whiteman announced a quorum being met with five board members present.

**D. Approval of Agenda**

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Ms. Bell motioned to approve the agenda as presented. Vice Chairman Ballance seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**APPROVAL OF MINUTES FOR MAY 10, 2018**

Chairman Whiteman asked if any changes were needed for the meeting minutes of May 10, 2018. With no changes noted, Ms. Bell motioned to approve the minutes as presented. Mr. Thomas seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**E. PB Minutes May 10, 2018****OLD BUSINESS**

There was no old business discussed.

**NEW BUSINESS****A. Consideration & Action-PB 18-15 Eagle Creek Golf Course and Grill: Request for a text amendment to the Unified Development Ordinance, Chapter 5. Development Standards, to modify off-premise directional sign standards.**

Senior Planner Tammy Glave presented the staff report. The text amendment submitted by Tim Paasch, owner of Eagle Creek Golf Club & Grill, is intended to amend the Unified Development Ordinance (UDO), Chapter 5. Development Standards to allow off-premise directional signs for businesses located within two miles of a major arterial street, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway. Ms. Glave gave examples of how many additional signs this would create if the text amendment was approved and said that staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan, inconsistency with Section 5.12 of the UDO and not reasonable and in the public interest since it commercializes the landscape along the highway.

Chairman Whiteman asked for questions for staff from board members. Mr. McColley asked what businesses were currently using off-premise directional signs. Ms. Glave

said two businesses, one being Coinjock Marina and the other no longer operating. Further discussion was also held on the number of additional signs it would create, where they would be located and the size of the signs.

Chairman Whiteman asked the applicant to appear before the board. Tim Paasch presented his case for the text amendment. He said there was a previous sign when Mill Run was operating and he wanted to put the sign back up with their business name. He cited the Tourist Oriented Directional Sign (TODS) Program sponsored by the North Carolina Department of Transportation (NCDOT) which allows businesses or facilities to be signed on NCDOT highway right of way. These signs are intended to help tourists find businesses and thereby promote tourism in North Carolina.

Discussion was held on the number of businesses located off the highway and Ms. Glave said 150 businesses are within 2 miles of the highway right of way. Chairman Whiteman said if the TODS Program was used it would not cluster the highway.

Chairman Whiteman asked Mr. Paasch if he was willing to add verbiage to the text amendment including the NC definition of a tourist based business and Mr. Paasch agreed.

Mr. Paasch also stated when using the TODS Program, the word "bar" cannot be on the sign. He would just put "golf course".

Mr. Thomas and Vice Chairman Ballance both agreed they would approve the text amendment with the added wording of tourist based according to the TODS Program.

Discussion was held on reducing the size of the signs from 64 square feet and 15 feet high to 32 square feet and 15 feet high. Signs would also be limited to the business name and directional arrow.

With no further discussion, Chairman Whiteman asked for a motion. Mr. Thomas motioned to approve PB 18-15 Eagle Creek Golf Course and Grill Text Amendment to allow off-premise directional signs for businesses located within two miles of a major arterial street provided these businesses are tourist based, the sign will be 32 square feet and 15 feet high, with business name and directional arrow only. Mr. Ballance seconded the motion and the motion was approved 4-1 with Mr. McColley opposed.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [4 TO 1]</b>	<b>Next: 7/16/2018 6:00 PM</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, J. Timothy Thomas, Board Member	
<b>NAYS:</b>	John McColley, Board Member	
<b>ABSENT:</b>	Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	

## ANNOUNCEMENTS

There were no announcements.

## ADJOURNMENT

The meeting adjourned at 7:40 PM.



## CURRITUCK COUNTY NORTH CAROLINA

May 10, 2018

Minutes – Regular Meeting of the Planning Board

### WORK SESSION

A work session was held in the conference room with staff and board members. Planning Director, Laurie LoCicero gave an overview of the three text amendment cases to be heard at the Planning Board Meeting.

### CALL TO ORDER

The Currituck County Planning Board met at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Absent	
Carol Bell	Board Member	Present	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Absent	
Jeff O'Brien	Board Member	Present	
Jane Overstreet	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order.

#### A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

#### B. Ask for Disqualifications

Chairman Whiteman asked if any board member had a conflict of interest with the matter coming before the board. No conflicts were noted.

#### C. Announce Quorum Being Met

Chairman Whiteman announced a quorum being met with five board members present.

