



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

**DEVELOPMENT ORDINANCE
DETERMINATION**

NUMBER: 17-01

DATE: 2/14/17

Ordinance Section(s) Affected:

Section 4.4.2. *Procedure for Establishment*

Section 4.4.5. *Standards for Specific Accessory Uses, Subsection Q. Signage*

Section 5.7.4. *General Standards, Subsection F. Obsolete Sign*

Section 5.7.4. *General Standards, Subsection H. Deteriorated or Abandoned Sign*

Text of Section(s):

4.4.2. *Procedure for Establishment*

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.

4.4.5. *Standards for Specific Accessory Uses*

Q. *Signage*

See Section 5.7, Signage, for the applicable standards.

5.7.4. *General Standards*

F. *Obsolete Sign*

A sign which advertises a business no longer conducted on the premise shall be removed within 90 days of cessation of such business.

5.7.4. *General Standards*

H. *Deteriorated or Abandoned Sign*

A sign which is abandoned or which is not properly maintained, including cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice is given by the Planning and Development Director.

Issue:

When the principal building on a property is demolished, clarification is needed as to which provisions of the Development Ordinance require that the on-site signs must be removed as part of the demolition action and under what circumstance may a freestanding sign remain on-site temporarily pending future development of that site.

Determination:

There are several Development Ordinance provisions that apply to this issue.

First, the Development Ordinance defines a freestanding sign as an on-site sign, meaning that it is a sign that “directs attention to a business...existing on the same lot where the sign is displayed”.

Second, the Development Ordinance in Section 4.4.5., Standards for Specific Accessory Uses, categorizes signage as an accessory use. In addition, freestanding signs meet the Development Ordinance definition of an accessory structure.

Third, Section 4.4.2., Procedure for Establishment, requires that accessory uses and structures must be approved and established in conjunction with a principal use or after the establishment of a principal use. It prohibits the establishment of an accessory use or structure prior to the establishment of a principal use.

Fourth, 5.7.4., General Standards, Subsection H. Deteriorated or Abandoned Sign, requires that an abandoned sign must be removed after due notice.

And finally, 5.7.4., General Standards, Subsection F. Obsolete Sign, requires that a sign advertising a business that is no longer on the site must be removed within 90 days after the business ceases.

Based upon these Development Ordinance provisions, it is determined that all on-site signs, including a freestanding sign which is an accessory use and an accessory structure, must be removed when the principal building is demolished.

If a freestanding sign remains, then the Development Ordinance would define that sign as the principal use and principal structure on the property. Outdoor advertising signs are the only signs that the Development Ordinance allows as a principal use and principal structure on a property. Because the freestanding sign was permitted as an on-site sign for a principal use of land and the principal use has ceased to exist, allowing the sign to remain will define it as an outdoor advertising sign (i.e. a sign which directs attention to something existing elsewhere than the lot where the sign is displayed). Whether there is a message or copy on the sign, the Development Ordinance considers it an abandoned sign and requires the removal if there is no immediate use for the property. Furthermore, the Development Ordinance requires that obsolete signs must be removed within 90 days of the on-site business ceasing. Therefore, excluding one situation, freestanding signs must be removed prior to or as part of the principal building demolition; otherwise, it is a violation of the Development Ordinance for the freestanding sign to remain.

There is one situation where a freestanding sign may remain on-site for a temporary period of time after the principal building is demolished. If the City receives a land development plan submittal for a principal use of the property that includes the reuse of the freestanding sign as an accessory use and accessory structure, then the sign may be reused as part of the new development and not removed when the principal building is demolished.

For a freestanding sign to remain on-site for a temporary period of time after the principal building is demolished while pending future development on the site:

1. The request for the freestanding sign to remain on-site must be made prior to the demolition of the principal building;
2. There must be a land development plan submittal for a principal use of land that shows the reuse of the freestanding sign for the new principal use;
3. The sign must not be a nonconforming sign in accordance with Section 8.5, Nonconforming Signs, or if it is nonconforming, the request must demonstrate how the sign will be modified to conform with the applicable signage regulations;
4. The land development plan and sign reuse must be pursued in a timely manner and authorization for the sign reuse obtained prior to the final inspection of the building demolition; and
5. If a construction permit is required for the new principal use, then the permit must be applied for, pursued and obtained soon after the land development plan approval; otherwise, the sign can be considered an obsolete or abandoned sign and pursued as a violation of the Development Ordinance.

Approved: G. Lee Burnette, AICP
Planning & Development Director