Best Practices in Developing Sign Regulations

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TABLE OF CONTENTS

1 INTRODUCTION

2 EXECUTIVE SUMMARY

4 BEST PRACTICES

8 THE ROLE OF CITIZEN PARTICIPATION IN THE DEVELOPMENT OF ZONING REGULATIONS

13 METHODOLOGICAL APPROACH

14 SURVEY RESULTS

19 CONCLUSION

20 REFERENCES

INTRODUCTION

A wide variety of community stakeholders has an interest in ensuring that sign codes are crafted in such a way as to allow for the free flow of speech while preserving community character. These stakeholders may include businesses, sign companies, graphic designers, historic preservationists, traffic safety specialists, environmental quality advocates, and chamber of commerce types, among others. Including interested parties in efforts to develop and revise sign codes can help ensure that the resulting regulation embraces the best available technologies and business practices of the time in an effort to promote the economic vitality of local business districts.

This report seeks to:

1 **explore** best practices in citizen participation practices revolving around the development or amendment of sign codes

2 **evaluate** the experiences of communities who have revised their sign codes in the last 10 years

3 **establish** best practices for improving the sign code development process

EXECUTIVE SUMMARY

Many stakeholders need to be involved in the development of sign codes in urban and rural areas. Economic viability, free speech and community character can all be protected and enhanced when representatives of public and private organizations work with citizens to use best practices and technology to enact regulations. Public participation on all phases of decision making is important to ensure that governmental regulation works well.

PARTICIPANT SURVEY

A survey of 17 communities undertaken as part of this study described the following characteristics about the results of the sign code revision process. A variety of questions were asked of planners about sign code revisions. An overview of the results are as follows:

- Most communities have not had a major sign code revision within the past 20 years. Minor revisions are more common.
- Codes are amended because external issues (new forms of messaging or changes in legal framework) or internal concerns (large numbers of variance requests or revision of a related document) caused the start of the process. External issues were the most common reason for changes.
- Existing codes were revised rather than new ones created.
- Sign codes were revised separately from any revisions to a zoning ordinance.
- Sign code revisions did not usually relate to off-premise signs.
- The process for sign code revisions was begun by local government.
- Communities established task forces to help to give advice on sign code revisions. Task force membership included elected officials, city staff, neighborhood groups, business owners and sign-industry representatives.
- The planning commissions and governing bodies all responded favorably to proposed language of sign code revisions.
- Generally, there is low public participation when sign codes are adopted or revised.
- Smaller amendments to the code take four to six months to complete while major revisions may take up to two years to finish.
- There were no major interruptions in the sign code revision process. Occasionally, brief delays were initiated by the local government to analyze legal issues.

SUMMARY OF BEST PRACTICES

Based on the results of literature review and participant interviews, the study identified the following best practices to use when governments contemplate the revision of sign codes:

- Use visual depictions to illustrate sign codes.
- Revise zoning ordinances and sign codes at the same time to ensure that development and signage are compatible.
- Develop in-house expertise in sign regulation to provide continuity of implementation.
- Be aware of changes in legal decisions and technology.
- Use an abundance of variance requests as a trigger to indicate a time for revision.
- Work with a variety of stakeholders from the public and private sectors to create multiple opportunities for citizen participation.
- Organize the stakeholder advisory process in advance with a predetermined number of meetings on specific subjects so as to avoid delays.
- Avoid widespread use of moratoria on sign types.

CITIZEN PARTICIPATION

The methodology to determine these best practices is based on literature on the subject of citizen participation. Academic research on the subject finds that decisions on stakeholder involvement should be made at the start of the process to develop regulations. Generally, the more citizens that are involved, the greater the chances that the plan will be implemented. In the field of signage and wayfinding, citizen participation often reveals a mismatch between economic viability and sign regulations. Public notice, while required by official policy, provides for stakeholder involvement only at the end of the revision process. This could discourage citizen participation or cause opposition to the change by those who feel they were not consulted.

There are a variety of tools available to planners to increase the level of participation. These include public workshops and forums, visualization tools such as GIS, hand-sketching and photo manipulation as well as on-line tools such as surveys. If these efforts are not properly managed by guidelines and policies, engaging stakeholders can be counter-productive to the sign revision process.

Finally, a review of the methodology shows that planners are most successful in a sign code revision when they consider the character of the community as a way to balance various interests involved in this environment. **Creation of an advisory committee will increase the chances of successful involvement by stakeholders.**

BEST PRACTICES

Based on the input gathered as a part of this study, the following best practices are offered to help city planners design, facilitate, and implement successful sign code revision processes.

REVISE THE CODE WITH ZONING REGULATIONS AND INCORPORATE (IF POSSIBLE)

Zoning regulations and sign codes are often separate documents that are prepared and revised separately. In many instances, the choice to separate is based on a belief that the two are unrelated. This view fails to recognize the relationship between signs and land uses.

Signage is a vital part of all commercial uses and should be considered as such as plan commissions and city councils make zoning decisions.

Other communities address the two types of regulations separately because of a belief that dealing with sign issues is contentious and may impede the passage of more comprehensive zoning ordinances that have been deemed most important.

As a result, sign ordinances are often very disconnected from the regulations that shape urban form.

In the worst-case scenario, sign regulations are infrequently updated and stymie the needs of those who seek to advertise their businesses.

Planners should work to integrate sign regulations to the zoning code to ensure that development types and sign types are compatible.

DEVELOP IN HOUSE EXPERTISE IN SIGN REGULATION

When the time comes, most communities are quick to hire a consultant to revise sign codes. Their expertise is invaluable in translating new developments in the law and advances in sign technology. However, the mentality that a consultant is necessary to lead such processes often slows the frequency with which revisions are made. Community planners must not be afraid of leading these processes.

