



AGENDA
Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, February 16th, 2016; 2:30 p.m.

- A. **Call To Order**
- B. **Approval of Agenda**
- C. **Public Comment/Audience Response**
- D. **Approval of Minutes** – January 19, 2016
- E. **Action Items**
 - 1. Consideration of amendments to the Town’s Sign ordinance to ensure content neutral language and regulations pertaining to residential freestanding signage.
- F. **Report on Board of Commissioners Actions**
 - 1. Consideration of zoning ordinance text amendments pertaining to the Towns landscaping and buffering ordinances – Adopted as presented.
 - 2. Consideration of amending Chapter 22, Flood Damage Prevention, to define “free and clear of obstruction” – Adopted as presented; request staff to prepare diagrams depicting the 18” free and clear for clarification purposes.
 - 3. Consideration of amending Chapter 22, Flood Damage Prevention to reduce the the area of allowable space below the Regulatory Flood Elevation from 300 square feet to 299 square feet for purposes of gaining CRS points – Tabled; staff directed to get clarification from CRS on point system, application of points for new construction, etc.
- G. **Town Updates – as requested**
 - 1. Update on Focus Nags Head
 - 2. Update on Landscape Ordinance
- H. **Discussion Items**
- I. **Planning Board Members Agenda**
- J. **Planning Board Chairmans Agenda**
- K. **Adjournment**

**Town of Nags Head
Planning Board
January 19, 2016
-DRAFT -**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, January 19, 2015 in the Board Room at the Nags Head Municipal Complex.

Deputy Town Manager/Planning Director Andy Garman called the meeting to order at 2:35 p.m. as a quorum was present. Mr. Garman called for nominations for Chair for Calendar Year 2016.

Members Present

Mark Cornwell, Kate Murray, Ben Reilly, Mike Siers, Jim Troutman

Members Absent

Clyde Futrell, Pogie Worsley

Others Present

Andy Garman, Kelly Wyatt, Holly White, Lily Nieberding

Election of Chair and Vice Chair for Calendar Year 2016

Ben Reilly moved to nominate Mark Cornwell to continue on as Chairman. Jim Troutman seconded the motion. There being no other nominations a vote was taken and the motion passed by unanimous vote.

Mr. Garman turned the meeting over to newly appointed Chairman Cornwell. Chairman Cornwell asked for nominations for Vice-Chair.

Jim Troutman moved to nominate Ben Reilly as Vice Chair. Kate Murray seconded the motion. There being no other nominations a vote was taken and the motion passed by unanimous vote.

Approval of Agenda

There being no changes to the agenda, Ben Reilly moved that it be approved as submitted. Jim Troutman seconded the motion and it passed by unanimous vote

Approval of Minutes

There being no changes, Ben Reilly moved that the minutes be approved as presented. Jim Troutman seconded the motion and it passed by unanimous vote.

Audience Response

None

Workshop with Property Managers

Deputy Town Manager/Planning Director Andy Garman explained that since April 2015, the Planning Board had been reviewing revisions to sign regulations to address freestanding signs on residential properties.

As background, the Town has an ordinance that allows a single-family dwelling to have a "for rent" sign attached to the structure for the purpose of identifying the rental house number and the contact information for the property management company. The signs may be up to six square feet in area. In cases where structures are located more than 100 feet from the street right-of-way, the ordinance allows a freestanding rental sign to be placed in the yard. There is no minimum height for these signs and no required setback. This allowance has been provided to increase the visibility of rental signs where they would be difficult to see from the road. These signs are primarily located on the east side of Virginia Dare Trail where oceanfront lots are deep and houses are located further from the road. Over the years there has been a proliferation of these signs.

Mr. Garman noted that Board members have received several complaints related to the negative impact on the appearance of the beach road caused by the proliferation of real estate rental signs. The Commissioners directed Staff to look at alternative language to lessen the visual impact of these signs. The Planning Board discussed this and requested that Staff present an analysis of the problem at its May meeting.

Staff conducted an inventory of freestanding rental signs and discovered quite a few existing signs. Mr. Garman also noted that the Town currently has less than half the number of rental signs that could be placed if a sign were to be placed at each eligible property. Given the potential for additional signs, it was the Planning Board and Staff's opinion that this level of signage would have a significant impact on the appearance of the community. Staff recommended that the Planning Board consider modifications to the sign regulations pertaining to freestanding "for rent" signage.

Some of the proposed modifications include:

- 1) Allowing one, six square foot "for rent" sign to be on the dwelling and a smaller freestanding sign to be placed in the yard to communicate only the information necessary to identify the rental number and rental company name. Staff would recommend a size limit of 1.5 square feet for these signs; this would allow the sign to include the rental unit # and company logo;
- 2) In addition to the 1.5 SF size limit, establishing a height limit of no more than two feet above the adjacent grade - this option would only be recommended in instances where dwellings are more than 100 feet from the right-of-way; and
- 3) Establishing an amortization clause on the timeframe for compliance.

The Planning Board requested a work session to discuss these proposed changes with real estate property management companies. Staff contacted property management company representatives to request their attendance at today's meeting.

In attendance at the workshop were:

Elaine Breiholz, Carolina Designs Realty; David Pergerson, Resort Realty; J.W. Fuller and Dorie Fuller, Village Realty; Dan Hardy, Joe Lamb Jr.; and Emily Coppersmith, Stan White Realty

First to speak was Dan Hardy with Joe Lamb realty. Mr. Hardy stated he is a former Zoning Administrator with the Town of Nags Head and is familiar with the Town's regulations with regards to signs; the sign ordinance has not changed much in 30 years. This is an important issue for rental companies and does not see a need for change. Riding up the beach road he saw multiple violations. Maybe need more regulation from the Town to provide uniformity.

He does not like the idea of changing the size of the signs. His company has made a substantial expenditure on signs based on good faith reliance that ordinance would not change. Feels like the "rug is being pulled out from under us." They would not have made that investment if they'd seen this change was coming. Feels that it's not reasonable to change the ordinance for one industry and not looking at signage as a whole. There are multiple non-conforming signs throughout the Town. Does not understand where this is coming from.

There would be an impact if signs are turned parallel; it will be harder for their customers to see the signs as they drive down the road. He would not mind a height limit or a minimum setback from right of way but does not want to change the size.

Their signs are aluminum and cost over \$100 a piece; they have over \$10K invested in signs, would be very difficult and expensive to replace. Would they need a permit to replace each sign? That also could get expensive. They have already replaced all the free-standing signs for the properties that qualified and are getting ready to replace all their signs.

Webb Fuller with Village Realty spoke next. Mr. Fuller stated he is a former Town Manager for Nags Head and stated that the ordinance as it relates to signs has not changed since 1982. He understands the need for rules and regulations. However, there are numerous violations with other signs that are not being addressed. He agrees with most of what Mr. Hardy stated. He also believes that signs could use more regulation but does not agree with the proposed language. The real estate community is a small business. What is being proposed takes away from and negatively affects small businesses. Is this really a big concern? Could not find where this issue is coming from.

From a personal standpoint agrees the signs could use some regulation, uniformity but feels there are more egregious sign issues (such as multiple flags) out there; feels like the real estate community is being "attacked". He doesn't like how beach road looks either, believes there is a lot of opportunity for compromise, right now there is a Hodge podge, could use some uniformity. Mr. Fuller stated that it is not to their benefit for it to look badly. Would consider a height reduction but not sure about a reduction in size. He wants signs to be able to convey the necessary information such as the address for their renters as they are driving down the road.

Ms. Dorie Fuller stated that the Village signs were constructed by Ambrose signs. They were originally particle board or some type of Masonite composite material but now most are aluminum, at least the house signs are. When asked about a depreciation schedule for their signs, Mr. Fuller stated that he expects the signs to last 5 to 7 years.

Elaine Breiholz of Carolina Designs Realty spoke on behalf of Monica Thibideoux who is out of town at a meeting. They discussed the issue and agree that a smaller sign would not work for them. They have already had complaints about sign visibility from customers who rent houses in The Village. Ms. Breiholz did agree that the signs need uniformity.

David Pergerson with Resort Realty spoke next. The language seems very tailored to one type of signage (rental signs). The biggest issue is one of practical application. Placement of signs is based upon what customers express they need. Smaller signs are harder to see when you are driving 35 miles per hour down the beach road.

Mr. Pergerson confirmed that the house numbers are different depending on the rental company, the numbers are not in any order. Not just about immediate cost but impact on future rentals, difficulty in finding houses especially at night.

