

Design Review, Permitting, and Recordkeeping

By Mark Hinshaw, FAIA, FAICP

The local government permitting process for signs is not dissimilar to the permitting process for other objects in the built environment, except that signs, as a form of speech, are entitled to protection under the First Amendment. The purpose for requiring a sign permit is the same as for other permits: to ensure that the construction meets code requirements that address issues of the safety, health, and general welfare of the public. Signs, like buildings, can present hazards if not located and designed to recognize current practices in structural and electrical fabrication. Signs that are poorly placed, too large, or too small can affect the circulation of traffic, turning movements, and pedestrian activity.

Building and land-use regulations are also intended to ensure visual and construction quality so that community property values and investments are protected. As with all codes, these regulations are numerically oriented, *quantitative* standards that can be applied objectively. Increasingly, however, communities are adopting and applying *qualitative guidelines* to ensure that changes in the physical environment recognize site-specific conditions that cannot be addressed adequately by a mechanistic, formulaic approach. Discretionary decisions have been added to the sign permitting toolbox to allow more flexibility and to encourage creativity. Many jurisdictions have learned that applying a “one size fits all” set of standards does not produce results that reflect the history or context of an area.

Design review for signs, as with any other form of development, however, must be done in a manner that is legally defensible. Criteria for decision making must be clear, specific, and available in advance. Applicants can not be made to guess at what a permitting agency or board wants. (See PAS Report 454, *Design Review*, for a more complete discussion of this tool and its legal imperatives, as well as Chapter 6 of this report, which addresses the limits of local government discretion.) While site-specific design review might not be practical for all communities or all areas within a community, it is a good idea to consider using it in geographic areas where either increased quality in the visual environment is desired or where the existing context and character is well established and could be threatened by incompatible additions.

Permitting also has another more mundane purpose—maintaining records about the built environment. Thus, sign permitting can be tied to recordkeeping for places of business within a community that collects taxes on operations or revenues.

Records also establish a history, so that changes can be tracked over time. This may be important to distinguish between older signs and newer signs, should codes change or amortization periods be established. Commercial sign users often need to modify signs for new tenancies or even reconstruct them entirely. Such changes, if they meet the thresholds established by the community (e.g., a change to the sign structure), can be used to trigger compliance with new standards. Records provide necessary information over time so that the review and permitting process is easier and more expeditious.

Good recordkeeping has other benefits as well. It can help with code compliance issues. Many jurisdictions rely on complaints from citizens or even other businesses to point out code violations. A search of records can indicate whether there have been complaints about a given sign. Having good, clear records can build a comprehensive set of interpretations of the code, which are inevitable, regardless of the best efforts to craft language. It is even possible to publish a set of interpretations so that future applicants can better understand the code. This is useful because decision makers, whether administrators or appointed boards, come and go. From a legal standpoint, consistency of code application is important in that it provides equal treatment to all applicants.

The collection of fees for sign permits can offset the administrative costs associated with review and can help fund enforcement efforts to ensure that legitimate, code-compliant signs are not undermined by the presence of shoddy, illegal signs. Established sign companies that provide services in accordance with local laws have a right to demand that enforcement be diligent and rigorous. Most businesses do not mind rules, as long as those rules are uniformly applied so that competitors do not have an unfair advantage.

THE SIGN PERMITTING PROCESS

Sign permitting processes vary depending on local practice, though there are some common steps applicable in all communities. Regardless of the specifics, a sign permitting process should be as uncomplicated as possible and expeditious. There are also legal issues (known as “prior restraint” issues) with respect to requiring permits for lawful activities, such as installing a sign, and what fees can be charged. Chapter 6 contains extensive details on the prior restraint issue.

The sign permitting process is typically enacted through several standard provisions in the sign ordinance.

1. *Activating the ordinance.* A simple statement is included in the ordinance indicating that a permit is required to erect, move, replace, suspend, or attach a sign. Some cities require a permit when a sign is altered or when there is a change of use on the property.
2. *Additional permits required.* The ordinance may also state that a building permit and an electrical permit are also required for certain types of signs. For example, a freestanding electrical sign would typically be required to have a sign permit and an electrical permit for the sign cabinet.
3. *Administrative designee.* The sign ordinance designates which local government representative—the city building official, city planner (or planning director), code enforcement officer, or a designee of any of the above—is assigned the responsibility of administering and enforcing the ordinance.
4. *Required information.* A list of documents to accompany the application is provided. At a minimum, applicants are normally required to submit the following information with the application:
 - The property address where the proposed signage will be erected.
 - A simple sign ordinance may require drawings or photographs of the property where the signage is proposed. More commonly, applicants are required to submit a formal site plan (or plot plan) showing locations of all existing and proposed signs and sign elevations for freestanding signs and building elevations for wall signs. The site plan also is typically required to show: property lines, parking lots, adjacent streets, driveways, landscaped areas, a north arrow, dimensions of street frontages, and setbacks.
 - Computation of total area and dimensions of proposed signage.
 - The type of sign or sign structure as defined in the ordinance.
 - Signatures of the applicant and property owner authorizing placement of the signage.
 - A check or money order for the application fee (see below). The general rule of thumb in assessing sign permit fees is that the cost must have a direct relationship to the local government's expenses incurred in reviewing the application and administering the ordinance generally. (This is true for all local government permit fees.) The cost of conducting site visits after a sign is installed and inspecting signs would be considered in the general administration of the ordinance.

A review of fees done for this report found most fees range from \$25 to \$100. Additional fees are also assessed for electrical permits, which are necessary for most types of electric signs, and clearly can raise the total cost of sign approval. A survey and report on sign permit fees in 22 communities conducted by the National Electric Sign Association (NESA) notes four basic methods for calculating sign fees (Jones 1994).

Set fee: A flat fee for all signs.

Valuation: The fee is based on the value of the sign.

Sign size: Fees increase as the area or height of the sign increases.

Hybrid: A combination of the valuation method and the sign size method.

According to the NESAs study, sign permit fees average \$110 for small signs, \$148 for midsize signs, and \$272 for the largest signs.

- 5) *Additional drawings.* Also often required are drawings of structural and electrical details, including side sectional views of the sign showing wiring and electrical components, construction, attachments, and footings.
- 6) *A list of exemptions from the sign permit requirements.* The general rule of thumb regarding exemptions is the fewer the better. Rather than exempting a long list of signs, a preferred option is to allow small signs in all districts without requiring a permit for such signs (Kelly 1998, Sec. 53.10(4)). Such an allowance is inclusive of real estate signs, political signs, and other incidental signs. This method allows local governments to retain the right to regulate such signs as to their size, location, and design, and enforce the code in the event of a violation (e.g., placement of Open House signs in the public right-of-way). But it does not burden the property owner or local government with a permit process for incidental signs. This method provides a much stronger legal position than a code that exempts signs that meet certain conditions (Kelly 1998, Sec. 53.10(3); 53-146). Code language that can be problematic, for example, would contain provisions that:
 - exempt real estate signs from permits but require that they be removed in a certain number of days after the house is sold;
 - mandate the removal of political signs after a certain number of days after an election; and
 - provide for special treatment of signs identifying certain “preferred” land uses, such as schools and churches.

The longer the list of such exemptions, the greater the likelihood the local government will get itself into trouble with content-based regulations. Signs for which an exemption can safely be provided include public notices and traffic signs on private property.

- 7) *A time line for the permit to be issued.* Some ordinances include a “completeness determination” and a “required decision” time frame. A completeness determination binds the local government to notify the applicant that his or her application is complete and that a review is underway. If the application is incomplete, the local government must notify the applicant what information needs to be submitted before the application can be reviewed and a permit issued. A decision time frame, which averages five to 14 days in most communities, is the period of time the local government has to either approve or deny the application. Such time frames apply only to signs that are subject to administrative review by the planner or code enforcement officer. Such time limits do not, of course, preclude a sign permit from being issued on the spot with the applicant present if the administrator determines that the application is complete and in compliance with the sign code.

Sign permitting decisions that are to be reviewed by a design review board—such as master sign plans for shopping centers or planned unit developments (PUDs), or for signs in a special design district—will typically take longer than one to two weeks, especially where committee review and public hearings are involved. Unreasonable delay, which can lead to legal challenges, should be avoided.

Master Signage Plans

Master sign plans are a common component of sign ordinances. In most communities they have helped simplify the permitting process. Under such provisions, major commercial properties must submit a master sign plan that indicates the type, construction, location, and height of each proposed sign on the site. Approval of the master sign plan would be required before issuance of the first sign permit for the property (Kelly 1998, Sec. 53.10(9)). Depending on the type, size, and location of the development for which the signage is proposed, permits for master sign plans may be issued administratively or the decision may be referred to a design review board. Shopping centers, office parks, and other multi-tenant buildings are typical candidates for master sign plans.

There are four primary benefits of a master sign plan (Kelly 1998, Sec. 53.10(9)).

1. It encourages property owners or developers to plan for signage.
2. It provides a context for computation of total number and area of signs on the property.
3. It can be integrated into the local site plan review or PUD process.
4. Over time, local governments can use the plans to generate a database of all existing and proposed signage in the community.

Tags or Medallions

Once a permit has been issued for a sign—either through administrative review by a planner or after a design review process—the sign is regarded as legal and in conformance with the ordinance. Some large cities now affix permanent medallions or badges on signs that have received permits. Such a system is useful to future business owners and code enforcement officers in that it provides certainty that the sign met all applicable standards at the time it was installed. Small cities may not be able to afford the administration of such a system. The use of such medallions is generally encouraged by the industry.

On-Line Sign Permits

Cities now commonly post sign permit application forms and procedures on the local government's web site. Cities can post frequently asked questions, step-by-step guides to the permitting process, and even photographs and drawings of what it intends to accomplish with the sign ordinance. And, increasingly, communities are developing sign permit applications that can be submitted electronically, with supporting information submitted as electronic attachments. While this may reduce the often valuable, one-on-one interaction that sign company representatives and business people have with local planners, overall it will be more convenient and efficient for sign permit applicants who will be able to submit the application from their desk rather than standing in line at the counter. The full text of the sign ordinance is also commonly found online now as well, usually as one of the municipality's complete code of ordinances. On-line access to the sign ordinance by applicants can make it easier to comply with the regulations inasmuch as full information about what is required is available to the applicant without either purchasing a hard copy of the ordinance or visiting the permit counter in person.

ADMINISTERING DESIGN REVIEW FOR SIGNS

Agencies that do sign permitting will need to take into account the aesthetic and economic context for the sign under review. Consequently, the

administration of the permitting process is likely to be more complex, time consuming, and demanding of expertise than is the typical processing of permit paperwork. Training is advisable. If a board is used, it must be staffed. It will likely be necessary to publish guidebooks or flyers to explain the review process and criteria. Accordingly, it would be wise to carefully consider the scope of application, given that costs and time could increase beyond what is acceptable to elected officials.

Design review, along with associated standards and guidelines, can be applied in a range of situations.

Citywide Application

Given that there may be a large number of signs covered by applying context-sensitive review to all signs within a city, this approach may be most useful in smaller communities not experiencing significant growth and change. Larger places, where the economy is vigorous, will probably generate a higher turnover of businesses and therefore a significant number of applications that must be processed. It might be possible to have very simple standards, such that the review is expeditious. But too few standards might also defeat the intent of ensuring that signs are sensitive to their surroundings. Conducting a thorough review requires a commitment of time and resources to apply standards and guidelines to a proposal. Furthermore, revisions to proposed designs will often be required, along with meetings to discuss the application and interpretation of criteria. Applying a design review process to signs on a citywide basis demands a major commitment of staff and budget. Some communities are prepared to do that; some are not.

