

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

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START PAGE 1333  
END PAGE 1348  
INSTRUMENT # 00455

**ALLEGHANY COUNTY  
NORTH CAROLINA**

*Findings and Declaration of Policy Concerning Off-Site Signs*

- WHEREAS,** roadways allow for the safe and efficient movement of people, goods, and services and serve as the primary means of presenting the character of Alleghany County to travelers; and
- WHEREAS,** outdoor advertising can be considered a legitimate commercial activity adjacent to other commercial activities along roadways; and
- WHEREAS,** off-site outdoor advertising signs serve a different function than on-site signs and should be regulated accordingly; and
- WHEREAS,** the Alleghany County Planning Board has recognized the need to regulate the proliferation of off-site outdoor advertising signs as to their location, spacing, size, density, and other considerations, and after careful study and consideration and holding a public hearing thereon, has developed this ordinance to accomplish these objectives; and
- WHEREAS,** the Alleghany County Board of Commissioners declares that control of outdoor advertising signs is necessary to promote the reasonable and orderly display of such signs along roadways in order to maintain roadside views, to enhance the attractiveness of the area for residents and tourists, to protect property values, to protect the public investment, to minimize distraction of operators of motor vehicles, and to promote the overall economic welfare of Alleghany County; and
- WHEREAS,** the Outdoor Advertising Control Act (NCGS 136-126. et. seq.) does not adequately achieve these purposes; and
- WHEREAS,** Alleghany County, pursuant to NCGS 153A-340, has the authority to adopt zoning and development ordinances for the purpose of promoting health, safety, morals, or the general welfare; and
- WHEREAS,** Alleghany County intends to enact outdoor advertising sign regulations which are more restrictive and comprehensive than those now in effect and administered by the North Carolina Department of Transportation; therefore,
- BE IT RESOLVED,** that the Alleghany County Board of Commissioners hereby adopts the following Ordinance:

**Off-Site Sign Control Ordinance  
Alleghany County, North Carolina**

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**OFF-SITE SIGN CONTROL ORDINANCE  
ALLEGHANY COUNTY, NORTH CAROLINA**

**ARTICLE I  
TITLE**

This ordinance shall be known and may be cited as the “Off-Site Sign Control Ordinance of Alleghany County, North Carolina”.

**ARTICLE II  
AUTHORITY**

This ordinance is established by the Alleghany County Board of Commissioners Pursuant to authority conferred in Chapter NCGS 153A-340 of the North Carolina General Statutes.

The Board of Commissioners hereby ordains and enacts into law the following articles and sections.

**ARTICLE III  
JURISDICTION**

The provisions of this ordinance shall apply to all unincorporated areas of Alleghany County, lying outside of the corporate limits or extraterritorial jurisdiction of any incorporated town. Municipalities within Alleghany County may elect to allow this ordinance to be effective within their corporate limits and extraterritorial jurisdiction.

**ARTICLE IV  
PURPOSES**

The purpose of these sign regulations is to guide and regulate the construction and placement of off-site signs in Alleghany County. It is the intent of this ordinance to improve safety for local and visiting motorists and pedestrians in Alleghany County by reducing the distracting influence of uncontrolled off-site signs; to minimize the possible adverse effect of off-site signs on nearby public and private property; to protect the quality of life of the county’s residents and visitors; to preserve and maintain the scenic and aesthetic environment of the county; and to enable the fair and consistent enforcement of these sign regulations.

## **ARTICLE V APPLICABILITY**

An off-site sign as herein defined may be erected, placed, established, painted, created or maintained in the jurisdiction of this ordinance only in conformance with the standards, procedures, exemptions and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein is to:

- Establish a permit system to regulate the time, place and manner of the commercial use of certain types of off-site signs subject to the standards and the permit procedures of this ordinance; and
- Exempt from these regulations all on-site signs as herein defined; and
- Prohibit all off-site signs not expressly permitted by this ordinance; and
- Provide for the enforcement of the provisions of this ordinance.

