

## PART III. SIGN REGULATIONS

### SECTION 10.21 PURPOSE AND INTENT.

**10.21.1.** It is the intent of this section 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:

**10.21.1.1.** To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;

**10.21.1.2.** To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;

**10.21.1.3.** To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment;

**10.21.1.4.** To allow for adequate and effective signs in zoning districts of the Town while preventing signs from dominating the appearance of the area;

**10.21.1.5.** To ensure that the constitutionally guaranteed right of free speech is protected;

**10.21.1.6.** To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance; and

**10.21.1.7.** To provide opportunities for adequate property identification which will enhance emergency response times and improve overall public safety.

**10.21.2.** 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.

### SECTION 10.22 GENERAL REGULATIONS.

All signs shall be erected, altered, and maintained in accordance with the following provisions:

#### **10.22.1. 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 UDO Administrator. A permit is not required for the following signs:

**10.22.1.1.** Signs not exceeding three (3) square feet in area.

**10.22.1.2.** Temporary signs, except as required for signs listed in subsection 10.23.1.4.

**10.22.1.3.** Noncommercial signs.

**10.22.1.4.** Directional signs.

**10.22.1.5.** An existing sign in which only the message is changed and involves no structural modification to the structure.

**10.22.1.6.** Permanent signs listed in subsection 10.23.2 which are six (6) square feet or less in area.

**10.22.2. 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.

**10.22.3. Inspection.**

**10.22.3.1.** Each sign subject to the regulations of subsection 10.22.1 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.

**10.22.3.2.** 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 (10) days of receipt of such notice.

**10.22.4. 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 UDO on the same premises shall be considered a continuance of the original violation.

**10.22.5. 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 10, Part IV, Outdoor Lighting.

**10.22.6. Prohibited Signs.**

**10.22.6.1.** 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.

## ARTICLE 10. PERFORMANCE STANDARDS

**10.22.6.2.** 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."

**10.22.6.3.** No sign or commercial sign 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.

**10.22.6.4.** No sign shall be erected which contains rotating sign panels.

**10.22.6.5.** No sign shall obstruct visibility at an intersection or driveway as regulated in Section 10.92.2.2.8, Vision Clearance (C).

**10.22.6.6.** No sign shall be posted on any telegraph, telephone, or electrical light pole or on any tree along any street.

**10.22.6.7.** 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. Signs shall not be placed in a manner that obstructs architectural building features such as dormers, cupolas, windows, rooflines or other building elements.

**10.22.6.8.** No sign shall be permitted that violates any provision of any law of the state relative to outdoor advertising.

**10.22.6.9** All outdoor advertising signs or structures are prohibited.

**10.22.6.10.** Signs supported in whole or in part by water, air or gas are prohibited.

**10.22.6.11.** No sign on property abutting a public trust area shall be directed toward any public trust area as defined by CAMA.

**10.22.6.12.** All pennants are prohibited.

**10.22.6.13.** Use of exposed neon, argon, krypton, or similar gas tube lighting shall be prohibited in all manners except as provided in subsection 10.24.2.5.

**10.22.6.14.** Tourist-oriented directional sign (TODS).

**10.22.6.15.** Three-dimensional sculptured objects and pictorial devices attached to and extending more than twelve (12) inches beyond any wall or roof of a building in business use are prohibited. Attached sculptured objects and pictorial devices extending twelve (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 UDO pertaining to such signs.

**10.22.6.16.** Roof signs within the SPD-C, Village at Nags Head C-1, C-2, hotel and institutional districts are prohibited.

**10.22.6.17.** LED and digital signs are prohibited.

**10.22.6.18.** Signs mounted or attached to nonmotorized and/or motorized vehicles, watercraft, or trailers are prohibited.

**10.22.6.19.** No signs shall be mounted to merchandise for sale, or typical of merchandise sold, and/or such merchandise shall be prohibited from being attached to signs or their structural components.

**10.22.6.20.** Placement of new signs not expressly allowed by this Part are prohibited.

### **SECTION 10.23 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:

#### **10.23.1. Temporary Signs.**

Temporary signs, provided that they are reasonably maintained, and provided that they shall be removed when the activity or event associated with the property has ceased according to the criteria listed below. These signs shall not be illuminated.

**10.23.1.1.** Temporary, nonilluminated signs not to exceed six square feet in area and not greater than thirty-six (36) inches in height may be installed on lots where an active, unexpired building permit has been issued by the Town of Nags Head, limited to one such sign per permit; such signs shall be removed within 30 days after the issuance of the certificate of compliance. Alternatively, instead of installing one sign per permit, the property owner may elect to install one non-illuminated sign not exceeding thirty-two (32) square-feet in area and thirty-size (36) inches in height, which shall be removed within 30 days after the issuance of the certificate of compliance.

