



AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO SUPPLEMENTAL REGULATIONS FOR FUELING STATIONS AND LED, DIGITAL DISPLAYS.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, 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. 160D-702, 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. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, Mr. Jordan Harrell of Jernigan Oil Company, Inc. has submitted a text amendment request as it pertains to the use of LED and Digital displays for the purpose of displaying fuel prices only.

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. 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.

PART I. That Section 7.20, Supplemental Regulations for Fueling Stations shall be amended as follows:

Section 7.20 - Fueling Station.

Fueling stations are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

7.20.1. No petroleum pumps shall be nearer than fifty (50) feet to any right-of-way or property line.

7.20.2. All underground fuel storage tanks shall be equipped with leak detection devices. The type of detection device shall be approved by and subject to periodic inspections by the Town.

7.20.3. In addition to the buffering requirements of Section 10.93, Landscaping, Buffering, and Vegetation Preservation, a ten-foot wide commercial transitional protective yard shall be placed along the frontage of any street right-of-way.

7.20.4. Fueling Stations shall have no more than four (4) fuel dispensers.

7.20.5. Convenience store use associated with a fueling station shall not exceed 3,500 sf. of habitable building area.

7.20.6. As of (insert ordinance adoption date) no new fueling station, with or without a convenience store, shall be constructed on a lot having frontage on NC 12.

7.20.7. Signage for fueling stations. Businesses engaged in the retail sale of gasoline may use manual changeable copy displays or digital/electronic displays on their approved freestanding sign. If utilizing an electronic display the following conditions shall apply:

7.20.7.1 A maximum of two elements of the approved freestanding sign shall be digital display.

7.20.7.2 No single digital display element may exceed 42 inches in length and 19 inches in height. The total digital display of all elements combined shall not exceed 11 square feet.

7.20.7.3 Within each digital display element, no more than four (4) characters are permitted. The characters shall not exceed a height of 16-inches.

7.20.7.4 The digital display shall be two-color LED technology only (e.g., red display for regular fuel; green display for diesel fuel).

7.20.7.5 The digital display shall have automatic dimming capabilities and shall automatically dim in response to ambient light. In no instance shall the digital display cause light trespass onto adjacent residential districts or uses.

7.20.7.6. The digital display shall be fixed and shall not change or rotate more than twice in a 24-hour period.

7.20.7.7. The digital display shall provide illumination at a level no greater than 0.3 footcandles over ambient lighting levels.

PART II. That **Section 10.22.6, Prohibited Signs**, be amended as follows:

10.55.6.17. LED and digital signs are prohibited, except for those specified in Section 7.20, Fueling Stations.

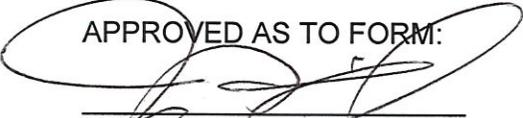
PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 5th day of June 2024.


Benjamin Cahoon, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: June 5, 2024
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS