



THE ROANOKE VOYAGES CORRIDOR

REGULATIONS AND STANDARDS amended January 20, 2006

Administered by
The Roanoke Island Commission
on behalf of
The North Carolina Department of Cultural Resources
and in cooperation with
The North Carolina Department of Transportation

FOR INFORMATION, PLEASE CALL OR WRITE:
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THE ROANOKE VOYAGES CORRIDOR

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THE ROANOKE VOYAGES CORRIDOR

REGULATIONS & STANDARDS

PURPOSE

The General Assembly of North Carolina created the Roanoke Island Commission to effect and encourage the restoration, preservation, and enhancement of the appearance and aesthetic quality of the US Highway 64/, US 64 Bypass travel corridors through Roanoke Island for the benefit and enjoyment of local citizens and visitors to the historic, educational, and cultural attractions on the island.

ADMINISTRATION

The responsibilities for and execution of the duties of implementing and carrying out the goals of the North Carolina General Assembly are vested in the Roanoke Island Commission. The Commission is authorized to carry out the powers and duties as delineated in G.S. § 143B, Article 2, Part 27A of the North Carolina General Statutes.

SECTION .0100 - GENERAL DEFINITIONS

This section establishes the rules and regulations for the administration of the Roanoke Island Commission. For purposes of this Section, the following definitions shall apply:

.0101 AGGRIEVED PARTY

Means a property owner or business owner on the Corridor who has been specifically impacted by actions of the RVCC.

.0102 AUTHORITY

Means the powers and duties set forth in G.S. § 143B-131.1 et seq., including those powers and duties established by Chapter 1194, Session Laws of 1981, as amended.

.0103 CERTIFICATE

Means a Roanoke Island Commission Certificate of Appropriateness issued by the Commission for activities regulated pursuant to its authority.

.0104 CLEAR-CUTTING

Means the removal of all trees and shrubs at one time from any twenty-five (25) linear-foot section of any parcel of land parallel to the rights of way of the highway:

- (1) Within the rights of way of the highways; and
- (2) Within fifty (50) feet back from the rights of way of the highways.

.0105 COMMISSION

Means the Roanoke Island Commission.

.0106 COMMITTEE

Means the Roanoke Voyages Corridor Committee, a standing committee of the Roanoke Island Commission, and whose primary purpose is to effect and encourage restoration, preservation, and enhancement of the appearance and aesthetic quality of the US Highway 64/, US 64/ Bypass, travel corridors through Roanoke Island for the benefit and enjoyment of local citizens and visitors to the historic, educational, and cultural attractions on the island.

.0107 CRITICAL ROOT ZONE

Means the area within the canopy coverage of a tree, or that circle around a tree where water drips from its branches.

.0108 DEPARTMENT

Means the North Carolina Department of Transportation.

.0109 DIRECTIONAL AND WAYFINDING SIGNS

Means a sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

.0110 HAZARD TREE

Means a tree weakened by age, storm, fire, disease, or other injury which may be removed, relocated, or altered if its general health, damage, status as a public nuisance, imminent danger of falling, and/or its status as a host for parasitic plants, pests, or diseases endangering other species of trees or plants with infection or infestation thereby causes it to pose a hazard to traffic, persons, or buildings, or threatens to cause disruption of public services.

.0111 HERITAGE TREE

Means a tree which has been designated by the Committee, due to the tree's size, age, or species, as a specimen which should be recognized and preserved as a natural landmark.

.0112 NEW UTILITY INSTALLATION

Means initial utility installations and/or the replacement of existing utility facilities and/or utilities with those of a different type, capacity, size of wire, or design or replacement, including, but not limited to, all privately, publicly, or cooperatively owned lines, facilities, and systems for transmitting or distributing communications, power, electricity, water and sewer service, and other similar commodities on the rights of way of the highways or within fifty (50) feet of the rights of way of the highways.

.0113 OFFICIAL SIGN

Means a sign erected and maintained by public officers of public agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with federal, state, or local law for the purpose of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

.0114 OFF-PREMISE OUTDOOR ADVERTISING SIGN

Means any object, writing, printing, picture, painting, emblem, logo, drawing, sign, flag, banner, or similar device which is affixed, posted, or displayed outdoors, in a district zoned or unzoned, on real property located away from the property or tract of land owned or leased by the owner or lessee of the property and displayed in a manner intended to invite or to draw the attention of, or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment, or amusements which are manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person or for any political party or for the candidacy of any individual for any nomination of office; the term shall include any advertising structure made of a rigid, semi-rigid, or portable material with or without any advertising displayed thereon, whether temporarily or permanently affixed or situated upon real property outdoors, intended to be or used as a background or base or support upon which an advertising may be posted or displayed. Tourist Oriented Directional Signage (TODS) panels or trailblazers, whose purpose is to direct, advertise, or promote off-premise commercial enterprise, shall be considered off-premise signs, rather than official signs or directional signs for purposes of these regulations.

.0115 ON-PREMISE OUTDOOR ADVERTISING SIGN

Means any object, writing, printing, picture, painting, emblem, logo, drawing, sign, flag, banner, or similar device which is affixed, posted, or displayed outdoors, in a district zoned or unzoned, on real property by the owner or lessee of the property in a manner intended to invite or to draw the attention of, or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment, or amusements which are manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person or for

any political party or for the candidacy of any individual for any nomination of office; the term shall include any advertising structure made of a rigid, semi-rigid, or portable material with or without any advertising displayed thereon, whether temporarily or permanently affixed or situated upon real property outdoors, intended to be or used as a background or base or support upon which advertising may be posted or displayed.

.0116 REPLACEMENT TREE

Means a single-trunk tree of a height of no less than eight (8) to ten (10) feet, with a caliper of no less than two (2) inches as measured six (6) inches from the ground, or a multi-stemmed tree with at least a six (6)-inch circumference, to be planted and maintained when specified as a condition of the granting of a Certificate.

.0117 REPLACEMENT UTILITY

Means any replacement of existing utility facilities and/or utilities or any portion thereof with another of the same type, capacity, size of wire, and design at the same location, including, but not limited to, all privately, publicly, or cooperatively owned lines, facilities, and systems for transmitting communications, power, electricity, water and sewer service, and other similar commodities on the rights of way of the highways or within fifty (50) feet of the rights of way of the highways.

.0118 RIGHTS OF WAY OF THE HIGHWAYS

Means the property within legally defined boundaries whose title is held by the Department and which is designated or intended for highway use by the Department.

.0119 ROANOKE VOYAGES CORRIDOR

Means US Highway 64/ located between the William B. Umstead Bridge across Croatan Sound and the Washington Baum Bridge across Roanoke Sound, the US 64/ Bypass from the Virginia Dare Memorial Bridge to the intersection of NC 345. The Roanoke Voyages Corridor shall also include:

1. All property in a district zoned or unzoned within the rights of way for the purposes of regulating signs, cutting of trees and shrubs, landscaping, installation of driveways and curb cuts, and installing and maintaining utilities; and
2. All property in a district zoned or unzoned within fifty (50) feet back from and parallel to the rights of way for the purposes of regulating on-premise outdoor signs, cutting of trees and shrubs, and installing and maintaining utilities; and
3. All property in a district zoned or unzoned within six hundred and sixty (660) feet back from and parallel to the rights of way for the purpose of regulating off-premise outdoor signs.

.0120 RULES

Means the rules and regulations of the Roanoke Island Commission.

.0121 SHRUB

Means a woody perennial plant having multiple main stems (occasionally having a single main stem or trunk) which usually branch up from near ground level, and which attain a normal mature height of three (3) to twelve (12) feet.

.0122 STANDARDS OF APPROPRIATENESS

Means the detailed performance standards and specifications set out in Section .0200.

.0123 TREE

Means a woody, perennial plant having a single erect main stem or trunk at least three (3) inches in diameter at four and a half (4 ½) feet from ground level and having a height of at least twelve (12) feet from ground level, or a woody, perennial plant having multiple stems or trunks with a height of ten (10) feet from ground level.

.0124 UTILITIES

Means utility facilities and/or utilities including, but not limited to, all privately, publicly, or cooperatively owned lines, facilities, and systems for transmitting or distributing communications, power, electricity, water and sewer service, and other similar commodities, unconnected to highway drainage and which directly or indirectly serve the public or any part thereof.

.0124 WORKING DAY

Means any one 24-hour period from midnight to midnight on Monday through Friday exclusive of recognized national and state holidays.