Local expertise is available. Sign makers and designers are trained with specialized knowledge about the visual landscape. Business owners, realtors, and members of the Chamber of Commerce understand the economic value of commercial signs.

The planner's job in this context is to learn who might contribute to these important conversations.

LOOK FOR THE INDICATORS THAT NECESSITATE REVISION

CHANGES IN LAW

Given the underpinning of sign law in the United States Constitution, legal decisions can have a significant impact on the elements of sign codes.

Planners and city attorneys alike must follow cases that challenge municipal regulations of signs. The outcome of these decisions may have a significant impact on the contents of the code.

The *Reed v. Town of Gilbert* U. S. Supreme Court decision, for example, changed the way communities are allowed to name signs. By law, cities may

regulate signs by sign type, not by content or name. This opinion should be embraced as an opportunity to revisit local sign codes given that most definition sections of sign codes, for example, are likely in violation of the decision.

Information about changes in the law are widely available through non-profits and trade organizations like: the International Sign Association (signs.org), the Sign Research Foundation (signresearch.org), and the American Planning Association (planning.org), among others.

CHANGES IN TECHNOLOGY

Those in the advertising industry are in the constant pursuit of new ways to help their clients capture a share of the economic market. As new materials and technologies are generated, design professionals embrace ways to incorporate them in advertising schemes. Inventions in digital technologies, for example, have changed the ways signs convey information.

Given the pace of growth in the areas of materials and technologies, city planners must stay abreast of the inventions that will likely necessitate modifications to sign codes.

For example, planners should be deeply interested in autonomous vehicle technology and its potential impact on urban form and signs.

Advanced interest and knowledge development in these areas will reduce the anxiety many communities experience when these new technologies are presented to them.

ABUNDANCE OF VARIANCE REQUESTS OR USE OF APPEALS PROCESSES

One of the best indicators for knowing that it is time to update a sign code is the frequency with which requests are made by applicants who seek to deviate from the code. Often, these requests are viewed as applicants simply wanting more than they are allowed. However, if an increased number of requests are being made, especially if they are concentrated in particular areas, this means that the requests may be a product of neighborhood change. These requests should send a message to planners and local politicians that codes must be modified to support those changes.

In the alternative, many communities will use other procedures that allow them to skirt codes entirely. In one Midwestern community, for example, business owners commonly use the Planned United Development (PUD) process to negotiate more favorable sign regulations with local governments. While permissible, this tool can be abused and result in decisions which favor certain landowners over others.

RECRUIT A DIVERSE ARRAY OF STAKEHOLDERS

All citizens, whether they know it or not, have specialized knowledge about signs. These installations help them navigate communities and attract them to patronize one store over another. **The planner's job is to make as much of the public appreciate this knowledge as possible, drawing citizen participants to the planning process.**

CREATE A MULTITUDE OF OPPORTUNITIES FOR PARTICIPATION

The traditional public meeting process is a relic of the past. While the law still requires that these meetings occur, planners are aware of the multitude of other tools available for garnering public input. This may include the creation of ad hoc committees. These committees bring together interested parties to have in depth conversations that may inform the sign code.

Field trips to places the city seeks to emulate are also important participatory tools. Sometimes seeing a place and talking to community leaders elsewhere will inspire the development of more inventive codes.

On line participation efforts may also be the way of the future, allowing those who would not otherwise travel to city hall to inform policy.

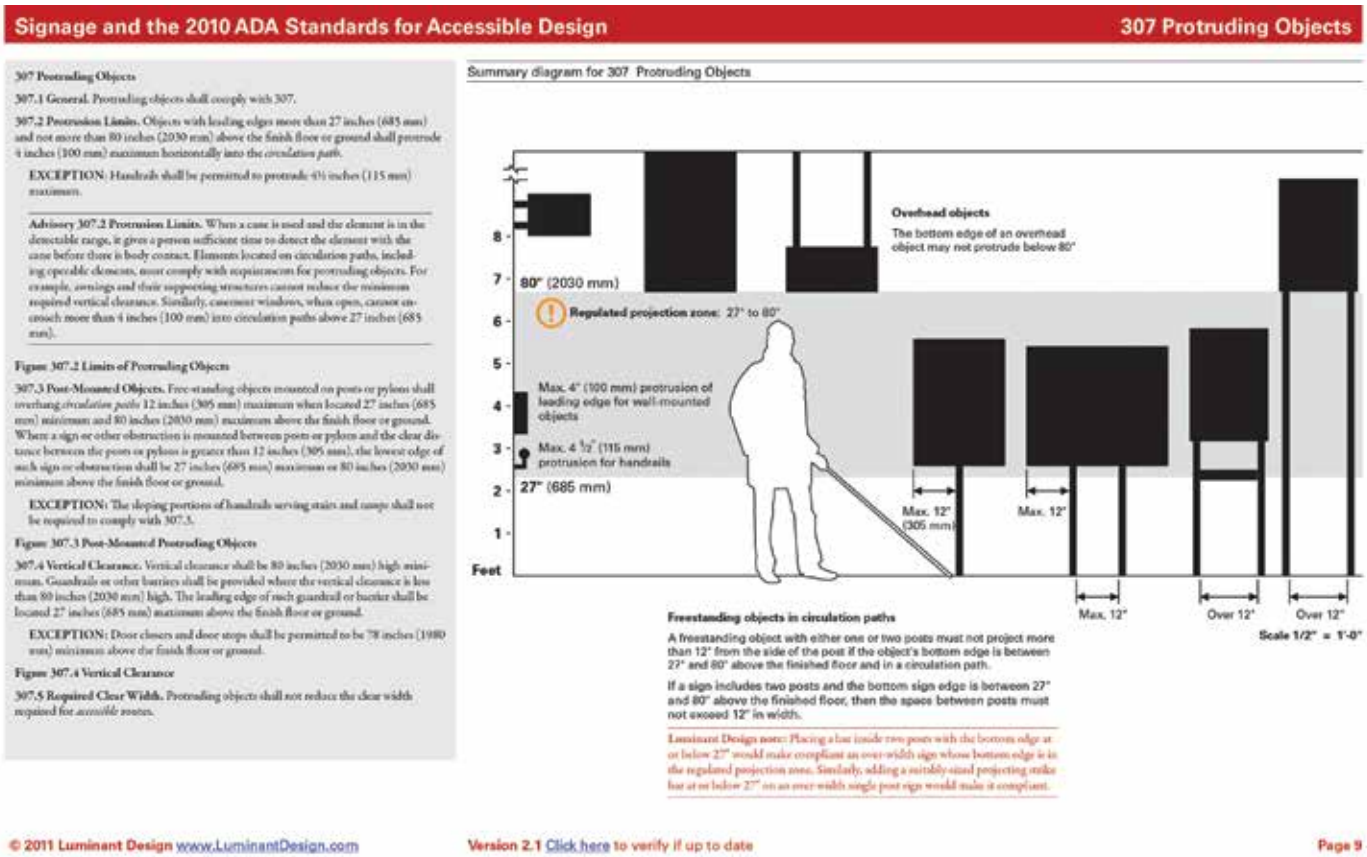
In all instances, due process requirements of notice and hearing must be followed to ensure the viability of the codes arising from these endeavors.

VISUALIZE REGULATIONS

Sign codes have long followed the tradition of zoning regulations. These regulations are often devoid of visual depictions of the attributes regulated.

Even more than zoning, signage is a visual activity. Just as a passerby needs to see a sign to navigate the urban landscape, so too, a person reading a code benefits from a photograph or a drawing example of what is permissible and what is not. In fact, implementation of this regulation may have the most impact for all groups involved in the sign code revision from stakeholders to governmental organizations.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals.



Signage and the 2010 ADA Standards for Accessible Design — 307 Protruding Objects

307 Protruding Objects

307.1 General. Protruding objects shall comply with 307.

307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

EXCEPTION: Handrails shall be permitted to protrude 4½ inches (115 mm) maximum.

Advisory 307.2 Protrusion Limits. When a cane is used and the element is in the detectable range, it gives a person sufficient time to detect the element with the cane before there is body contact. Elements located on circulation paths, including operable elements, must comply with requirements for protruding objects. For example, awnings and their supporting structures cannot reduce the minimum required vertical clearance. Similarly, casement windows, when open, cannot encroach more than 4 inches (100 mm) into circulation paths above 27 inches (685 mm).

Figure 307.2 Limits of Protruding Objects

307.3 Post-Mounted Objects. Free-standing objects mounted on posts or pylons shall overhang circulation paths 12 inches (305 mm) maximum when located 27 inches (685 mm) minimum and 80 inches (2030 mm) maximum above the finish floor or ground. Where a sign or other obstruction is mounted between posts or pylons and the clear distance between the posts or pylons is greater than 12 inches (305 mm), the lowest edge of such sign or obstruction shall be 27 inches (685 mm) maximum or 80 inches (2030 mm) minimum above the finish floor or ground.

EXCEPTION: The sloping portions of handrails serving stairs and ramps shall not be required to comply with 307.3.

Figure 307.3 Post-Mounted Protruding Objects

307.4 Vertical Clearance. Vertical clearance shall be 80 inches (2030 mm) high minimum. Guardrails or other barriers shall be provided where the vertical clearance is less than 80 inches (2030 mm) high. The leading edge of such guardrail or barrier shall be located 27 inches (685 mm) maximum above the finish floor or ground.

EXCEPTION: Door closers and door stops shall be permitted to be 78 inches (1980 mm) minimum above the finish floor or ground.

Figure 307.4 Vertical Clearance

307.5 Required Clear Width. Protruding objects shall not reduce the clear width required for accessible routes.

Summary diagram for 307 Protruding Objects

Freestanding objects in circulation paths

A freestanding object with either one or two posts must not project more than 12" from the side of the post if the object's bottom edge is between 27" and 80" above the finished floor and in a circulation path.

If a sign includes two posts and the bottom sign edge is between 27" and 80" above the finished floor, then the space between posts must not exceed 12" in width.

Luminant Design note: Placing a bar inside two posts with the bottom edge at or below 27" would make compliant an over-width sign whose bottom edge is in the regulated projection zone. Similarly, adding a suitably-sized projecting strike bar at or below 27" on an over-width single post sign would make it compliant.

Scale 1/2" = 1'-0"

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Page 9

An excellent example of this is a study prepared by Luminant Design in 2011 entitled *Signage and the 2010 ADA Standards for Accessible Design*. Sometimes communities are reluctant to be "so specific." However, courts have found that these types of studies or guides are perfectly accessible as inspiration for design, rather than a requirement to be duplicated.

Communities should embrace the advances brought to zoning by the drafters of form based codes who have successfully created models to visualize land use activities.

EXPEDITE PROCESSES AS MUCH AS FEASIBLE

The planning process can take a significant amount of time. On average, the process for amending or adopting a new sign code takes six months to a year. It is difficult to keep the attention of stakeholders for periods any longer than this.

Efforts must be made to streamline these processes without sacrificing dialogue. The best way to accomplish this is through advance organization of the stakeholder process. Planners must aggressively recruit stakeholders to participate well in advance of the first meetings. In addition, the planner should outline the tasks of the group assembled and provide homework and consistent updates to participants.

This might include hosting meetings on the following topics:

1. The value of signs
2. Issues necessitating the revision of the current code
3. Tour of signs: "the good, the bad, and the ugly"
4. Review of peer community sign codes
5. Fieldtrip to a peer community with good signs
6. Visualization of impacts of regulations on sites

Efforts to streamline the process will keep stakeholders engaged and ultimately positive about the final outcome.

KEEP MOVING THROUGH DELAYS

Things come up that will modify the timeline of a code revision. The pendency of the *Reed* case, for example, slowed a lot of communities' efforts to consider and reconsider sign code provisions. These events should not slow the momentum of ongoing efforts. There is plenty of work to do that can be undertaken as communities wait for court decisions, for example. **These events can also be utilized as motivators for education that might not otherwise occur.**

MORATORIA SHOULD BE USED SPARINGLY

The advent of new sign types can sometimes result in over-reactions by communities who are concerned about potential impacts on the urban landscape. The entry of electronic message boards, for example, into the sign market caused a number of cities across the nation to adopt moratoria on sign applications involving this new means of communications. While temporary in nature, these moratoria resulted in a significant amount of delay for those seeking new ways to advertise their businesses. **As technology will always drive invention in this area, communities should follow emerging trends and work with local and national experts to prepare to embrace these inventions as they occur.**

THE ROLE OF CITIZEN PARTICIPATION IN THE DEVELOPMENT OF ZONING REGULATIONS

Citizen participation in the development of sign codes is not well documented. This review seeks to fill the gap in the participation literature as applied to the development or revision of sign codes. A review of the general literature in this field will provide clarity on the role of citizen participation in the planning process generally, the evolution of participatory planning practice, and best practices in the field.

LADDER OF CITIZEN PARTICIPATION

In 1969, Sherry Arnstein created *A Ladder of Citizen Participation*. The ladder demonstrates the various degrees of possible citizen involvement in local decision-making, starting at the bottom rung where citizens are merely consulted about decisions made to the highest rung of the ladder where the citizens themselves spearhead decision-making.

Arnstein suggests that the level of citizen participation should not be the same for every decision made, rather processes should vary by the type and importance of the action to be taken.

The author challenges local decision makers to decide up front how much participation should be solicited on a given matter and from whom. For instance, in some cases, consultation with groups or the public at large may be sufficient for getting input to inform decision-making. This type of process might be appropriate in instances where final actions are significantly limited by resource or legal constraints, i.e. the law requires a specific course of action with little discretion left to the local governing body. In other cases, opportunities for more comprehensive participation may be appropriate.

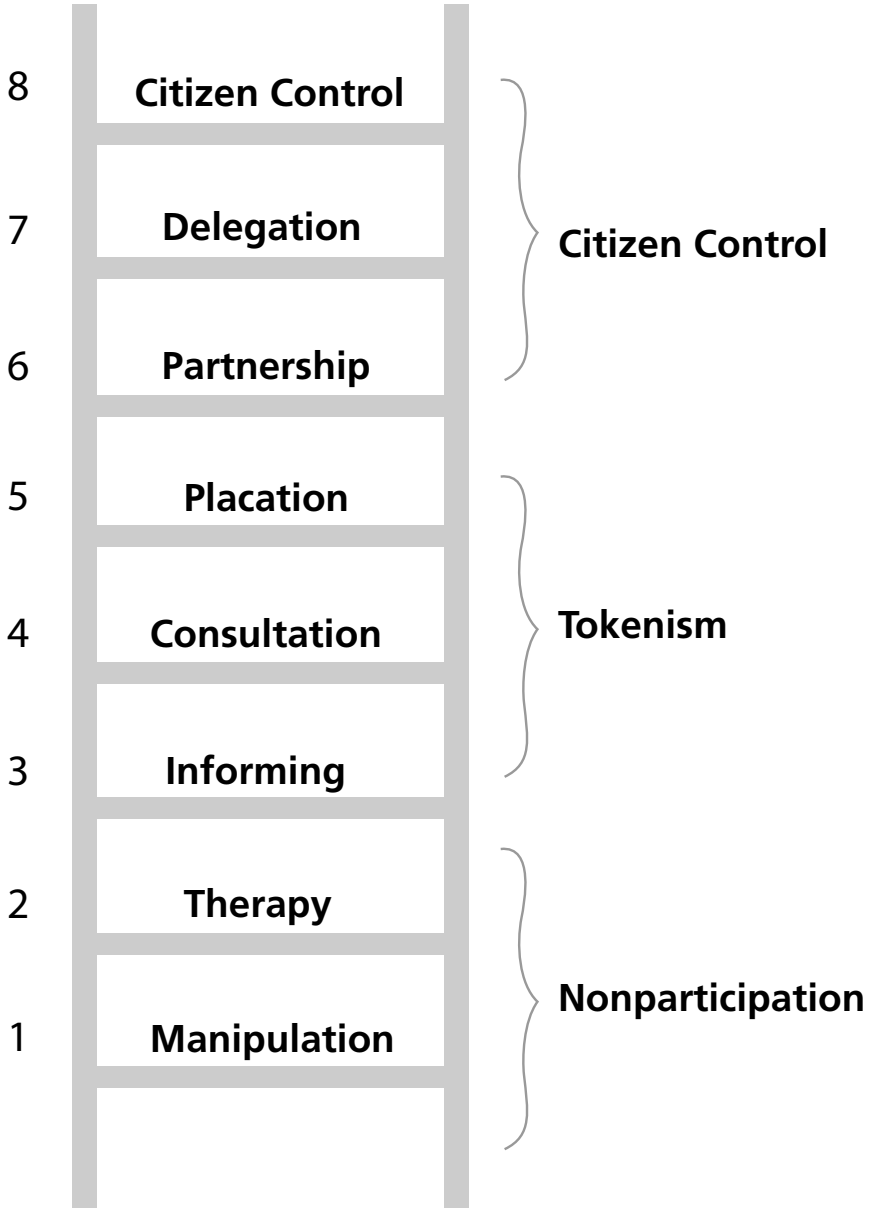
It is the mandate of the local government to make decisions that promote the general public health, safety, and welfare. Decision-making at this scale requires efforts to get to know how the community feels about the issues affecting them.