## **ARTICLE VI SIGN REGULATIONS**

### Section 1. Sign Regulations

Except as specifically exempted, prohibited or regulated but not requiring a permit in this section, all off-site signs or components constructed, reconstructed, placed, relocated or maintained shall require a permit in accordance with the provisions of this ordinance. All off-site advertising signs permitted by this ordinance shall be constructed and erected in accordance with the North Carolina State Building Codes, as amended.

### Section 2. Signs Exempted

The following off-site signs are exempted from this ordinance:

1. Governmental signs.
2. Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.
3. Warning signs posted by utility or construction companies.
4. Commemorative tablets, markers or monuments constructed by or with the permission of the Alleghany County Board of Commissioners.
5. Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended solely for a display of signs.
6. Signs required by law, statute or ordinance.
7. Decorations or displays of a temporary nature that are associated with any national, local or religious holiday or celebration.
8. Political signs.
9. Temporary Directional signs not to exceed an area of 4 square feet
10. Yard sale signs.
11. Any sign with a surface area of 32 square feet or less.

### Section 3. Temporary Off –Site Signs Regulated But Not Requiring a Permit

The following off-site signs are regulated under this ordinance but do not require a permit.

1. Off-site directional signs as herein defined shall not exceed a maximum of 16 square feet in area per directional flow of traffic and eight (8) feet in height. Not more than two (2) directional signs shall contain directions or reference the same activity or business. Off-site directional signs shall be non-illuminated and located outside of any sight distance triangle.
2. Temporary signs not exceeding a maximum of 16 square feet in area.

### Section 4. Signs Prohibited

The following off-site signs and off-site sign features or components are prohibited:

1. Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.
2. Animated signs and signs with direct illumination or signs with indirect illumination which direct or allow a lighting source to direct light on any residential dwelling or at any portion of a roadway with an intensity which may impair a driver's vision.
3. Any non-governmental sign resembling a public safety warning or traffic signal.
4. Signs, whether temporary or permanent, within any road or highway right-of-way, with the exception of governmental signs.
5. Signs constructed or maintained upon trees and utility poles or painted or drawn upon rock formations or other natural features.
6. Signs containing words or graphics that are obscene, as defined in Chapter 15 of the North Carolina General Statutes.
7. Off-site advertising signs along federal or state scenic byways, and local scenic byways designated by the Board of Commissioners.
8. Portable off-site signs.
9. Off-site roof signs and attached signs.
10. Off-site signs along unpaved State and private roads
11. Off-site signs within a recorded residential subdivision

### Section 5. Off-Site Advertising Sign Regulations

The following regulations shall be applicable to all off-site advertising signs as herein defined. Any sign not specifically allowed is prohibited.

#### Area of Signs

The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) which encompasses all lettering, wording, design or symbols, together with any background difference on which the sign is located, if such background is designed as an integral part of and related to the sign. Any additions or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

## 1. Size

No off-site advertising sign permitted by this ordinance shall exceed the following maximum sign area:

- a. A maximum of 240 square feet per directional flow of traffic on roads with four or more lanes.
- b. A maximum of 128 square feet per directional flow of traffic on roads with fewer than four or more lanes.

A maximum of two faces per sign structure is allowed, positional either back to back or v-shaped, such that only one face is allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than one face per directional flow of traffic.

## 2. Height

### Height of Signs

Sign height shall be measured from the elevation of the road surface of the nearest roadway to the highest point on the sign. Measurements shall be taken from the nearest edge of the traveled way, perpendicular from the location of the proposed sign.

No off-site advertising sign permitted by this ordinance shall exceed the following maximum sign height.

- a. A maximum height of 30 feet for signs 240 square feet in area.
- b. A maximum height of 16 feet for signs less than 240 square feet in area.

## 3. Spacing

The minimum spacing between off-site advertising signs as measured along the same side of the nearest edge of the adjacent roadway shall be one quarter mile (1320 linear feet).

### Other Spacing Required

A minimum spacing of 250 feet is required between an off-site advertising sign and the nearest point of any property that is occupied by a church, place of worship, school building or playgrounds that are located within 600 feet of the public right-of-way where said sign is proposed to be located.

## 4. Setbacks

Off-site advertising signs shall meet the following setback requirements:

- a. The minimum setback shall be 20 feet from the right-of-way of any adjacent road but shall be no closer than 50 feet from the edge of the traveled way of any road and outside of all sight visibility triangles.