SECTION .0200 - CERTIFICATE OF APPROPRIATENESS

1. No person, firm, or corporation, or other business entity shall initiate, implement, or continue any activity regulated by these Regulations and Standards without a valid Certificate of Appropriateness issued by the Commission. The Commission, in issuing or denying a Certificate to any person, firm, or corporation, shall determine whether the application is consistent with the restoration, preservation and enhancement of the appearance and aesthetic quality of all areas zoned or unzoned within the Corridor, based upon reasonable standards of appropriateness and as defined by Section .0100 as they affect the following:
 - a) Outdoor advertising; and
 - b) Landscaping and conservation; and
 - c) Driveways and curbcuts; and
 - d) Utilities.
2. Provisions for application, review, performance, and inspection; procedures for enforcement; and methods of appeal are outlined in Sections .0300-.0500.

.0201 CERTIFICATE OF APPROPRIATENESS FOR OUTDOOR ADVERTISING

1. Within the rights of ways of the highways:
 - a) No off-premise outdoor advertising shall be erected, constructed, installed, maintained, or operated; and
 - b) No on-premise outdoor advertising shall be erected, constructed, installed, maintained, or operated; and
 - c) All official signs and directional signs are allowed.
 - d) Upon application to and approval by the Corridor Administrator and in cooperation with the Town of Manteo, a maximum of two cross-street banners may be erected on US 64 at locations agreed upon by the Roanoke Voyages Corridor Committee and the Town of Manteo, according to the following rules and specifications:
 - i) To promote public events and activities, banners may be applied for and displayed by:
 - (a) The Town of Manteo;
 - (b) The County of Dare;
 - (c) Roanoke Island Festival Park;
 - (d) Roanoke Island Commission;
 - (e) NC Maritime Museum;
 - (f) NC Aquarium;
 - (g) Fort Raleigh National Historic Site;
 - (h) The Elizabethan Gardens;
 - (i) "The Lost Colony" outdoor drama;
 - (j) US Fish & Wildlife Service; and
 - (k) Roanoke Island Historical Association.
 - ii) Events and activities must take place on Roanoke Island;
 - iii) The Corridor Administrator and/or the Corridor Committee shall review all applications, and at their sole discretion, issue a Banner Certificate;
 - iv) Banners shall be provided at the expense of the applicant; there is no fee for the certificate or installation;
 - v) Applications shall be processed in the order in which they were received;
 - vi) Upon approval, the applicant must deliver to and retrieve the banner from the office of the Corridor Administrator at Roanoke Island Festival Park;
 - vii) Any banner that becomes torn, damaged, or destroyed shall be removed as soon as practicable;
 - viii) One banner per event may be displayed for a period of 14 days, with a 14-day extension permitted, provided space availability; promotion of each event is limited to a total of 28 days per calendar year;
 - ix) Banners shall be constructed, designed, and fabricated according to specifications approved by the Corridor Administrator.

- x) The Roanoke Island Commission may delegate these responsibilities to the Zoning Administrator of the Town of Manteo.
 - e) Tourist Oriented Directional Signage (TODS) panels or trailblazers, the purpose of which is to direct, advertise, or promote off-premise commercial enterprise, shall be considered off-premise signs according to the intent of these regulations, and therefore are prohibited.
2. Within fifty (50) feet back from and parallel to the rights of way of the highways:
- a) No off-premise outdoor advertising shall be erected, constructed, installed, maintained, or operated; and
 - b) No on-premise outdoor advertising shall be erected, constructed, installed, maintained, or operated without first obtaining a certificate from the Commission, based upon the following standards:
 - i) The advertising, including its background, base, or support, shall be no larger than thirty-six (36) square feet in area; and
 - ii) The top of the advertising shall be no higher than twenty (20) feet above existing grade; and
 - iii) The number of free-standing outdoor advertisements shall be limited to one advertisement per parcel of land under one ownership adjacent to the rights of way of the highways within the Corridor; and
 - iv) The cutting or removal of any tree or shrub shall be in accordance with Section .0202; and
 - v) The advertising's illumination shall not rotate, flash, move, or alternate, or give the appearance of same; all wiring shall be placed underground; and all light produced on-premise shall be contained within the perimeter of the site by design, orientation, or shielding of the light source; and
 - c) Tourist Oriented Directional Signage (TODS) panels or trailblazers, the purpose of which is to direct, advertise, or promote off-premise commercial enterprise, shall be considered off-premise signs according to the intent of these regulations, and therefore are prohibited; and
3. Within six hundred sixty (660) feet of the rights of way of the highways:
- a) No off-premise outdoor advertising shall be erected, constructed, installed, maintained, or operated.
 - b) Tourist Oriented Directional Signage (TODS) panels or trailblazers, the purpose of which is to direct, advertise, or promote off-premise commercial enterprise, shall be considered off-premise signs according to the intent of these regulations, and

therefore are prohibited.

