

PLANNING AND ZONING COMMISSION RECOMMENDATION

On August 23, 2011, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Mr. Keith McInnis.

City of High Point

Text Amendment Case 11-08

A request by the City Council (Planning, Economic Development and Information Technology Committee) to amend the text of the City of High Point Development Ordinance regarding the placement of temporary off-site signs.

Mr. Robbins presented the request and recommended approval as outlined in the staff report.

Speaking in favor of the request was Ms. Judy Stalder of 1012 Wellington Street, representing the Triad Real Estate and Building Industry Coalition (TREBIC). Ms. Stalder advised the Commission that off-site signs are very important to the real estate community as 75-95% of buyers attend open houses and view model homes in subdivisions based on off-site real estate signs. She concluded that the real estate community is in support of this text amendment.

No one spoke in opposition.

The Commission members had questions as to the staff's ability to enforce the provision requiring the removal of the temporary signs by the Monday noon deadline and requested staff to elaborate on the enforcement process, which they did.

The Planning & Zoning Commission recommended *approval* of Text Amendment Case 11-08, by a vote of 7-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
TEXT AMENDMENT CASE 11-08
August 23, 2011**

Request	
Applicant: City Council – Planning, Economic Development and Information Technology Committee	Affected Ordinance Sections: Section 9-5-16(b)(4) regarding prohibited signs; Section 9-5-16(d)(4) regarding signs that do not require a permit; and Table 5-16-1, <i>Specifications For Signs Not Requiring A Permit.</i>
Proposal: To amend the sign regulations to regulate the placement of temporary off-site signs.	

Background

Several years ago, the City developed a policy dealing with on-site temporary signs, such as real estate, yard sale and political signs. Although not allowed to be placed off-site, they are nonetheless often placed within the public street right-of-way at nearby intersections, where it is hoped their messages will be seen by a greater number of motorists than would be possible if they remain only on-site, and where their directional arrows can help guide motorists to events such as real estate open houses. This practice created an enforcement issue for the City, and an informal policy of tolerance of these signs was put in place so long as the signs were located at least 6 feet from the back of curb or edge of pavement, and were removed during the work week.

The real estate community and the Triad Real Estate and Building Industry Coalition (or TREBIC), have advocated the legalization of these off-site temporary signs with limitations and many Triad communities including Winston-Salem, Forsyth County, Greensboro and Guilford County, have adopted regulations that permit them. Most of these regulations focus only on temporary real estate signs that direct people to the locations of open houses held over the weekends.

In response to TREBIC, and to codify what has been City policy, the Planning, Economic Development and Information Technology Committee of Council asked the Planning and Development Department to prepare a text amendment addressing this issue.

Details of Proposal

The proposed text amendment primarily affects Table 5-16-1, which sets forth the specifications and regulations for signs not requiring a permit, including temporary signs. The amendment adds a new footnote (g) below the table that describes how off-site temporary signs will be permitted.

Two other references to off-site temporary signs are added; first to note them as an exception in the *Prohibited Signs* subsection (9-5-16(b)(4)), and then as a clarification in the paragraph regarding temporary signs in *Signs That Do Not Require A Permit* (9-5-16(d)(4)).

Analysis

The Development Ordinance permits and regulates the placement of various types of on-site temporary signs. These signs are grouped in three distinct categories in Table 5-16-1: temporary real estate, yard sale and construction signs in AG or RS districts; temporary real estate and construction signs in RM and non-residential districts; and temporary political signs in all districts. There are slightly different requirements for each category. These three categories of temporary signs, along with a fourth category – religious, philosophical or educational signs in all districts – are those that would be permitted off-site in accordance with the limitations stated in new footnote (g) and the same parameters in the table as for on-site signs. Concerns about roadside clutter and sight distance safety issues should be able to be addressed through enforcement measures. Religious, philosophical and educational signs were included to insure equal treatment for non-commercial speech.

The limitations on the placement of off-site temporary signs are the same as what the City has established through its temporary sign enforcement policy, which has been in effect since the spring of 2009. Any off-site temporary sign must be placed at least 6 feet from the back of curb or the edge of pavement (where no curb exists). It cannot be placed in a median or traffic island and cannot interfere with or obstruct pedestrian or vehicular traffic, or obstruct safe sight distances at intersections. The sign can only be in place from noon Friday until noon Monday. Just as the current policy dictates, a sign that does not conform to these limitations may be removed by the City.

Recommendation

Staff recommends approval.

The proposed text amendment addresses the concerns of the real estate community and TREBIC and codifies what has been City policy for over two years, and provides reasonable limitations to ensure that such signs do not clutter the landscape or negatively affect pedestrian and traffic safety.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the text amendment is reasonable and in the public interest because: 1) it codifies an already accepted City policy; 2) it addresses a legitimate need of the real estate industry for directional signage for open houses; 3) it is inclusive of non-commercial speech. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Robert L. Robbins, AICP, and reviewed by G. Lee Burnette, AICP, Director.

**TEXT AMENDMENT 11-08
PROPOSED AMENDMENT TO THE
CITY OF HIGH POINT DEVELOPMENT ORDINANCE**

(An amendment affecting Table 5-16-1, and sections 9-5-16(b)(4) and (d)(4) to permit certain off-site temporary signs with limitations)

SECTION 1.

Section 9-5-16(b) entitled *Prohibited Signs*, subsection (4) is hereby amended to read as follows:

- (4) Portable sign legible from the public right-of-way, except with a Temporary Event Permit issued under Section 9-3-3(f), or as permitted in Table 5-16-1 for A-Frame signs **and temporary off-site signs**.

SECTION 2.

Section 9-5-16(d) entitled *Signs That Do Not Require A Permit*, subsection (4) is hereby amended to add a new paragraph b. that reads as follows:

- b. Temporary off-site signs which are posted from Friday noon to Monday noon.**

Existing paragraphs b. and c. shall be re-lettered as paragraphs c. and d. respectively.

SECTION 3.

Table 5-16-1, entitled *Specifications For Signs Not Requiring A Permit*, is hereby amended to add a new Footnote (g), which shall read as follows:

- (g) Temporary signs may be placed off-site in accordance with all of the following: 1) Signs may be put up beginning at noon on Friday, and must be removed by noon on Monday. 2) Signs must be located outside the street right-of-way, or at least six (6) feet from the back of curb or edge of pavement where no curb exists. 3) No sign shall be placed in public street medians or traffic islands. 4) No sign shall interfere with or obstruct pedestrian or vehicular traffic, or obstruct safe sight distances at intersections. 5) No sign should be placed on private property without consent of the property owner or occupant.**

A reference to Footnote (g) shall be placed after each of the following types in Table 5-16-1: Religious, Philosophical and Educational Signs / All Districts; Temp. Real Estate, Yard Sale & Construction Signs / AG & RS Districts; Temp. Real Estate & Construction Signs / RM, Non-residential Districts & Major Subdivisions in RS Districts; and, Temp. Political Signs / All Districts. A similar reference shall also be placed in the same rows as the above TYPES under the column entitled SETBACK.

SECTION 4.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon adoption.