

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF DUCK, NORTH CAROLINA  
REGARDING THE LOSS OF NON-CONFORMING STATUS OF SIGNS**

Ordinance No. 10-02

WHEREAS, the Town of Duck desires to provide for the appropriate type, placement, size, and maintenance of signs within the Town; to recognize the needs of the business community; to promote the health, safety, welfare, convenience and enjoyment of the public; and to ensure that signs contribute to, rather than detract from, the special character of the community.

WHEREAS the Town desires to achieve the following:

- (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Prioritize signs which provide messages and information most needed and sought by the public;
- (3) Reduce hazards that might be caused by signage due to collapse, fire, decay, collision or abandonment;
- (4) Promote renovation and proper maintenance of signs;
- (5) Avoid obstruction of fire, police, or other emergency services;
- (6) Reduce traffic hazards caused by signage that may confuse or distract motorists, or impair a driver's ability to see pedestrians, cyclists, obstacles, or other vehicles, or to read traffic signs.
- (7) Protect property values by minimizing the possible adverse effects and visual blight caused by signs and ensure that signs do not constitute a nuisance to use and occupancy of nearby property by their brightness, size, height or movement;
- (8) Enhance the appearance and economic value of the landscape by providing that signs do not interfere with scenic views, do contribute to the character of the community, and are compatible with the architecture of the principal use on the site;
- (9) Promote economic development and allow businesses to effectively identify themselves and efficiently direct customers and other persons to businesses or services;
- (10) Ensure the fair and consistent enforcement of sign regulations;
- (11) Promote the stated purposes of the Town of Duck Zoning Ordinance, as amended, which are expressly incorporated herein; and,
- (12) Promote the stated purposes of the North Carolina Building Code, as adopted and modified by the Town of Duck, which are expressly incorporated herein.

NOW THEREFORE BE IT ORDAINED by the Town Council of Duck, North Carolina, that Town Code Section 156.130 Signs, of the Zoning Ordinance of the Town of Duck is hereby amended, as follows:

**Part I. § 156.130 SIGNS.**

(F) Administration and permits.

(5) Sign amortization. All signs in existence on July 7, 2004.

Amortization Table

SIGN TYPE	Timeframe for Removal or Compliance
Temporary or portable signs including sandwich boards and A-frame signs	30 days
On-premise free-standing	6 years
Off-premise billboards, outdoor advertising	3 years
Prohibited signs	30 days

(a) Loss of non-conforming status. A non-conforming sign may lose its non-conforming designation if:

1. The sign is relocated or replaced; or

2. The structure of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance but shall include sign re-facing.

(b) Maintenance and repair of non-conforming signs. Non-conforming signs are subject to all requirements of this chapter regarding safety, maintenance and repair. However, if the sign suffers damage or deterioration equal to or in excess of 50 percent of the replacement value of the sign, it must be removed or brought into conformance with this chapter.

(c) Other standards for non-conforming signs.

1. No replacement. Another non-conforming sign shall not replace a non-conforming sign.

2. Repair. Minor repairs and maintenance of non-conforming signs such as repainting the existing graphics, electrical repairs and neon tubing repairs shall be permitted.

3. Alteration, relocation or replacement. Nonconforming signs, which are structurally altered, relocated or replaced, shall comply in all respects with the provisions of this chapter, except as specifically excepted herein.

4. Legally established non-conforming uses. New signs related to legally established non-conforming uses may be erected provided they comply with the sign requirements of the district in which the use is located.

PART II. This ordinance shall be effective upon its adoption.

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Dave Wessel, Mayor

ATTEST:

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Town Clerk

Date adopted: April 7, 2010

Motion to adopt by: Mayor Pro Tempore Kingston

Vote: 4 AYES 0 NAYS