



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

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 48, Zoning, of the Code of Ordinances shall be amended as follows:

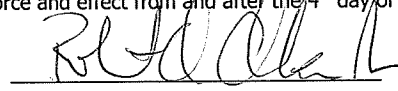
PART I. That **Section 48-282(6) Signs and Outdoor Advertising Structures, Prohibited Signs** be amended as follows:

- (6) Prohibited signs.
- a. No sign shall be located within a public right-of-way except for street identification signs and official traffic control signs.
 - 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 without electronic advertising matter 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 manner 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.**

PART II. That **Section 48-7 Definitions** be amended as follows:

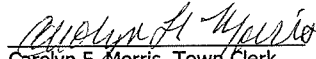
Digital sign means any sign featuring electronic display or moving images created by incandescent, LCD, Plasma, LED or projected images for any purposes other than traffic control devices. This definition is intended to include any sign containing incandescent lights or exposed light bulbs used as a message or reader board, or to project images. This definition does not include LED technology used only for the purpose of illuminating a structural sign face.

PART III. 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 4th day of January 2012.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: January 4, 2012

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

**TOWN OF NAGS HEAD
STATEMENT OF CONSISTENCY
WITH THE LAND USE PLAN FOR A ZONING TEXT AMENDMENT**

BE IT HEREBY RESOLVED by the Board of Commissioners for the Town of Nags Head, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the adoption of the requested zoning text amendment to prohibit digital signs.

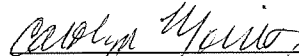

Is consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this action is reasonable and in the public interest because it addresses an emerging concern related to community appearance (p. 104)

READ, APPROVED AND ADOPTED by a vote of 4 – 0 (Mayor Pro Tem Remaley was not present.), this the 4th day of January 2012.



Robert O. Oakes Jr., Mayor

ATTEST:


Carolyn Morris, Town Clerk
Cliff Ogburn, Town Manager

DIGITAL BILLBOARD OR SIGN: A computerized display that may be changed or updated remotely and utilize video or other changing images. Also known as "electronic variable message signs" or video advertising.