



## Legislation Text

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**File #:** ID 19-0080, **Version:** 1

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Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Sign Ordinances (Various Sections)

Department: Planning  
Council District: All

Public Hearing: Yes  
Advertising Date/By: January 31 and February 7, 2019 / City Clerk

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### **PURPOSE:**

The purpose of the text amendment is to update and revise the Land Development Ordinance (LDO) provisions related to signs. The City Council is required to hold a public hearing on this amendment before considering its approval.

### **BACKGROUND:**

In the summer of 2015 the US Supreme Court, with its decision in the case Reed vs. Town of Gilbert, raised the level of scrutiny for sign regulations that result in different requirements for signs based on the content of the sign or where commercial speech is favored over noncommercial speech. In the wake of this decision, communities throughout the country have been evaluating their sign ordinances to identify potential changes needed to ensure their sign regulations can meet these enhanced constitutional requirements.

Starting in early 2016 the City hired Dr. Eric Kelly, a prominent national expert with experience in both drafting and litigating sign ordinances, to evaluate Greensboro's ordinances and help identify potential areas of concern. As part of Dr. Kelly's evaluation, a series of small group meetings were held with developers, sign contractors, businesses, neighborhood representatives and City staff. From Dr. Kelly's analysis and these conversations several areas of concern were identified:

- Confusion on what should and should not be considered a sign and thus subject to regulation
- Areas of the ordinance that currently regulate signage differently based on content, or where commercial signage has greater rights than noncommercial signage regardless of the underlying zoning district where the signage is located.
- Presence of older provisions that do not adequately reflect current signage industry standards or practices
- Confusion on where to locate certain signage requirements, or where language was not clear on how regulations were to be applied
- Challenges with administering and effectively enforcing current sign regulations

### **Summary of Proposed Changes to Address Concerns**

Building on Dr. Kelly's findings and suggested ordinance remedies, staff convened a more formal sign ordinance committee in May 2018 to evaluate potential changes and updates to the current sign ordinances. This committee included representatives from:

- Sign Contractors
- Businesses/Realtors/Developers
- Apartments Association
- Greensboro Neighborhood Congress
- TREBIC
- City Permitting, Legal and Enforcement Staff

The Committee reviewed a number of issues and with staff's assistance reached consensus on a number of ordinance changes addressing the following areas:

#### **Definitions and Technical Changes**

These changes include revised definitions for signs and flags and removing other definitions that either are no longer needed, or are addressed in other portions of the ordinance. These changes also included technical corrections to clarify some standards for signs and make certain standards easier to locate and use.

#### **Removing/Limiting Content Based Regulations**

These changes include grouping similar types of signs with the same location, number and size standards in order to eliminate content based distinctions. This was particularly an issue for regulations related to signs allowed without a permit. These changes also addressed several instances where certain types of commercial and noncommercial signs were regulated differently from other types of noncommercial signs.

#### **Matching Industry Trends and Adding Additional Flexibility**

These changes included creating consistent lighting standards for signage to better match industry practices and that can be more effectively enforced. They also included adjusting base standards for wall signage to incorporate signage rights previously assigned only to window signs, adding the option to substitute freestanding signage for additional wall signage, and providing an additional public hearing option (via a Special Exception) to allow for enhanced electronic signage for nonresidential uses (such as churches and schools) in residential zoning.

#### **Improved Administration and Enforcement**

These changes include adding additional language supporting immediate removal of unpermitted signage in public rights of way without liability to the person or group removing the signs. The changes also enhance the City's ability to seek compliance for signage violations from any applicable party and ensuring that all signage requirements are eligible for variance requests via the Board of Adjustment

### **BUDGET IMPACT:**

There will be no impact on the current or future budgets.

### **RECOMMENDATION / ACTION REQUESTED:**

The Planning Board recommended this amendment as presented at its December 19, 2018 meeting on a vote of 8-0. Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.