- b. All off-site signs larger than 20 feet in width shall be set back a distance equal to or greater than that width.
- c. All off-site advertising signs shall be located at least 30 feet from any abutting property lines.

5. Extensions

No off-site advertising sign shall have any extensions, additions or copy that cause the sign to exceed the maximum permitted size, height, or setback.

6. Illumination

Off-site advertising signs may be indirectly illuminated or non-illuminated. No off-site advertising sign shall contain any animated features as herein defined or any form of direct illumination.

Illumination of Signs Defined

- **Directly illuminated sign** – A sign designed to emit artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.
- **Indirectly illuminated sign** – A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. If such shielding is inoperative, such sign shall be deemed to be a directly illuminated sign.
- **Non-illuminated sign** – A non-illuminated sign contains neither direct nor indirect illumination.

**ARTICLE VII  
SIGN MAINTENANCE AND TREE CUTTING**

Section 1. Maintenance

All signs and their structures shall be maintained in good repair and safe condition and shall conform to the standards in this section. Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition. Any sign violating these requirements shall be repaired or removed as required.

1. No sign shall be allowed to have more than 20% of its total surface area covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions for more than 30 consecutive days.
2. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular more than 30 consecutive days.
3. No sign shall be allowed to have weeds, vines or other vegetation growing on more than 20% of the sign face for more than 30 consecutive days.
4. No illuminated sign shall be allowed to stand with only partial illumination for more than 30 consecutive days.
5. If a conforming sign is damaged such that more than 50% of the sign's value as herein defined is lost, as determined by the Alleghany County Inspection Department, said sign shall be required to be brought into conformance with this ordinance within 60 days. The 60 day period shall begin upon the receipt of the Alleghany County Planning Department's notification delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice and shall not be effective until received.

#### Value of Signs Defined

The value of an existing sign shall be the value for tax purposes of any sign so listed. If the tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to the original cost submitted by the sign owner, the Alleghany County Planning Department shall estimate the original cost based upon the best information reasonably available.

#### Section 2. Unlawful Cutting of Trees and Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim or remove any trees, shrubs, or other vegetation located within any publicly owned road or highway right-of-way, except where a legal permit has been obtained from the North Carolina Department of Transportation.

### **ARTICLE VIII PERMITS, FEES AND NONCONFORMING SIGNS**

#### Section 1. Permits

All signs, except as otherwise provided in Sections 2, 3 and 4 of Article VI of this ordinance shall require a sign permit prior to being constructed, moved, altered, placed or repaired. The Alleghany County Planning Department shall issue sign permits. No sign requiring a building permit shall be issued such permit until a valid sign permit has been issued in accordance with this section. If a sign permit is denied, the decision may be appealed to the Alleghany County Planning Board within 30 days of the decision. All appeals shall be submitted in writing to the Alleghany County Planning Department.



## Section 2. Permit Application

No permit shall be issued until an application for each separate sign is completed, submitted and approved by the Alleghany County Planning Department. The initial permit shall be valid until revoked by the Alleghany County Planning Department.

## Section 3. Permit and Permit Emblem

A permit, along with a permit emblem, shall be issued upon proper application and approval. New sign construction shall not commence until a permit and emblem are issued. The sign must be completely constructed and erected, with the permit emblem affixed within 180 days from the date of the permit issuance. During the 180-day period, newly permitted signs shall be considered to be in existence for the purpose of spacing requirements for signs. The permit emblem shall be placed on sign structures in such a position as to be visible from the nearest adjacent road.

## Section 4. Plans, Specifications and Data Required for Permit

The application shall be accompanied by complete information as required on forms provided by the Alleghany County Planning Department. Said application shall include, without being limited to a site plan and elevation drawings of the proposed sign indicating the proposed location, setbacks, height, illumination, dimensions and square footage of the proposed sign and any other data as the Alleghany County Planning Department may determine is necessary for review of the application. The Alleghany County Planning Department shall not issue a sign permit unless the plans, specifications and intended use of such a sign conform in all respects to the applicable provisions of this ordinance.

