

(DRAFT)
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO
OUTDOOR LIGHTING AND LIGHTING FOR SIGNAGE**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, the Board of Commissioners find that it is necessary to ensure that the Town’s lighting regulations are appropriately updated to address evolutions in lighting technologies; and

WHEREAS, the Board of Commissioners find that excessive and inconsistent lighting conditions can be detrimental to the public's health, safety, morals, and general welfare of the Town; and

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town’s adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town’s Unified Development Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language, unless provisions are noted as being deleted and/or replaced in their entirety. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

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

PART I. That **Section 10.24.2.1**, be amended as follows:

10.24.2.1. Wall signs.

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10.24.2.1.1. Wall signs placed against the exterior front and side walls of a building shall be permitted, provided that they shall not extend more than twelve (12) inches beyond the building wall surface and shall not exceed twenty (20) percent of the exposed finished wall surface area including openings on the wall where it is placed.

10.24.2.1.2. 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.

10.24.2.1.3. Individual wall signs with an area of fifty (50) square feet or greater shall not be internally illuminated; such signs may be externally illuminated or reverse lit. Additionally, in the case of multiple wall signs associated with any singular business/tenant, no combined sign area fifty (50) square feet or greater shall be internally illuminated; such sign area may be externally illuminated or reverse lit.

PART II. That Section 10.24.2.4, Dimensional Requirements, be amended as follows:

10.24.2.4. Roof signs.

10.24.2.4.1. Roof signs shall not exceed twenty-five (25) percent of the individual roof plane area to which they are attached. In no instance shall an individual roof sign exceed sixty (60) square feet in area. There shall be no more than two (2) roof signs per building.

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

Existing Image

10.24.2.4.3. Individual roof signs with an area of fifty (50) square feet or greater shall not be internally illuminated; such signs may be externally illuminated or reverse lit. Additionally, in the case of multiple roof signs associated with any singular business/tenant, no combined sign area fifty (50) square feet or greater shall be internally illuminated; such sign area may be externally illuminated or reverse lit.

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

PART III. That Section 10.34, General Provisions, be amended with the addition of subsection 10.34.8., as follows:

10.34.8. LED lamps and/or light fixtures used in installations subject to the requirements of this section shall not have a correlated color temperature in excess of 3,000K.

PART IV. That Section 10.37.1, Parking Lots, be amended as follows:

10.37.1. Parking Lots.

Illumination standards for parking lots are based on anticipated vehicular and pedestrian activity. The standards are designed to provide the minimum lighting necessary to ensure adequate vision and safety in parking areas while at the same time minimizing glare. **In no case shall the maximum initial lumens generated by any individual light fixture exceed 9500 initial lamp lumens.**

PART V. That Section 10.37.6.2, be amended as follows:

10.37.6.2. ~~Spotlights or floodlights~~ Lights may be utilized to externally illuminate wall and freestanding signs, provided that the light fixtures are designed, located, aimed, and shielded so that light is directed only onto the sign area. **Externally illuminated signs shall be downlit only using full cutoff fixtures, with the light fixture mounted above the sign, and** ~~Light fixtures shall not be aimed toward adjacent streets, or properties. Floodlights designed to illuminate signs from the ground shall not be mounted at a height greater than thirty (30) inches, or located a horizontal distance greater than three-quarters the height of the sign or fifteen (15) feet, whichever is less.~~ **Light fixtures used for the external illumination of signs shall not have lamps which produce more than 75 watts and/or 1,100 lumens, and the** The average level of illumination shall not exceed ten (10) average maintained footcandles.

PART VI. That Appendix A, Definitions, be amended by the addition of the following terms and definitions in appropriate alphabetical order:

Correlated color temperature or CCT means the perceived color of the light emitted by a lamp, expressed in kelvin (K) units. The lower the kelvin rating, the "warmer" or more yellow the light; the higher the rating, the "cooler" or more blue the light.

Reverse Lit means a type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as "Reverse Back Lit", "Halo", or "Halo Lit" sign or sign illumination.

Sign, externally illuminated means a sign illuminated by an externally light source, directed solely toward such sign.

Sign, internally illuminated means a sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A "Reverse Lit" sign is not an internally illuminated sign.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:
Town Attorney _____
Date adopted: _____
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS