

**High Point City Council Special Meeting
Joint Meeting
Between the
High Point City Council and the Planning & Zoning Commission
April 10, 2019 – 3:00 p.m.
Council Chambers – High Point Municipal Building**

Present:

HIGH POINT CITY COUNCIL:

Mayor Jay W. Wagner; Mayor Pro Tem Jason Ewing (Ward 6); Council Member Britt Moore (At-Large), Council Member Don Scarborough (At-Large), Council Member Jeffrey Golden (Ward 1), Council Member Christopher Williams (Ward 2), Council Member Wesley Hudson (Ward 4), and Council Member Victor Jones (Ward 5)

Absent:

Council Member Monica Peters (Ward 3)

PLANNING & ZONING COMMISSION

Mark Walsh, Ray Wheatley, and Tom Kirkman

Absent:

James Armstrong, Ozzie Hough, Angela McGill, John McKenzie, Andrew Putnam, and Marie Stone

Staff Present:

Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Lee Burnette, Director of Planning and Development; Heidi Galanti, Planning Administrator; Herb Shannon, Senior Planner; Bob Robbins, Development Administrator; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

Others Present:

Willie Davis, Chair- Human Relations Commission and member on the Citizens Advisory Council
David Willett, Resident
Judy Stalder, TREBIC
Connie Cooper- Cooper Consulting Company, Inc.
Eric Damian Kelly- Cooper Consulting Company, Inc.

Note: A copy of the Presentation entitled "Sign Ordinance Workshop," City of High Point, NC will be incorporated as a permanent part of these proceedings.

Presentation from Consultants on Sign Ordinance

Heidi Galanti, Planning Administrator, introduced Connie Cooper, FAICP and Eric Damian Kelly, PhD, JD, FAICP, with Cooper Consulting Company, Inc. to present the recommendations for the proposed sign ordinance.

Ms. Cooper expressed gratitude for the opportunity to work with the City of High Point on this project. She advised the last major rewrite of the city's Sign Ordinance was in 1992 and pointed out since that time, many sign laws have evolved. Key needs for updating the Sign Ordinance were identified as follows:

- To strengthen linkages with city's planning objectives.
- To allow more creative signage downtown.
- To reexamine sign sizes.
- To add illustrations and updated definitions.
- To reorganize sign standards based on context (location).

Ms. Cooper noted that while signs play a vital role, they can also create distractions, visual clutter, traffic hazards, and leave a negative impression on the city. Currently, sign regulations are scattered throughout the Development Ordinance in at least six different chapters, which makes it hard for the public to follow.

The consultants have looked at existing signs in the city. They met and interviewed city planning staff, enforcement personnel, elected and appointed officials, as well as talked with business and community leaders. Additionally, citizens have been surveyed on their viewpoints about certain types of signs.

The consultants shared some photographs of various sign types (i.e. freestanding monument signs, freestanding pole signs, freestanding hybrid signs, window signs on buildings, illuminated signs, temporary signs, electronic signs, prohibited signs, etc.....

Mr. Kelly advised that signs are protected by the First Amendment and proceeded to review some of the legal issues associated with signs regarding the First Amendment. The First Amendment protects content, but generally allows regulation of time (hours of illumination or display), place (regulation of the location, setbacks, pedestrian clearance, or distance from residential streets), and manner (size and types of signs; prohibition of signs that flash, blink, rotate, or scroll). Commercial speech has been protected since the 1970s; however, non-commercial speech such as political or religious has had preferred status. Mr. Kelly provided some background information on case law involving a case in 2015, *Reed vs. Town of Gilbert*, that occurred in the State of Arizona and noted that in 2015, the Supreme Court in the Arizona case said that ANY content-based distinctions are unconstitutional. He explained that a challenge is that sign ordinances have many content-based distinctions, particularly the difference between a political sign and a fast food sign in the yard next door.

In High Point, the consultants are recommending the elimination of content-based distinctions, most of which were eliminated by technical amendments to the Development Ordinance earlier this year (2019). Other legal issues were cited involving the use of logos, colors, images, etc.... A discussion ensued as to how a determination is made as to whether these types of signs are considered art or advertising and the legal challenges associated with them. He noted a rule of thumb that could be used is if the image resembles a product or service available at the business, then it is considered an ADVERTISING SIGN; however, if the image has nothing to do with a product or service being offered by the business, then it would be considered ART.

Mayor Wagner commented that he attended a class where an illustration was presented with a picture of art that contained a trademark image and it was determined to be a sign. Mayor Pro Tem Ewing echoed the Mayor's remarks and shared that he does want to see public art, but some are highly critical of it, so he believed there won't be as much out there for this reason. He felt it was stretching it to find a piece of art that does not have anything to do with the use of a building. Mayor Wagner agreed the more clarity and a specific list of criteria would be extremely helpful.