Special Districts and Overlay Districts

For most jurisdictions, a more practical approach than a citywide design review process is to select certain areas for review. These areas might be

Design review could be a requirement associated with specific zoning districts, as in San Diego's North Park commercial district, or it could be accomplished through an "overlay" approach in which design review is triggered only in portions of a district.



SAN DIEGO SPECIAL SIGN DISTRICTS

Section 104.0100.2 and .4

For the purposes of Chapter X, Article 4 of this Code, Special Sign Districts shall mean any single, legally described area within the City of San Diego which has been designated a Special Sign District by the City Council. The district, including subdistricts, if any, shall be within the boundaries of a community plan or plans adopted by the City Council and on file in the office of the City Clerk. The plan shall be in such detail as is necessary to permit the evaluation of the proposed sign regulations for the Special Sign District.

San Diego: Section 104.0100.4

In a Special Sign District, the Planning Commission shall approve regulatory provisions for all signs permitted on either a district-wide basis or on a subdistrict basis. The following regulatory provisions for signs may be established within a Special Sign District:

- A. Number.
- B. Maximum height.
- C. Maximum gross area.
- D. Maximum display area.
- E. Type.
- F. Relationship to street frontages.
- G. Interrelationships between signs.
- H. Permitted copy provided that public interest messages shall be permitted.
[Editor's note: This is a content-based regulation that should not be used.]
- I. Residential proximity.
- J. Minimum clearances.
- K. Relationships to public rights-of-way.
- L. Rotation and other forms of movement.
- M. Illumination.
- N. Animation and other visual effects.
- O. Temporary signs.
- P. Flags, banners, pennants, and other similar devices.
- Q. Any other regulatory provision necessary to the effectuation of the adopted community plan or plans covering the area which the Special Sign District is a part.

particular districts that the community is most concerned about, such as a downtown or historic area. Or they could be transitional areas, such as a commercial district that is adjacent to a residential district. Or they could include an area, such as an entertainment zone, that the community could exempt from some of the requirements applicable elsewhere.

Design review could be a requirement associated with specific zoning districts, or it could be accomplished through an "overlay" approach in which design review is triggered only in portions of a district. The advantage of an overlay approach is that the overlay could encompass several districts or an area containing a number of different districts. San Diego, California, has established Special Sign Districts, while Cleveland's ordinance contains a section that requires special review in a number of designated design review districts. (See a number of examples in the sidebars on this page and the following pages.)

It is more conventional to apply specific standards and procedures to specific districts than to use the overlay approach. Some city attorneys are

even uncomfortable with the overlay approach. Overlays add a degree of complexity that may not be desired. Regardless of the exact approach, however, it will be necessary for the jurisdiction to develop illustrated standards and guidelines so that the community's expectations are clear to the applicant. Signs are graphics, and sign codes should contain examples that illustrate size and dimension standards, methods of sign measurement, and the types of signage that the community has agreed will meet its objectives.

Salt Lake City, Utah, has incorporated a number of drawings into the definition section of its sign ordinance. Such drawings assist enormously in helping users distinguish one type of sign from another. That city's ordinance also contains charts that specifically indicate the types, sizes, heights, and number of allowable signs. While detailed and thorough, the ordinance tries to cover every possible situation with numerical or quantitative standards, without much flexibility. This approach has merit in less complex settings, such as a small town, but a complex urban environment like Salt Lake City that has a mix of uses and building forms may be better suited to a context-sensitive approach.

Yonkers, New York, uses an ordinance that recognizes the delicate nature of urban settings. (See the drawings on the opposite page.) That city has gone to great lengths to "teach" sign applicants how to respect older buildings with established character. Its clearly illustrated code includes the concept of a "signboard" on a building that allows signs to fit into the proportions, details, and arrangement of facades. Yonkers' code is also very user friendly, limiting "codified language" and legal jargon that might be opaque to small merchants. It is almost a handbook on good design, with principles that can be readily grasped by a wide variety of users.

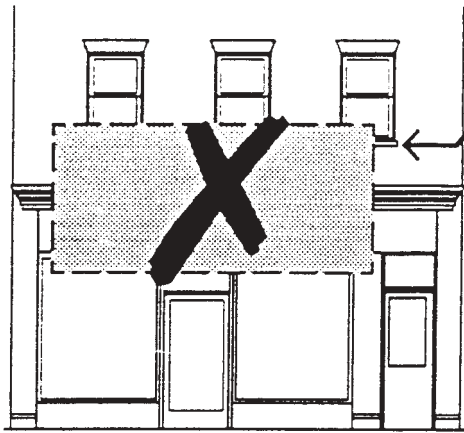
While considerably more complicated than either Salt Lake City or Yonkers regulations, the sign regulations for Flagstaff, Arizona, benefit from having illustrations sprinkled throughout the text. (See below.) Another important feature of the Flagstaff code is that it requires comprehensive sign programs for multitenant developments. This is where the intent of many codes gets defeated; individual tenants hire separate sign companies who all want to design something differently. The result is rarely sympathetic to either the building design or the neighborhood.

The Flagstaff code also contains an interesting feature in that it recognizes "historic" and "unique" signs that may not be allowed under the terms of the current code but which nevertheless contribute to the character of the community. That city—located on old U.S. Route 66—still has a number of very tall, elaborately constructed signs left over from the early era of automobile travel. While not necessarily pretty, they are important landmarks and provide a vital link to the city's past. Finally, the Flagstaff code does a great job of defining signs that are intended to be read by pedestrians. Projecting signs, wall signs, and even freestanding signs are kept small in size and height within the downtown. Nonetheless, merchants have been very creative in finding signs that are unique and visually interesting. Numerous storefronts are embellished with signs that are carefully crafted compositions, incorporating whimsical brackets and details. This is sign design at its best: signs that convey information in a fashion that reflects both the character of the business and the neighborhood. It is hard to imagine anyone trying to insert a generic, plastic-faced "sign box" into this environment. And the code appears to have nurtured a small cottage industry of innovative sign makers.

