

ZONING PRACTICE

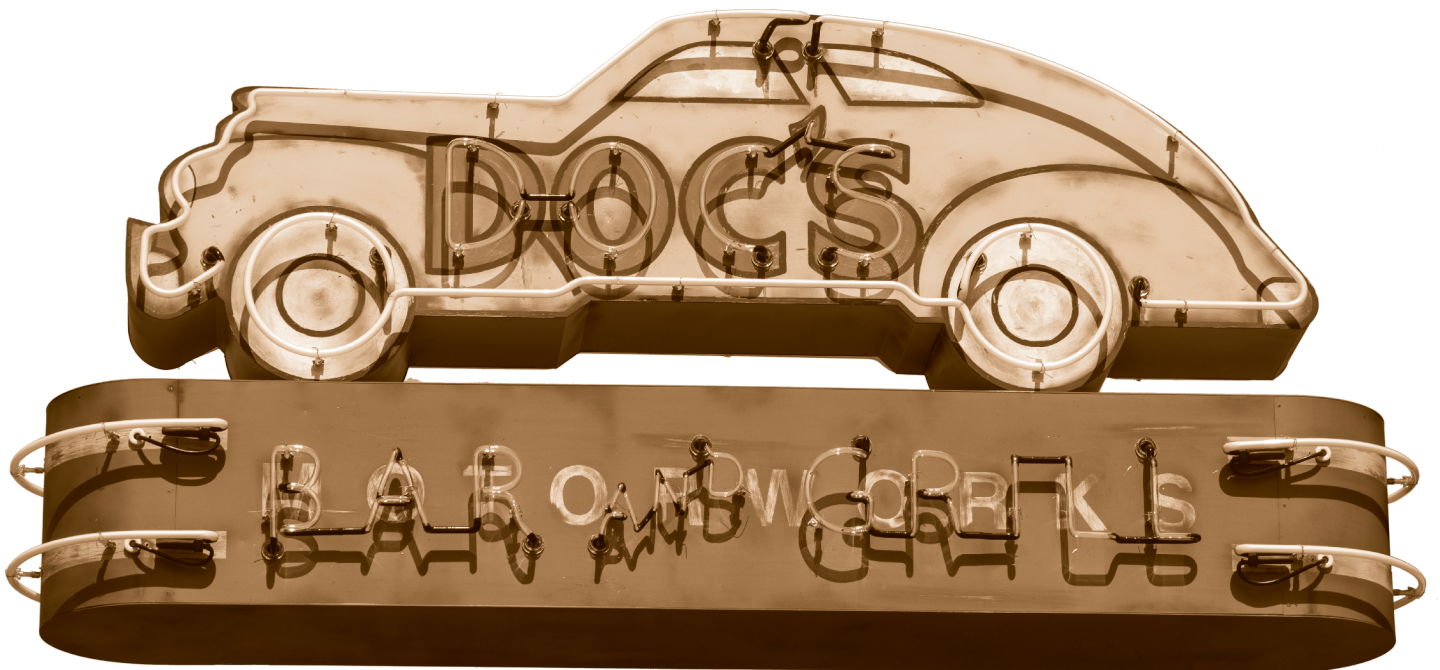
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PRACTICE CREATIVE SIGNS



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Sign Regulations That Encourage Creative Design

By James Carpentier, AICP

Most of us hadn't heard of the town of Gilbert, Arizona, until its sign ordinance made an appearance before the U.S. Supreme Court in 2015. The *Reed v. Town of Gilbert* decision struck down the sign code as being a content-based violation of the First Amendment. Gilbert has recently updated its code to comply with the U.S. Supreme Court decision. Many are still dealing with the ramifications of the *Reed* decision, as jurisdictions across the country scramble to update their sign regulations.

But there's more to Gilbert's sign code legacy than just content neutrality. Gilbert is also a community that uses its sign regulations to encourage creative sign design, contributing to a lively downtown Heritage District. While signs aren't the only factor behind Gilbert's new energy, the town's innovative sign code shows that it is entirely possible to have content-neutral sign regulations that still encourage creative and aesthetically pleasing sign designs.

This article will highlight the ways that local communities like Gilbert encourage the design of creative signs to promote community identity and commercial vitality.

CHALLENGES IN REGULATING SIGN DESIGN

Regulating sign design poses several distinct challenges relating to context and functionality, content neutrality, clarity, economic effects, and costs.

Context and Functionality

When regulating sign design, context is an important consideration. Design regulations need to be tailored to the district. The objective is to produce signs that are context sensitive, which involves stimulating creativity as much as it involves checking for compliance with the standard code requirements (Morris et al. 2001).

What works well in a downtown environment will not necessarily function well in a more suburban setting. Various districts have different needs regarding sign types. A downtown streetscape typically needs to accommodate signs for pedestrians and motorists. A suburban environment will have needs for different standards since the right-of-way, speed limits, increased setbacks, and other considerations will be different than a downtown location. A downtown may have a historic overlay district that includes several iconic sign types the community would like to encourage. In a historic overlay district certain sign types may not work well, such as electronic message centers. However, an entertainment district may be suitable for sign types such as neon or electronic message centers, which help create a lively streetscape.

Signs also need to be appropriately scaled for viewing distances and other factors, such as right-of-way width and speed limits. For a sign to effectively communicate

a message to a viewer, it must be visible, conspicuous, and legible.

Content Neutrality

In the June 2015 case *Reed v. Town of Gilbert*, the U.S. Supreme Court ruled that sign regulations that draw distinctions based on viewpoints, types of messages, topics, or subject matter are presumptively unconstitutional,

regardless of the local government's intent. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use but by zoning districts (Weinstein 2016). Any sign regulations dealing with design should be content neutral and utilize time, place, and manner regulations to avoid any potential conflict with the *Reed* decision.

Clear Regulations

Regulations that are clear and easily understood by applicants are necessary not only for dimensional standards but also for sign design guidelines and regulations. Straightforward design guidelines that are easy to understand tend not to be long or complicated. Clarity and simplicity help jurisdictions achieve their regulatory goals.

Sign regulations that are too vague can create issues as noted in the APA's *Street Graphics and the Law*, which notes that "as with all design guidelines, care must be taken that the criteria provided for design review of signs are detailed enough to withstand challenges that they are vague or overbroad. The vagueness problem is especially critical in design review ordinances that use aesthetic standards, which require subjective judgment in the review of a design" (Mandelker et al. 2015).

Economic Considerations

Economic considerations often are overlooked when sign regulations or policies are changed. The economic impact of regulations or policies needs to be part of the due diligence when sign codes are considered. "A well-constructed sign code can balance business and aesthetic interests in ways that protect the long-term economic prosperity of the community" (Connolly & Wycoff 2011).

Given the economic importance of signs, regulations should balance community design objectives and the impact of the regulation on businesses (Rexhausen 2012).

Signs have taken on greater importance for brick-and-mortar businesses, given increasing e-commerce competition. "Researchers predicted a 15 percent growth in U.S. sales and total value for online



James Carpentier



Gilbert, Arizona, has many creative signs in its downtown Heritage District.



➡ Using a single rectangle sign area methodology (on right) translates to a 67 percent sign area penalty.

shopping between 2016 and 2017, while offline only saw a 4.5 percent increase” (Leadem 2017). It stands to reason that creative signs whose designs are outside the box will make local businesses stand out in this competitive market. Enhanced opportunities, such as a unique sign for a local business that does not have a recognizable logo, take on heightened importance.

Costs

Another factor to consider when crafting sign regulations that encourage creative design is the cost factor for the businesses that use signs. Requiring compliance with substantial design standards can be cost prohibitive for the businesses and other sign users. Some design standards can easily increase costs by 25 percent or more. Some minimum type of design standards that will fit and be acceptable to the community should be considered. Creative design alternatives or standards should be optional, so as to not be financially burdensome.

REGULATIONS CAN IMPEDE CREATIVE DESIGN

Some regulations can have the unintended consequence of stifling creative sign design. Here are a few ways that regulations can impede creative design in a community.

Measuring Area with the Smallest Rectangle

How sign area is measured can have unintended consequences when regulating signs. It is very common for a sign code to utilize the smallest rectangle when measuring sign area. This methodology of measuring sign area can drive signs to a rectangular shape. This is due to any irregular or creative shapes that are outside the box being penalized by measuring 50

percent or more “dead space” or non-sign area. Not only can the smallest rectangle methodology stifle creativity, it can make the message too small to be legible for the intended viewer.

When the smallest rectangle methodology is used, the end user tends to opt for a more simplified design that fits inside the box (Weinstein & Hart 2009). To encourage sign designs that are more creative, jurisdictions can measure sign area utilizing multiple standard geometric shapes.

