



AGENDA
Town of Nags Head Planning Board
Nags Head Municipal Complex Board Room
Tuesday, January 19th, 2016; 2:30 p.m.

- A. **Call To Order**
- B. **Election of Chair and Vice Chair for Calendar Year 2016** – An organizational meeting to elect a Chair and Vice-Chair of the Board for calendar year 2016.
- C. **Approval of Agenda**
- D. **Approval of Minutes** – December 8th, 2015
- E. **Public Comment/Audience Response**
- F. **Workshop with Property Managers** to review and discuss recommended regulation of residential freestanding signage within the Town. The Planning Board will also discuss proposed content neutral sign regulations.
- G. **Action Items**
- H. **Establishment of Regular Meeting Dates for Calendar Year 2016**
- I. **Report on Board of Commissioners Actions**
 - 1. Public Hearing scheduled for February 3rd, 2016 Board of Commissioners meeting for consideration of 1) amendments to the Town's landscaping and buffering ordinances and 2) amendments to Town Code Chapter 22, Floods to define "free and clear of obstruction."
- J. **Town Updates- as requested**
 - 2. Update on FOCUS Nags Head.
 - 3. Other updates as requested.
- K. **Planning Board Members Agenda**
- L. **Planning Board Chairmans Agenda**
- M. **Adjournment**

**Town of Nags Head
Planning Board
December 8, 2015
-DRAFT -**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, December 8, 2015 in the Board Room at the Nags Head Municipal Complex.

Chairman Mark Cornwell called the meeting to order at 2:30 p.m. as a quorum was present.

Members Present

Mark Cornwell, Ben Reilly, Kate Murray, Mike Siers, Pogie Worsley

Members Absent

Clyde Futrell, Jim Troutman

Others Present

Andy Garman, Kelly Wyatt, Holly White, Lily Nieberding

Approval of Agenda

There being no changes to the agenda, Ben Reilly moved to approve it as submitted, Pogie Worsley seconded the motion and it passed by unanimous vote.

Audience Response

There being no comments, Chairman Cornwell closed the Public Comment/Audience Response.

Approval of Minutes

There being no changes, Ben Reilly moved that the minutes be approved as presented; Kate Murray seconded the motion and the motion passed by unanimous vote.

Report of Board of Commissioners Actions

Deputy Planning Director Kelly Wyatt reported on recent Board actions:

The Conditional Use Application submitted by Susie Nixon of Beach Babies Preschool, to operate a Child Day Care Center within Plaza del Sol Shopping Center located at 2236 S. Croatan Highway, was approved with the condition that State Licensure be acquired and maintained.

The Conditional Use Application submitted by John DeLucia of Albemarle & Associates, Ltd. on behalf of Island X-PerTees, to locate a Screen Printing business within the existing warehouse structure located at 2234 Satterfield Landing Road, was approved with the condition that the dumpster be provided as requested by Public Works.

Town Updates

Update on Focus Nags Head

Principal Planner Holly White gave an update on FOCUS Nags Head which is underway and currently in Task 2 – Exploration and Task 3 – Drafting of the Comprehensive Plan.

Ms. White noted that the Town has received feedback from the consultant in the form of three memos:

Memo 1 summarizes the overall FOCUS Nags Head process to date and suggests next steps for Staff to undertake in moving forward. In addition, Code Wright outlines a suggested Comprehensive Plan Structure.

Memo 2 looks at the Town's current Vision statement and proposes a revised Vision Statement based on community input to this point.

Memo 3 outlines the input, issues, and concerns brought forward by stakeholders during the Stakeholders Interviews in September.

Ms. White proceeded to review Memo 1 in greater detail for the Board, which included the role of Staff and the advisory committee and the comp plan process. Ms. White also discussed the Guiding Principles and their role in the plan and reviewed the task schedule which includes a start and end date for each task. Ms. White noted that what was missing from the schedule was more public input and stated that she is hoping to schedule Public Meetings after every two Advisory Committee meetings. In addition there will be two Public Hearings associated with the plan, one at Planning Board and one at the BOC meeting.

Staff will be working in the coming months to carry out meetings with the Advisory Committee, Board of Commissioners, Planning Board and other Stakeholders to gain additional input on topic areas needed in order to draft the Comprehensive Plan.

Ms. White confirmed for Mr. Cornwell that Kate Murray is the Planning Board representative on the Advisory Committee.

Ms. White also explained that the Technical Committee will be more involved in the code drafting part which will not begin until July, but they are welcomed to sit in on the Advisory Committee meetings.

