



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, a zoning ordinance text amendment was drafted by Planning Staff and initiated by the Board of Commissioners as relates to signage requirements for all uses within the Town; and

WHEREAS, revisions to the Town's signage regulations are being considered to balance the need to protect the public safety and welfare; the need for a well-maintained and attractive community; and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

- (1) To ensure that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- (2) To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.
- (3) To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.
- (4) To allow for adequate and effective signs in zoning districts of the town while preventing signs from dominating the appearance of the area.
- (5) To ensure that the constitutionally guaranteed right of free speech is protected.
- (6) To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance.
- (7) To provide opportunities for adequate property identification which will enhance emergency response times and improve overall public safety.

WHEREAS, the Town finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this action is reasonable and in the public interest; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to

existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That Section **Sec. 48-7. – Definitions of specific words and terms**, be amended with the following language:

Sec. 48-7. - Definitions of specific words and terms.

Sign. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panel, designed to carry visual information.

- (1) Bulletin board. A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar noncommercial places of public assembly.
- (2) Commercial Business sign. A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to type of products sold, manufactured or assembled, and/or to service or entertainment offered on said premises; but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises. Prior to the issuance of a certificate of completion a commercial business sign may be erected on a premises provided a site plan has been approved by the town and the required building permit(s) has been issued.
- ~~(3) Construction sign. A sign used to advertise the general contractor, contractor, subcontractor, architect, landscape architect, or other such professional persons or organizations engaged in or associated with the lawful construction, alteration, remodeling or demolition of any building or use. The name, logo, symbol, or other printed expression of a business under construction may be included on the sign provided the expression is printed in accordance with subsection 48-283(3).~~
- ~~(4) Directional sign. A sign which contains only the name of the establishment to which direction is given and directional information.~~
- ~~(5) Identification sign. A sign used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.~~
- ~~(6)(3) Noncommercial sign. A sign structure designed and intended to promote, support, call attention to or give notice to a cause, nonprofit and noncommercial service, or political message of an individual, charitable organization, political group or other entity. A sign that contains no commercial advertising or statements, logos, designs or trademarks designed or intended to promote or produce financial gain other than donations for charitable organizations such as groups which are tax exempt pursuant to the Internal Revenue Code.~~
- ~~(7) Outdoor advertising sign and structure. A sign and structure which directs attention to a business, commodity, service or entertainment conducted, sold or offered:
 - a. Only elsewhere than upon the premises where the sign is displayed; or
 - b. As a minor or incidental activity upon the premises where the sign is displayed~~
- ~~(8)(4) Flag (non-advertising, non-informational). A piece of fabric or other flexible material attached to a freestanding flag pole or other permanent pole structure solely containing distinctive colors, patterns, standards, words, or emblems used as either a symbol of an organization or entity or as an ornamental feature, including but not limited to flags of the United States, North Carolina, county or municipal jurisdictions, foreign nations having diplomatic relations with the United States; flags of any religious, civic or fraternal organization, or any educational or cultural facility; and/or any other flags adopted or sanctioned by the board of commissioners. Flags shall be permitted in all districts on developed lots, provided that the following conditions are met:
 - a. Such flags are displayed on permanent pole structures or other mounting surfaces.
 - b. Flag poles shall not exceed 35 feet in height above the road grade, except in accordance with section 48-81 exclusion from height limitations.
 - c. The size of the flag shall be no greater than six feet by ten feet however, this size restriction shall not apply to the flag of the United States of America.
 - d. The number of flags shall be limited to one flag for every 20 linear feet of street frontage.~~
- ~~(9)(5) Commercial Flag sign. A sign made of fabric, plastic, or similar material or other flexible material and displayed as a flag on a flag pole having a commercial message. Flag signs shall not~~

exceed 24 square feet in area and 35 14 feet in height ~~above the road grade~~, and shall be allowed only on freestanding flag poles.

- (6) Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
- (7) Temporary Sign: A type of non-permanent, sign located on private property that is generally displayed for a limited period of time in conjunction with a specific activity or event occurring at the property.
- (10) ~~Time and temperature display. An LED portion of a freestanding sign that is dedicated to displaying time and temperature only, without electronic advertising matter, and meets the following criteria:~~
 - a. ~~The display area does not exceed 15 percent of the total sign area.~~
 - b. ~~The display consists of numbers comprised from amber LEDs on a black background.~~
 - c. ~~The display shall incorporate dimming technology based on ambient light levels.~~
 - d. ~~Number height shall not exceed 14 inches in height.~~
 - e. ~~Time and temperature information shall not change or alternate less than every three seconds.~~

Sign area means the area of signs composed, in whole or in part, of freestanding letters, devices or sculptured matter not mounted on a measurable surface shall be construed to be the area of the least square, rectangle or circle that will enclose the letters, devices and/or sculptured matter. The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same size and are parallel to one another with no more than 24 inches between each sign face.