## Section 5. Permit Fees

Initial fees are required to be paid for permitting the construction of all new signs. Existing signs are exempt from the initial permit fee. A fee schedule shall be determined by the Alleghany County Board of Commissioners and posted in the Alleghany County Planning Department.

## Section 6. Permit Transfers

Valid sign permits may be transferred to new sign owners, provided the Alleghany County Planning Department is given notice of the transfer of ownership within 30 days of the actual transfer.

## Section 7. Permit Revocations

Valid sign permits for new signs may be revoked for any one of the following reasons:

1. Misrepresenting material facts by the applicant on the permit.
2. Failing to construct the sign and affix the permanent emblem within 180 days from the permit issue date.
3. Altering, enlarging or relocating a permitted sign or a nonconforming sign, except in conformance with the requirements of this ordinance.
4. Allowing a sign to remain blank for a period of 180 consecutive days or reaching a state of dilapidation or disrepair as determined by the Allegheny County Planning Department.
5. Any violation of Article VIII, Section 8.

#### Section 8. Nonconforming Signs

All nonconforming signs legally in existence prior to the effective date of this ordinance are permitted to continue, provided that no such sign shall be:

1. Changed, altered or expanded in any way which increases the sign's nonconformity; or replaced by another nonconforming sign, except that copy may be changed on an existing sign;
2. Relocated, except in conformance with the requirements of this ordinance;
3. Reestablished after it has been removed or abandoned for 180 days or more;
4. If a nonconforming sign is damaged or destroyed such that the damage to the sign exceeds 50% of the sign's value as herein defined, the sign may be reconstructed at the same location to the same size, height, setbacks, lighting and orientation of the damaged sign before the damage or destruction occurred, provided the sign shall not be reconstructed in any way which increases the sign's nonconformity. The Allegheny County Planning Department shall determine the extent of damage to the sign.

#### Section 9. Notice Given for Refusing to Issue Permit

The Allegheny County Planning Department shall refuse to issue a permit for a proposed sign that will not conform to this ordinance and shall notify the owner of the proposed sign by first class mail as to why the proposed sign does not comply.

#### Section 10. Reconstruction of Damaged Signs

Any conforming sign that has been damaged may be repaired and used as before, provided all repairs are initiated within 30 working days and completed within 60 working days of receipt of notification of such damage. However, if the sign should be declared unsafe by the Allegheny County Planning Department, the owner of the sign, or the owner of record of the real property whereon the sign is located shall immediately correct all unsafe conditions to the satisfaction of the Allegheny County Planning Department.

**ARTICLE IX**  
**ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES**

Section 1. Administration

The Alleghany County Board of Commissioners shall appoint the Alleghany County Planning Department and the Alleghany County Inspection Department to administer and enforce this ordinance and said Departments shall have the following authority:

1. The Alleghany Planning Department shall have the authority to issue a Violation Notice. A Violation Notice shall be delivered by certified mail, return receipt requested or by such other method as allowed by law, to the owner of the sign in violation of the ordinance. Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the section of the ordinance violated, specify in detail what action must be taken to correct the violation, and specify a reasonable time limit of up to 30 working days within the violation must be corrected.
2. The Alleghany Planning Department shall have the authority to issue a Compliance Order for any sign not corrected within the time allotted under the Violation Notice or for a prohibited sign as established by this ordinance. A Compliance Order shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for Violation Notice and shall not be effective until received. The Compliance Order recipient shall be allowed 30 calendar days to correct the violation or to remove the subject sign at his expense. The Compliance Order shall identify the sign and refer to the section of the ordinance violated.
3. The Alleghany Inspection Department shall have the authority to issue an Unsafe Sign Notice. Should any sign become imminently unstable or in danger of falling or otherwise unsafe, an Unsafe Sign Notice shall be delivered to the sign owner or to the owner of record of real property whereon the sign is located in the same manner as set out for a Violation Notice, except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the Alleghany County Inspection Department in conformance with the provisions of this ordinance. If the condition prompting the notice is not corrected within 24 hours after receipt of the notice, the Alleghany County Inspection Department shall have the authority to remove the sign at the receipt's expense.

Section 2. Appeals

Violation Notices, Compliance Orders and other decisions issued by the Allegheny County Planning Department may be appealed to the Allegheny County Planning Board. Appeals shall be made in writing and submitted to the Allegheny County Planning Department within 30 working day of receipt of notice. Pending appeal, the time set out in the notice or order shall be suspended. If the Planning Board finds that the action of the Allegheny County Planning Department has been taken for good cause and in accordance with this ordinance, it shall so declare and the time period for compliance shall run from the issuance of that board's findings. If the Planning Board sustains the appeal of the petitioner, the Allegheny County Planning Department will take no further action. An appeal of the Planning Board's decision may be made to the Allegheny County Board of Commissioners, provided said appeal is made in writing to and received by the Board of Commissioners within 30 days of the Planning Board's decision. Pending appeal, the time limits set out in the notice or order shall be suspended. If the Board of Commissioners finds that the action of the Allegheny County Planning Department has been taken for good cause and in accordance with this ordinance, it shall so declare and the time period for compliance shall run from the issuance of that board's findings. If the Board of Commissioners sustains the appeal of the petitioner, the Allegheny County Planning Department will take no further action. Appeal of the Board of Commissioner's decision may be made to the court of record, provided such appeal is made within 30 days of the decision of the Board of Commissioners.

### Section 3. Violations and Penalties

After due notice and order as provided above for any violation of the terms of this ordinance, Allegheny County may issue a citation imposing a civil penalty of not more than one hundred dollars (\$100) on the owner of the sign in question or on the owner of record of the real property whereon the sign is located whenever the owner of the sign cannot be located and notified of said citation. In the case of continuing violation, each 24 hour period in which the violation exists shall constitute a separate violation. In addition to the above described penalty, Allegheny County may enforce this ordinance by any one or more of remedies authorized by Chapter 153A-123 of the General Statutes, with the exception of 153A-123(b).

## **ARTICLE X DEFINITIONS AND INTERPRETATION**

For the purpose of this ordinance, the following words and terms used herein are defined as follows:

**Abandoned sign** – A sign which has not been utilized for a period of 180 days or more, or a sign the contents of which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity; or a sign the contents of which pertains to a place, time, event or purpose which no longer exists, applies or which has occurred.

**Animated sign** – Any sign that uses or incorporates flashing, blinking or strobe lighting; sound; moving parts or components that provide the sign motion or give the illusion of motion or movement.

**Attached sign** – An attached sign is any off-site sign that is attached, painted or otherwise affixed to a wall, pillar or other supporting part of a structure.

**Copy** – The characters, letters or illustrations display on a sign face.

**Exempt sign** – Any sign which is specifically listed as exempt from this ordinance. Exempt signs are not regulated by the terms of this ordinance and shall not require a permit.

**Freestanding sign** – A freestanding sign is any sign that is supported from the ground and not attached to a building or structure.

**Governmental signs** – signs which are owned or authorized by a local, state or federal government agency or authority and include but are not limited to traffic warning or regulatory sign or signals, building identification, directional, informational and welcome signs.

**Illegal sign** – Any sign erected or maintained in violation of a preceding ordinance or erected, altered, moved, repaired, maintained or replaced in violation of this ordinance

**Intersection** – An intersection is the point at which two or more public streets or roads meet and/or cross. For the purpose of this ordinance, an intersection shall begin at the nearest edge of the crossing road or from the beginning of an exit ramp and the end of an acceleration ramp, whichever distance is greater.

**Nonconforming sign** – Any sign legally in existence prior to the adoption and effective date of this ordinance, or any applicable amendment thereto, which does not conform to the provisions of this ordinance, as amended. An illegal sign is not a nonconforming sign.

**Off-site sign** – Any sign erected and maintained by a business or service upon which advertising matter, public service 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 site as the sign, and which surfaces are sold, rented, owned or leased for the purpose of advertising or providing information. A billboard/outdoor advertising sign shall be considered an off-site sign.

**Off-site directional sign** – An off-site directional sign is any off-site sign indicating the location of or directions to a business, office or other activity. The sign may provide the name of the business or activity, and directions or symbols indicating directions. If a sign exceeds the maximum permitted area, it shall be construed and regulated as an off-site advertising sign.