Update on NC Sea Grant Sea Level Rise Study

Ms. White explained that Sea Grant staff visited Nags Head in August and September to conduct stakeholder interviews about coastal resiliency and sea level rise.

On December 7 & 8, these stakeholders and the public were invited to attend a coastal resiliency workshop where participants learned more about how sea level rise impacts Nags Head. Participants were then broken out into groups where they explored how the Town and its residents could reduce negative impacts from sea level rise. At the close of the two day workshop, Sea Grant staff presented a summary of findings from the workshop and potential next steps. Ms. White noted that there were 58 people in attendance last night (December 7th) and 48 people in attendance today (December 8th).

Planning Board member Kate Murray was part of one group and Chairman Cornwell was part of the second group.

Ms. Murray confirmed that her group focused mainly on shoreline management, how to manage for erosion and septic health issues. What is being done now and what can be improved. Specifically discussed were estuarine erosion and the use of living shorelines, in which there is a lot of interest in.

Mr. Cornwell stated he had Mr. Garman and Town Engineer David Ryan in his group and that the group agreed on many of the issues. They had a lot of perspective on the Septic issue and how it is affected by rising ground water and/or Stormwater. What came out of their group was the need for a change in legislation because there are things that the Town could do but are unable to do because of existing Federal and State laws.

Ms. White stated that the workshop ended today with how we (the Town) are going to move forward. There is an interest in bringing back the (Focus Nags Head) Advisory Committee and other interest citizens to make sure that the final report (that will be done by NC Sea Grant) accurately reflects what was discussed during the workshops.

Action Items

Consideration of numerous zoning ordinance text amendments related to the Town's landscaping and buffering ordinances.

Deputy Planning Director Kelly Wyatt followed up on where the Board and Staff left off at the previous month's meeting. The ordinance related to commercial landscaping and buffering requirements had been revised based on a joint workshop held with between the Planning Board and the Local Business Committee. The revised ordinance relies on a new vegetation planting guidelines document which includes a recommended plant list broken down by appropriate planting zones.

Ms. Wyatt noted that since the last meeting Staff had revised the following portions of the proposed zoning ordinance amendment:

- Section 48-483(a)(4) was revised to remove the 25 percent shrub planting requirement in the Beach Planting Zone in lieu of planting ornamental grasses.
- Section 48-483(a)(9) was revised to clarify that the number of plantings shall be reduced by 10 percent when drip irrigation is utilized.
- Section 48-371(g) was revised to reduce the tree caliper from 8-inches to 6-inches to provide consistency with our tree removal ordinance.
- Section 48-485(b)(1) has been eliminated in its entirety and replaced with the new planting chart.

Ms. Wyatt also pointed out the vegetative planting guidelines is an evolving document; the ordinance is complete but the cluster diagrams will be brought back at a later date. Ms. Wyatt reminded the Board that the purpose of the plant list is to act as a guide; it is a recommended list which provides examples of plants that may be suitable on sites where landscaping is required by the ordinance.

Ms. Wyatt stated that she would be happy to answer any questions for the Board and noted that Jim Connors, a landscape architect, was present and available as well.

Mr. Jim Connors addressed the Board. Mr. Connors stated he had not had time to fully review the revised ordinance but noted that often times during the design phase or out in the field he runs into conflicts when trying to meet buffering and storm water retention requirements. Mr. Connors stated that he really liked the use of incentives and the use of clustering. Mr. Connors stated that business

owners especially will be happy with the ability to cluster as current requirements such as the planting of evergreens every five feet on center sometimes tend to hide businesses.

Mr. Connors noted that currently if someone wants to develop a commercial site, surveyors and engineers get involved, but engineers are trying to get final approval of the site development plan (and are not focused on the landscape portion). Mr. Connors stated that if they were to unlink the landscape design from what the engineer is proposing the Town would go a long way towards getting better landscape designs where they are required by the ordinance. Mr. Connors suggested having the approval of the landscape design tied to issuance of the CO.

Mr. Connors also spoke about the section of the ordinance that notes the required plants for each 100 feet of Buffer area. The heading Ornamental Grasses/Herbaceous Plants concerns him because a site could end up with an "ocean of pampas grass".

Mr. Connors offered to add more plants to the plant list but stated that it would be difficult to come up with a comprehensive list. Chair Cornwell asked him to forward any suggested additions to Ms. Wyatt.

Ms. Wyatt agreed to amend the ordinance under Part I Section (a)(2) by changing the field name on the table from Ornamental Grasses/Herbaceous Plants to Herbaceous Plants/Ground Cover.

Ms. Murray suggested that Staff indicate which plants are native on the recommended plant list.

Mr. Connors stated that he would like to see the Town incentivize the use of native plants but cautioned the Town to be careful about what incentives to offer because it might result in a reduction of plants.

Ms. Murray suggested that they drop the Japanese/European Privet and Pampas Grass from the recommended list stating that Pampas grass can grow large and unruly. Mr. Connors concurred stating that they can also be a fire hazard.

After some discussion, Mr. Garman suggested further amending the ordinance under Part I Section (a)(9) to read that "Properties that provide for drip irrigation of landscape materials or use all native plants may reduce the overall buffering requirement, number of plantings by 10 percent".

Ben Reilly moved to recommend approval of the ordinance as amended. Pogie Worsley seconded the motion and the motion passed by unanimous vote.

Chair Cornwell suggested that Staff keep the Vegetative Planting Guidelines on the agenda as Staff continues to revise it. Mr. Garman agreed and also led a discussion on the possibility of having the landscape plan reviewed separately and not as part of engineered site plan; have it approved by staff prior to CO and not by the Commissioners. It was agreed that the Board of Commissioners will likely want to continue reviewing landscape plans as part of the site plan review process.

Mr. Worsley suggested combining design/review of the landscape plan with the Stormwater Management plan.

Consideration of an ordinance amendment to Chapter 22 of the Town Code, Flood Damage Prevention, to define "free and clear of obstruction" for the purpose of regulating foundations in VE zones in accordance with minimum requirements of the National Flood Insurance Program.

Principal Planner Holly White presented. She has been working with Chief Building Inspector David Morton on this issue.

Free of Obstruction is a terminology that is currently used in Chapter 22 Floods in Coastal High Hazard Areas and V zones to require elevated buildings to be "free and clear" below the lowest floor. However, free of obstruction is not defined to explicitly state what that means or how it should be applied.

After discussion with the Planning Board at their November 17th meeting, Staff proposed that Chapter 22 Floods be amended to reflect greater clarification in the proposed text amendment. These proposed changes would formally adopt the internal policy currently utilized by staff.

In order to make the necessary changes, the following sections of the code needed to be modified:

1. Chapter 22 Floods, Sec. 22-32. – Definitions: Added definitions for "Free of Obstruction" and "Lowest Horizontal Structural Member".
2. Chapter 22 Floods, Sec. 22-35. - Provisions for flood hazard reduction. (c) Coastal high hazard areas (zones VE) (a) Items 3 and 4- Added clarifications on the application of free of obstruction.

FEMA's rules require that structures in a VE flood zone (generally oceanfront) must be elevated on an open foundation (i.e., pilings); this allows floodwaters and waves to pass underneath the structure without resistance from the foundation or structural walls. Staff has been requiring that homes in the V zone be elevated a minimum of one (1) foot above finished grade and free and clear- even in cases where the existing grade is above regulatory base flood elevation. The proposed changes would essentially codify a standard that is currently being defined administratively.

Ms. White confirmed for Mr. Worsley that elevators and entry/access are considered exempt.

3. Chapter 48- Zoning, Article 1- In General, Section 48-7. - Definitions of specific words and terms: Amend definition of height to not penalize applicants for meeting free of obstruction.

Changes are being considered to the building height regulations in order to not penalize the height of structures for meeting the free and clear requirement. The height measurement would rely on the line established for free of obstruction for structures in a VE zone, rather than finished grade. Because height is measured from finished grade, the current application of free of obstruction requirement is potentially reducing the height of certain houses.

Ms. White explained that also addressed in the proposed text amendment is a minor change to Chapter 22 Floods, Sec. 22-35. - Provisions for flood hazard reduction. (b) Specific standards, (5) Elevated Buildings and (7) Accessory Structure. Staff proposes to change the limit of enclosed space below an elevated building in an AE flood zones to 299 square feet from 300 square feet. Staff is requesting this change because it affords the Town the opportunity to gain additional CRS points that we are currently not receiving. There is approximately 100 points available if the Town limits the enclosed areas beneath a structure to no more than 299 square feet. Currently, the ordinance states that enclosed areas cannot exceed 300 square feet.

Ms. White confirmed for Chair Cornwell that CRS would track the 299 SF requirement by reviewing Final Construction elevation certificates.

Ms. White confirmed for Mr. Siers that the definition of height was changed to account for any discrepancies.

Pogie Worsley moved to recommend approval of the ordinance as presented. Ben Reilly seconded the motion and the motion passed by unanimous vote.

Discussion Items

Draft revisions to the Town's sign ordinance to ensure content neutral language.