PART II. That **Article VIII. – Signs and Outdoor Advertising Structures** be amended as follows:

ARTICLE VIII. - SIGNS AND OUTDOOR ADVERTISING STRUCTURES

Sec. 48-281. - Intent of article.

~~It is the intent of this article to protect the visual attractiveness and community character of the town by controlling the number, area and location of signs in all zoning districts. The regulations of this article are designed among other purposes to maintain a balance between the need to preserve and enhance the visual integrity of the town while recognizing the contribution appropriate signage offers towards promoting tourism, commerce and economic development.~~

It is the intent of this article to balance the need to protect the public safety and welfare; the need for a well-maintained and attractive community; and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

- (1) To ensure that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- (2) To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.
- (3) To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.
- (4) To allow for adequate and effective signs in zoning districts of the town while preventing signs from dominating the appearance of the area.
- (5) To ensure that the constitutionally guaranteed right of free speech is protected; and
- (6) To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance.
- (7) To provide opportunities for adequate property identification which will enhance emergency response times and improve overall public safety.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

Sec. 48-282. - General regulations.

All signs ~~or outdoor advertising structures~~ shall be erected, altered and maintained in accordance with the following provisions:

- (1) Permit required. No sign shall hereafter be erected or attached to, suspended from or supported on a building or structure, nor shall any existing sign be structurally altered, remodeled or relocated until a building permit for same has been issued by the planning and development department. A permit is not required for the following signs:
 - a. Signs not exceeding three square feet in area.
 - b. Temporary real-estate signs, ~~except real-estate directory signs (section 48-283(1)(d))~~; except as required for signs listed in section 48-283(1)d.
 - c. Noncommercial signs.
 - d. ~~Temporary construction signs.~~
 - e. ~~Directional signs.~~
 - f. ~~An existing sign in which only the message is changed and involves no structural modification to the structure.~~
 - f. Permanent signs listed in section 48-283(2) which are six square feet or less in area.
- (2) Material and design. All signs shall be constructed and designed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in section 1205 of the state building code, as amended.
- (3) Inspection.
 - a. Each sign subject to the regulations of subsection (1) of this section may be subject to an annual inspection by the building inspector for the purpose of ensuring that the sign is maintained in a safe condition. Any fee for the annual inspection shall be in accordance with a regularly adopted fee schedule of the town.
 - b. When a sign or a structure supporting a sign becomes structurally unsafe, the building inspector shall give written notice to the owner of the premises on which the sign is located that the sign shall be made safe or removed within ten days of receipt of such notice.
- (4) Continuing violations. After a notice of violation, warning citation or civil citation has been issued, any re-erection or display, within a 12-month period, of the same sign or the erection or display of a substantially similar sign which is in violation of this chapter on the same premises shall be considered a continuance of the original violation.
- (5) Illuminated signs. All signs in which electrical wiring and connections are to be used shall require a permit and shall comply with the electrical code adopted by the town and be inspected and approved by the building inspector. All illuminated signs shall comply with the provisions of article IX of this chapter, outdoor lighting.
- (6) Prohibited signs.
 - a. ~~No sign shall be located within a public right of way except for street identification signs, municipal district signs placed by town staff, and official traffic control signs. It shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, or advertising or notice of any kind, or cause the same to be done, upon public streets, highways, public right-of-way or any publicly owned or maintained property within the Town of Nags Head, or upon any curbstone, traffic control device, street sign, hydrant, fence, guardrail, or any other structure situated within any such areas or to affix the same to a wire or appurtenance thereof, except as may be authorized by the ordinances, laws, or regulations of the Town of Nags Head, the State of North Carolina or the United States.~~
 - b. No sign shall be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER."
 - c. No sign; ~~or commercial business sign or outdoor advertising structure~~ shall be erected which contains, employs or utilizes lights or lighting which rotates, flashes, moves or alternates; except that time and temperature displays, as defined, are permitted but must be included in computing allowable signage. Continuous printout, running or ticker-tape type message panels or signs are prohibited.
 - d. No sign shall be erected which contains rotating sign panels.
 - e. No sign shall obstruct visibility at an intersection or driveway as regulated in section 48-79.
 - f. No sign shall be posted on any telegraph, telephone or electrical light pole or on any tree along any street.