**10.23.1.2.** One (1) freestanding, non-illuminated temporary sign shall be allowed up to six (6) square feet in area and thirty-six (36) inches in height measured from the ground to the top of the sign on a site or property that is actively listed for sale. Where more than one dwelling unit exists on a site or property that is actively listed for sale or for lease, the following signs may be erected:

**10.23.1.2.1.** One (1) freestanding sign shall be permitted in accordance with the provisions of subsection 10.23.1.1 of this section; or

**10.23.1.2.2.** One (1) freestanding sign equal to 1.25 square foot of sign area per unit, which shall include the street address of the property. However, in no case shall the sign exceed thirty-six (36) square feet; or

**10.23.1.2.3.** One (1) sign not exceeding ten (10) inches by ten (10) inches each shall be permitted to be affixed to the exterior of each detached dwelling unit, individual townhouse unit or individual duplex unit.

**10.23.1.3.** 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:

## ARTICLE 10. PERFORMANCE STANDARDS

**10.23.1.3.1.** One (1) additional freestanding sign up to six (6) square feet in area and thirty-six (36) inches in height measured from the ground to the top of the sign;

**10.23.1.3.2.** A single banner placed on the building (excluding the roof) not exceeding thirty-six (36) square feet in area; or

**10.23.1.3.3.** A flag sign not exceeding twenty-four (24) square feet in area.

**10.23.1.4.** Signs and banners 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.

### **10.23.2. Permanent Signs.**

**10.23.2.1.** All properties shall be permitted to contain one (1) sign not to exceed six (6) square feet in area to be placed on the wall of the principal structure. Where the principal structure is greater than one hundred (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:

**10.23.2.1.1.** The sign shall not exceed three (3) square feet in area. The frame surrounding the sign face shall not be included as part of the sign area provided that the framing materials are no greater than four-inch by four-inch in thickness.

**10.23.2.1.2.** The sign shall not exceed thirty-six (36) inches in height measured from the ground to the top of the sign.

**10.23.2.1.3.** The sign shall not create an obstruction to visibility for vehicles entering and exiting driveways.

**10.23.2.1.4.** Amortization: Front yard signs made nonconforming by this subsection shall comply with these regulations by January 1, 2019.

**10.23.2.2.** One (1) bulletin board not to exceed sixteen (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 fifteen (15) feet from the front property line.

**10.23.2.3.** One (1) non-illuminated sign not over one (1) square foot in area and attached flat against the building shall be allowed at a residential property with an approved home occupation.

**10.23.2.4. Noncommercial Identification Signs.** The following signs are permitted, provided that such sign is located on the site it identifies and is reasonably maintained:

## ARTICLE 10. PERFORMANCE STANDARDS

**10.23.2.4.1.** One (1) wall-mounted noncommercial identification sign per unit not to exceed six (6) square feet in sign area shall be permitted for single-family and two-family sites.

**10.23.2.4.2.** One (1) freestanding noncommercial identification sign per unit not to exceed three (3) square feet in sign area shall be permitted for single-family and two-family sites.

**10.23.2.4.3.** Two signs, which may be illuminated, may be placed at the primary entrance to a subdivision not to exceed thirty-two (32) square feet each in sign area.

**10.23.2.4.4.** One sign, which may be illuminated, may be permitted at the site of a multi-family residential property not to exceed thirty-two (32) square feet in sign area.

**10.23.2.4.5.** Two signs, which may be illuminated, may be permitted at the major entrance to a public park not to exceed forty-eight (48) square feet each in sign area.

**10.23.2.4.6.** One (1) 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 sixty-four (64) square feet in sign area. Such sign shall not exceed ten (10) feet in height. Where the property has frontage on both US 158 and NC 12 public rights-of-way, one (1) freestanding sign not exceeding sixty-four (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 (2) freestanding signs shall be permitted. One (1) freestanding sign not exceeding sixty-four (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 (1) freestanding sign not exceeding twenty-four (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 seventy (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.

**10.23.2.4.7.** One sign, which may be illuminated, may be placed against the wall of a governmental building (local, state or federal) not to exceed twelve (12) square feet in sign area.

**10.23.2.5.** One (1) freestanding sign, which may be illuminated, may be placed on the site of a medical office building not to exceed twenty-four (24) square feet in sign area and ten (10) feet in total height.

**10.23.2.6.** Hospitals may have two (2) square feet of sign area for each lineal foot of building frontage on US 158 which may be used as wall signs, signs adjacent to internal drive aisle not exceed twenty (20) inches in height, window signs, and one (1) freestanding sign, provided that the freestanding sign shall not exceed sixty-four (64) square feet in area nor more than twenty (20) feet in height above street grade, and may be illuminated.