Deputy Town Manager/Planning Director Andy Garman presented to the Board a draft of comprehensive revisions to the sign ordinance to incorporate content neutral language. Mr. Garman noted that the revisions were extensive.

Mr. Garman proceeded to review the proposed changes for the Board:

The ordinance includes many definitions; Staff removed the definition for any sign that is defined by the content; this includes construction signs, directional signs, identification signs, outdoor advertising sign and time and temperature displays.

The next change was a revision to Section 48-281 – Intent of Article, including adding the intent to ensure that the constitutionally guaranteed right of free speech is protected.

Under Sec. 48-282 – General requirements, the primary changes involve revised standards for temporary signs in residential districts which are further discussed under Sec. 48-283, Signs Permitted in Residential Districts.

Sec. 48-283 (1) Temporary signs - includes new language for the regulation of construction signs, for sale signs, as well as other signs associated with limited duration activities which may occur on residential properties. Mr. Garman noted that modifications to previous language, pertaining to “for rent” signs have also been incorporated into the ordinance. Mr. Garman also added language regarding signs associated with special events permits.

Sec. 48-283 (2) Permanent signs – includes new language for the regulation of real estate rental signs and identification signs.

Mr. Garman and the Board discussed permanent signs for rental houses and whether they should be parallel or perpendicular to the street. It was Board’s preference to have the signs be parallel to the street. Mr. Garman noted that this is something that they will want to discuss when they meet with Property Managers next month.

Mr. Worsley suggested adding house numbers to signs as a concession to having a larger sign but Mr. Garman stated he liked the idea but felt that this might be considered content based.

Mr. Garman suggested that something else the Board may want to discuss with Property Managers is the creation of non-conformities and how long they will have, to bring existing signs into compliance.

Mr. Siers suggested adding the word "non-commercial" to Permanent Identification signs under Sec. (2)(d).

Mr. Garman noted there were not too many changes under Sec. 48-284 – Signs permitted in commercial districts - as it mostly talks about sign types, not content based (wall signs, banners, free-standing signs, roof signs, etc.)

Chair Cornwell asked Mr. Garman to add the words "parallel to the street" under number three in that section to keep it consistent.

Mr. Garman noted that a severability clause was added under Sec. 48-287, to ensure that the ordinance remains enforceable should a court strike down an individual provision within the ordinance.

Finally, a substitution clause has been added as Sec. 48-288, which allows a non-commercial message to be substituted anywhere the Town allows business or commercial signage. Since non-commercial speech is generally afforded a higher level of protection by the courts, this provides a level playing field between non-commercial and commercial speech within our ordinance.

It was Board consensus to invite property managers to their January meeting to further discuss the proposed changes. Chair Cornwell asked that Staff make this the first item in the agenda.

Mr. Worsley asked about mobile billboards and how they would be affected by the proposed changes. Mr. Garman will look into that and will update the Board next month.

Planning Board Members' Agenda

Mr. Worsley inquired what had happened with the amusement rides at the go-kart site. Ms. Wyatt stated that the owner of the property told her that the amusements had not been profitable.

Planning Board Chairman's Agenda

None

Adjournment

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

Respectfully submitted,

Lily Campos Nieberding

STAFF REPORT

TO: Planning Board
FROM: Andy Garman, Deputy Town Manager
Kelly Wyatt, Deputy Planning Director and Zoning Administrator
DATE: January 16, 2016
SUBJECT: Workshop with Property Managers to review and discuss recommended regulation of residential freestanding signage within the Town. The Planning Board will also discuss proposed content neutral sign regulations.

Included in your packet is a draft of comprehensive revisions to the sign ordinance to incorporate content neutral standards. These revisions were presented at the December regular meeting and the Planning Board was requested to review and comment on these changes. Additionally, the Planning Board has been reviewing revisions to sign regulations to address freestanding signs on residential properties. The Planning Board requested a work session to discuss these changes with real estate property management companies at its January meeting. Staff has contacted property management company representatives to request their attendance at the upcoming meeting. The Planning Board will note that language pertaining to residential freestanding signage has been highlighted in the attached ordinance for the purposes of a focused review on this section. This section is 48-283(2)a. Staff has included an amortization clause in the ordinance for discussion purposes however the date has been left blank to allow for feedback on the timeframe for compliance.

This item is not listed as an action on the meeting agenda. Therefore, the Planning Board should focus on receiving input and discussion of the proposed regulations. It is anticipated that this item could be an action item on the Planning Board's February agenda. Attached is a previous memo and analysis provided to the Planning Board regarding the issue of freestanding residential signage.