**On-site sign** – Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, product, operation, service or activity sold or offered for sale, or to other information offered on the site where the sign is located.

**Portable sign** – A sign with a permanent frame and a display area for changeable copy designed or intended to be relocated and not permanently affixed to the ground or structure. This shall include signs on wheels, trailers or any other device that is designed for movement from one location to another.

**Site** – Site shall mean a single tract of real property that is not divided by a street or right-of-way.

**Prohibited sign** – A prohibited sign is any sign or element of a sign that is specifically listed as prohibited in Article VI, Section 4.

**Real estate sign** – a real estate sign is a sign advertising the sale, lease or rental of an interest in property.

**Roof sign** – A roof sign is an off-site sign attached, painted or otherwise affixed to the roof of a building or structure.

**Setback** – A setback is measured as the shortest horizontal distance between a property line, right-of-way line or the edge of the pavement or traveled surface and the closest point of a sign.

**Sight distance triangle** – The land area adjoining a road intersection that is kept clear of obstructions between three and seven feet above ground to ensure the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle created by the intersecting lines of two roads, extending a minimum of 75 feet each way from the intersecting lines of the two roads. The sight distance area shall also extend 75 feet from each end of any bridge greater than 20 feet in length

**Sign** – Any display of letters, words, numbers, figures, devices, emblems, pictures, logos or any other means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to, or as a part of a structure, surface or any other object whether natural or man made. The term “sign” shall include sign structure.

**Temporary sign** – Any off-site sign, or 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 in one calendar year. Temporary signs include, but are not limited to, yard sale signs, real estate signs, political signs, holiday signs, warning signs posted by utility or construction companies. Billboards shall not be considered temporary signs even if placed for a period of sixty (60) days or less.

**Yard sale sign** – A temporary sign which advertises the location, date and time of an individual or civic yard or garage sale at a residence, place of worship or civic facility. Yard sale signs shall not include advertisements or announcements for commercial sales or flea markets.

**ARTICLE XI**  
**LEGAL STATUS PROVISIONS**

Section 1. Conflict With Other Laws

Whenever the regulations of this ordinance conflict with the requirements of another statute, the more restrictive standard shall govern.

Section 2. Variances

The Alleghany County Planning Board is hereby empowered to vary or adapt the strict application of the requirements of this ordinance for sign setbacks and sign height. A variance for sign setbacks and sign height may be appropriate whereby reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situation or conditions existing on a piece of property, the strict application of the regulations enacted under this ordinance would result in peculiar, exceptional and undue hardship on the owner of a sign on such property. The regulations enacted in this ordinance for maximum allowable sign area, sign spacing, total number of sign faces per directional flow of traffic, sign illumination and regulations that protect public safety are not to be considered for a variance and not subject to appeal.

Upon denial of a sign permit by the Alleghany County Planning Department, a property owner or sign contractor may apply to the Planning Board for a variance. No variance in the strict application of the provisions of this ordinance shall be granted by the Planning Board unless it finds that the strict application of the provisions would cause exceptional hardship to the sign owner, and that the hardship shall not be the result of the applicant's own actions. In general, the power to authorize a variance from the terms of this ordinance shall be sparingly exercised. It is the intent of this ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty and prevents the sign owner from obtaining the full use and purpose of the sign as intended by this ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the sign and shall apply only to the provisions for sign setbacks and sign height.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. The Planning Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

Section 3. Separability

Should any court of competent jurisdiction declare any section or provision in this ordinance invalid or unconstitutional, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

Section 4. Effective Date

This ordinance shall take effect and be enforced on and after the date of its adoption by the Alleghany County Board of Commissioners, this 18<sup>th</sup> day of February, 2008.

ATTEST:

ALLEGHANY COUNTY  
BOARD OF COMMISSIONERS:

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

    Voted Against      
Ken Richardson, Chair

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

(County Seal)

    (sig: Randy Miller)      
Randy Miller, Member

    (sig: Doug Murphy)      
Doug Murphy, Member

    (sig: Milly B. Richardson)      
Milly B. Richardson, Member