The overall consensus from the real estate representatives was that the proposed 1.5 SF sign is not practical. They also continually questioned how and why this issue came about, is this really a big issue? How many complaints were received?

Mr. Garman gave some more background on how and why the proposed changes came about and confirmed that the request to look into the issue came directly from the Commissioners at their April Board Meeting. The content neutral ruling notwithstanding, the Town still has the authority to regulate signage. The Town has always had different rules on signage depending on the type of use, especially when it comes to residential areas.

When asked what they thought would be a good size for a sign, Mr. Fuller stated he did not believe it was one size fits all; what works in a cul-de-sac in The Village is different than on the beach road. On the beach road, the current sized sign has worked for 30 years; it would be hard to get info from a sign (while driving) if it went much smaller. If anything it may be placement to the road and height that is more of a concern however that would also need to vary depending on where; for instance there is reduced visibility in south Nags Head.

Mr. Hardy is not looking for a change in area, however uniformity of placement, location and of height within reason are all valid points and will visually look better.

Dorie Fuller suggested looking at the houses across from Souvenir City at Whalebone; Bob Oakes lowered signs there.

Mr. Siers asked if the purpose of the sign was for branding or for information. He pointed out that in some of the signs you can see the Company logo and phone number better than the house number.

Mr. Reilly stated that that he understands their concerns; it's not a branding issue, it's all about identifying the house. If the size of the signs is reduced they would be harder to see. Would reducing the height rather than the size make a difference?

Ms. Murray agreed stating that they should reconsider the 1.5 SF size as it was not a popular choice, instead maybe consider other sizes that may be more agreeable.

Chair Cornwell said he initially had liked the 1.5 SF sign and had not considered height. All you really need is the Company Logo and the house number; less information might make the signs easier to see.

Mr. Reilly noted that they are not targeting real estate companies they are targeting signs on residential houses on the beach road, which happen to be real estate signs.

Mr. Garman reminded the Board that the beach road is primarily residential, the Town wants to be business friendly but there needs to be a balance. This issue came to the Planning Board because

people thought the balance was out of whack. Mr. Garman suggested reconsidering the size but also looking at height again.

Chair Cornwell asked for Staff to take another look at the ordinance and bring back some suggestions.

Mr. Garman stated that they will come back and give the Board a few options; Staff will look at the Village Realty signs across from Souvenir City and give that as one option. Mr. Garman also stated that he will ensure that the signs are exempt from permitting requirements.

Action Items

None

Establishment of Regular Meeting Dates for Calendar Year 2016

Deputy Planning Director Kelly Wyatt presented the Draft Submittal Calendar for 2016. Ms. Wyatt noted that historically the December Planning Board meeting has been bumped up a week so as not to coincide with holiday travel plans. This would put the meeting on December 13th. Ms. Wyatt confirmed that the date for tech review would stay the same. After some discussion it was Board consensus to keep the meeting on the 20th.

Report of Board of Commissioners Actions

Ms. Wyatt reported on recent Board Actions:

A Public Hearing is scheduled for February 3rd, 2016 Board of Commissioners meeting for consideration of amendments to the Town's landscaping and buffering ordinances and amendments to Town Code Chapter 22, Floods to define "free and clear of obstruction".

Town Updates

Principal Planner Holly White updated the Board on Focus Nags Head. Ms. White stated that they have had two Advisory Committee Meetings since the last update, one was held in December and the second was held on January 12. The first meeting was geared towards orienting the members towards the task at hand (the Comprehensive Plan) and updating of the vision statement. Ms. White then reviewed the definitions of Vision, Goals/Principles, Policies and Actions and how and where they fit in the process. The next Advisory Committee meeting will be held on January 26. A Community meeting is scheduled for February 11th.

Ms. White confirmed for Mr. Reilly that the time listed for the Community Meeting are tentative and will be determined at a future date.

Planning Board Members' Agenda

Mr. Reilly requested an update on the 7-Eleven. Mr. Garman stated that project is still in progress but was stalled due to issues related to the underground storage tanks. The demo permit is ready to issue but has not yet been picked up.

Planning Board Chairman's Agenda

None

Adjournment

There being no further business to discuss, a motion to adjourn was made by Ben Reilly. Kate Murray seconded the motion and the motion passed unanimously. The time was 4:31 PM.