As such, city planners are compelled to reach out to the community when setting the visions that will inspire new policies. If the citizens envision a community where the economy is robust, planners must work with constituencies to dissect the concept so that local policies support those goals, rather than hindering them.

Those who work in the field of signage and wayfinding might be quick to point out that there is often a mismatch between the goal of economic viability and sign regulations that makes it difficult for some businesses to compete for attention in the marketplace.

Since Arnstein published her infamous ladder of citizen participation, there has been significant discourse about the role of citizen participation. It is a well-accepted principle in planning practice that inviting a variety of stakeholders to share in decision-making is one of the best ways to ensure the likelihood that a plan will be supported and implemented (Burby, 2003).

However, there are a number of barriers to effective and



Arnstein's Ladder (1969)

Degrees of Citizen Participation

meaningful participation. Often the public is given little notice about efforts to modify sign codes. While state law typically requires publication of efforts to modify codes in local newspapers, even those interested in the topic often fail to learn about such changes in time for them to participate (Jorden and Hentrich, 2003). Many learn about proposed modifications at the very end of the process when such modifications are being considered by city councils. Gaining knowledge about proposed changes at this point may stymie the desire to participate or, in the alternative, incense those who believe they should have been consulted beforehand. In the case of the latter, these stakeholders may band together to prevent the adoption of such ordinances at the final adoption hearing.

As most cities have learned, merely adhering to the requirements of public notice is not sufficient for cities who seek to have sign codes that are supported and implemented in the long run.

PARAMETERS FOR PARTICIPATION

When designing participatory processes to support the creation or the amendment of a sign code, planners must carefully consider the degree to which stakeholder participation is important to the planning process.

It is the planner's job to map out the participatory process from the identification of participants, to the setting of the meetings, to the intended results of the process.

According to Brody et al, the choices planners make with respect to these issues significantly impact the resulting level of participation of participation by stakeholders (Brody, Godschalk, & Burby, 2003).

Diversity in the design of participatory techniques is the factor that contributes to the greatest growth in

participation. For example, public workshops and forums often increase the numbers of groups participating while formal public hearings drew fewer participants.

Brody et al suggest that local governments prepare written plans outlining their approaches for participation that include clearly stated objectives in the early stages of planning (Brody, Godschalk, & Burby, 2003).

Governments should also include programs that target relevant stakeholders, using a range of techniques and providing stakeholders with a full range of data and information.

The authors conclude: These actions, which are within the power of the planning profession, can make a major difference in ensuring authentic participation, as well as increasing public understanding of, and support for, comprehensive planning (Brody, Godschalk, & Burby, 2003: 261).

Because there are many possible ways to execute citizen participation it is important to investigate these options.

VISUALIZATION TOOLS

In the late 1990's Chicago's Pilsen neighborhood utilized visualization tools to better include citizens in the planning process (Al-Kohmany, 1999). They found that the use of GIS, hand sketching by an artist, and photo-manipulation greatly improved the experience for both the citizens and professionals involved. The citizens were able to come away from the process with a better understanding of the project, and they had a much more energetic role in the development of the plan. The artist's drawings and GIS tools allowed citizens to be more involved in the early stages of the project, and photo-manipulation proved more useful later on. The designers incorporated the citizens' ideas much more easily. The use of visualization tools also allowed citizens to be highly involved without much technical education (Al-Kohmany, 1999).

ONLINE TOOLS

The use of online tools in the planning process is very prevalent now. The demographic and location of a population can have noticeable impacts on the tools made available (Conroy & Evans-Crowley, 2005). Many people do not have the time or interest to attend a public meeting so using e-government tools can open many possibilities for citizen involvement. Using GIS and the Internet allow for greater interaction.

Information tools were found to be much more common than interaction tools. This is because information tools take less effort to produce (Conroy & Evans-Crowley, 2005).

While Internet access is widely available now, there are still some people who do not have access. Areas with larger populations are more likely to have access to online tools, and the higher the percentage of minority groups, the fewer tools that were found to be available (Conroy & Evans-Crowley, 2005). The changes that have occurred recently in the implementation of citizen participation demonstrate the exciting possible avenues that should be pursued today.

DOCUMENTATION OF EXAMPLES

There are not many direct examples of the role of citizen participation in sign code development process, but the revision process has been documented by some cities. The focus of most of these reports is on off-premise signs but can be extrapolated for the purposes of this study.

PORTLAND, OR

For instance, the City Club of Portland (1996) conducted a report to examine how the city's sign code and zoning requirements should apply to billboards. A lack of public awareness and support for the issue led to minimal changes in the Sign Code after previous regulations had been invalidated in court in 1985.

The committee members who wrote the report believed that they currently had the support of the citizens on their side. Furthermore, the city had relied too much on involvement from the sign industry when creating previous changes to the sign code. The committee did not describe any citizen participation that occurred in the gathering of their report however. The report concludes with recommendations to the City of Portland regarding billboard regulation that includes significant citizen participation (The City Club of Portland, 1996).

SAN JOSE, CA

The City of San Jose commissioned a survey about residents' views of billboards and other street signs (Fairbank, Maslin, Maullin & Associates, 2009). They also conducted focus groups and community meetings, but those were not detailed in this report. The survey was conducted online, and residents of the city were asked to "indicate how acceptable they found the particular sign to be" (Fairbank, Maslin, Maullin & Associates, 2009: 4). Most respondents were neutral or positive about outdoor advertising in general, and people were generally more negative about advertisements on historical or residential buildings. People were positive about storefront or onsite signs (Fairbank, Maslin, Maullin & Associates, 2009). This study broke down how different demographics feel about different varieties of advertising within their city. The city was then able to use this information to make suggestions to how the sign code should be updated.