WALL SIGNS AS DESCRIBED IN YONKERS, NEW YORK, SIGN GUIDELINES

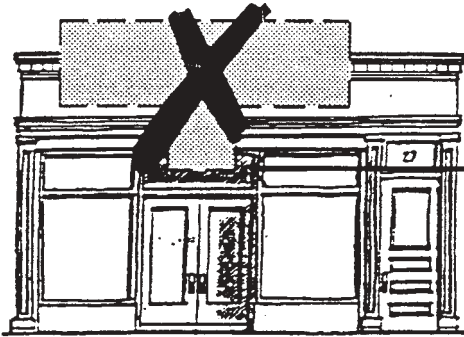
A wall sign is placed flush against the wall of a building.

The following restrictions apply to wall signs:



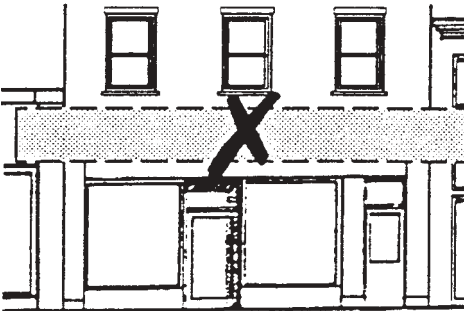
The top edge of the sign must not project above the lower edge of the second story window sills.

The sign must not cover or obscure any architectural feature or detail of the building on to which it is placed. (Architectural features or details may not be removed from a building to accommodate a sign without the permission of the Planning Bureau.)

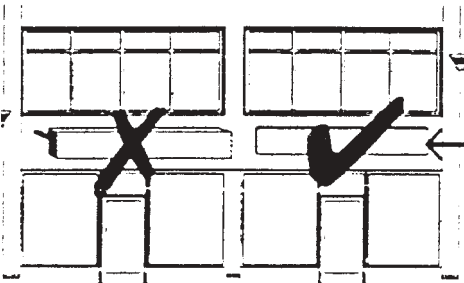


The top edge of the sign must not project above the top of the building.

The bottom edge of the sign must be positioned at least 8 feet above grade level and the top edge of the sign must be higher than 10 feet from the top of the storefront's entrance and display windows but in no event is the wall sign to project below or above the signboard area of a building.



The sides of a sign must be positioned so as not to extend past the length of the storefront area.



The sign must be placed flush against the facade of the building and may not project more than one foot from the surface of the wall onto which it is mounted.

CLEVELAND'S DESIGNATED DESIGN REVIEW DISTRICTS

Section 350.16 Signs in Design Review Districts (December 20, 1990)

For permit applications within Landmark Districts, Public Land Protective Districts or Business Revitalization Districts, the Landmarks Commission or City Planning Commission, as applicable, may authorize the Commissioner of Building and Housing to issue a permit which requires adherence to standards which are either less strict or more strict than the standards otherwise required by the Chapter, if such action by the applicable Commission is in accordance with the following standards:

- (a) Design Compatibility. Regulations of this Chapter may be varied only if such variation will result in signage which is better suited to the design of the subject property or nearby properties or architectural or historic significance.
 - (b) Design Guidelines. Any variation from the regulations of this Chapter shall be approved only in accordance with applicable design guidelines adopted by City Council or adopted by the applicable commission pursuant to an ordinance of City Council.
 - (c) Minimum variation. Any variation from the regulations of this Chapter shall be the minimum necessary to ensure design comparability.
 - (d) Written record. In the record of its proceedings, the applicable Commission shall specifically identify any regulation of this Chapter which is not met by an approved application and shall explain the necessity for granting such variation from the regulations.
 - (e) Final Action. An application which fails to meet any regulation of this Chapter shall be approved only by direct action of the applicable Commission.
-

Corridors

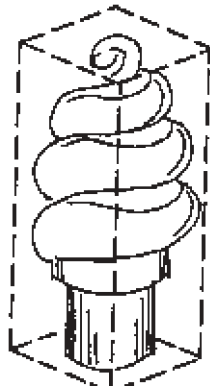
Certain streets are critical to maintaining and enhancing the image of an area or an entire city. Sign standards and guidelines can be tailored to establish and enhance the visual nature of these linear environments. For example, if a city were concerned about the "gateway" arterials leading from major freeways, an overlay could be established to cover all development within 300 feet of the right-of-way, regardless of what the underlying zoning might be.

Matthews, North Carolina, for example, has established Special Sign Corridors, along with accompanying review procedures and standards. Built into the ordinance is a provision that allows standards to be modified under certain conditions to better reflect the context.

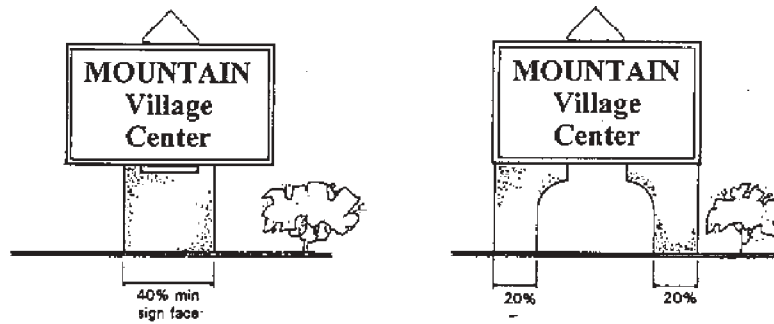
Bainbridge Island, Washington, includes a handful of guidelines specifically addressing signs in the design guidelines for its town center. In some corridors, where the historic context is well established, signs are kept relatively small and made of materials that are compatible with the building materials. In other corridors, signs are encouraged to be graphic and whimsical. The town center is divided into relatively small corridors and subareas, each with its own guidelines to reinforce the particular context. It is also an example of a set of regulations in which signs are not addressed just by themselves, but as part of an overall structure that covers site design and building design. The intent is to persuade merchants to think of their buildings as entire compositions involving many aspects of design.