- g. No sign shall be permitted that obstructs ingress and egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building. Signs shall not be placed in a manner that obstructs architectural building features such as dormers, cupolas, windows, rooflines or other building elements.
- h. No sign shall be permitted that violates any provision of any law of the state relative to outdoor advertising.
- ~~i. All outdoor advertising signs or structures are prohibited.~~
- ~~j. Signs supported in whole or in part by water, air or gas are prohibited.~~
- ~~j.k. No real-estate sign on property abutting a public trust area shall be directed toward any public trust area as defined by CAMA.~~
- ~~k.f. All pennants are prohibited, effective December 6, 1995.~~
- ~~l.m. Use of exposed neon, argon, krypton, or similar gas tube lighting shall be prohibited in all manners except as provided in section 48-284(2)e.~~
- ~~m.n. Tourist-oriented directional sign (TODS).~~
- ~~n.o. Three dimensional sculptured objects and pictorial devices attached to and extending more than 12 inches beyond any wall or roof of a building in business use. Attached sculptured objects and pictorial devices extending 12 inches or less from a building wall or building roof shall be classified as a business wall sign or roof sign and shall be subject to all regulatory requirements of this chapter pertaining to such signs.~~
- ~~o.p. Roof signs within the SPD-C, Village at Nags Head C-1, C-2, hotel and institutional districts.~~
- ~~p.q. LED and digital signs.~~

(7) Placement of new signs not expressly allowed by this ordinance are prohibited.

Sec. 48-283. - Signs permitted in residential districts.

Signs permitted in R-1, R-2, R-3, SPD-20, SED-80 and SPD-C districts are as follows:

- (1) Temporary real-estate signs. Temporary real-estate signs, ~~provided that such sign shall be located on the site it advertises, shall be provided that they are reasonably neatly painted and maintained, and provided that they shall be removed when the property has been sold the activity or event associated with the property has ceased according to the criteria listed below. These signs and shall not be illuminated.~~
 - ~~a. "FOR SALE" sign: One "FOR SALE" sign not to exceed six square feet in area shall be permitted to be placed on the site it advertises.~~
 - ~~b. "FOR LEASE" or "FOR RENT" sign: One "FOR LEASE" or "FOR RENT" sign not to exceed six square feet in area shall be permitted to be placed on the principal building it advertises. Such sign may be placed in the required front yard where the principal building it advertises is greater than 100 feet from the public right-of-way fronting the site.~~
 - ~~c. "OPEN HOUSE" sign: One "OPEN HOUSE" sign shall be permitted to be placed on the property or principal building it advertises. An agent for the sale of the property or building shall be present on the property when the "OPEN HOUSE" sign is being displayed. The one "OPEN HOUSE" sign as permitted under this section may take the form of either (i) a single freestanding sign not exceeding six square feet in area, (ii) a single banner placed on the building (excluding the roof) not exceeding 36 square feet in area, or (iii) a flag sign not exceeding 24 square feet in area.~~
 - ~~d. Where more than one dwelling unit exists on a site, the site may be advertised for sale or for rent utilizing one of the following methods:
 - ~~1. One "FOR SALE" and one "FOR RENT" sign shall be permitted in accordance with the provisions of subsection (1)a and b of this section;~~
 - ~~2. One "REAL ESTATE DIRECTORY" sign advertising the sale, rent or lease of such units shall be permitted in the required front yard. The maximum size of the directory sign shall be equal to one square foot of sign area per unit, plus 25 percent for decorative embellishments which shall include the street address of the property it advertises. However, in no case shall a directory sign exceed 36 square feet; or~~
 - ~~3. One "FOR SALE" and one "FOR RENT" sign not exceeding ten inch by ten inch each shall be permitted to be affixed to the exterior of each detached dwelling unit, individual townhouse unit or individual duplex unit.~~~~
 - ~~e. For any vacant lot in a residential district which exceeds 100 feet in frontage, one additional square foot of sign area shall be allowed for every ten feet of frontage above 100 feet. No sign shall exceed 24 square feet in area or ten feet in height.~~

