



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board
From: Michael Zehner, Director of Planning & Development
Date: May 14, 2021
Subject: Preliminary Discussion on Updating and Amending Article 10, Part III, Sign Regulations, of the Unified Development Ordinance

As identified on the Department's Work Plan, Staff is beginning to work on the update and amendment of the Town's sign regulations, which are contained in Article 10, Part III, *Sign Regulations*, of the Unified Development Ordinance (the "Sign Ordinance"). The focus of the updates and amendments will be on the general improvement of the Sign Ordinance, to add clarity to the provisions, improve internal consistency, and to make the Ordinance more *user-friendly* for Staff and the public; in short, it is hoped that the update will modernize the format of the Sign Ordinance, including providing for sign allowances in tabular form and incorporating more visual guidance for Staff and the public. Generally, amendments are not intended to focus on regulatory changes (i.e., changes to the type, number, or size of signs allowed), but in working on updates, Staff or the Board may wish to consider whether such changes may be warranted in some circumstances.

As some members of the Board may be aware, the last major revision to the Sign Ordinance occurred in 2016, with the focus on ensuring that the regulations were *content-neutral* consistent with the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert* (<https://www.publicceo.com/2015/09/u-s-supreme-court-affirms-that-content-based-sign-codes-violate-the-first-amendment/> and <https://nne.planning.org/sections/maine/front-page/regulating-speech-wake-reed-v-town-gilbert/>). While Staff believes that these amendments achieved the goal of making the Sign Ordinance content-neutral, incorporation of these amendments, to some degree, have made interpretation, administration, and understanding of some aspects of the regulations difficult.

For the Board's review, the existing Sign Ordinance has been attached, along with examples of ordinances from the Town of Wellesley, Massachusetts and the City of Sandy Springs, Georgia for comparison. Consideration of this item is intended to be preliminary to solicit initial thoughts, concerns, and feedback from the Board before proceeding with the development of a draft revised Sign Ordinance, to be brought back to the Board at a subsequent meeting.

Attachments

1. Article 10, Part III, *Sign Regulations*, of the Town of Nags Head Unified Development Ordinance;
2. Town of Wellesley, MA Sign Bylaw; and
3. City of Sandy Springs, GA Sign Ordinance