Bozeman, Montana, has designated seven arterial streets as "entryway corridors." Guidelines addressing site design, building design, and sign design are tailored for each. The city also offers design expertise from the reviewing board to assist small merchants in exploring creative solutions to signage in sensitive areas.

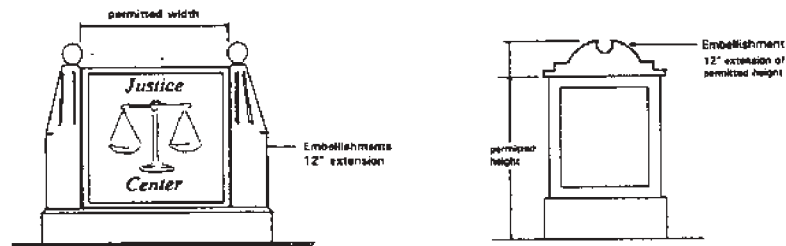
EXCERPTS FROM FLAGSTAFF, ARIZONA, SIGN ORDINANCE



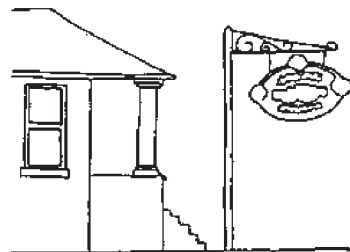
Section A(1)(e): Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with more than four faces are prohibited.



Section 2(f)(6): The permanent sign base of a freestanding sign shall have an aggregate width of at least 40 percent of the width of the sign cabinet or face.



Section 2(f)(9): Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of 12 inches on any side.



Section 4(b)(1)(b): [Individual signs of Historic or Cultural Significance, within the Flagstaff Central Area District of Special Designation], a freestanding suspended sign consisting of a vertical pole, a horizontal decorative sign support, and a suspended sign, is permitted. Such signs are permitted to be constructed of wood, metal, and may be illuminated with external, down-directed, and shielded fixtures only. Freestanding suspended signs are permitted at a maximum of 18 square feet in area and 10 feet in height to the top of the sign pole.

MATTHEWS, NORTH CAROLINA, SPECIAL SIGN CORRIDORS**Sections 2115.1 Special Sign Corridors Created (Enacted October 25, 1993)**

Certain geographic corridors exhibit, or have the potential of exhibiting, unique signage needs due to the higher speed and high volume of traffic generated by major highways. Special sign corridors may be established with differing regulations from the rest of the jurisdiction in order to establish, enhance, and preserve the property values and economic viability of such corridors. Such special sign corridors shall meet the following:

1. The area shall follow on each side of a major highway carrying average daily traffic in excess of 30,000 vehicles.
 2. The boundaries set for the special sign corridor shall include only those properties whose visibility is directly impacted by the major highway. These boundaries shall be established at the time the special sign corridor is adopted, and the criteria for inclusion into the special sign corridor shall be clearly defined.
 3. The Board of Commissioners shall determine, upon recommendation by Planning Board, that the corridor exhibits unique signage needs related to the speed and volume of traffic which makes it different from other commercial or industrial corridors in the jurisdiction. In making such determination, these findings should be made:
 - a. that the proposed special sign corridor will preserve or enhance the special character of the corridor;
 - b. that the modifications to sign regulations will follow the spirit and overall intent of the chapter on signs, as given in Section 2100.1; and
 - c. that the provisions in the special sign corridor will not cause a disturbance or economic hardship to neighboring property outside the proposed district.
 4. Regulations which may be modified shall take into considerations those factors causing the unique signage needs, including but not limited to: horizontal distance of the affected property from the major highway right-of-way, natural and man-made topography and road grade changes, road overpasses and underpasses, limited access for drivers, the greater than normal length of road frontage and/or building frontage along the major highway, the total building area covered by a single use or group of uses on a property, and the average speed of vehicles traveling on the major highway.
-

THE ORDINANCE

There are two types of ordinances that address signs. The first type is embedded within the zoning or land development code, with sign regulations described for various districts. This requires definitions for each sign type to be placed within the overall set of zoning terms and definitions typically found in the beginning sections of a zoning ordinance. It may also require a section that addresses signs in a general way with respect to citywide standards and submittal requirements. The advantage of this method is that all (or at least most) of the development requirements for individual districts are found in one code. The disadvantage is that there may be some redundancy in the code.

The other type of sign ordinance is a freestanding one that addresses signs only. All information needed by a sign permit applicant and the sign code administrator is found together. This allows for amendments to be made that are independent of the bulk of the zoning code. A stand-alone ordinance also has the advantage of being aimed at an industry that is, more often than not, disconnected with the development of buildings.

Most signs that are produced are for tenants who occupy a building; signs typically do not trigger the application of other development standards. A freestanding document can also be formatted in a way that is user-friendly for merchants.

Either type, however, can be workable, and presented in a way that communicates both the letter and the spirit of the regulations. Both can be liberally illustrated and arranged in an easily accessible manner.

For a sign ordinance to be legally defensible, it must be based upon a clear connection to broader public policies. This connection could be made in a general chapter of a comprehensive plan that addresses community appearance or urban design. Policies relating to signs could also be placed in plan sections dealing with sub-areas, neighborhoods, or corridors. To establish an adequate foundation may not require much language, but it is useful to have a policy basis for the regulations to establish consistency between overall community goals and sign regulations.

Sign regulations are, of course, related to land-use regulations. Signs are a form of land use and can be treated in the same way as many forms of development, including allowable and prohibited types, standards, and review procedures. Signs can also be subject to supplemental design guidelines to ensure their compatibility with objectives for specific geographic areas. Some stand-alone sign ordinances include references to other documents that govern the quality of development. The land-use code for Bainbridge Island, Washington, focuses on numerical standards and refers the reader to a set of design guidelines for qualitative measures.



Elizabeth Longley



Elizabeth Longley

Bainbridge Island, Washington, has separate design guidelines for several corridors within its town center. In some corridors, signs are kept relatively small and integrated with the building architecture, (above, and left). In another corridor, the signs are encouraged to be graphic and whimsical, like the exterior signage for this hardware store.



Elizabeth Longley



Martin Ince



Martin Ince



Martin Ince

The Flagstaff sign ordinance contains sign performance standards that give businesses an opportunity to increase the allowable sign size if the sign design incorporates raised letters, uses native or natural materials, is well integrated with building architecture, is reduced in height, or has a simplified letter or logo design.

FLAGSTAFF, ARIZONA, CITY COUNCIL

Section 10-08-001-0001 (April 29, 1997)

The City Council finds that the natural surroundings, climate, history, and people of the City of Flagstaff combine to provide the Flagstaff community with unique charm and beauty. This Division has been adopted to assure that signs installed in the City of Flagstaff are compatible with the unique character and environment of the community.

The purpose of this Division is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. It is further determined the provision of this Division cannot achieve the end result desired unless the community voluntarily cooperates in upholding these provisions.

With these concepts in mind, this Division is adopted for the following purposes:

- A. To preserve and protect the public health, safety and welfare of the citizens on the City of Flagstaff.
- B. To promote and accomplish the goals, policies and objectives of the Flagstaff Growth Management Guide 2000.
- C. To balance public and private objectives by allowing adequate signage for business identification.
- D. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be partially attributable to cluttered, distracting, and/or illegible signage.
- E. To prevent property damage and personal injury from signs which are improperly constructed or poorly maintained.
- F. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.
- G. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the City of Flagstaff.
- H. To provide design standards which are consistent with the Flagstaff Development Lighting Regulations, and other applicable provisions of the Flagstaff Land Development Code.

It is the intent of this Division to:

- A. Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design.
- B. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of sign structures.
- C. Provide an improved visual environment for the citizens of, and visitors to, the City of Flagstaff, and to protect prominent view sheds within the community.
- D. Provide cost recovery measures supporting the administration and enforcement of Division 10-08-001, Sign Regulations.

Finally, the design of signs often includes issues of structural stability and electrical safety. Such issues are typically dealt with in building and electrical codes, not land-use codes. It is useful to cross-reference the other codes, however. One issue that arises in sign review is whether the electrical parts of a sign are UL-rated (Underwriter's Laboratory is a national organization whose marker indicates compliance with safety codes). There are sign companies who do not necessarily use available and recognized "best practices." An agency may want assurance that a sign will not cause a fire or safety hazard.

Intent Section

As with all ordinances, it is imperative to have a section that describes the intent. This should, at the very least, link the ordinance to the comprehensive plan. But it can also highlight the broad public purposes to be achieved by the code. Typically, this consists of brief statements that convey important objectives.

Standards

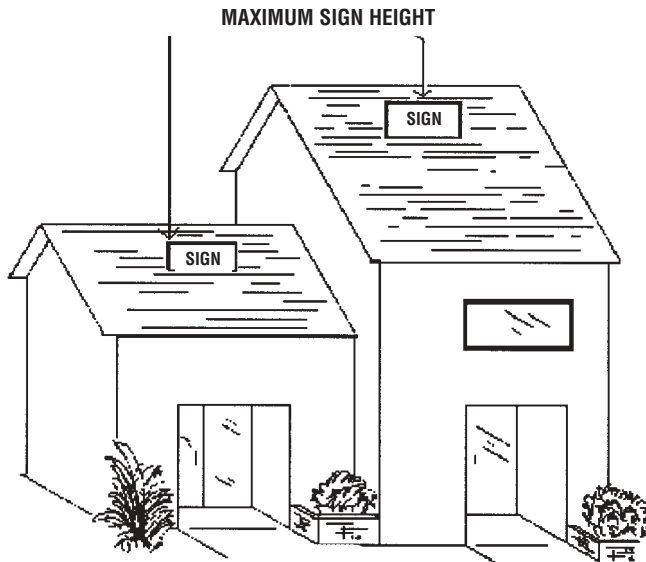
The real meat of any code is found in the section dealing with standards. Standards typically address the following:

- Size of signs, including methods of measuring size
- Height of signs, including the lowest and highest points of measurement, and any exclusions
- Location of signs, including setbacks and sight visibility angles
- Prohibited signs
- Illumination, including treatment of electronic message boards and permissions and prohibitions (where appropriate) of certain kinds of illumination
- Types of permitted signs. Examples include:
 - projecting signs;
 - wall signs;
 - canopy signs;
 - roof signs;
 - monument signs;
 - pole signs;
 - suspended signs;
 - window signs;
 - political signs; and
 - temporary signs.
- Special districts
- Supplemental standards
- Design guidelines (for any discretionary processes).

