

The Shoreline

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A Shoreline Community, Pine Knoll Shores, N.C.

June 2016

Sign Ordinance Revisions

By Scott Sherrill

Reed v. Gilbert

In response to a recent U.S. Supreme Court case, *Reed v. Gilbert*, the town has been revising its sign ordinance to achieve content neutrality. Content neutrality means that the town's ordinance will no longer have sign guidelines that are determined by the message of the sign. Previously, there were distinctions for real estate signs, political signs, open house signs and yard sale signs. These distinctions would no longer be permissible as they would not survive strict scrutiny, which the courts now require.

As the Sign Ordinance Committee worked through this rewrite, it was guided by a few basic principles: content neutrality, continuing to allow signs that are already allowed, and not creating an unduly burdensome permitting process. The town is also using this opportunity to bring its sign regulations into the zoning chapter, which it is working to transition into a Unified Development Ordinance.

A sign, for the purpose of the ordinance, is "any device the message of which is visible from any street right of way, public beach, or adjacent property within the town, including, but not limited to, placards, billboards, handbills, balloons, flags, banners, or any other things or instrumentalities used for the purpose of conveying a message or idea, or gaining attention."

Our presumption is that we are largely pre-empted by the state for the right of way along Highway 58, so the sign ordinance focuses on town rights of way, municipal property and private property, incorporating distinctions between zoning districts.

The main takeaways for most of our residents will be that temporary signs are allowable in the town's right of way—one per property, not exceeding four square feet, and set back 12 feet from the paved surface of the road, unless that would put the sign in a wooded area, in which case the sign must be two feet from the edge of the wooded area, but in no circumstances may the sign be placed less than six feet from the paved surface of the road. These signs must be oriented parallel to the road. The idea behind these temporary sign allowances is to enable our residents to be able to continue to have a space available for those real estate signs, open house signs and yard sale signs to which they are accustomed, but there is no language in the ordinance that governs or distinguishes the content of these signs. If you are putting on a yard sale and need to put a sign in the right of way in front of a neighbor's house, you will need to secure the neighbor's permission and ensure that he or she is not already using the four-square-foot allocation. Addresses on mailboxes do not count toward the size limit.

In the R-1 through R-4 zoning districts, which mostly encompass single-family residential uses in Pine Knoll Shores, the town previously had a variety of three-square-foot sign allowances for signs with religious or political messages, no trespassing, no parking, etc. The proposed ordinance makes a general allowance for three-square-foot signs, with the total allowance on properties in the R-1 through R-4 zoning district not to exceed nine square feet. Addresses/property identification signs do not count toward



Lessons Learned
From Damaging
Hurricanes

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AGE-FRIENDLY COMMUNITY

A Community Looking for a Developer

By Kathy Werle

Excitement bounced off the walls at town hall on May 5 as a crowd of nearly 40 enthusiastic citizens gathered to ask questions about and share ideas for a possible residential development on the 9.3-acre tract of land at the corner of Salter Path Road and Pine Knoll Boulevard.

For the past year, much of the town's Age-Friendly Advisory Committee focus has been centered on housing that would enable our senior citizens to continue living independently in Pine Knoll Shores as they age.

When the above-mentioned tract went on the market, it occurred to the committee that it would be an ideal location for a community of homes with design features and amenities that would offer an alternative to leaving the island when our homes no longer meet our needs. The parcel of land is across from a beach access, a short stroll to the library and public safety building, near the aquarium and town hall and has access to multiple walking paths.

Through the informal public meeting, the committee had hoped to accomplish three things. We felt it important to keep citizens informed of the committee's work on housing issues facing the elderly, to answer questions and tap into the creative minds of our citizens as they identify the design elements that would be critical in such a community, and to show a potential developer the strong support he would have from both the town and potential residents. We believe we accomplished our mission. It was pointed out that our vision and concept for this senior housing endeavor would provide a unique opportunity for a developer.

A list was drafted to include not only design elements of the homes but also features in the neighborhood that would contribute to the social and physical wellbeing of its residents. A wide range of items were mentioned, ranging from levers replacing door knobs to a community house.

If you were unable to attend the meeting, and would like to see our list or have ideas you'd like to share, please feel free to call Joan Lamson at 646-4267 or attend our next advisory committee meeting on Thursday, June 16, at 2 p.m.

the limit, and neither do flags. In response to community feedback, the proposed size limit on flags has been removed from the ordinance as it proceeds to public hearing.

For the other zoning districts in town, we have also removed content guidelines for signage.

A few final notes: the town's proposed sign ordinance will likely be less stringent than many homeowners' association covenants, which are not governed by the Supreme Court ruling. The public hearing on the ordinance is scheduled for June 8 at 6 p.m., and public comments are welcome. The full ordinance and a more in-depth presentation on the ordinance are available at townofpks.com/BookingRetrieve.aspx?ID=68773.

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