Communication: PB Minutes May 10, 2018 (Approval of Minutes for May 10, 2018)

## D. Approval of Agenda

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. O'Brien motioned to approve the agenda as presented. Ms. Overstreet seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Fred Whiteman, Chairman
<b>SECONDER:</b>	Jane Overstreet, Board Member
<b>AYES:</b>	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
<b>ABSENT:</b>	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member

## APPROVAL OF MINUTES

Chairman Whiteman asked if any changes were needed for the meeting minutes for March 13, 2018. With no changes noted, Mr. Craddock motioned to approve the minutes as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steven Craddock, Board Member
<b>SECONDER:</b>	Jeff O'Brien, Board Member
<b>AYES:</b>	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
<b>ABSENT:</b>	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member

## E. PB Minutes March 13, 2018

### OLD BUSINESS

There was no old business discussed.

### NEW BUSINESS

#### A. PB 18-10 Clifford C. Byrum, Jr.:

The Planning Director, Laurie LoCicero presented the staff report. This text amendment, submitted by Clifford C. Byrum Jr. is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) to define Craft Distilleries based on volume produced in lieu of the current building square footage threshold. The UDO currently classifies breweries by volume produced and this text amendment would regulate distilleries similarly. The production limit according to the American Distilling Institute for a Craft Distillery is 52,600 (as stated in the staff report) cases per year.

Chairman Whiteman during the work session had questioned the case number limit of 52,600 and referenced the online site for the American Distilling Institute showing that the number is actually 52,000. Also, Larry Lombardi represented Mr. Byrum and a phone conference was held during the work session that included Mr. Byrum, staff and board

members. Mr. Byrum said he miscalculated the number of cases and agreed that the number should be changed to 52,000.

Chairman opened the public hearing. No one was signed up to speak, nor wished to speak and the public hearing was closed.

Mr. Craddock made a motion to approve with the change to the limited number of cases being 52,000 since it is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans; is not in conflict with any provision of this Ordinance or the County Code of Ordinances and is required by a change. Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 6/4/2018 6:00 PM</b>
<b>MOVER:</b>	Steven Craddock, Board Member	
<b>SECONDER:</b>	Jeff O'Brien, Board Member	
<b>AYES:</b>	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

#### B. PB 18-11 Julie Christian:

The Planning Director, Laurie LoCicero presented the staff report. This text amendment submitted by Julie Christian is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) to allow Medical Aesthetics Tattooing in the General Business (GB) Zoning District. The current ordinance allows tattooing in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts and does not acknowledge different types of tattooing. Medical Aesthetics tattooing is a professional service conducted in an office setting similar to a doctor or dentist. Including Medical Aesthetics Tattooing in the definition of *Professional Services Office* will allow the use in the MXR, GB, LB, CC, and VC zoning districts.

Mr. Craddock asked if he was correct in saying a Tattoo Parlor does not require a Use Permit. Ms. LoCicero said yes, a simple zoning permit in HI and LI zoning districts is the only requirement.

Discussion was held on whether Medical Aesthetics Tattooing would be allowed as a Home Occupation in homes located in the GB zoning district. Ms. LoCicero read the standards of Home Occupation from the UDO for clarification.

Chairman Whiteman opened the public hearing and asked the applicant, Julie Christian, to come before the board. Ms. Overstreet asked Ms. Christian about certification requirements. Ms. Christian said she has had 210 hours of classes and she is one of twelve licensed to do this type of medical tattooing in Virginia. She has also been a licensed aesthetician in three different states.

No other person was signed up to speak, nor wished to speak and the public hearing was closed.

Chairman Whiteman asked for a motion.

Ms. Overstreet motioned to approve with staff recommendations except to delete the last sentence on the recommended definition for Body Art (Body art is decorative in nature and does not include medical aesthetics tattooing). Ms. Bell seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 6/4/2018 6:00 PM</b>
<b>MOVER:</b>	Jane Overstreet, Board Member	
<b>SECONDER:</b>	Carol Bell, Board Member	
<b>AYES:</b>	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

### C. PB 18-12 Sign Illumination:

The Planning Director, Laurie LoCicero presented the staff report. The current UDO does not allow internally-illuminated signs, either on the mainland (including Gibbs Woods and Knotts Island) or the Outer Banks. When the sign ordinance was updated in 2017 to comply with Supreme Court decision *Reed v. Town of Gilbert, Arizona*, there was a change in language that required all sign lighting to be full cut-off. This eliminated the internally illuminated signs since most internally illuminated signs cannot meet the definition of full cut-off. Until the revision in 2017, internally illuminated signs were allowed on the mainland. This text amendment is to allow internally illuminated signs on the mainland and to require all externally illuminated signs on the mainland and Outer Banks to meet the full cut-off requirements.