4. A Certificate is not required for the following types of advertising:
 - a) Signs of the Department, inasmuch as maintenance of standard colors, shapes, sizes, and location are necessary for highway safety; . All other governmental jurisdictions are hereby subject to the rules of Section .0201, Subsection 2, unless such signs directly affect the public safety and welfare.
 - b) Any on-premise real-estate advertising, sign, or sign system with changeable information, or any advertising or sign for work under construction, either of which conforms to the following:
 - i) Size shall be rectangular in shape and not to exceed six (6) square feet; and
 - ii) Sign shall be mounted so that its top edge is no higher than four (4) feet above grade; and
 - iii) Sign shall not be illuminated; and
 - iv) Sign shall be removed within ten (10) days of completion of offering advertised; and
 - v) Signs offering tenant space at a commercial center shall not be freestanding but may be placed as a tenant panel on a permitted directory sign or on the facade of the tenant space being offered.
 - c) Any political sign, provided that it is no larger than six (6) square feet and mounted so that its top edge is no higher than four (4) feet above grade, to be located outside the rights of way of the highways, and to be erected no more than fourteen (14) days prior to the date of a primary or general election for any municipal, county, state, or national office, and to be removed by the candidate or his agents on the day following that election.
5. Signs which do not meet any or all of these specifications shall be removed according to the provisions of Section .0400 of these regulations.

.0202 CERTIFICATE OF APPROPRIATENESS FOR LANDSCAPING AND CONSERVATION

1. Within the rights of way of the highways:
 - a) No tree or shrub shall be planted, trimmed, pruned, or removed, nor any landscaping or ground maintenance performed, such work to be carried out by the Department.
2. Within fifty (50) feet back from and parallel to the rights of way of the highways:
 - a) No tree or shrub shall be shall be cut or removed without first obtaining a Certificate; and
 - b) No trees or shrubs shall be clear-cut; and
 - c) No heritage tree shall be cut or removed without first obtaining a Certificate; and
 - d) Where minimal vegetation exists due to removal of trees and shrubs by natural causes or by accidental causes, and where the Commission finds that the continuity, that is, the harmonious and visually integrated appearance of the Corridor, has been interrupted and thereby adversely impacted, planting may be requested to enhance the appearance and aesthetic quality of the Corridor.
 - e) Where minimal vegetation exists due to removal of trees and shrubs by unauthorized clearing, planting may be required by the Commission.
 - f) No heavy construction, including, but not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment, or spillage of chemicals or other materials which are damaging to trees shall be done within the critical root zone of a tree, and a protective fence delineating the critical root zone may be required.
3. The determination to issue or deny any Certificate for the removal of trees or landscaping, shall be based upon reasonable standards, including but not limited to, the following:
 - a) Whether the condition of the tree constitutes a hazard; and
 - b) The necessity of the requested action to allow for construction of improvements required to fulfill provisions of local, state, or federal laws; and
 - c) The topography of the land and the effect of the requested action on soil retention, water retention, and diversion or increased flow of surface water; and

- d) The number, species, size, and location of existing trees in the area and the effect of the requested action as it contributes to the restoration, preservation, and enhancement of the Corridor's appearance and aesthetic quality as a linear greenway of trees and plants linking residential and commercial areas with natural and recreational areas so as to protect natural, scenic, cultural, and historic resources and to help maintain property values.
4. A Certificate contingent upon the planting and maintenance of trees or shrubs in designated areas may be issued under an agreement, including, but not limited to, the following conditions:
- a) Replacement or placement of additional trees on the subject property to offset the impacts associated with the loss of a tree or limbs at a tree-for-tree basis unless applicant agrees to plant choices from an approved list of hardwoods on a one-for-two basis.
 - b) Planting of new tree[s] off-site to offset the loss of a tree; and
 - c) An objectively observable maintenance and care program to insure the continued health and care of trees on the subject property;
 - d) Payment of a fee or donation of planting stock to be used elsewhere on the Corridor should a suitable replacement location of the tree not be possible on-site or off-site. The plant stock donation or fee shall be based on the number and sizes of trees removed using the NCDOT standard value assessment formula.