Since many jurisdictions use the smallest rectangle when measuring sign area, consider also providing information for applicants so they understand that the methodology you are using includes multiple geometric shapes.

‘Match the Building’ Regulations

Some sign regulations require that a sign “match the building.” Signs are of a very different scale than a building, and often the design of a building cannot be easily transferred to the design of a sign. Regulating sign design needs to allow for some creativity rather than just matching the building. By simply using a word like “complement,” rather than “match,” combined with well-drafted design guidelines, will aid in the creation of creative signs.

Maximum Width-to-Height Ratios

Some sign regulations limit the maximum width-to-height ratio, such as 2:1. This can lead to signs that have a similar overall appearance since a ratio is stated. Simply not including this type of limitation on the appearance of signs will assist in creating additional variation in sign dimensions, appearance, and visual appeal.

Discretionary Approvals

Sometimes the approval process for a sign that is unique or using some design alternatives can take some additional time and may require approval from a design review board or similar body. A discretionary process such as design review can be a deterrent due to additional costs and the time needed to obtain approval. In addition, approval of sign designs by a design review board can be a challenge, since outcomes are at times unpredictable. For the regulation of signs, it may be better to use an administrative approach, since most signs are not as complex as the main structure (Morris et al. 2001). To encourage creative designs, some communities have opted to waive permit fees and approve applications administratively, as is done in Coral Springs, Florida, which will be discussed further in this article. Some sign regulations that encourage creative or landmark designs, such as freeway signs, may warrant additional review by a design review board due to the size and location.

Regulations Developed Without Stakeholder Participation

Whenever a jurisdiction updates any portion of the sign regulations, involvement from a wide spectrum of stakeholders is critical to the creation of effective regulations. The stakeholders should be involved from the outset of a sign code update and include developers, chambers of commerce, community groups and associations, business improvement districts, enforcement personnel, sign companies and associations, architects, planning commissioners, and design review boards, just to name a few. “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” (Jourdan et al. 2017). Although the public participation process may be time consuming and challenging, the end result will be more balanced regulations that will represent the desires of the community.

LOCAL EFFORTS TO ENCOURAGE CREATIVE SIGN DESIGN

The next section examines how several jurisdictions are utilizing different regulatory approaches to encourage creative signs.

Gilbert, Arizona

Gilbert’s sign code includes three regulatory mechanisms to encourage creative designs: a Comprehensive Sign Program (CSP), which is required for multitenant buildings, nonresidential complexes with multiple buildings, and large-scale mixed use developments; a Master Sign Plan (MSP) for applicants who wish to exceed existing code requirements; and a Heritage Sign Plan (HSP), which is used for single- or multiple-tenant commercial or office uses in the Heritage District.

The town requires a CSP for all multi-tenant and large-scale development projects not located within the Heritage Village Center Zoning District. A CSP requires design compatibility for all signs and architecturally integrated sign design (§4.405). If the CSP complies with the sign code, it may be approved by the planning manager.

For projects that include multiple tenants, office, or employment users that exceed 100,000 square feet, an MSP is an option. The MSP includes the following four evaluation criteria: placement shall ensure that signs are legible and visible; the number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians; the size of all signs shall be no larger than necessary for visibility and legibility, taking into account topography, volume and speed of traffic, viewing distances and angles, and proximity to adjacent uses; and placement of the display (§4.405 C.3.). The MSP allows deviations from the code by 25 percent in area for wall signs and 50 percent in height for

EXCERPT FROM GILBERT’S HERITAGE DISTRICT DESIGN GUIDELINES

The objectives of the signage guidelines are to provide signage that enhances the architectural design of buildings within downtown Gilbert and to encourage creative and innovative approaches to signage within an established framework.

- a. Signage should not obscure or overwhelm existing architectural details.
- b. Signs should be highly graphic in form, expressive and individualized in order to provide a distinctive character in the Heritage District.
- c. Signs should convey the product or service offered by the business in a bold, graphic form.
- d. Projecting signs supported by ornamental brackets and oriented to pedestrians are strongly encouraged (Gilbert 2010).

freestanding signs. MSP applications are approved by the design review board.