Attachment:

- Memo from the May 2015 regular Planning Board Meeting regarding residential freestanding signage
- Draft sign ordinance revisions

STAFF REPORT

TO: Planning Board

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

DATE: May 14, 2015

SUBJECT: Discussion of modifying the Town Code as it relates to residential rental signs being posted at the road when the rental home is greater than 100 ft. from the roadway.

At its April meeting, the Planning Board discussed an issue referred by the Board of Commissioners related to real estate rental signs. Board members had recently 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 Planning Board discussed this and requested that staff present an analysis of the problem at its May meeting.

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 NC 12 and SR 1243 where oceanfront lots are deep and houses are located further from the road. In 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 on this issue since the last meeting. These individuals consisted of citizens, members of the local business committee, and local realtors. There was a clear theme that emerged 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 ways.
- 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, 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 would recommend that the Planning Board consider modifications to the sign regulations pertaining to freestanding "for rent" signage. This could include the following options:

1. Eliminate the provision that allows freestanding "for rent" signs and require them to be placed on the dwelling. Although this has not been verified, staff believes the existing freestanding sign could be removed from the frame and reused for this purpose.
2. Allow one, six square foot "for rent" sign to be on the dwelling and a smaller freestanding signs 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. This would allow the sign to include the rental unit # and company logo. In the picture below, this information is conveyed in upper five inches of the sign and remainder is used to show the company logo, website, and phone number. 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.



(Top of sign approximately 1.5 square feet)



12"x20" sign

If either of these options is considered, staff would suggest creating a one year compliance period from the date the ordinance is adopted. This would allow the value of the signs to be amortized while providing sufficient time for the required modifications to occur.

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

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 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
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- (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. Directional signs.
 - f. 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 one and one-half (1.5) square feet in area.

2. The signs shall not exceed two (2) feet in height measured from the ground directly beneath the sign.

3. The sign shall be setback a minimum distance of five feet from the front or side lot lines, shall not create an obstruction to visibility for vehicles exiting the driveway, and shall be placed parallel to the right-of-way.

4. *Amortization.* Front yard signs made non-conforming by this subsection shall have (X) months from adopted date of this ordinance [date] to comply with the regulations established herein.

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.

Town of Nags Head

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Planning and Development 2016 Submittal Dates					
	Tech. Review ¹	Planning Board	Board of Commissioners	Board of Adjustment ²	
Submittal Date	Meeting Date	Meeting Date	Meeting Date	Meeting Date	Deadline
December 22, 2015	January 5, 2016	January 19, 2016	February 3, 2016	January 14, 2016	December 8, 2015
January 21, 2016	February 2, 2016	February 16, 2016	March 2, 2016	February 11, 2016	January 12, 2015
February 18, 2016	March 1, 2016	March 15, 2016	April 6, 2016	March 10, 2016	February 9, 2016
March 24, 2016	April 5, 2016	April 19, 2016	May 4, 2016	April 14, 2016	March 8, 2016
April 21, 2016	May 3, 2016	May 17, 2016	June 1, 2016	May 12, 2016	April 12, 2016
May 19, 2016	June 7, 2016	June 21, 2016	July 6, 2016	June 9, 2016	May 10, 2016
June 23, 2016	July 5, 2016	July 19, 2016	August 3, 2016	July 14, 2016	June 14, 2016
July 21, 2016	August 2, 2016	August 16, 2016	September 7, 2016	August 11, 2016	July 12, 2016
August 18, 2016	September 6, 2016	September 20, 2016	October 5, 2016	September 8, 2016	August 9, 2016
September 22, 2016	October 4, 2016	October 18, 2016	November 2, 2016	October 13, 2016	September 13, 2016
October 20, 2016	November 1, 2016	November 15, 2016	December 7, 2016	November 10, 2016	October 11, 2016
November 17, 2016	December 6, 2016	December 20, 2016	January 3, 2017	December 8, 2016	November 8, 2016
December 22, 2016	January 3, 2017	January 17, 2017	February 7, 2017	January 12, 2017	December 13, 2016
January 19, 2017	February 7, 2017	February 21, 2017	March 7, 2017	February 9, 2017	January 10, 2017
Board of Commissioner Submittal/Meeting Dates may be obtained from Carolyn Morris, Town Clerk at 252-441-5508.					
*Planning Board Items are due by 1 PM on submittal date: site plan check-in takes about 15 minutes.					
¹ Tentative dates - meetings subject to cancellation/change					
² Meetings scheduled as necessary					