Respectfully submitted,

Lily Campos Nieberding

DRAFT

STAFF REPORT

TO: Planning Board

FROM: Andy Garman, Deputy Town Manager
Kelly Wyatt, Deputy Planning Director and Zoning Administrator

DATE: February 12, 2016

SUBJECT: Consideration of amendments to the Town's Sign ordinance to ensure content neutral language and regulations pertaining to residential freestanding signage.

At its April 2015 meeting, the Planning Board began discussing an issue referred by the Board of Commissioners related to real estate rental signs. Board members had received comments related to the negative impact on the appearance of the beach road caused by the proliferation of real estate rental signs. The Planning Board discussed this issue for several months and continues to evaluate recommendations from staff and from the Town's Local Business Committee regarding the issue. In January of 2016, the Planning Board held a meeting with representatives from property management companies to receive input on these recommendations. At the conclusion of the discussion, the Planning Board directed staff to draft several options for modifying the regulations to include new sign area and height standards as well as a setback distance from the front property line. A draft of this ordinance has been included for the Planning Board's review. Staff has also provided photos to compare what these options will look like relative to the existing signs. Staff will provide a detailed overview of this comparison at the upcoming meeting.

The Planning Board is aware that the Local Business Committee made a recommendation last year on modifying the allowable size for these signs to 1.5 square feet with and a maximum height of 2 feet. The Local Business Committee met again in January of 2016 and received an update on the issue including an overview of the discussions from the January 2016 Planning Board meeting with property managers. The Planning Board Chair suggested that the Local Business Committee provide a final recommendation on the issue considering the additional input that has been received. The Local Business Committee were shown visual representations of various sign options in order to assist with the discussion. After reviewing these visuals and discussing the issue at length, the Local Business Committee made a recommendation to modify the allowable sign area to 2 square feet with a maximum height of 2 feet above grade to the top of the sign. The Local Business Committee also discussed what would be a reasonable timeframe to allow the signs to be modified to comply with new standards. A date of January 1, 2018 was suggested since this would provide two additional seasons for the signs. This was included in the Committee's recommendation.

Background

As background, the Town currently has an ordinance that allows a single-family dwelling to have a "for rent" sign attached to the structure for the purpose of identifying the rental house number and the contact information for the property management company. The signs may be up to six square feet in area. In cases where structures are located more than 100 feet from



the street right-of-way, the ordinance allows a freestanding sign to be placed in the yard. There is no minimum height for these signs and no required setback. This allowance has been provided to increase the visibility of rental signs where they would be difficult to see from the road.

These signs are primarily located on the east side of NC 12 and SR 1243 where oceanfront lots are deep and where houses are located further from the road. Along the Town’s 11 mile length, there are roughly 600 lots that are in either single-family or duplex uses that extend from the oceanfront to the road. In nearly all of these cases, the dwellings are located far enough from the road to qualify for a freestanding rental sign. An inventory of freestanding rental signs by company is provided below:

Joe Lamb	56
Village Realty	35
Carolina Designs	34
Outer Banks Blue	20
Stan White	15
Resort Realty	8
Beach Realty	7
Seaside Vacation	5
Other	5
Brindley Beach	2
Carolina Dunes	1
Total	188

It should be noted that the Village at Nags Head does not allow freestanding rental signs. With that said, the Town currently has less than half the number of rental signs that could be placed if a sign were to be placed at each eligible property.

Staff has received input from a number of individuals since the Planning Board began discussing the issue. These individuals consisted of citizens, members of the local business committee, and local realtors. There was a clear theme that emerged from this input that the proliferation of these signs creates a negative image for the Town. Specific comments are paraphrased below:

- It appears as if everything’s for sale.
- The signs serve as additional advertising rather than wayfinding for guests.
- The signs detract from the aesthetics of the Town.
- While the signage serves a need of the real estate community to provide information to visitors, maintaining the attractiveness of the Town creates lasting value and does more to attract residents and visitors.
- The signs are too large and necessary information can be communicated in a different way.
- The signs begin to dominate the landscape along the beach road.

- The Town does not need to look manicured; however, the natural appearance is what makes the Town and the signs are not in keeping with the natural appearance.