The consultants then shared some pictures and illustrations of downtown sign ideas and recommended to:

- Explore use of more creative and permanent advertising in downtown.
- Explore use of large graphics (super graphics) in downtown with a 60-day timeframe.
- Explore use of video signage in downtown.
- Explore use of projecting signs in downtown.
- Explore designating Furniture Market as a "Unique Sign Event".

They are also recommending consideration of creation of a "Campus" Sign Plan for large, institutional land uses such as High Point University, GTCC, High Point Regional Health System, etc.... Mr. Kelly pointed out the city's current sign plan has led to some confusion regarding out-parcels. As a result, the consultants are suggesting consideration of creating a more unified sign appearance in multi-lot and multi-tenant commercial and office developments, and how signage in out-parcels can be better addressed to create more uniformity within the development.

Ms. Cooper further explained that measuring sign size does make a difference and noted that currently the sign frame and sign base is NOT included in the sign "area." She advised that sign framing has a large impact on the actual sign size and suggested the following considerations:

- **Monument Signs** (all districts)
 - ✓ Limit maximum sign base to 3 feet (currently there is no height limit).
 - ✓ Count 75% of sign frame (not base) towards allowed sign area (currently there is no limit on frame size).
- **Pole/Pylon Signs** (all districts)
 - ✓ Examine the impact that thick pole/pylon supports and thick signs have on increasing the sign size (currently there is no limit).

Regarding **MONUMENT SIGNS**, Mayor Pro Tem Ewing asked if there is something in the ordinance to ensure that the brick work or masonry of the sign is consistent with the structure

because of the added value it brings to a property. Ms. Cooper advised that they could not dictate such a requirement, but agreed clarity is needed.

Mr. Kelly reviewed provisions for **INSTRUCTIONAL AND DIRECTIONAL SIGNS** and shared some illustrations of the various types. He noted inside the Core City, monument signs are not pedestrian-friendly. The consultants are recommending consideration of

- ✓ Clarifying definitions.
- ✓ Revising number of these signs permitted.
- ✓ Examining sign area and height.
- ✓ Determining if a permit is required.

Currently, there is no limit on the number, these signs are restricted to eight feet in height and six square feet.

Considerations for inside the Core City for **MONUMENT SIGNS** include

- ✓ CB & MS-C (more pedestrian-oriented districts)
 - Reducing monument sign height to six feet (from 15 feet).
 - Reducing monument sign area to 75 sq. ft. (from 100 sq. ft.).
- ✓ MS-A and D (more auto-oriented)
 - Reducing monument sign height to 10 feet (from 15 feet).
 - Reducing monument sign area to 100 sq. ft. (from 150 sq. ft.).

Considerations for Outside the Core City for **MONUMENT SIGNS** include

- ✓ All signs in GB, RC, LI, and HI Districts
 - Consistency in sign standards across districts.
- ✓ Monument Sign in GB, RC, LI, HI Districts (not out-parcels).
 - Limit sign height to 20' (currently 30').
 - Limit sign area to 150 sq. ft. (currently 200 sq. ft.).
- ✓ Pole/Pylon Signs- GB, RC, LI, HI (not out parcels).
 - Limit sign area to 150 sq. ft. (currently 200 sq. ft.).
 - 30-foot sign height too tall.

Regarding **ILLUMINATION** of signs, the consultants are suggesting the following considerations:

- ✓ Create a lighting section addressing ALL sign lighting in one place.
- ✓ Add performance standards for internal illumination to eliminate Special Use Permit.
- ✓ Change terminology from “indirect” and “direct” to “internal” and “external”.

Regarding **Delivery Boxes, Ice Machines**, etc..., the consultants are suggesting the following considerations:

- ✓ To add a maximum letter or logo size (currently there is none)
- ✓ Or, to add a legibility standard (cannot be readable from the street)

The current Sign Ordinance exempts **GOVERNMENTAL SIGNS**; however, signs on governmental buildings are NOT exempt. Governmental signs are defined as a

“Sign erected by a governmental body to post a legal notice, identify public property, convey public information or regulate pedestrian or vehicular traffic.”

Regarding **COMMUNITY EVENTS SIGNS**, the consultants are suggesting consideration of the following:

- ✓ Appointment of a small committee comprised of entities having strong interest in publicizing community-wide events.
- ✓ Identification of types of community events that would be appropriate for the signs.
- ✓ Identification of potential locations and associated cost of creating signage.
- ✓ Creation of a policy for managing event signs.

Regarding *Temporary Signs*- **REAL ESTATE SIGNS** in non-residential areas, the consultants are suggesting consideration of the following:

- ✓ Reducing permitted sign height (currently 12 ft.).
- ✓ Limiting sign size in relation to linear feet of lot (currently 100 sq. ft. regardless of lot size).
- ✓ Requiring a permit for signs exceeding 50 sq. ft. (currently no permit is required).