MESA, ARIZONA, SIGN ORDINANCE PROVISIONS ABOUT SIGN HEIGHT

Revised December 21, 1992

Section 4-4-35 Appendix (excerpt)

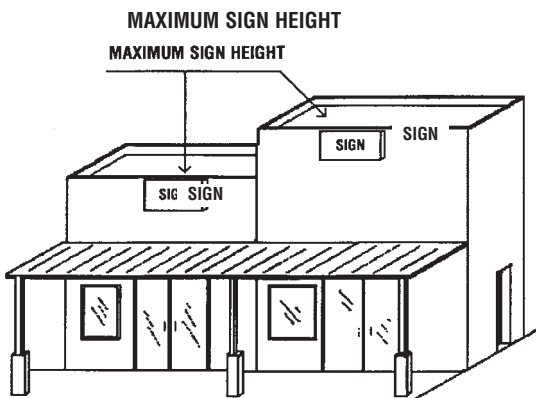
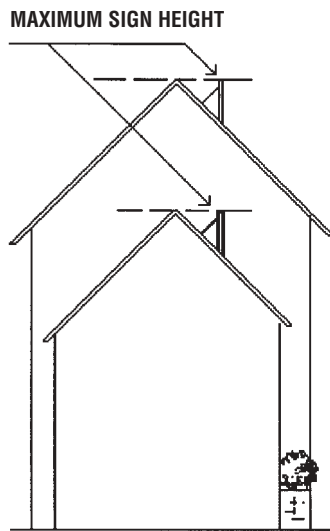


[Text] **Section 4-4-30(1):** Roof signs are permitted in all Commercial Districts and Industrial Districts provided:

(1) Signs shall not exceed height of 30 percent of the height of the building on which said sign is located.

(2) Signs shall be installed in such a manner that there are no visible angle iron supports, guy wires, braces, or secondary supports. Signs shall appear to be an architectural or integral part of said roof.

(3) No portion of such sign shall extend above the highest portion of the building or roof where said sign is attached.



Illustrations

In the past, sign codes did not contain illustrations. Words were relied upon to convey the standards. This may have been, in part, due to city attorneys who worry that illustrations might contradict or confuse the language of the code. It is true that the words in the code should include all pertinent standards. There is a growing trend, however, to help explain codes by including simple diagrams, elevation drawings, and even perspectives. This can contribute to making a code more user friendly. Pictures can sometimes convey information more clearly than elaborately drafted paragraphs.

Some communities compile a photo catalog of signs that meet the code. Ideally, these are signs found within the community, so that applicants can view them as models. Such a catalog would be separate from the actual code and should be kept up to date. For discretionary review, design guidelines can include both illustrations and photographs.

Definitions

Definitions are very important to a code. A set of well-described terms can avoid much argument and interpretation. Definitions can also be illustrated. Definitions are often contained in the front a code, but, for enhanced usability, it is best to place them in a concluding section.

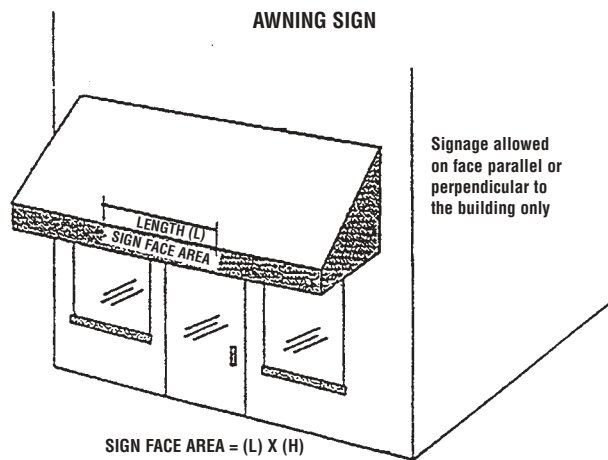
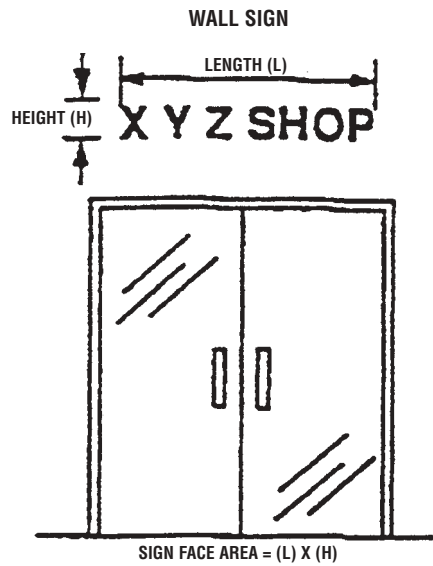
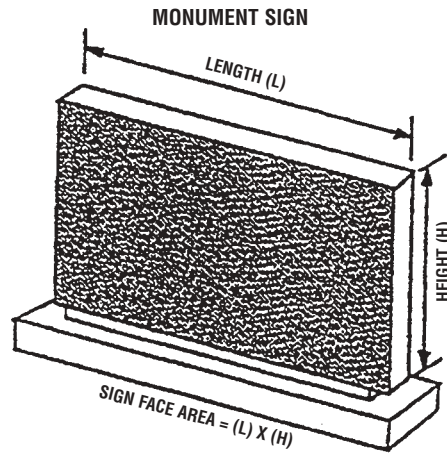
Submittal Requirements

It is very important to set forth what kinds of materials need to be submitted for an acceptable application for a permit. Review is not possible without understandable, accurate information. Applications not containing all required information should be rejected without further review until they are complete; partial information should not be accepted. Cleveland, Ohio, requires a good package of information, including the following:

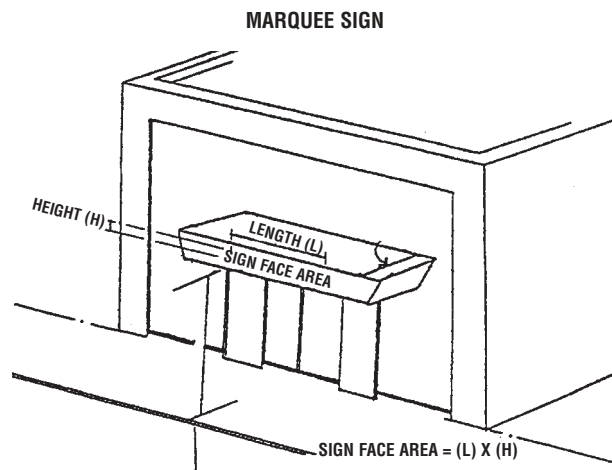
- Site plan at a minimum scale of 1"= 50'
- Elevation drawings, to a scale
- All sign dimensions and height
- Placement of signs in relation to building features and site features
- Construction materials, including the method of attachment
- Type, intensity, location, and shielding of lighting

It is also useful and fairly standard for local governments to require a few photographs that show the existing conditions of the site.

SALT LAKE CITY, UTAH, ILLUSTRATIONS OF SIGN TYPES
 Chapter 21A-23 (excerpt) December 12, 1995



Signage allowed on face parallel or perpendicular to the building only



Administrative Decision Making

By far, the most common method of issuing decisions regarding signs is an administrative decision by a planner. Typically, this involves a staff person charged with reviewing signs being given the authority by a department head to approve (or deny) applications. Quantitative, numerical standards and formulas are established, and there is no discretion. If a proposal meets the standards, it is approved. This ministerial approach is the method of choice, in large part, because of the sheer volume of such permits. For larger jurisdictions, it would be impractical to require a more elaborate review.

Even if a community wants to apply a discretionary design review process, this could be done administratively. Court decisions on design review insist that the most important aspect of decision making is that of having clear standards; an administrator can apply the standards just as effectively as a board or commission. Regardless of who makes the decision, it is critical to not allow individual opinions to determine the acceptability of a sign proposal.

If a discretionary, administrative process is used, it is also important to establish a record, in case of an appeal of a decision. This record could consist of a brief staff report that describes how the proposal complies (or not) with the criteria and what conditions may be necessary to make it comply. To simplify and expedite the review, a checklist or template could be provided.

Boards or Commissions as Decision Makers

Some communities place a great deal of importance on the details found within the built environment. They view even relatively small changes as either contributing to or detracting from the community's image. Resort communities fall into this category, as do towns of unique historic value. These places will often use a board or commission to review signs. Boards meet and hear a proposal (sometimes with a formal hearing) and decide whether to approve it, modify it, or deny it.

A variation on this approach involves a "threshold" point. Signs that are relatively small or in certain locations receive administrative review, while larger signs or signs in more sensitive areas are reviewed by a board.

If a board is used, it is important to ensure that the review is as fair and objective as possible. Already mentioned is the need for decision-making criteria, often expressed as design guidelines. In addition, it is important to ensure that the board is qualified to conduct the review. The inclusion on the board of professionals associated with design, particularly graphic design, is key. It is worth including someone who has been associated with the sign industry, if possible. Finally, lay citizens who sit on a board can offer great perspectives, but they should not dominate the make-up.

Bozeman, Montana, makes a novel use of its design review board. In addition to making decisions, the board is willing to sit separately with an applicant to help think through the appropriate design. (This is usually a subcommittee and is a service mainly offered to people who have no professional help.) The result has been a much more collaborative attitude between the city and the private sector.

Appeals

Invariably, there will be disputes over sign denials and even approvals. Appeals could come from neighbors. Assuming there is a notification and comment process, however, most appeals will likely originate with an aggrieved applicant. The hearing body for an appeal can vary widely and

is affected by state enabling legislation. In some jurisdictions, appeals are to a board of appeals; in others it could be to a hearings examiner. Some communities make the city council an appeals body. Finally, in some cases, the appeal would be directly to the courts.

Courts will look very carefully at the procedures in a design review process to make sure that the permitting process does not have the potential to impermissibly restrict freedom of expression. In particular, courts will want to be sure that the process contains clearly defined standards that limit the discretion of the official or board administering the review and that a decision to grant or deny a permit is rendered within a determined, short period of time with provision for an automatic and swift judicial review of any denial. Cities should also have an administrative appeals process so that issues may be resolved without going to court and to comply with their obligation to provide for due process as discussed earlier.

Enforcement

As with any law, enforcement can make all the difference in whether the law is effective. It does little good to have ordinances on the books if the city ignores violations. Therefore, it is important to devise sections of a sign code that address a number of elements, including:

- removal of nonconforming signs;
- removal of prohibited and otherwise illegal signs;
- removal of discontinued signs;
- citations for violations;
- penalties for violations, especially for repeat offenders;
- penalties for construction or installation without a permit;
- revocation of permits; and
- restrictions on transferability of permits.

Of course, it is necessary for any jurisdiction to have sufficient funds to pay for enforcement. The cost of this may be partially offset by the collection of fees for signs.

“Optional” Design Review

Many communities are reluctant to move into a design review system, fearing that it will be overly complicated and add a layer of bureaucracy or a time element that is not desirable. It is possible to adopt an optional design review process, one that is voluntarily entered into by applicants.

This process involves the applicant making choices: either design a sign strictly according to numerical standards (which sometimes are very restrictive) or go through a design review process that allows for large signs, more flexibility, or both. In the latter case, a board or staff applies additional criteria to the established numerical standards to ensure a superior result.

For example, the numerical standard for a projecting sign might consist of a maximum allowable area of 10 square feet. This would probably produce a simple, rectangular sign, maximizing the copy area. Such a sign might say “Sam’s Seafood.” Under an optional design review process, the sign area could be doubled. But the sign would need to include a unique, eye-catching logo, such as a jumping fish, that would add liveliness to the streetscape. Such a method rewards both merchants and sign producers for creative efforts.

REFERENCES

- A Guideline Sign Code For the Municipal Regulation of On-Premise Signs*. 1991. Second Edition. National Electric Sign Association.
- Jones, David. 1994. *Sign-Permit Fees: How Much is Too Much?* Alexandria, Va.: National Electric Sign Association.
- Kelly, Eric Damian. 1998. "Provisions for the Regulation of Signs." Chapter 53 in *Zoning and Land Use Controls*, vol. 2, edited by Eric Damian Kelly. New York: Matthew Bender.