- a. One non-illuminated sign not to exceed six square feet in area and 36 inches in height measured from the ground to the top of the sign shall be permitted on lots where an active, unexpired building permit has been issued by the Town of Nags Head. Such signs shall be removed within 30 days after the issuance of a certificate of compliance. In lieu of the provisions of this subsection, the property owner may elect to use one 32-square-foot, non-illuminated sign, which shall be removed within 30 days after the issuance of the certificate of compliance.
 - b. One freestanding, non-illuminated temporary sign shall be allowed up to six square feet in area and 36 inches in height measured from the ground to the top of the sign on a site or property that is actively listed for sale. Where more than one dwelling units exist on a site or property that is actively listed for sale or for lease, the following signs may be erected:
 1. One freestanding sign shall be permitted in accordance with the provisions of subsection (1)a of this section; or
 2. One freestanding sign equal to one 1.25 square foot of sign area per unit, which shall include the street address of the property. However, in no case shall the sign exceed 36 square feet; or
 3. One sign not exceeding ten-inches by ten-inches each shall be permitted to be affixed to the exterior of each detached dwelling unit, individual townhouse unit or individual duplex unit.
 - c. At any time when a real estate agent is present on a property that is actively listed for sale, the following additional signs may be allowed:
 1. One additional freestanding sign up to six square feet in area and 36 inches in height measured from the ground to the top of the sign.
 2. A single banner placed on the building (excluding the roof) not exceeding 36 square feet in area, or
 3. A flag sign not exceeding 24 square feet in area
 - d. Signs or banners associated with a special events permit or other use on a designated public events site, are permitted within the designated event site but must be directed internally to the event and not toward the exterior of property or along the beach, sound or roadway. Such signs shall not be located adjacent to the US 158 right-of-way or abutting property lines.
- (2) ~~Directional signs. Directional signs, provided that such signs shall be neatly painted and maintained, shall only convey directional information to a noncommercial establishment, site or facility and shall not be lighted except as provided as follows:~~
- a. ~~Temporary real estate directional signs, not exceeding two square feet in area, directing the way to premises which are for sale, rent or lease are permitted, provided that such signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented or leased.~~
 - b. ~~Directional signs not over four square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Such signs shall not exceed three feet in total height.~~
 - c. ~~Directional signs at municipal parks, playgrounds, designated public event sites and governmental (federal, state, local) facilities, not over 12 square feet in sign area indicating the location of offices, parking areas, recycling stations, and other facilities shall be permitted. The sign(s) may be illuminated in accordance with article IX of this chapter.~~
 - d. ~~Directional signs at hospital sites, not to exceed 48 square feet in sign area, indicating the location of onsite hospital and medical office facilities. The sign(s) may be illuminated in accordance with article IX of this chapter.~~
 - e. ~~Temporary yard sale directional signs, in accordance with chapter 12, article VI.~~
- (3) ~~Construction sign. Temporary, nonilluminated construction signs not to exceed six square feet in area shall be permitted, provided that such signs shall be limited to one to each organization involved and shall be removed within 30 days after the issuance of the certificate of compliance. In lieu of the provisions of this subsection, the general contractor may elect to use one 32 square foot, nonilluminated construction sign, which shall be removed within 30 days after the issuance of the certificate of compliance. Construction signs may include the name of the site or business under construction, provided that all text, including letters, logos, and symbols for the name of the site or business, are sized equal to or smaller than text, logos, or symbols provided elsewhere on the sign.~~
- (4) ~~Bulletin board sign. One name sign or bulletin board not to exceed 16 square feet shall be permitted for any church, school or other noncommercial institution, which sign or board may be indirectly lighted and shall be set back at least 15 feet from the front property line.~~

