

Filed in Alleghany County, NC
On Sept 21, 2010 at 09:04:39 am
Lizabeth R. Roupe
Register of Deeds
Ordinance Book 1 Page 464-496

FILED
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FILED Sept 21, 2010
AT 09:04:39 am
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ALLEGHANY COUNTY

NORTH CAROLINA

**Ordinance To Amend The Alleghany County
Property Rights Protection Ordinance-Version 3**

Section 1. Authority

The Alleghany County Board of Commissioners enacts this Ordinance pursuant to its planning and regulation of development powers, as set forth in and authorized by Article 18 of Chapter 153A of the North Carolina General Statutes.

Section 2. Purpose

The purpose of this Ordinance is to make three text amendments to the Alleghany County Property Rights Protection Ordinance by (1) adding an exempt use for temporary agri-business under Article 5, Section 5.3 – Exempt Uses; (2) adding On-Premises Sign Regulations as a new section of the Attachment A – Development Standards; and (3) to change the lighting standards as described in Attachment A – Development Standards, Section 5.

Section 3. Additional Exempt Use

This Ordinance adds the following language to Article 5, Section 5.3- Exempted Uses:

(8) Any type of temporary agri-business that is set up and used for a temporary amount of time of less than six months in any given year. No permanent structures will be constructed over 200 square feet for the business.

Section 4. Additional Development Standards – On-Premises Sign Regulations

This Ordinance adds the following language to Attachment A – Development Standards-Section 9. as follows:

Section 9. On-Premises Sign Regulations

(A) Free-Standing Signs-

- (1) *Size-* The maximum size for each sign is determined by the following chart.
- (2) *Height-* The maximum height for each sign is determined by the following chart and shall be measured from road level.

Chart 1

Distance From Road NCDOT Right of Way to	Max Sign Size	Max Sign Height
50'	40 sq. ft.	20 ft.
51 ft to 100 ft	100 sq. ft.	25 ft
101 ft to 150 ft	150 sq. ft.	30 ft
151 ft and greater	200 sq. ft.	40 ft

- (3) *Number of Signs-* A maximum of one free-standing sign with two faces per property for each street frontage is permitted.
- (4) *Setbacks-* When signs, because of their placement, obstruct the view of motorists entering or exiting roads or highways, those signs shall be elevated or be set back 30 feet from the edge of the traveled way and sight triangles. The individual is responsible for meeting the NCDOT setbacks for highway right-of-way also.
- (5) *Sign Lighting-* All sign lighting shall be placed so that the beam shall shine directly onto the sign and not across any property lines, or roads to affect motorists.

(B) Attached Signs

- (1) *Size-* The maximum size for each sign is determined by Chart 1, shown above.
- (2) *Height-* The maximum height for each attached sign is determined by Chart 1, shown above.
- (3) *Number of Signs-* A maximum of one sign per tenant in each building per road side, as long as all signs together don't go over the maximum sign size for the building per Chart 1

(C) Variances

Where strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this regulation. Any variance thus authorized is required to be entered in writing in the minutes of the meeting of the Planning Board and the reasoning which the departure was justified set forth.

(D) Effective Date

This provision shall apply only to Conditional Use Permit applications after the effective date of this amendment.

Section 5. Regulation Removal – Lighting Standards

This Ordinance removes the following regulation from Attachment A – Development Standards – 5. **Lighting Standards** – Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

Section 6. Regulation Addition – Lighting Standards

This Ordinance adds the following regulation to Attachment A – Development Standards – 5 Lighting Standards:

5. Commercial Lighting Standards

(A) All lighting outside of a building shall be used so that it does not shine onto or across any adjacent property lines, roadway, or pollute the natural sky.

(B) Wall-packs and floodlights shall be either full cutoff design or have shields such that they do not put any light above the horizon and will be mounted to not shine on roadways and neighboring properties. Use of floodlights is discouraged.

(C) Typical pole-mounted “dusk-to-dawn” security lights shall use reflecting “sky caps” instead of clear plastic refractors.

(D) Building façade lighting shall not shine above the facades

(E) All lighting and wiring shall comply with the National Electrical Code.

(F) For buildings required by the NC Building Code to have plans prepared by a design professional, the lighting levels shall be determined as defined by the Recommended Practices of the Illuminating Engineering Society of North America, or other recognized lighting publication. All other buildings shall comply with the requirement by virtue of compliance with 1 through 5 of this section.

(G) This provision shall apply only to Conditional Use Permit applications after the effective date of this amendment.

Section 7. Effective Date

The effective date of this Ordinance shall be the date of its adoption by the Board of Commissioners.

Adopted this 20th day of September 2010.

ATTEST:

ALLEGHANY COUNTY BOARD OF
COMMISSIONERS:

(sig: Karen Evans)
Karen Evans
Clerk to the Board

(sig: Ken Richardson)
Ken Richardson, Chair

(sig: Randy Miller)
Randy Miller, Vice-Chair

(County Seal)

(sig: Doug Murphy)
Doug Murphy, Member

(sig: Milly Richardson)
Milly Richardson, Member

(sig: Steve Roten)
Steve Roten, Member