## SECTION 10.24 SIGNS PERMITTED IN COMMERCIAL DISTRICTS AND THE COMMERCIAL/RESIDENTIAL DISTRICT.

Signs permitted in the C-1, C-2, C-3, C-4, and CR districts are as follows:

**10.24.1.** All signs permitted in Section 10.23, Signs Permitted in Residential Districts.

**10.24.2.** 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 (3) 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 six hundred (600) square feet. Such sign area may be in a single sign or in a combination of signs subject to the following limitations:

**10.24.2.1.** 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. 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.

**10.24.2.2.** One (1) banner not to exceed thirty-six (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 twenty (20) percent of the exposed finished wall surface area including openings.

**10.24.2.3.** For lots along five-lane roadway corridors, only one (1) freestanding sign shall be permitted to be located permanently on the property and shall not exceed sixty-four (64) square feet in area and shall not exceed twenty (20) feet in height above street grade.

For lots along two-lane roadway corridors, only one (1) freestanding sign shall be permitted to be located permanently on the property and shall not exceed thirty-two (32) square feet in area and shall not exceed twelve (12) feet in height above street grade.

Where the property has frontage on both US 158 and NC 12 public rights-of-way, one (1) freestanding sign shall be allowed to be located adjacent to each public right-of-way, in accordance with the standards listed above.

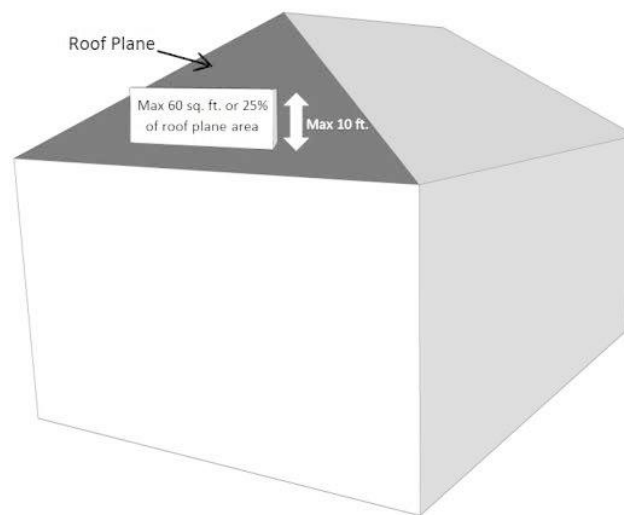
Where the property is a corner lot with frontage on more than one public right-of-way, a maximum of two (2) freestanding signs shall be permitted in accordance with the standards listed above. The freestanding sign permitted in the side yard shall be located no closer than

## ARTICLE 10. PERFORMANCE STANDARDS

seventy (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.

**10.24.2.4.** 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.

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.



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.

**10.24.2.5.** Window signs shall be permitted to be placed only inside a commercial building and shall not exceed twenty-five (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 twenty-five (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 twenty (20) square feet of sign area for any one store.

**10.24.2.6.** One (1) temporary sandwich sign shall be permitted to be located on the ground but shall not exceed ten (10) square feet in area on each side and shall not exceed four (4) feet in height.

**10.24.2.7.** One (1) flag sign shall be permitted in accordance with the specifications listed in the definition for flag sign as described in Appendix A Definitions.

**10.24.2.8.** Flag signs (non-advertising, non-informational), as defined, shall be permitted, with no more than one flag for every 20 linear feet of street frontage.



**10.24.2.9.** Each outdoor stand shall be allowed one (1) temporary sign attached to the stand. The total combined square foot area of all such signs shall not exceed fifteen (15) square feet in area and such signs shall not 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.

**10.24.3.** In any vacant site in a commercial district, the following is allowed without a permit. One (1) temporary sign, not exceeding six (6) square feet in area, shall be permitted; provided that such sign shall not be less than fifteen (15) feet from any street right-of-way or lot line, shall not be illuminated and shall be reasonably maintained. For lots which exceed one hundred (100) feet in frontage, one (1) additional square foot of sign area shall be allowed for every ten (10) feet of frontage above one hundred (100) feet. No sign shall exceed thirty-two (32) square feet in area or fifteen (15) feet in height.

### **SECTION 10.25 NONCOMMERCIAL SIGNS.**

Noncommercial signs are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations applicable to such signs.

### **SECTION 10.26 EXEMPTIONS.**

**10.26.1.** 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 section.

**10.26.2.** Municipal public art located with the public right-of-way shall be exempt from the requirements of this section.

**10.26.3.** The Town Manager shall review and approve all messages and all directional signage exempted by this section.

### **SECTION 10.27-10.30 RESERVED.**