- ~~(5) Home-occupation sign. A nonilluminated nameplate or professional sign not over one square foot in area and attached flat against the building shall be allowed in association with a home occupation.~~
- ~~(6) Identification sign. The following identification signs are permitted, provided that such sign shall be located on the site it identifies, shall be neatly painted and maintained and shall be limited only to announcing the name, owner and location of the site:~~
- ~~a. One identification sign per unit not to exceed two square feet in sign area shall be permitted for single family and two family sites.~~
 - ~~b. Two subdivision identification signs not to exceed 32 square feet each in sign area shall be permitted at the major entrance of the subdivision and may be illuminated.~~
 - ~~c. One multifamily dwelling unit identification sign not to exceed 32 square feet in sign area shall be permitted, provided that such sign shall include the street address of the site it identifies and may be illuminated.~~
 - ~~d. Two public park identification signs not to exceed 48 square feet each in sign area shall be permitted at the major entrance to a public park, provided that such sign shall be located on the site it identifies, shall be neatly painted and maintained, and shall be limited to announcing the name, owner, location and hours of operation of the park. The sign may be illuminated in accordance with article IX of this chapter, outdoor lighting.~~
 - ~~e. One freestanding governmental (federal, state, local) and publicly owned identification sign not to exceed 64 square feet in sign area shall be permitted at the major entrance to a governmental or publicly owned site or designated public events site and may be illuminated in accordance with article IX of this chapter. Such sign shall not exceed ten feet in height and shall be limited to identifying only the name of the site and the advertisement of current and future meetings or events that are located entirely on the site. Where the property has frontage on both US 158 and NC 12 public right of ways, one freestanding sign not exceeding 64 square feet in area shall be permitted to be located adjacent to each public right of way. Where the property is on a corner lot with frontage on more than one public right of way, a maximum of two freestanding signs shall be permitted. One freestanding sign not exceeding 64 square feet in areas shall be permitted adjacent to the public right of way boundary of the designated front yard of the property. One freestanding sign not exceeding 24 square feet shall be permitted adjacent to a public right of way boundary of a designated side yard of the property. The freestanding sign permitted in the side yard shall be located no closer than 70 feet to the designated front yard public right of way boundary and installed so that the sign face is perpendicular to the side yard public right of way boundary.~~
 - ~~f. Identification signs or banners for individual vendors or sponsors associated with a special events permit or other use on a designated public events site, are permitted within the designated event site but must be directed internally to the event and not toward the exterior of property or along the beach, sound or roadway. Such signs shall not be located adjacent to the US 158 right of way or abutting property lines.~~
 - ~~g. One governmental (federal, state, local) building identification sign shall be permitted per building, not to exceed 12 square feet in sign area and shall be permanently attached to the building that it identifies. The sign may be illuminated in accordance with article IX of this chapter.~~
- ~~(7) Medical office sign. One freestanding sign per site, permanently located on the ground, which may be illuminated, and shall not exceed 24 square feet in sign area, shall be permitted for a medical office. Any such sign and mounting shall not exceed ten feet in total height.~~
- ~~(8) Concession buildings. Concession buildings as an accessory conditional use to parks, shall be allowed one sign not exceeding 12 square feet in sign area and shall be permanently attached to the building where the concession activity occurs. The sign shall not be illuminated.~~
- ~~(9) Hospitals. Hospitals may have two square feet of sign area for each lineal foot of building frontage on U.S. 158 which may be used as wall signs, onsite directional signs, window signs, and one freestanding sign, provided that the freestanding sign shall not exceed 64 square feet in area nor more than 20 feet in height above street grade, and may be illuminated. Any authorized off-site directional signs shall not count against this allocation of signage.~~

(2) Permanent Signs

- a. All properties shall be permitted to contain one sign not to exceed six square feet in area to be placed on the wall of the principal structure. Where the principal structure is greater than 100 feet from the public right of way fronting the site, an additional sign may be placed in the front yard, meeting the following criteria:
1. The sign shall not exceed three square feet in area. The frame surrounding the sign face shall not be included as part of the sign area provided that the framing materials are no greater than 4" x 4" in thickness.

2. The sign shall not exceed 36 inches in height measured from the ground to the top of the sign.
3. The sign shall not create an obstruction to visibility for vehicles entering and exiting driveways.
4. *Amortization.* Front yard signs made non-conforming by this subsection shall comply with these regulations by January 1, 2019.
- b. One bulletin board not to exceed 16 square feet shall be permitted for any church, school or other noncommercial institution, which sign or board may be indirectly lighted and shall be set back at least 15 feet from the front property line.
- c. One non-illuminated sign not over one square foot in area and attached flat against the building shall be allowed at a residential property with an approved home occupation.
- d. Non-Commercial Identification signs. The following signs are permitted, provided that such sign is located on the site it identifies and is reasonably maintained:
 1. One wall mounted non-commercial identification sign per unit not to exceed six square feet in sign area shall be permitted for single-family and two-family sites.
 2. One freestanding non-commercial identification sign per unit not to exceed three square feet in sign area shall be permitted for single-family and two-family sites.
 3. Two signs, which may be illuminated, may be placed at the primary entrance to a subdivision not to exceed 32 square feet each in sign area.
 4. One sign, which may be illuminated, may be permitted at the site of a multi-family residential property not to exceed 32 square feet in sign area.
 5. Two signs, which may be illuminated, may be permitted at the major entrance to a public park not to exceed 48 square feet each in sign area.
 6. One freestanding sign, which may be illuminated, shall be permitted at the major entrance to a governmental or publicly owned site or designated public events site not to exceed 64 square feet in sign area. Such sign shall not exceed ten feet in height. Where the property has frontage on both US 158 and NC 12 public right-of-ways, one freestanding sign not exceeding 64 square feet in area shall be permitted to be located adjacent to each public right-of-way. Where the property is on a corner lot with frontage on more than one public right-of-way, a maximum of two freestanding signs shall be permitted. One freestanding sign not exceeding 64 square feet in areas shall be permitted adjacent to the public right-of-way boundary of the designated front yard of the property. One freestanding sign not exceeding 24 square feet shall be permitted adjacent to a public right-of-way boundary of a designated side yard of the property. The freestanding sign permitted in the side yard shall be located no closer than 70 feet to the designated front yard public right-of-way boundary and installed so that the sign face is perpendicular to the side yard public right-of-way boundary.
 7. One sign, which may be illuminated, may be placed against the wall of a governmental building (local, state, or federal) not to exceed 12 square feet in sign area.
- e. One freestanding sign, which may be illuminated, may be placed on the site of a medical office building not to exceed 24 square feet in sign area and ten feet in total height.
- f. Hospitals may have two square feet of sign area for each lineal foot of building frontage on U.S. 158 which may be used as wall signs, signs adjacent to internal drive aisle not exceed 20 inches in height, window signs, and one freestanding sign, provided that the freestanding sign shall not exceed 64 square feet in area nor more than 20 feet in height above street grade, and may be illuminated.

Sec. 48-284. - Signs permitted in commercial districts and the commercial/residential district.

Signs permitted in the C-2, C-3, C-4 and CR districts are as follows:

- (1) All signs permitted in section 48-283, signs permitted in residential districts.
- (2) For each premises in business use, or for each commercial site for which the town has approved a site plan and has issued a building permit, three square feet of business sign area for each lineal foot of frontage on a public right-of-way shall be permitted not to exceed a total of 600 square feet. Such sign area may be in a single sign or in a combination of signs subject to the following limitations:
 - a. Wall signs placed against the exterior front and side walls of a building shall be permitted, provided that they shall not extend more than 12 inches beyond the building wall surface and shall not exceed 20 percent of the exposed finished wall surface area including openings on the wall where it is placed. Wall signs shall not be permitted on the rear wall of a building except for (1) buildings located on property with frontage on both US 158 and either NC 12 or

Wrightsville Avenue, and (2) for buildings containing multiple business uses where public entry to an individual business is limited solely to the rear of the building, (3) rear wall signs not visible from the street right-of-way and adjoining properties, and (4) rear wall signs, upon structures located adjacent to US 158, where not visible from any residential use or residentially zoned property.

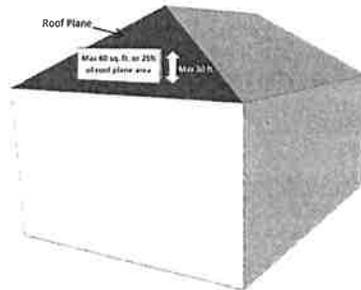
- b. One banner not to exceed 36 square feet in sign area shall be permitted to be placed on the principal building (exclusive of the roof and rear wall) in business use. When a banner is used in combination with wall signs, the total banner and wall signage shall not exceed 20 percent of the exposed finished wall surface area including openings.
- c. Only one freestanding sign shall be permitted to be located permanently on the property and shall not exceed 64 square feet in area and shall not exceed 20 feet in height above street grade.

Where the property has frontage on both US 158 and NC 12 public right-of-ways, one freestanding sign not exceeding 64 square feet in area shall be permitted to be located adjacent to each public right-of-way.

Where the property is a corner lot with frontage on more than one public right-of-way, a maximum of two freestanding signs shall be permitted. One freestanding sign not exceeding 64 square feet in area shall be permitted adjacent to the public right-of-way boundary of the designated front yard of the property. One freestanding sign not exceeding 32 square feet in area shall be permitted adjacent to a public right-of-way boundary of a designated side yard of the property. The freestanding sign permitted in the side yard shall be located no closer than 70 feet to the designated front yard public right-of-way boundary and installed so that the sign face is perpendicular to the side yard public right-of-way boundary.

