

Alleghany County, NC
Lizabeth Reeves Roupe
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ALLEGHANY COUNTY
LIZABETH REEVES ROUPE
REGISTER OF DEEDS

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ALLEGHANY COUNTY

NORTH CAROLINA

**AN ORDINANCE ESTABLISHING A MORATORIUM ON OFF-SITE SIGNS
PURSUANT TO NC GEN. STAT. § 153A-340(h) and NC GEN. STAT. § 153A-121**

WHEREAS, the Alleghany County Board of Commissioners has, pursuant to the police powers of NCGS §153A-121, the authority to define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or the general welfare of its citizens within the unincorporated areas of Alleghany County; and,

WHEREAS, the Alleghany County Board of Commissioners has, pursuant to NCGS §153A-340(h), the authority to adopt temporary moratoria on any county development approval required by law; and

WHEREAS, the scenic and unspoiled areas of Alleghany County have become critical to the county's economic growth, tourism, jobs and development; and

WHEREAS, the construction and placement of certain types of off-site signs in the county create visual appearances that threaten to destroy the scenic and unspoiled aesthetic features of the county and the quality of life for residents and visitors, and regulation of off-site sign construction and placement is necessary to insure the safety of the local and visiting motorist on the roads in the county by reducing the distracting influence of uncontrolled signs throughout the county; and

WHEREAS, the Alleghany County Board of Commissioners finds that waiting for the Planning Board to make recommendations as to either a stand-alone sign ordinance or an amendment to the existing Property Rights Protection Ordinance to address the safety concerns in lieu of passing a moratorium, is an inadequate course of action because the Planning Board needs sufficient time to discuss and research possible ways of regulating off-site signs to balance the needs of local businesses to identify their products and services while safeguarding travel on the roads of the county. During the period of study, off-site signs could be constructed which would inflict irreparable harm to the unspoiled aesthetic features of the county; and

WHEREAS, the Alleghany County Board of Commissioners may enact this moratorium pursuant to N.C.G.S. § 153A-340(h) for a reasonable duration of sixty (60) days in order to preserve the status quo while appropriate County controls and regulations are considered and acted upon and sixty (60) days is a reasonable time to study and adopt new ordinances; and

WHEREAS, a public hearing notice was published in the Alleghany News on December 6, 2007, and December 13, 2007.

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of Alleghany County hereby imposes a moratorium on the construction and placement of off-site signs for a period of sixty (60) days following this moratorium's adoption. Off-site signs shall be defined, for purposes of this moratorium, as "Any sign, or any part thereof, erected and maintained by a business or service upon which advertising matter, public services information or other matter may be displayed and which advertises firms and organizations that, along with their goods and/or services, are not located on the same premises as the sign, and which includes surfaces that are sold, rented, owned or leased for the purposes of advertising or providing information. A billboard/outdoor advertising sign shall be considered an off-site sign."

This moratorium specifically does not cover temporary signs. Temporary signs, for purposes of this moratorium, shall be defined as "Any off-site sign, or any part thereof, erected and maintained by a business or service upon which advertising matter, public services information or other may be displayed and which is placed for a period of sixty (60) days or less. Temporary signs include, but are not limited to, yard sale signs, real estate sales or rental signs, political signs, holiday signs, and warning signs posted by utility or construction company. Billboards shall not be considered temporary signs even if placed for a period of sixty (60) days or less."

This moratorium will prevent further construction and placement of off-site signs which could distract local and visiting motorists as well as prevent the irreparable harm to the aesthetic features of the county pending the adoption of appropriate county controls and restrictions.

A sixty (60) day period is necessary to allow the Alleghany County Planning Board to research the relevant laws, evaluate what controls are necessary, and balance the needs of local businesses with the needs of motorists and citizens.

BE IT FURTHER ORDAINED that during the sixty (60) day period of this moratorium, the Alleghany County Board of Commissioners directs the Alleghany County Planning Board to determine what controls are reasonably necessary including, but not limited to, location, size, height, setbacks, lighting, view sheds, neighboring properties, and existing land uses, permits, and construction. Further, the Planning Board shall make recommendations to the Alleghany County Board of Commissioners in sufficient time that the Board of Commissioners can comply with applicable notice and public hearing requirements for passing either a stand-alone sign ordinance or an amendment to the Property Rights Protection Ordinance.

This ordinance becomes effective upon its adoption on this the 17th day of December 2007.

ATTEST:

ALLEGHANY BOARD OF
COMMISSIONERS:

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

(sig: Ken Richardson)
Ken Richardson, Chair

(sig: Warren Taylor)
Warren Taylor, Vice-Chair

(County Seal)

(sig: Randy Miller)
Randy Miller, Member

(sig: Doug Murphy)
Doug Murphy, Member

(sig: Milly Richardson)
Milly Richardson, Member