The Heritage District is the community’s original town site, representing the cultural and historical center of the community. In 1989, the Heritage District was designated as a Redevelopment Area, and in 2013, the area was also designated as an Entertainment District. Recently, the Heritage District has experienced a renaissance and contains a mix of retail, office, education, and housing uses (Gilbert 2010). Part of the vision for this plan is to create a unique, attractive, vibrant, yet peaceful gathering place. A portion of the Heritage District vision includes, “attracts a distinct mix of retail, restaurant, office, service and entertainment businesses that are a regional draw and is a unique, attractive, vibrant, yet peaceful gathering place” (Gilbert 2008). A Heritage Sign Plan is required for all signs in the Heritage District. The *Heritage District Design Guidelines* include a section on signs.

The guidelines are clearly written and provide for direction in keeping with the Heritage District goals and vision, for example: “Signs should be highly graphic in form, expressive, and individualized in order to provide a distinctive character in the Heritage District; and the continued use of exposed neon lighting is encouraged due to its visual quality at night (Gilbert 2010).” Applications for signs in the Heritage District may be administratively approved by the planning manager, if the standards and design guidelines are met.

The sign code includes the following in the Intent and Purpose section: “to emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center Zoning District (§4.401E.)” The sign

code allows for a variety of sign types in addition to neon in the Heritage District including projecting roof signs, suspended signs, and marquee signs.

Gilbert’s approach has been comprehensive since it includes many different layers, such as the *Heritage District Design Guidelines*, *Heritage District Redevelopment Plan*, and the sign code. All of these policies and regulations have worked in concert to create a vibrant streetscape and creative signs.

Tucson, Arizona

Tucson decided to update its sign code in June 2016 with several goals. One was the creation of a code that was simplified, streamlined, and flexible. The city adopted the revised code in February 2018. It streamlined administrative processes by using existing boards to administer the sign code, which is now a part of the unified development code. The new code section that deals with design is termed “Sign Design Options.” The options include two types of applications, a MSP and Singular Sign Design Option. The purpose of the newly created MSP “is to respond to special permanent sign needs of a premise as well as provide flexibility, encourage development in accordance with adopted plans and policies and promote superior sign design to implement the purpose of this article” (§7A.7).

A unique part of the Tucson sign code is the “Best Practice Option.” This section allows for variations from the design standards when the design is based on award-winning sign designs or on a document or book published by the American Institute of Architects or the American Planning Association. Also, the “Best Practice Option” can include design guidelines that are influenced by one of the following



The Kierland Commons project in Phoenix utilized the city's Comprehensive Sign Plan option.

standards: the *Manual on Uniform Traffic Control Devices*, the American Association of State Highway and Transportation Officials' *Guide for the Development of Bicycle Facilities*, the National Association of City Transportation Officials' *Urban Bicycle Design Guide*, or similar documents (§7A.7.1.F.).

The criteria for approval includes the following findings: meets the MSP's design standards; creates a clear connection with the shapes, textures, colors, and materials used in the appearance of the buildings of the premise; creates proportional sizes of signs placed on or integrated into a building's architecture; improves the legibility of signs; enhances vehicle reaction time to the signs; creates an organized wayfinding

and identification or messaging program; protects significant scenic views; promotes a well-organized visual environment through appropriate sizes; and represents a best practice of the design of dark sky sign illumination (§7A7.1.G.1.).

Applications for the MSP or Singular Sign Option are reviewed by the Sign Design Review Committee, which makes a recommendation to the planning and development services director for a final decision.

Phoenix, Arizona

Phoenix uses various regulatory approaches to encourage creative designs, which are termed "Flexibility Provisions" (§705.E.).

The code includes the use of design review to consider additional height and area

for signs and comprehensive sign plans. In this context, design review is an administrative process that allows for additional height and area if design standards are met. They include consistency with the architecture and character of the site, use of materials or textures that are complementary, and colors that match or complement the building or project. Review is available in most zoning districts (§705 E.1.).

Phoenix's comprehensive sign plan (CSP) option allows signs that are not in strict compliance with district sign standards if they are appropriate for the character of development, provide adequate identification and information and a good visual environment, promote traffic safety, and are consistent with the purpose and intent of the sign code (§705 E.2.).

The CSP is the most common sign code provision used in Phoenix. The city has approved more than 300 CSPs throughout its jurisdiction. The criteria for approval includes placement, quantity, size, material, illumination, and context (§705 E.2.b.). The CSP application process is done through a discretionary use permit and requires a public hearing. Minor amendments to the CSP can be approved administratively. The CSP process is used often, since most projects qualify and no limitations are placed on the project size or zoning.