.0203 CERTIFICATE OF APPROPRIATENESS FOR DRIVEWAYS AND CURB CUTS

1. Within the rights of way of the highways and within fifty (50) feet of the rights of way of the highways:
 - a) No commercial or residential driveway or curb cut shall be installed nor any property be developed until the Commission has approved a plan and issued a Certificate for such construction or development, based upon the following standards:
 - i) Access to the property does not exist or is inadequate for the proposed development; and
 - ii) Access to the property cannot be adequately achieved by extension of an existing feeder or frontage road; and
 - iii) Access shall be no wider than thirty-six (36) feet at the apron adjacent to the highway pavement and twenty-four (24) feet for the remainder of the driveway; and
 - iv) Access shall be designed to disturb a minimum of trees and shrubs within the Corridor.
 - v) Access shall be designed for installation of a minimum 18" culvert pipe of NCDOT approved reinforced concrete, corrugated metal or HDPE. in addition, such culvert pipe will have "tongues" at both ends. Culvert pipes and tongues shall meet NCDOT standards.
 - b) Parcels of land under one ownership shall be entitled to no more than two (2) curb cuts and may be limited to one (1) curb cut or driveway at the discretion of the Commission or its agent, and parcels being developed for multiple uses shall be entitled to no more than two (2) curb cuts or may be permitted to install a feeder (frontage) road parallel to the Corridor at the discretion of the Commission or its agent, based upon the following standards:
 - i) The size and scope of the development; and
 - ii) Traffic safety; and
 - iii) The amount of disturbance to trees and shrubs within the Corridor.
 - c) No driveway permit shall be issued by the Department until a Certificate has been issued by Commission.
 - d) The Committee or its agent may approve a plan and issue a Certificate contingent upon the planting of specified trees, shrubs, or other plantings in designated areas.

.0204 CERTIFICATE OF APPROPRIATENESS FOR UTILITIES

1. Within in the rights of way of the highway and within fifty (50) feet of the rights of way of the highway:
 - a) No wire, or cable, or pole, or conduit, or other supporting structures to be used for any type of public utility shall be installed or located or replaced until the Commission has approved a plan and issued a Certificate for such installation, location, or replacement, based upon the following standards:
 - i) Location:
 - a) New utility installations shall be placed underground.
 - b) Replacement utility installations shall be considered maintenance.
 - c) Pedestals, transformers, manholes, vaults, or other above-ground or at-grade utility appurtenances installed as part of buried plant shall be located at or near the outer extremity of the Corridor, unless the necessity for a different location can be justified.
 - d) Longitudinal installations shall be located on uniform alignment as determined satisfactory by the Committee and/or its agent or the Department so as to provide for safe traffic operation and to preserve adequate space for planned highway improvements or other utility installations.
 - e) To the extent feasible and practicable, utility-line crossings of the highways should be aligned generally perpendicular to the highways.
 - ii) Pavement cuts:
 - a) No longitudinal pavement cuts will be permitted without a Certificate.
 - b) No pavement cuts across the highways shall be permitted unless the necessity for open cuts can be justified to the Committee and/or its agent and the Department and a Certificate obtained.

- iii) Cased and uncased construction:
 - a) Underground crossings of the highways may be installed without protective pipe, conduit, or duct provided such installations are limited to open-cut construction or to small bores for wire or cable facilities where soil conditions permit. On crossings where open cuts are not allowed, installations that require bores in excess of six (6) inches shall be encased unless the utility demonstrates to the satisfaction of the Committee and/or its agent and the Department that the installation method for an uncased crossing is such that the bored hole is never left unsupported.

- iv) Bury:
 - a) The minimum depth of bury for utility lines shall be as follows:
 - (1) Crossings under all roadways including shoulders: three (3) feet.
 - (2) Crossings under sidewalks and paved and unpaved ditches: two (2) feet.
 - (3) Longitudinal electric power primary: three (3) feet.
 - (4) Longitudinal electric power secondary, and trenched communication lines: two (2) feet.
 - (5) Plowed-in utility lines: eighteen (18) inches.