To address real estate sign clutter, the consultants are suggesting consideration of determining whether this type of sign used at major thoroughfare intersections could effectively address real estate sign clutter.

To address *Temporary* **WINDOW SIGNS**, the consultant is suggesting consideration of the following:

- ✓ Limiting signs on windows to 25% of the area of each window.
- ✓ Counting anything OVER 25% toward wall sign area (the downside to this is this could allow full coverage of windows).

The consultants are suggesting some clean-up in regards to regulations for **FLAGS**. Some considerations they are suggesting are:

- ✓ Moving flags without a commercial message from “exempt” signs to a category of signs that do not require a sign permit, keeping the number, height, and size standards.
- ✓ Eliminating provision related to “flags, emblems, insignia of a corporate, political, professional, fraternal, civic, or educational organization permitted in all districts.”

Regarding *Temporary Signs*- **YARD SIGNS** in residential areas, the consultants are suggesting consideration of the following:

- ✓ Consolidating ALL types into ONE type (non-commercial).
- ✓ Limiting the number to three (3).

Regarding *Temporary Signs*- **SPECIAL EVENT AND SPECIAL PROMOTION SIGNS**, the consultants are suggesting consideration of:

- ✓ Better differentiation between “special event” and “special promotion” signs.
- ✓ Limiting “special promotion” signs to 14-days, three times a year (currently 30 days/three times a year).

The consultants also pointed out that currently signs for “special promotions” have no limit on sign area, height or number.

The consultants approached the subject of **ENFORCEMENT** and advised that enforcement makes civil laws work. They expressed concerns that it seems that one local institution has been given a pass and exemptions and can put up signs anywhere in the city. The consultants suggest that it should be uniform, consistent enforcement throughout the city for everyone. The consultants also pointed out that enforcement of High Point’s Sign Ordinance is more complaint driven than proactive enforcement, which creates inconsistency. They suggested enforcement should be.....

- ✓ Proactive
- ✓ Frequent
- ✓ Same rules for everyone

Regarding **CONTEXT SENSITIVE SIGN** regulations **INSIDE** the Core City, the consultants are suggesting....

- ✓ Pedestrian-oriented signage
- ✓ Specialty signage for
 - Furniture Market
 - Downtown
 - Large Institutional uses

OUTSIDE the Core City....

- ✓ Auto-oriented signage
- ✓ Scenic Corridor signage (i.e. Eastchester Corridor)

The consultants then shared a sample of a chart identifying Sign Standards organized by zoning districts inside and outside of the Core City.

Mayor Wagner encouraged the consultants to include both sides of the street when defining the area of the Core City.

The consultants shared some sample illustrations of sign graphics to show how they are measured, the various types of different signs, and where the signs can be placed in relation to the lot or on a building.

The consultants reviewed the Sign Ordinance Completion Schedule as follows:

What?	When?
Consultants prepare draft Sign Ordinance	May - June
Consultants prepare public hearing draft	July - August
Public Hearing draft available	September
Public Meetings on Draft of Sign Ordinance	Mid-July
Public Hearings on Sign Ordinance	October

Regarding nonconforming signs, Council Member Golden inquired about accountability and enforcement and asked if the person, business, or entity would be responsible for bringing nonconforming signs into conformance. Bob Robbins, Development Administrator, replied the responsibility ultimately lies with the property owner. Mr. Kelly explained there are special provisions in the ordinance to deal with true nonconforming signs. Council Member Golden noted he was referring to illegal signs that were put up with no permit and no authorization and felt if the signs are illegal, they should come down.

Mayor Wagner mentioned there have been situations where people are tearing down buildings, but leaving the sign and suggested a provision be included in the Sign Ordinance for these types of situations. Mr. Kelly replied there are currently regulations in the ordinance for this now, but it is not being enforced.

Mayor Wagner also suggested that consideration be given to roof-type signs for venues such as a ballpark and water towers.

Randy Hemann, Assistant City Manager, offered the following suggestions:

- ✓ Parapet signs are appropriate in some places and it would be good if they could be allowed.
- ✓ A-frame sandwich board signs, and projecting signs, if done tastefully, are very appropriate. Mr. Kelly pointed out these types of signs require a lot of enforcement and monitoring and can be a safety concern and a trip hazard.
- ✓ Can handwritten signs directing people to park at locations be legislated so the signs are in good taste? Mr. Kelly advised that these signs could not be banned citywide, but suggested they could possibly be banned in the Market District; however, he advised against it.

In conclusion, Heidi Galanti, Planning Administrator, reminded everyone that the consultants would be sharing this information during a public meeting tomorrow in the Council Chambers at 6:00 p.m. She advised that information (reports, assessments, etc...) will be posted on the city's website for the project. Staff will also have a comment sheet available at the public meeting, and posted on the website as well.

There being no further business or discussion, the meeting adjourned at 4:40 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, City Clerk