EXCERPT FROM WEST HOLLYWOOD'S CREATIVE SIGN PROVISIONS

A. Purpose. This section establishes standards and procedures for the design, review, and approval of creative signs. The purposes of this creative sign program are to:

1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.

B. Applicability. An applicant may request approval of a sign permit for a creative sign to authorize on-site signs that

employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.

C. Application Requirements. A sign permit application for a creative sign shall include all information and materials required by the department, and the filing fee set by the city's Fee Resolution.

D. Procedure. A sign permit application for a creative sign shall be subject to review and approval by the Director when the proposed sign is fifty square feet or less, and by the Commission when the sign is larger than fifty square feet. Notification for a sign permit for a creative sign shall be given in the same manner specified by this Zoning Ordinance for Director-approved development permits in Chapter 19.48.

E. Design Criteria. In approving an application for a creative sign, the review authority shall ensure that a proposed sign meets the following design criteria:

1. Design Quality. The sign shall:

- a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
- b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;
- c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion (§19.34.060).



➞ An example of a creative sign in West Hollywood, California.

West Hollywood, California

A section of West Hollywood's sign code is called "Creative Signs" (§19.34.060). It establishes standards and procedures for the design, review, and approval of creative signs. The creative sign program encourages signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit. Applications for smaller creative signs are administratively approved. The West Hollywood standards for

review include design, contextual, and architectural criteria.

The Creative Signs section of the West Hollywood code is straightforward, easy to understand, and has a streamlined process.

Coral Springs, Florida

Coral Springs' sign code authorizes up to 30 percent additional sign area for "designer signs," which are wall or monument signs designed in a creative or sculptural manner (§1802). To qualify,

a sign needs to include materials that are unique or different from typical signs. Designer signs must be creative, artistic, and distinctive, and can include three-dimensional sculptural elements of the letters, logos, or other elements and borders. These signs have no permit fees and are approved administratively, which includes review by the city's sign consultant (§1807(b)(14) & §1808(b)(11)).

Coral Springs has developed a "Business Sign Manual" that outlines the designer sign

process and several images of previously approved designer wall and monument signs (Coral Springs 2013). In this manual, the city encourages a preliminary meeting with staff to discuss design concepts, the submittal process, and what is required to obtain sign approval.

The city's sign code consultant indicates that the success of the designer sign program is due to "the staff at the city embracing the concept and the streamlined administration of the program" (Graboski 2018).

CONCLUSION

Regulating signs to encourage creative sign design requires some out-of-the-box thinking. A few factors stand out:

- Define the sign area using multiple geometric shapes to avoid penalizing creative designs.
- Simplicity and clarity in the guidelines or sign code language assists in facilitating administration and the desired outcomes.
- Design regulations or guidelines that are straightforward and clear are easier for applicants and staff to understand.
- Allow for a streamlined process by permitting administrative approval or a process that will not entail long timelines. Also, consider waiving or reducing permit fees.



➞ Examples of designer wall signs in Coral Springs, Florida.

CORAL SPRINGS' DEFINITION OF DESIGNER SIGNS

Designer signs are custom made wall or monument signs reviewed by the city manager or his designee and found to be of a higher creative, artistic, and three-dimensional, or sculptural nature than the standard types of signs typically used within the sign industry. Signs found to be designer signs may receive an increase in the size of the design up to thirty (30) percent larger than otherwise allowed under this Code (§1802).



➔ Example of a designer monument sign in Coral Springs, Florida.

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- An incentive or some flexibility in the regulations for applicants that apply for a creative sign, such as a reasonable bonus in sign area or height.

A comprehensive approach has proven to work well in Gilbert's Heritage District, where signs have contributed to a vibrant nightlife scene. The communities of Tucson, Phoenix, West Hollywood, and Coral Springs have also discovered the benefits of encouraging creative sign design. The results of these sign design guidelines or regulations can be easily seen in the creative signs that these communities now enjoy.

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James Carpentier, AICP, is director of state and local government affairs with the International Sign Association. He works with and educates local officials and planners throughout the country to create beneficial and effective sign codes. Prior to that, Carpentier was the principal of Carpentier Consulting, LLC, where he specialized in sign variances, entitlements, and sign legislation. He has over 25 years' experience as a certified planner in the public and private sectors

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IS YOUR SIGN CODE STIFLING
SIGN CREATIVITY?

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