EVALUATION OF IMPACT

Evaluating the impact of collaboration with citizens must also be examined. It is often assumed that all citizen participation is good, but sometimes efforts to engage stakeholders can be counterproductive if not properly designed and managed. Cupps (1977) writes "...there is a growing body of data to support the contention that public participation which is automatic, unrestrained, or ill-considered can be dangerously dysfunctional to political and administrative systems (Cupps, 1977: 478). Problems related to representation, style, and analysis can create major stumbling blocks. There need to be guidelines and limits put in place for citizen participation to be effective.

VALUE OF PARTICIPATION

That said, meaningful participation in the sign code development process is critical just as it is with the revision of zoning codes. In Lerable's *Planning Advisory Service Report* on preparing conventional zoning ordinances he writes, "It has been the experience in many communities that the politics of signs are at least as volatile as, but quite separate from, the politics of zoning" (Lerable, 1995: 31). Lerable notes the importance of participation in both instances (Lerable, 1995: 3).

Planners have been engaging stakeholders in participatory activities for decades. Best practices can be garnered by reviewing tools developed as a part of the input processes put in place for comprehensive planning activities.

GRABOW, HILIKER, & MOSKAL

Grabow, Hiliker, & Moskal (2006) created a guide to assist professionals and students in Wisconsin in understanding their state's Comprehensive Planning and Smart Growth law. The law states that a comprehensive plan must be developed for all changes affecting land use and that there must be written public participation procedure to engage citizens during the entire planning process. The guide dives into a nine-step process of developing a comprehensive plan. After laying the groundwork for the plan, the outcome of citizen participation is discussed.

The guide also stresses that citizen participation, "...is an approach of its own that runs parallel and complementary to the comprehensive planning approach" (Grabow, Kiliker, &

Moskal, 2006: 24 is). It is not a separate step in the process of creating a comprehensive plan, but rather a practice that should run for the duration.

Fourteen commonly used methods for involving citizens are laid out within this guide. Detailed are practices such as direct mail, websites, open houses, citizen advisory committees, and public hearings. The effort required of the planning organization and citizens are discussed for each as well as their effectiveness and appropriate uses. A citizen participation worksheet is included to help officials determine what their citizen participation plan should look like (Grabow, Hiliker, & Moskal, 2006: 49-52).

Participation efforts that inform comprehensive planning processes are intended to yield much more general input than groups gathered together with the intention to modify sign codes.

CONNOLLY AND WYCKOFF

Authors Connolly and Wyckoff have provided one of the best resources to help communities navigate their sign code (Connolly & Wyckoff, 2011). Their guidebook is comprehensive and includes a discussion of the role of participation in the sign code development process. The authors note that planners must balance the interests of all those involved. The sign code development process can be simplified if the character of the community is defined beforehand (Connolly & Wyckoff, 2011: 8.3).

The community should be consulted to encourage support and compliance. The authors state,
"A cooperative relationship between the local government, business and residents can do more than any regulations possibly could to reduce the likelihood of litigation and disagreement and to create a pleasant and functional signage environment"
(Conolly & Wyckoff, 2011: 8-8).

Connolly and Wyckoff detail the process of drafting a sign code, beginning with a sign inventory. They recommend the creation of an advisory committee to guide the code development or revision process. The role of the advisory committee, in their opinion, is to help establish community goals and the role of signs in accomplishing those. The planner, then, assumes the responsibility for using this charge as the basis for the modifications made (Conolly & Wyckoff, 2011: 15-3). This guidebook concludes by noting that a good relationship with the community will help ease the sign code adoption.

This study emerges from the authors' committment to designing and facilitating participatory processes that engage the right stakeholders in meaningful ways. It seeks to understand the events that necessitate revisions of local sign codes and the ways in which U.S. cities of varying sizes undertake those modifications. The study specifically focuses on the role of stakeholder participation in these processes. Based on the study findings, the authors have proposed a series of principles to guide future actions by cities to amend or adopt new sign codes.

METHODOLOGICAL APPROACH

Building on the literature of citizen participation, researchers conducted a series of interviews with planners across the United States to learn about their experiences, both positive and negative, in the development of sign regulations.

INTERVIEW QUESTIONS

Planners were asked these questions:

- How frequently has your city's sign code been modified in the last 25 years?
- The reasons necessitating such modifications?
- Did the effort involve the creation of a new code or the revision of an existing one?
- Was the sign code revised on its own or as a part of a larger zoning code revision?
- Did the code revisions relate to both on- and off-premise signs?
- Who initiated the process?
- Who led the effort to revise the sign code: planners or consultants? Why?
- Was a task force assembled for review and redevelopment of the sign code? Who determined its membership? Was the sign industry represented?
- How did the planning commission and City Council respond to the proposed language?
- Were the public meetings to adopt these ordinances widely attended? By whom? Were their comments incorporated into the final ordinance?
- How long did the process last?
- Were there any interruptions to the sign code development process? How were they overcome?

SAMPLE SELECTION METHOD

For the purposes of this study, the researchers identified 30 cities of varying sizes (small, medium, and large) which have undertaken (on their own or with a planning consultant) the revision of their sign codes since 2000.

Surprisingly few cities, regardless of size, have undertaken major sign code revisions between 2010 and 2017. Ultimately, only 17 communities responded to the researchers' requests for interviews. The reasons for the small sample size are discussed in the analysis that follows. Based on the information gathered, the researchers seek to provide a list of best practices to aid other communities as they contemplate the creation or amendment of local sign codes.

SURVEY RESULTS

Participating planners were asked to answer twelve interview questions. The answers to these questions are summarized below.

1 HOW FREQUENTLY HAS YOUR CITY'S SIGN CODE BEEN MODIFIED IN THE LAST 25 YEARS?

Participating planners were asked when their last sign code revision was made in order to assess local interest in these regulations. This question was asked to determine interest and or reluctance to ensure that the sign code is not obsolete. Many of the planners surveyed responded that the majority of changes to the sign code for which they are familiar have been small and were done on as needed basis, averaging once a year or every few years. On average, most of the communities surveyed had not engaged in a major overhaul of sign codes for more than 20 years. Six cities, including: Denver, Colorado; Morgantown, West Virginia; Beaufort, South Carolina; Mesa, Arizona; Warrenton, Virginia; and Tucson, Arizona, began major revisions to these codes in 2017.

Minor changes and amendments are common for a city to undertake, but a complete renovation of the sign code does not occur with much regularity.

2 THE REASONS NECESSITATING SUCH MODIFICATIONS?

Generally speaking, localities amend their codes because either an external issue has made the terms of the ordinance inadequate or because internal issues have interrupted the normal process anticipated by the current ordinance. External issues may include either new forms of messaging not anticipated by the current regulations or changes in the legal or planning framework in existence when the current sign code was most recently adopted and/or revised. Internal issues could include an increase in the number of requests for administrative relief or a revision of a larger document (e.g. the zoning ordinance) of which the sign code is a part.

The reasons given which necessitated modifications of local sign codes varied among the cities surveyed. Specific issues such as electronic signs, banners, or new districts needing their own code pushed cities to revisit their sign code. Some cities noticed they were issuing a large number of variances and wanted to change the code to reduce the number. The simple realization by local officials that their codes were old and outdated was a significant motivating factor for some communities. Changes in sign technologies also necessitated modifications in some places, particularly bigger cities. Others said that they were seeking clarity within their codes. In some places, updates to zoning ordinances necessitated changes to the sign codes. At least half of the cities surveyed indicated that the *Reed v. Town of Gilbert* U. S. Supreme Court decision was a motivation for changing sign codes. Given the complexity of the urban environment, there remains a constant need to adjust and amend sign codes to embrace modern technologies and advertising needs.

3 DID THE EFFORT INVOLVE THE CREATION OF A NEW CODE OR THE REVISION OF AN EXISTING ONE?

When it comes to planning and land use control issues, it is usually easier to amend an existing ordinance rather than delete and recreate language. The cities surveyed were asked if they adopted a new code or revised an existing one. There is often some provision in the current method of control that is either popular or so non-controversial that it does not need any change. This would suggest that a community would determine that it would be relatively uncommon to completely delete an existing code in favor of new and unfamiliar language.

Almost all the cities surveyed indicated that they completed a revision of an existing sign code or adopted amendments to the same rather than creating all new code. A few communities surveyed were in the process of creating new codes. In Morgantown, West Virginia, the city planner said they were undertaking an effort to completely replace the old code. Beaufort, South Carolina revised as existing code while waiting to adopt a replacement code. Using what previous language was still applicable and combining that with some new code is what cities like Warrenton, VA plan to do as a part of their process.

4 WAS THE SIGN CODE REVISED ON ITS OWN OR AS A PART OF A LARGER ZONING CODE REVISION?

Since communities usually revise codes rather than create new documents, it is expected that these projects would be easier to formulate and less expensive to accomplish. The question was asked as part of a general research theme to determine whether sign code revisions were significant enough by themselves to warrant a push for independent change. Because of the particular knowledge associated with a sign code, the level of expertise needed to accomplish this task is greater than one needed for a general zoning code revision.

Nearly every city said the sign codes were revised on their own. Those interviewed explained that these stand-alone revisions were less costly and time consuming to complete. A few cities did a larger zoning code revision prior to addressing changes to the sign code. The planners interviewed explained that these larger, combined revisions of local codes, including sign codes, were necessitated by the complexities of regulating signs.

5 DID THE CODE REVISIONS RELATE TO BOTH ON- AND OFF-PREMISE SIGNS?

The U.S. Supreme Court issued a number of opinions allowing the strict control of off-premise signs by local governments. This question was fashioned as a way to determine the continuing impact of those decisions. The majority of the revisions done pertained to on-premise signs. Planners in Fort Worth, Texas, Mesa, Arizona, and Arlington, Texas indicated that all revisions were focused on premise signs due to the fact that they do not permit off-premise signs with the exception of some billboards. Xenia, Ohio is unique as the code does not recognize a distinction between on and off-premise signs and instead focuses on bulk requirements.

6

WHO INITIATED THE PROCESS?

As with any code change, the impetus for such activity can come from within the locality or as a result of a request from an entity outside the local government. The study asked planners who initiated code changes to determine if there was internal or external pressure for change. Because sign codes are complex documents with only occasional impact on the public, the expectation is that there is often little demand for change from outside the government. In addition, the assumption is that industry values certainty and consistency about regulations. These groups would also have little incentive for change.

The process for modifying the sign code was commonly initiated by someone within the city. This was typically a combination of requests from city council or administration and planning staff. Planners in Tallahassee, Florida explained that the sign industry played a role beginning the process. The frequency of variances was a typical driver of internal decisions to revise sign codes.

7

WHO LED THE EFFORT TO REVISE THE SIGN CODE: PLANNERS OR CONSULTANTS? WHY?

Since the study assumed that the need for a revision was frequently driven by internal dissatisfaction with the current set of regulations as well as reluctance to view this activity as part of a larger project, it is only natural to suggest that the in-house planning staff would be responsible for the management of the project. This question was designed to test that assumption. Of course, that is predicated on the idea that the staff has the time to undertake such a project as well as the trust of the political decision makers to put forth reasonable assumptions for review and approval. Consultants are often used when there are time constraints or the objectivity of the planning staff may be a cause for concern.

When asked who led the effort to revise the sign code, most cities responded that it was primarily their planning staff. Even within cities that utilized consultants, the city planning staff played a large role in the process. A consultant interviewed stated that it was usually inexperience, lack of time, or a small planning staff that led cities to use them. Planners in Fort Worth, Texas and Tallahassee, Florida said that their legal departments had a role in the process as well. In some cities, consultants were utilized, but even with the extra help, city planners had a large part in developing the new codes.

8

WAS A TASK FORCE ASSEMBLED FOR REVIEW AND REDEVELOPMENT OF THE SIGN CODE? WHO DETERMINED ITS MEMBERSHIP? WAS THE SIGN INDUSTRY REPRESENTED?

All planners are taught that involvement of stakeholders is essential to the success of any change in regulations. The application of this principle on a day to day basis can be difficult. This question assumes that interested parties were involved through the creation of a group that was formed to advise the planning staff on all aspects of sign code revision. Establishing a task force is typically the responsibility of the local staff. The question was designed to determine the membership of such groups and indirectly the interests that were advocating or resisting change to the sign code. Beyond the sign industry, the question was asked to discern what other segments of society outside the government were involved.

The creation of task forces appears to be common to local efforts to revise existing or create new sign codes. Planners interviewed in Pensacola, Florida and Beaufort, South Carolina said that they had assembled a task force to advise them about potential revisions of the sign codes. Membership of these task forces was determined by the city staff or city council members. These task forces were generally comprised of elected officials, neighborhood representatives, business owners, realtors, and city staff. Planners in Mesa, Arizona explained that their staff contacted people who they knew would be interested in the topic including lobbying groups, industry, and neighborhood groups. All of those interviewed said that the sign industry was represented on the task forces that informed the sign code revision or development process.

9

HOW DID THE PLANNING COMMISSION AND CITY COUNCIL RESPOND TO THE PROPOSED LANGUAGE?

One way to validate the responses to the previous question (#8) on stakeholders is to ask about the reaction of the governmental review and approving bodies to the proposed changes in the sign code. If both the planning commission and the city council were represented on the advisory task force, they were made aware of the process of developing the new ordinance language. It would be very surprising if there was a negative reaction to these recommendations if these groups were active in the discussions concerning their development.

All said that the council responded favorably, and they did not encounter any major issues when the new code language was presented for consideration. Specifically, in Arlington, Virginia, planners presented individual portions of the sign code to the council for feedback before submitting the entire document for consideration and adoption. Those interviewed believed this was critical to the positive reception by the council to the final sign code. Across those interviewed, planners indicated there was a high level of interaction with the planning commission or city council to ensure they were comfortable with the language before the process was too far along.

10

WERE THE PUBLIC MEETINGS TO ADOPT THESE ORDINANCES WIDELY ATTENDED? BY WHOM? WERE THEIR COMMENTS INCORPORATED INTO THE FINAL ORDINANCE?

Level and diversity of attendance by stakeholders at public hearings is often a question raised during the adoption or revision of governmental ordinances. In some sense, the formation of the advisory task force can be seen as a substitute for this type of public participation. This question was asked in order to determine if there was an "outside" public demand for change to the regulation. The study assumes that sign regulation is a technically complex and generally unrecognized form of land use control. Individuals apparently do not often express strong feelings about this issue in public forums. Therefore, attendance at public meetings would, if the process is similar to other planning projects, decrease as the project went from start to finish.

In this study, those interviewed reported low public participation when sign codes were amended or adopted with one exception. A hearing about the amendment of provisions relating to off-premise signs was well attended in Pensacola, Florida. It is important to note that many of those interviewed could not recall the degree of such attendance unless they occurred in the very recent past. Generally, attendees of these meetings included elected officials, citizens, and representatives from the sign industry. The City of Tucson, Arizona's public meetings dealing with sign code revisions drew astronomers who monitor illumination levels and the impacts of light pollution on night skies. Planners in Mesa, Arizona recommended that putting materials online for people to see and comment on was a useful approach for enhancing stakeholder participation to inform the sign code amendment or development process.

11

HOW LONG DID THE PROCESS LAST?

The length of the participatory process from start to finish varies significantly based on the complexity of the issues being tackled and the political will to make such changes. Across the board, planners stated that small or mid-sized amendments to sign codes usually took about four to six months to complete. In cases with more complicated issues, amendments took from nine to twelve months to two years from start to finish.

12

WERE THERE ANY INTERRUPTIONS TO THE SIGN CODE DEVELOPMENT PROCESS? HOW WERE THEY OVERCOME?

This question was asked to see if there were any unanticipated delays to the completion of the sign code revision process. The question was also designed to determine if local elections affected the timeline of the project to amend and adopt new ordinances. Over half of the city planners interviewed said there were no major interruptions to the sign code revision process. On occasion, a few cities slowed the process themselves so that the city attorney could review complex legal issues. In Denver, Colorado, the process was also temporarily slowed to engage in additional training with the planning board, but this effort did not significantly delay the process. Planners in Mesa, Arizona were seven or eight months into their revision process when the U.S. Supreme Court decided the *Reed* case, mentioned previously. They put a hold on their planning process until the decision could be fully processed. Overall, most of the planners interviewed did not encounter any major interruptions to the sign code revision or development process.

ADDITIONAL COMMENTS?

Those interviewed were given the opportunity to offer any other comments they deemed relevant to this research. One planner was surprised to learn that many cities were operating with outdated sign codes crafted in the late 1980s and early 1990s. Many of the planners showed an interest in how the *Reed* decision would impact sign code development in the future. The planner interviewed from Mesa, Arizona explained that they anticipated changes to their sign code as the city moved to a more form-based approach going forward. In Arlington, Texas, the planner noted the importance of public participation to include as many stakeholders as possible.

CONCLUSION

It is imperative that a climate is created which allows sign codes to evolve and embrace new technologies and advertising needs. Cities can ensure that good signs are created as a result of such revisions by inviting local experts into conversations relating to code revisions. Better relationships between stakeholders, who are sometimes of differing opinions, will evolve out of planning processes that are inclusive and thoughtfully designed, ultimately leading to sign codes which embrace a well-designed urban landscape.

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