When considering this input, along with the Town’s vision statement, land use plan policies and the significant efforts the Town has made to improve the Town’s aesthetics, including aspects of the Town’s sign ordinance, the current regulation appears to be inconsistent with the values of the Town. Additionally, given the potential for additional signs as described above, it is staff’s opinion that this level of signage would have a significant impact on the appearance of the community. With that said, staff has recommended that the Planning Board consider modifications to the sign regulations pertaining to freestanding residential signage. The original recommendation provided by staff at the May 2015 meeting is as follows:

- Allow one, six square foot “for rent” sign to be on the dwelling and a smaller freestanding sign to be place in the yard to communicate only the information necessary to identify the rental number and rental company name. Staff would recommend a size limit of 1.5 square feet for these signs. A height limit should also be established of no more than two feet above the adjacent grade. This option would only be recommended in instances where dwellings are more than 100 feet from the right-of-way.

For the Planning Board’s reference, below is a summary of the requirements from other local communities related to “for rent” signs:

Currituck	Duck	Southern Shores	Kitty Hawk	Kill Devil Hills
One “for rent” sign; 2 square feet; max height 20”; can be freestanding or attached	One “for rent” sign; 3 square feet, attached to dwelling	One “for rent” sign; 3.5 square feet, attached to dwelling	One “for rent” sign; 6 square feet; must be attached to dwelling	One “for rent” sign; 6 square feet plus frame; can be freestanding or attached; must be at least seven feet from lot lines

The Planning Board will be reviewing the following options at the upcoming meeting. Pictures are included below to illustrate the impact of these various options.

Area (sq. feet. and to include the frame)	Height (inches to the sign top)	Setback
6	24	5
2	30	None (as long as sight distance is maintained)
1.5	-	



Original 6 sq. ft. sign and 2 sq. ft. sign 30" high



Original 6 sq. ft. sign and 1.5 sq. ft. sign 24" high



Original 6 sq. ft. sign with both sign options



Perspective view of all sign options

Attachment:

- Draft sign ordinance revisions

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) 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 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)~~(4) 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.
- ~~(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)~~(5) 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)~~(6) Flag sign. A sign made of fabric, plastic, or similar material and displayed as a flag on a flag pole. Flag signs shall not exceed 24 square feet in area and ~~35~~ 12 feet in height ~~above the road grade~~, and shall be allowed only on freestanding flag poles.

~~(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.

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 and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.
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- (2) To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.
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- (3) To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.
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- (4) To allow for adequate and effective signs in zoning districts of the town while preventing signs from dominating the appearance of the area.
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- (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.

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.~~ d. Directional signs.
 - ~~f.~~ e. An existing sign in which only the message is changed and involves no structural modification to the structure.
- (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, 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.
- 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.
- k. No ~~real-estate~~ sign on property abutting a public trust area shall be directed toward any public trust area as defined by CAMA.
- l. All pennants are prohibited, effective December 6, 1995.
- 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.
- n. Tourist-oriented directional sign (TODS).
- 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.
- p. Roof signs within the SPD-C, Village at Nags Head C-1, C-2, hotel and institutional districts.
- q. LED and digital signs.

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 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 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 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 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 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
 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 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.
- ~~(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 Signage

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 _____ square feet in area including the frame surrounding and/or supporting the sign face.

2. The signs shall not exceed _____ feet in height measured from the ground to the top of the sign.

3. The sign shall be setback a minimum distance of _____ from the front or side lot lines and shall not create an obstruction to visibility for vehicles exiting the driveway.

4. Amortization. Front yard signs made non-conforming by this subsection shall comply with these regulations by January 1, 2018.

Optional Standards to insert above

Area (sq. feet. and to include the frame)	Height (inches to the sign top)	Setback
6	24	5
2	30	None (as long as sight distance is maintained)
1.5	-	

- 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 nameplate or professional 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-Commerical Identification signs. The following signs are permitted, provided that such sign is located on the site it identifies, is neatly painted and maintained:
 - 1. One non-commerical identification sign per unit not to exceed two square feet in sign area shall be permitted for single-family and two-family sites.
 - 2. 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.
 - 3. 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.
 - 4. 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.
 - 5. 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.
 - 6. 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.
 - 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 neatly painted and maintained, and shall be related to the activity on the site which the sign is located. 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 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.

Sec. 48-287. – 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.

Sec. 48-288. – Substitution Clause.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.