- v) Safety Warning Devices:
 - a) The utility owner shall provide during construction any subsequent maintenance, proper signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformance with the latest *Manual of Uniform Traffic Control Devices for Streets and Highways*, and the *North Carolina Construction and Maintenance Operations Supplement*, for information, contact the Department's Maintenance Office in Manteo, North Carolina. The Department has the right to stop any work for non-compliance.

vi) Removal or Alteration of Vegetation:

- a) The encroaching party or their agents shall exercise every required precaution during construction and/or maintenance to prevent soil erosion; silting or pollution of water impoundments, ground surfaces, or other property; or air pollution. Rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and applicable ordinances and regulations of Dare County, the Town of Manteo, the State of North Carolina, and other official regulatory agencies relating to sedimentation and pollution prevention and control shall apply.
- b) Where there is excavation for underground installations or when any other installation or maintenance operations disturb the ground surface and the existing ground cover, the encroaching party shall be required to perform erosion control measures as follows:
 - (1) Erosion control shall be performed in accordance with the requirements contained in the current edition of the Department's *Standard Specifications for Roads and Structures*.
 - (2) Temporary erosion-control measures shall be used to prevent siltation of waterways and adjacent property. The use of silt basins, silt-check dams, silt fences, temporary slope drains, brush barriers, and temporary seeding and mulching shall be used as needed.
 - (3) Permanent erosion control shall be performed as follows:
 - (a) All disturbed areas shall be dressed to original typical sections and plowed to a depth of five (5) inches. The top two inches shall be pulverized to provide a uniform seedbed. Lime shall be applied before plowing.
 - (b) Kinds and rates of seed, fertilizer, and limestone shall be specified by the Committee and/or its agent or the Department.
 - (c) Lime, seed, and fertilizer shall be applied with necessary equipment to provide uniform distribution, with the hand-bucket method being unacceptable.
 - (d) Seeded area shall be culti-packed to firm seedbed, and seed shall be adequately covered.

- (e) Grain straw shall be applied over seeded areas as a mulch. No bare ground shall be visible, and thick clumps are not permissible; uniform covered is required.
 - (f) Mulched areas shall be tacked sufficiently to hold straw in place.
- c) No trees, shrubs, or other ground-cover plantings may be cut or removed without prior approval, and the Committee and/or its agent or the Department may require that trees, shrubs, or other ground-cover plantings be carefully dug and replanted or replaced.
- d) When permission for cutting, trimming, digging, or other removal or alteration of trees, shrubs, or other ground-cover plantings on the rights of way of the highways for the purposes of construction and maintenance by an encroaching party is given, it shall be subject to the following standards:
 - (1) The permission applies only to the interest of the Commission in the vegetation and is not to be construed as freeing the encroaching party from liability to the adjacent property owner. Special attention is called to this provision in cases of specimen trees that are also part of private development such as home grounds, schools, churches, etc.
 - (2) All cutting shall be done as close to flush with the ground as is practicable with modern saw equipment. Under very exceptional conditions, such as very large diameter trees or swamp growth, flush cuts may not be practical. The burden of proof for the necessity of high stumps will rest with the encroaching party and express approval must be obtained from the Committee and/or its agent prior to such cutting.
 - (3) Trimming of specimen trees shall be done in accordance with generally accepted tree-surgery practice and any trimming necessary to leave the tree with a good, balanced appearance must be done in addition to the minimum trimming needed for line clearance, and climbing irons or spurs must not be used on any tree.
 - (4) All cuttings shall be removed from the rights of way and out of view unless otherwise stated in the Certificate. If wood-chipping machines are used for brush disposal, the chips must be removed from the rights of way.

- (5) Removal or alteration of vegetation for existing overhead utility facilities generally will be limited to fifteen (15) feet; that is, to seven and a half (7 ½) feet on either side of the utility wire or pole. Clearing of wider areas will be considered only on the basis of:
 - (a) Removing hazard trees;
 - (b) Retaining large, sound, strong-trunked trees; and
 - (c) Trimming such large, sound trees for wire clearance only, instead of complete side trimming;
 - (d) No flat-topping, bench-topping, or clear-cutting will be allowed and all trimming will be accomplished by irregular hand pruning.
- (6) Permission to perform work related to existing overhead facilities may be conditioned upon the preservation of such shrubs and low-growing trees within the area to be cleared.
- (7) When excavating for underground utility installation or maintenance is done near trees, the minimum, but necessary, cutting of tree roots shall be done in accordance with generally accepted tree-surgery practice. The tunneling under and retention of principal support roots may be required, based on the location, size, and quality of the tree.
- (8) The use of herbicides for control of vegetation is prohibited.

vii) Procedures for processing Utility Encroachment Agreements:

- a) All requests shall be submitted directly to the Commission, One Festival Park, Manteo, North Carolina 27954, for review, consideration, and processing. Those requests affecting the Department rights of way or the rights of way and fifty (50) feet beyond the rights of way require the approval of both the Commission and the Department's Division Engineer. Those requests affecting only the area fifty (50) feet beyond the rights of way require Commission approval only.

SECTION .0300 - PROCEDURES

.0301 APPLICATION

- 1. An application for a Certificate, and/or a copy of the Commission's Regulations and Standards, is available during regular business hours at the Commission's offices at Roanoke Island Festival Park in Manteo, or, upon request, may be supplied by mail by

calling (252) 475-1500 or writing to the Commission at One Festival Park, Manteo, NC 27954.

2. There is no charge for application, nor for issuance of any Certificate.
3. The Commission may designate a Corridor Administrator to assist the applicant with completion of the application, to assist the applicant with coordination between other governmental agencies, to visit the site, and to process the application.
4. A completed application for a Certificate may be submitted to the Commission and shall include the following information:
 - a) Name, address, telephone number, and signature of the owner and duly authorized lessee of the premises; and
 - b) Name, address, telephone number, and signature of contractor, if any; and
 - c) Legal description and/or street address of premises or property; and
 - d) Approximate value of the proposed work; and
 - e) A sketch map identifying the following:
 - i) Boundaries and total acreage of tract; and
 - ii) Adjacent tracts and owners' names; and
 - iii) Existing signs, utilities, waterways, driveways, and roadways; and
 - iv) Existing trees and shrubs, trees and shrubs proposed for removal, and trees and shrubs proposed as replacements, with an inventory of plants to include:
 - a) Types of trees and shrubs; and
 - b) Height and caliper of trees; and
 - v) Location and dimensions of proposed curb cuts and driveways; and
 - vi) Proposed on-premise advertising; and

- vii) If required, erosion and sediment control plan as required by G.S. § 113A-67.
- f) Such other information needed to verify full compliance with all applicable provisions of these Regulations and Standards.

.0302 REVIEW

1. The applicant may hand-deliver a completed application for review to Commission office at Roanoke Island Festival Park in Manteo during regular business hours, or may mail a completed application to the Roanoke Voyages Corridor Committee, One Festival Park, Manteo, NC 27954.
2. The Commission may designate a Corridor Administrator to review a completed application, and/or assist the Committee with review of a completed application.
3. Upon receipt of a completed application, within twenty (20) working days the Corridor Administrator shall:
 - a) Act upon the application, or refer the application to the Committee for action at the next regularly scheduled committee meeting, to:
 - i) Request the application be amended or additional information submitted; or
 - ii) Announce and communicate to the applicant that an additional period of no more than twenty (20) working days will be needed to consider the application; or
 - iii) Approve an application and issue a Certificate, or a Certificate with conditions; and
 - a) Include that action as part of the Committee's report at the next Commission meeting; or
 - iv) Recommend that the Committee, by a majority vote of its members, deny an application and decline to issue a Certificate; and
 - a) Notify the applicant in writing of the right to appeal the decision to the Commission according to the provisions of Section .0500; and
 - b) Include that action as part of the Committee's report at the next full Commission meeting; or

- b) Notify the applicant within twenty (20) working days of the Committee's intent to request that the Commission review the application and take action to issue or deny a Certificate at the next regularly scheduled meeting of the Commission upon review of the application and related documents, of which twenty-five (25) copies shall be submitted by the applicant to the Commission's offices at least fifteen (15) working days prior to the next Commission meeting; and
 - i) Notify the Commission of the Committee's intent, and forward the application and related documents to all Commission members within ten (10) working days of its next regularly scheduled meeting; or

- c) Notify the applicant within twenty (20) working days of the Committee's intent to recommend denial of the application to the Commission at the next regularly scheduled meeting of the Commission upon review of the application and related documents, of which twenty-five (25) copies shall be submitted by the applicant to the Commission's offices at least fifteen (15) working days prior to the next regularly scheduled meeting of the Commission; and
 - i) Notify the Commission of the Committee's intent, and forward the application and related documents to all Commission members within ten (10) working days of its next regularly scheduled meeting.

.0303 PERFORMANCE

1. The Commission may designate a Corridor Administrator to monitor the timely completion of work permitted by a Certificate.
2. All work granted a Certificate shall be completed within a period of ninety (90) days from the date of issuance as recorded on the Certificate, after which date:
 - a) Said Certificate shall expire if any or all work has not been completed; and
 - b) Said Certificate shall expire upon failure to notify the Commission that the permitted work and all conditions of the Certificate have been completed within such ninety (90)-day period.
3. Upon notification prior to the Certificate's expiration, a thirty (30)-day extension may be granted subject to the above conditions.

.0304 INSPECTION

1. The Commission may designate a Corridor Administrator to inspect any work permitted by a Certificate.
2. Upon notification that the permitted work has been completed, the Corridor Administrator shall conduct an inspection for the purpose of verifying compliance with the requirements of the Certificate and all other provisions of these rules.
3. Prior to the inspection of freestanding advertising, the applicant may be required to locate and identify on the site all property lines abutting the rights of way of the highways.
4. If the work does not pass the required inspection, the applicant shall correct any items or show proof of measures taken to correct any items not in compliance within ten (10) working days or the Certificate shall be deemed invalid and the Committee and/or the Administrator shall enforce remedies according to Section .0400.
5. At such time as all conditions of the certificate have been completed, the Corridor Administrator shall make such recordation in a file maintained by the Commission.

SECTION .0400 ENFORCEMENT

Enforcement authority as delineated in G.S. § 143-131.2(b)9 for violations of any provisions of these rules by any person, firm, or corporation in any jurisdiction, zoned or unzoned, within the Corridor, may be exercised under the following conditions:

1. The Committee shall give thirty (30) days' notice by registered mail to the party identified as being in violation of these rules:
 - a) To replace trees, shrubs, or vegetation removed without authorization as closely as possible to the original size and location, at the violator's expense.
 - b) To replace any required plantings which die with plantings as closely as possible to the original size and location, at the violator's expense.
 - c) To replace any curb cuts or remove any driveways installed without authorization, and to replace any trees, shrubs or vegetation removed as a result of that installation, at the violator's expense.
 - d) To remove any non-conforming on-premise outdoor advertising at the violator's expense.
 - e) To remove any non-conforming off-premise outdoor advertising, or to notify the owner of the Commission's intent to remove said advertising by any and all means allowed by federal, state, and/or local legislation.
 - f) To initiate such other measures as the Committee determines are necessary to achieve compliance with these rules.
2. After a notice of violation has been served as set forth in Section .0400(1), any further violation of the same regulation involving the same premises within a twelve-month period shall be deemed a continuing violation. A party committing a continuing violation will not be entitled to the procedural process and notice provided by Sections .0300 and .0400 prior to the initiation of further action by the Commission.
3. An insurance or cash bond or bank certificate may be required for proposed work projected to cost five hundred dollars (\$500) or more, to insure that the proposed work shall be performed as permitted. The amount of said insurance, cash bond, or bank certificate shall be set by the Committee, to be held until released by the Committee.
4. The Committee, by a majority vote of its members, may request the Attorney General of the State of North Carolina to institute a civil action or proceeding against any violator who fails to correct a violation of these rules in accordance with Section .0400 through appropriate equitable remedy, injunction, order of abatement, or other relief.

SECTION .0500 - APPEALS

Any person, firm, or corporation whose Certificate of Appropriateness application has been denied, may appeal that decision to the Commission as follows:

1. The appealing party shall submit 25 copies of the application and related documents to the Commission's offices at least fifteen (15) working days prior to the next regularly scheduled Commission meeting.
2. Upon receipt of the application and related documents as set forth in Section .0300, the Commission shall conduct a *de novo* review and may in its sole discretion agree to allow the applicant or his representative to make an oral presentation.
3. The Commission, having reviewed the application and related documents, heard an oral presentation, if any, and heard the deliberation of its members, shall by majority vote of its members present take one of the following actions within thirty (30) days:
 - a) Approve the application as submitted and issue the Certificate; or
 - b) Approve the application and issue a Certificate subject to conditions specified in the Commission's action; or
 - c) Postpone action until its next meeting to review additional information requested of the applicant or his representative as specified in the Commission's action; or
 - d) Deny the application as submitted and refuse to issue the Certificate.
4. A decision by the Commission to deny the application as submitted and to refuse to issue the Certificate shall be a final agency decision and may be appealed in accordance with Article 3 of Chapter 150B of the General Statutes of North Carolina.