Chairman Whiteman opened the public hearing and Roger Ambrose from Camden, North Carolina, came before to board. He had two previous applications for signs turned down due to the unintended consequence of the previous change to the Unified Development Ordinance in 2017. Mr. Ambrose said he supports this text amendment for internally illuminated signs on the mainland.

There were no other speakers. Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve the text amendment as written by staff since it is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans; is not in conflict with any provision of this Ordinance or the County Code of Ordinances and is required by a change. Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 5/21/2018 6:00 PM</b>
<b>MOVER:</b>	Steven Craddock, Board Member	
<b>SECONDER:</b>	Jeff O'Brien, Board Member	
<b>AYES:</b>	Fred Whiteman, Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	C. Shay Ballance, Vice Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	

### ANNOUNCEMENTS

Ms. Overstreet reminded everyone to get their beach parking permits.



**ADJOURNMENT**

Mr. O'Brien motioned to adjourn the meeting. Ms. Bell seconded the motion and the meeting adjourned at 7:44 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2187

**Agenda Item Title:** Consideration & Action-PB 18-15 Eagle Creek Golf Course and Grill:  
Request for a text amendment to the Unified Development Ordinance, Chapter 5. Development Standards, to modify off-premise directional sign standards.

**Submitted By:** Tammy Glave – Planning & Community Development

**Item Type:**

**Presenter of Item:** Laurie LoCicero

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request for a text amendment to the Unified Development Ordinance, Chapter 5. Development Standards, to modify off-premise directional sign standards.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



## Currituck County

Planning and Community Development Department  
*Planning and Zoning Division*  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055 FAX 252-232-3026

To: Board of Commissioners

From: Planning Staff

Date: June 13, 2018

Subject: PB 18-15 Eagle Creek Golf Course and Grill Text Amendment

In the current UDO off-premise directional signs are allowed for businesses adjoining the Currituck Sound and Atlantic Intracoastal Waterway. The signs must be placed within two miles from those businesses on property under the same ownership and in a business or mixed-use zoning district. Eagle Creek Golf Course and Grill has submitted a text amendment to modify the off-premise directional sign regulations. The proposed amendment would address the following:

- Off-premise directional signs would be allowed to be erected for businesses located within **two miles of a major arterial street**, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway.
- Off-premise directional signs would be allowed to locate in the AG (Agricultural) zoning district, in addition to business and mixed use districts.
- Off-premise directional sign size and height would be reduced from 64 square feet and 15 feet high to a size and height similar to a street name sign.
- The off-premise directional sign could only list the business name and direction in which the business is located.
- The off-premise directional sign would no longer have to be located on property under the same ownership as the business to be identified on the sign.

Over the years, the UDO was amended to address off-premise advertising. Below is a list of UDO amendments that relate to off-premise directional signs:

- The 1992 UDO allowed off-premise directional signs for businesses in Corolla Village, businesses within 1,200 feet of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal). The sign could display the name of the business and the direction in which it was located.
- On April 4, 2011 the Board of Commissioners approved an amendment that removed off-premise directional signs from the UDO. The amendment was part of a comprehensive sign ordinance amendment that was prepared by a sign committee.
- On January 22, 2013, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs for existing businesses (established prior to January 1, 2013) located in a business or mixed use zoning district on the Currituck Sound or Atlantic Intracoastal Waterway. The amendment allowed off-

premise directional signs that did not exceed 64 square feet in area and 10 feet in height and applied to five businesses at that time.

- On May 4, 2015, the Board of Commissioners approved an amendment to the UDO that allowed off-premise directional signs to increase in height from 10' to 15' and clarified that electronic message boards were not allowed.

#### Examples:

It is important to note that a text amendment applies county wide. For example, Moyock Commons and Currituck Commercial Subdivision have approximately 2,400' of road frontage along Caratoke Highway. Approximately 13 off-premise directional signs could be erected if the proposed text amendment is adopted. The 750'+/- of Sampat Professional Center's Caratoke Highway road frontage would be allowed to erect approximately 14 off-premise directional signs. These are some of the more intense examples, but research based on tax listings and field work indicates that approximately 150 businesses on the mainland could take advantage of this text amendment.

#### Staff Recommendation:

Staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan, its inconsistency with the purpose and intent of Section 5.12 of the UDO, and it is not reasonable and in the public interest because it does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic. The inconsistent LUP policies are:

LUP POLICY CA4: SIGN POLICIES AND STANDARDS should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.

LUP POLICY CA5: Currituck recognizes that attractive, less commercialized landscape particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional BILLBOARDS AND OFF-SITE ADVERTISING SIGNS shall not be permitted in Currituck County.

#### Planning Board Recommendation:

The Planning Board recommends approval of the request with noted changes to allow signs consistent with the NCDOT Tourism Oriented Directional Sign program. They recommend the signs be allowed at 32 square feet and 15 feet tall.

#### Planning Board Discussion – June 12, 2018

Senior Planner Tammy Glave presented the staff report. The text amendment submitted by Tim Paasch, owner of Eagle Creek Golf Club & Grill, is intended to amend the Unified Development Ordinance (UDO), Chapter 5. Development Standards to allow off-premise directional signs for businesses located within two miles of a major arterial street, in addition to the off-premise directional signs currently allowed two miles from the Currituck Sound and the Atlantic Intracoastal Waterway. Ms. Glave gave examples of how many additional signs this would create if the text amendment was approved and said that staff recommends denial of the proposed text amendment due to its inconsistency with the Land Use Plan,

inconsistency with Section 5.12 of the UDO and not reasonable and in the public interest since it commercializes the landscape along the highway.

Chairman Whiteman asked for questions for staff from board members. Mr. McColley asked what businesses were currently using off-premise directional signs. Ms. Glave said two businesses, one being Coinjock Marina and the other no longer operating.

Further discussion was also held on the number of additional signs it would create, where they would be located and the size of the signs.

Chairman Whiteman asked the applicant to appear before the board. Tim Paasch presented his case for the text amendment. He said there was a previous sign when Mill Run was operating and he wanted to put the sign back up with their business name. He cited the Tourist Oriented Directional Sign (TODS) Program sponsored by the North Carolina Department of Transportation (NCDOT) which allows businesses or facilities to be signed on NCDOT highway right of way. These signs are intended to help tourists find businesses and thereby promote tourism in North Carolina.

Discussion was held on the number of businesses located off the highway and Ms. Glave said 150 businesses are within 2 miles of the highway right of way. Chairman Whiteman said if the TODS Program was used it would not cluster the highway.

Chairman Whiteman asked Mr. Paasch if he was willing to add verbiage to the text amendment including the NC definition of a tourist based business and Mr. Paasch agreed. Mr. Paasch also stated when using the TODS Program, the word "bar" cannot be on the sign. He would just put "golf course".

Mr. Thomas and Vice Chairman Ballance both agreed they would approve the text amendment with the added wording of tourist based according to the TODS Program. Discussion was held on reducing the size of the signs from 64 square feet and 15 feet high to 32 square feet and 15 feet high. Signs would also be limited to the business name and directional arrow.

With no further discussion, Chairman Whiteman asked for a motion. Mr. Thomas motioned to approve PB 18-15 Eagle Creek Golf Course and Grill Text Amendment to allow off-premise directional signs for businesses located within two miles of a major arterial street provided these businesses are tourist based, the sign will be 32 square feet and 15 feet high, with business name and directional arrow only. Mr. Balance seconded the motion and the motion was approved 4-1 with Mr. McColley opposed.

#### **RESULT: RECOMMENDED APPROVAL [4 TO 1]**

**AYES:** Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, J. Timothy Thomas, Board Member

**NAYS:** John McColley, Board Member

**ABSENT:** Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**PB 18-18  
Eagle Creek Golf Club and Grill  
(Planning Board Version)**

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to modify off-premise directional sign standards.

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 Chapter 5 is amended by adding the following bold underlined language and deleting the strike-through language in Section 5.12.6.D Off-Premise Directional Signs:**

**5.12.6.D Off-Premise Directional Signs**

(1) Applicability

The standards in this section shall apply to **tourist oriented** businesses **or facilities** existing prior to **June 1, 2018** located in an **Agricultural**, Business, **and or** Mixed-Use Zoning District adjoining the Currituck Sound, **or** Atlantic Intracoastal Waterway, **or within two miles of a major arterial street. Tourist oriented businesses include the following: that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.**

- a. **Amusement park**
- b. **Cultural center**
- c. **Facility tour locations**
  - 1. **Must conduct tours at least four times daily on a regularly scheduled year-round basis**
- d. **Historic Register structure or site:**
  - 1. **Must be open to the public at least three months out of the year.**
- e. **Recreation area**
- f. **Natural phenomenon**
- g. **Zoological/Botanical parks and farms:**
- h. **Agricultural Facility:**

