

Director of
Planning and Inspections
MEREDITH GUNS

Chief Building Inspector
MATT LOWCHER

Building Inspector
MARTY SHAW

Code Enforcement Officer
CHARLES THUMAN



THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
BRYAN BRIGHTBILL

Senior Planner
CAMERON RAY

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

August 10, 2020

Memorandum

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director *MBG*

Subject: Proposed Zoning Amendment- 153.077 Signs - Modifications to allow **LED String Accent Lights** in the Commercial Zone

As you recall, on May 27, 2020 the Board of Commissioners directed staff to look at alternatives that would allow some LED accent lighting on commercial structures. The guidance from the Board included limiting the height of accent lighting on structures, small scale accent lighting, minimize light pollution and protect wildlife in oceanfront area and limit proliferation of lighting on a structure.

At the conclusion of the discussion the Board of Commissioners directed staff to develop a Zoning Amendment to Chapter 153.077 Signs to be presented to the Planning Board for a formal recommendation.

On July 21, 2020, the Planning Board recommended approval of the attached amendment to Chapter 153.077 Signs to allow **LED String Accent Lights** in the Commercial Zone as outlined by the Board of Commissioners. Staff recommends setting the required public hearing for September 14, 2020.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 153, ZONING

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 153, Zoning, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language to the sections identified below, as follows:

§ 153.077 SIGNS.

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.

(A) *Permit required.*

(B) *Exempt signs.* The following signs shall be exempt:

(10) Neon signs **or LED**, provided they are no larger than two square feet and indicate "Open," "Closed" or "No Vacancy." These signs may not suggest movement, be animated in any way or blink on and off.

(C) *Generally allowed.*

(15) LED String Accent Lighting defines as lines of LED lighting no greater than two (2) inches in diameter that are continuous. For purposes of this chapter the LED Accent Lighting shall be permitted in the Commercial Zoning District with the following conditions:

- a) **LED String accent lights shall be straight continuous colored lined.**

- b) LED String Accent Lights shall be parallel to the ground (no shaped or other outlining permitted)
- c) LED String Accent Lights shall only be allowed on one structure per commercial site. No more than two (2) lines of LED String Accent Lights shall be permitted and lines cannot be separated by more than four (4) feet on the structure.
- d) LED String Accent Lights shall be limited to one color per commercial site.
- e) LED String Accent Lights may not suggest movement, flashing, be intermittently illuminated or appear to be flashing or glittering.
- f) LED String Accent Lights shall be located no higher than 15 feet from finished grade on the site.
- g) LED String Accent Lights shall be permanently affixed to the structure not hanging or temporary attached to the structure (temporary attachment includes adhesive).
- h) LED String Accent Lights must be maintained and proper working order. Strings that are partially lit or not functioning properly will be required to be turned off until removed or repaired.

(E) *Prohibited signs.*

(15) LED signs, string accent lights, or lighting unless used as a light source to internally or directly illuminate wall or freestanding signage or as provided in (D)(15) above.

This amendment to Chapter 153, Zoning, shall be in full force and effect from and after the ____ day of _____, 2020. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2020, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 153, ZONING, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2020 at _____.m.

James Michael O'Dell
Deputy Town Clerk