



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

May 27, 2020

TO: KDH Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

4. LED accent lighting (Attached NB-4)

At the May 11, 2020, meeting, the Board briefly discussed LED commercial accent lighting standards for the Town. Through consensus, the Board directed the item be placed on this evening's agenda. Planning Director Meredith Guns' accompanying memorandum provides an overview of the history and standards for commercially-zoned properties.

Board guidance is requested.

Director of
Planning and Inspections
MEREDITH GUNS



Assistant Director of
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CAMERON RAY

Building Inspector
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Senior Planner
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Zoning Administrator
DONNA ELLIOTT

**THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA**

PLANNING DEPARTMENT

May 27, 2020

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director 

Subject: LED Accent Lighting

During the May 11, 2020 Board of Commissioners Meeting, the Mayor inquired about LED accent lighting. Currently, the Town Code allows LED lighting for internal illumination and direct lighting for signage (see attached ordinance 153.077). Additionally, the lighting ordinance prohibits lighting that glares onto adjacent properties and streets (see attached ordinance 153.074). The lights in question by the Board resemble neon tubing which has long been prohibited by the zoning ordinance.

Staff will provide a brief history on when these signage and lighting regulations were adopted. Neon tube lighting has been prohibited within the Town dating back to the 1991 Zoning Ordinance. Neon tube lighting is prohibited in the sign ordinance and the commercial building exterior regulations. LED lighting is a more modern form of lighting which provides a more energy efficient lighting alternative. It is a light source that shines brighter and longer using less energy. In 2011, the Planning Board looked into whether LCD and LED lighting and signage should be allowed in the Town. The concern was this type of lighting would change the Town's appearance considering their brightness and potential for animation. The Planning Board did agree that LED lighting should be allowed as an internal source for signage due to the low energy benefits and efficiency of the LED bulbs. In 2012, the Board of Commissioners held a retreat at which LED/LCD signage and lighting were discussed. At that time, the Board of Commissioners agreed that this type of lighting/signage could be a distraction to motorists and it was not the desire of the Board to allow this type of signage.

On May 23, 2012 the Board of Commissioners approved amendments to lighting and sign regulations to prohibit LCD message boards and limit the use of LED lighting to internal illumination or direct lighting for signs.

Additionally, the Town prohibits strings of lights on commercial sites, except during specific times of years including 4th of July, Christmas and New Years to limit light pollution and distractions for vehicular traffic along our business corridor. Previous Boards have also endorsed the "Dark Sky" initiative to help reduce light pollution.

ATTACHMENT NB-4

Should the Board of Commissioners like to revisit allowing LED accent lighting, staff recommends considering the following possible impacts:

- Change to the appearance of Kill Devil Hills
- Distraction for drivers.
- Commercial and residential lighting interface and conflicts
- Light pollution
- Increase in signage via accent lighting (to draw attention)
- Deviates from commercial architectural standards:
 - § 153.186 COMMERCIAL BUILDING EXTERIOR.

For new construction or substantial improvements in the Commercial Zone, building elevations visible from any right-of-way shall meet the following standards:

(B) *Front facade standards.* The following standards apply to the building frontage and all elevations facing US 158 or NC 12 for all commercial buildings:

(1) *Architectural variation.* For structures up to 100,000 square feet of gross floor area with building frontage of 100 feet or greater, architectural variations shall be required every 50 feet.

(c) There shall be no neon lighting on the exterior of the structure or its roof line.

(d) Three years from February 28, 2001, all existing neon lighting as described in subsection (c) shall be removed.

- Differs from the intent of the sign ordinance: “In an effort to ensure public health and welfare and a pleasing aesthetic environment and to promote traffic safety, the town has adopted the regulations and standards contained in this section”
- Wildlife effect in close proximity to the beach – turtle disorientation

These possible impacts will be amplified since many businesses along US158 and NC12 have previously requested to install LED accent lighting to improve their visibility from the road.

Staff has inquired about how our neighboring municipalities regulate LED accent lighting and will report to the Board at the meeting May 27, 2020.

§ 153.074 LIGHTING.

(A) *Intent.* Lighting standards are established to provide for safe lighting levels with minimum glare onto streets and neighboring property. All outdoor lighting shall be planned, erected, altered and maintained in accordance with the following provisions except for single-family dwellings and duplex dwellings.

(B) *Lighting plan.* The town shall require an outdoor lighting plan produced by an engineer or architect licensed to practice in the State of North Carolina. The plans must include the stamp/seal, license number and signature of the engineer or architect responsible for the plan and shall be required as part of the site plan review process.

(C) *Inspection required.* All outdoor lighting fixtures may be subject to annual inspection by the Planning and Inspections Department to assure that the fixtures are in compliance with these provisions. When a fixture fails to comply, the Planning and Inspections Department shall give written notice to the owner of the site on which the fixtures are located stating that the fixture shall be brought into compliance or removed at the owner's expense within 30 days of receipt of the notice.

(D) *Lighting prohibited.*

(1) No fixture shall be erected which is an imitation of an official highway or traffic-control light or sign.

(2) No fixture shall be in a direct line of vision with any traffic-control sign or light.

(3) No fixture shall have a flashing or intermittent pattern of illumination.

(4) No fixture shall be located within a public right-of-way unless approved by the Department of Public Services, Public Works Division.

(5) No fixture shall be erected, either indoors or outdoors, which because of the design of light source, orientation or intensity causes glare onto adjacent property or streets.

(6) Search lights are prohibited except when used by federal, state or local authority.

(7) No fixture shall violate any law of the State of North Carolina relative to outdoor lighting.

(8) All neon lighting is prohibited except as allowed in § 153.077;

(9) Light fixtures shall not exceed building height limits for the zone in which they are constructed except that accredited school athletic facilities may not exceed a height of 90 feet.

§ 153.077 SIGNS.

(B)(11) Strings of electric light bulbs on commercial sites that are not flashing or intermittently illuminated or appear to be flashing or glittering or moving shall be permitted on the following dates and at no other time:

- (a) November 22 through January 7; and
- (b) July 2 through July 6.

(D) *Detailed specifications for commercial zone and light industrial zones signs.*

(11) Neon signs for internal illumination visible from the right-of-way cannot exceed a total area of 20 square feet. These signs may not suggest movement, be animated in any way or blink on and off.

(E) *Prohibited signs.*

(13) Exposed neon, argon, krypton or similar gas lighting except as outlined in (B)(10) above.

(14) LCD and electronic message boards except as outlined in (B)(5) above.

(15) LED signs or lighting unless used as a light source to internally or directly illuminate wall or freestanding signage.