(2) Prohibited

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street

(3) **Exemptions** (Sections to be renumbered accordingly)

**Off-premise directional signs erected as a part of an NCDOT program located within the NCDOT right-of-way.**

(4) General

- (a) Off-premise directional signs must be located on property within two miles of the intersection of a major arterial street and the collector street accessing the commercial use.
- (b) **Off-premise directional signs must be located on property under the same ownership as the business to be identified on the sign.**

- (c) Off-premise directional signs must be located in an **Agricultural**, Business, **or and** Mixed-Use Zoning District adjoining a major arterial street.
- (d) A maximum of one off-premise directional sign is permitted per business. A **use lot** shall have a maximum of one off-premise directional sign.
- (e) Off-premise directional signs shall not exceed **64 32** square feet in area and 15 feet in height.
- (f) **An off-premise directional sign shall be allowed to display the name of the business only (no logo) and the direction in which it is located.**
- (g) Off-premise directional signs shall not be located within the sight triangle **or street right-of-way.**
- (h) Off-premise directional signs shall not contain an electronic message board or **be lighted in any manner.**

**Item 2: That Chapter 10 is amended by adding the following bold underlined language in Section 10.5 Definitions:**

**AMUSEMENT PARK**

**A permanent area open to the general public including at least three of the following activities: roller coasters, entertainment ridges, games, swimming, concerts, and exhibitions.**

**CULTURAL CENTER**

**Museums, outdoor theaters, or facilities that exhibit antiques or items painted or crafted by local artist.**

**FACILITY TOUR LOCATION**

**A facility such as a factory, institution, or a plant which conducts tours on a regularly scheduled basis.**

**RECREATION AREA**

**Golfing (excluding miniature golf, driving ranges, chip and putt areas, and indoor golf), horseback riding, surfing, bicycling, boating, fishing, picnicking, hiking or rafting and where either the attraction or within 10 miles, all necessary equipment can be rented.**

**NATURAL PHENOMENON**

**A naturally occurring area which is of interest to the general public, such as natural habitat areas.**

**ZOOLOGICAL/BOTANICAL PARK OR FARM**

**Facility in which living animals or plants are kept and exhibited to the public.**

**AGRICULTURAL FACILITY**

**Facility that provides tours, on-site samples of agricultural products, or produce stands.**

**Item 3: Statement of Consistency and Reasonableness:**

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It promotes tourist oriented business on the mainland.

The request is reasonable and in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO because it reduces the size of allowable off-premise directional signs.

**Item 4:**The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 5:**This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

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

PLANNING BOARD DATE: June 12, 2008  
PLANNING BOARD RECOMMENDATION: Approval  
VOTE 4 AYES 1 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 7/3/18 & 7/10/18  
BOARD OF COMMISSIONERS PUBLIC HEARING: 7/16/18  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: 18-15 Eagle Creek OP Signs TA BOC (PB 18-15 Eagle Creek Golf Course and Grill)



## SAMPLE MOTION WORKSHEET LEGISLATIVE HEARING

### SUGGESTED MOTION FOR DENIAL

I move to **deny** **PB 18-15** because the request is not consistent with the Land Use Plan because:

- LUP POLICY CA4: SIGN POLICIES AND STANDARDS should be established and periodically updated to enhance community appearance and create a quality business image. Such standards may be tailored to achieve different development characters for different parts of the county.
- LUP POLICY CA5: Currituck recognizes that attractive, less commercialized landscape particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional BILLBOARDS AND OFF-SITE ADVERTISING SIGNS shall not be permitted in Currituck County.

And the request is not reasonable and not in the public interest because:

- It is inconsistent with the purpose and intent of Section 5.12 of the UDO.
- It does not result in a logical efficient development pattern because it commercializes the landscape along heavily traveled roadways and provides an off-site advertising sign instead of directing traffic.

### SUGGESTED MOTION FOR APPROVAL

I move to **approve** **PB 18-15** because the request is consistent with the Land Use Plan because:

- It promotes tourist oriented businesses on the mainland.
- Small business start-ups, expansions, and spin-offs shall be recognized. (LUP POLICY ED4)

And the request is reasonable and in the public interest because:

- It will direct traffic to tourist oriented business locations not fronting a major arterial street and it lessens the size of allowed off-premise directional signs.

*The Board must include conditions of approval, if any, in the motion.*