- d. ~~Roof signs shall be permitted not to exceed ten feet in height above the roof or parapet wall and shall not exceed five percent of the total floor area of the building or 300 square feet in area, whichever is less. Roof sign displays shall only be directed to either the front or side of the property upon which it is located.~~

Roof signs shall not exceed 25% of the individual roof plane area to which they are attached. In no instance shall an individual roof sign exceed 60 square feet in area. There shall be no more than two signs per building.



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Roof signs shall not be taller than 10 feet from the lowest point of attachment to roof. In no instance shall roof signs exceed the maximum height limit for zoning district in which the sign is permitted.

Roof signs with external lighting shall be lit from the top down to avoid the glare and sky illumination characteristics of spot lighting or up lighting.

- e. Window signs shall be permitted to be placed only inside a commercial building and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed. Window signs of exposed neon, argon, krypton or similar gas tube lighting shall be permissible, provided that such signs shall not exceed 25 percent of glass pane area, and shall not exceed singly, or in combination 0.15-square-foot per lineal foot of store frontage, not to exceed 20 square feet of sign area for any one store.
- f. ~~One temporary sandwich sign shall be permitted to be located on the ground but shall not exceed ten square feet in area on each side and shall not exceed four feet in height. Such sign shall be placed on the premises of the business it advertises and shall be exhibited only during business hours of the establishment. The sign shall be anchored in such a way as to withstand wind action from all directions as required by the state building code, as amended.~~
- g. One flag sign shall be permitted in accordance with the specifications listed in the definition for flag sign as described in section 48-7, definition of specific words and terms. ~~The maximum freestanding signage shall not be increased in lieu of not flying a flag sign.~~
- h. Outdoor stands shall be allowed one temporary sign attached to the stand. Such sign shall not exceed 15 square feet in area or extend above the roof of the stand. This sign area shall be exempt from the calculation of total commercial site sign area limitations imposed by this subsection.

- (3) In any vacant site in a commercial district, the following is allowed without a permit: One temporary real-estate sign, not exceeding six square feet in area, shall be permitted for the purpose of advertising the sale, rent or lease of the site, provided that such sign shall not be less than 15 feet

from any street right-of-way or lot line, shall not be illuminated and shall be reasonably neatly painted and maintained. For lots which exceed 100 feet in frontage, one additional square foot of sign area shall be allowed for every ten feet of frontage above 100 feet. No sign shall exceed 32 square feet in area or 15 feet in height.

Sec. 48-285. - Noncommercial signs.

Noncommercial signs are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations applicable to such signs.

~~Noncommercial signs shall be permitted in all districts, except the Ocean and Sound Waters District, on vacant and developed lots, subject to the following limitations:~~

- ~~(1) No sign shall exceed 16 square feet in area on each side.~~
- ~~(2) No sign shall exceed ten feet in height above street grade.~~
- ~~(3) The side yard and front yard setback from any property line shall be at least five feet. In the case of a corner lot, the sight distance requirement of section 48-79 shall be met.~~
- ~~(4) Any symbols, letters or other identifying characteristics describing the sponsor of a noncommercial sign shall not exceed four inches in height and may not be repeated on the same face of the sign.~~
- ~~(5) A noncommercial sign shall contain no commercial advertising or statements, logos, designs or trademarks designed or intended to promote or produce financial gain other than donations for charitable organizations such as groups which are tax exempt pursuant to the Internal Revenue Code.~~

Sec. 48-286. - Exemptions.

Municipal portable message signs used for the display of public safety information and government regulatory information, and directional signage to public recreational destinations shall be exempt from the requirements of this article. The town manager shall review and approve all messages and all directional signage exempted by this section.

PART III. That **Town Code Section 12-223. – Regulations**, be amended as follows:

- (a) *Permitted signs.* One freestanding on-premises sign, not to exceed a total of ten square feet on each side in area, shall be allowed for the duration of a yard sale. Multiple off-premises directional signs may be placed on private property provided that the signs shall: (i) direct the way to premises ~~which are hosting a permitted yard sale~~; (ii) do not exceed two square feet in area; and (iii) shall be neatly painted or printed.

PART IV. Severability Clause.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this sign ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the sign ordinance.

PART V. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 6th day of July 2016.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: **July, 2016**

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS

