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City Commission Workshop
Sign Ordinance Staff Report
February 4, 2008

Introduction

Changes to Gainesville's sign ordinance have been the subject of discussion and debate for over a year. In today's workshop staff will present an array of options that has been developed following input from the City Plan Board, the Chamber of Commerce, and various other stakeholders. This memo summarizes the issues of electronic signs, amortization of non-conforming signs, and sign aesthetics; the enclosed supporting documentation elaborates on each subject.

Electronic signs. In the words of Stan Kaye, Ph.D., a professor of lighting design at the University of Florida, the proliferation of light-emitting diodes (LEDs) as a light source is "coming at us like a freight train." As this technology improves and becomes more affordable, LED bulbs are replacing other types of bulbs in electronic message signs and even enabling businesses to construct signs with electronic graphics (as seen at Florida Credit Union on NW 43rd Avenue).

Complaints have been heard about LED signs being a distraction and a potential safety hazard; however, thresholds for how bright a sign may be have not been established. This issue is so fresh that the Illumination Engineers Society of North America (www.IESNA.org) has not stated a position on LED road signs – they have not established measurements or thresholds for appropriate brightness of signs. The actual brightness may be measured with a light meter, but with no benchmark against which to compare the resulting measurement, it would be difficult and arbitrary to set a standard for Gainesville's electronic signs.

Brightness is only one of the topics of concern in the regulation of electronic signs. In staff's comparative research of sign ordinances in Florida, Georgia, and South Carolina, we found a wide array of regulatory measures:

- Use of filters to regulate brightness;
- Change interval for signs;
- Applicable land uses or areas where electronic signs may be used;
- Colors that may be used;
- Height or area of electronic signs;
- Proportion of the sign that may be electronic;
- Required setback of sign from the property line, an intersection, or an adjacent land use; and
- Special permitting or approval required.

This variety of regulations, summarized by municipality in the enclosed table, speaks to the complexity of the electronic signs issue.

An additional wrinkle to the technological question of LED signs is the interpretation of Sec. 30-345(b)(8) of the Land Development Code, which states:

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> Directional luminaires such as floodlights, spotlights, sign lights and area lights shall be so installed and aimed that they illuminate only the task intended and that the light they produce does not shine directly onto neighboring properties or roadways.
>
> …All lighting shall be designed, hooded or shielded to direct light so that no illumination source or glare creates a nuisance to any adjoining property or unreasonably interferes with the lawful use and enjoyment of any adjoining property.

After research, fieldwork and input from experts, staff has concluded that there are still more questions than answers about electronic signs. **Staff recommends that electronic signs be prohibited and that the prohibition be subject to mandatory review within five years, as per the recommendations of the City Plan Board.** Prohibition on LED and other forms of electronic signs at this time would allow City staff to monitor the issue and propose state of the art standards in three to five years.

Furthermore, staff has researched various options relating to amortization of non-conforming signs and changes to the sign ordinance to improve sign aesthetics. These issues are still relevant to the overall conversation about the sign ordinance; however, with the advisement of the City Attorney and the City Plan Board, **staff recommends that sign ordinance issues not related to electronic signs be introduced at a later date under a separate petition.**

Electronic Signs

Currently

- **Electronic signs** (LED signs) are not prohibited by Chapter 30.
- **Animated signs** and **Changing message devices** are prohibited (30-316(b)(8) and (9)

Options

- Do nothing – leave code as it is
- Prohibit electronic signs **(*Plan Board recommended this option on 3/15/07, 11/29/07 and 1/24/08)** with mandatory review within five years
- Limit electronic signs (types of limitations may include location of signs; sign type – monument only; colors allowed; sign area; etc.)
- Prohibition/limitation options may also require amortization to remove/modify existing electronic signs

Sample Ordinance Language if Electronic Signs Prohibited

Sec. 30-316. General Restrictions

(b) *Prohibited Signs.*

(8) *Animated or electronic sign(s).* (See section 30-23. Definitions)

Sample Ordinance Language if Electronic Signs Limited

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The sample language below illustrates how the 'limited' option may be implemented. The alternatives include limitation of location and size of electronic signs.

Sec. 30-23 Definitions

Animated sign means any sign ~~which involves motion or rotation of any part by any means, or is illuminated by flashing, intermittent or color-changing light or lighting.~~ that uses movement or change of lighting or change of color to depict action or create a special effect or scene. Also includes a sign or device visible from the public right-of-way with letters or characters that move or change more frequently than every 3 minutes. The move or change can occur mechanically or electronically without altering the face or the surface of the sign.

~~Changing message device means any device visible from a public right-of-way across the face of which a written message appears to move or containing a written message which changes mechanically more than once in any three minutes.~~

Electronic sign means any sign, or portions of a sign, where any light source, including but not limited to incandescent bulbs or light emitting diodes (LED), constitutes the sign text or image. The sign text or image shall not change more frequently than every 3 minutes. This type of sign includes, but is not limited to electronic message boards; television screens; plasma screens; digital screens; flat screens; LED screens; video boards; other types of electric and electronic display boards and screens' and holographic displays. Electronic signs include projected images or messages onto buildings or other objects. Signs that are illuminated by light sources only for the purpose of internal or external illumination are not considered electronic signs, nor are non-animated neon signs.

Sec. 30-316. General Restrictions

(f) *Electronic Signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any electronic sign unless the electronic sign conforms to the following criteria:

1. Special Area Plans (SAPs). Where such signs are not prohibited by sign materials or other requirements in any Special Area Plan, the sign area shall be no larger than 6 square feet, and the sign shall be a monument sign.
2. Areas in which permitted. Electronic signs shall be allowed in accordance with Sec. 30-318 (b).
3. Electronic signs shall conform with the requirements of Sec. 30-318(b) *ground-mounted signs for single and multiple occupancy developments.*

Sec. 30-318. Permanent Signs

(b) Ground-mounted signs for single- and multiple-occupancy developments.

(1) Multiple-occupancy complex and single-occupancy buildings or developments.

c. Electronic signs. Monument signs that contain an electronic sign are regulated in accordance with the following, and shall have a maximum height of 10 feet for primary frontage, and 8 feet for secondary frontage:

Street Frontage (feet)	Size of Monument Sign w/ electronic (sq. ft.)	Size of electronic portion of monument sign (sq. ft.)
Less than 50	12	6
50 to less than 100	16	8
100 to less than 200	32	16
200 to less than 300	36	18
300 to less than 600	48	20
Greater than 600 [two signs permitted]	72	20

1. *Development standards*: only one street frontage may be used to determine the maximum size of ground-mounted or monument signs. Electronic signs must be ground-mounted monument signs only, as defined by Sec. 30-23. In accordance with Sec. 30-345(b)(8)(a), electronic signs shall be so installed and aimed that they illuminate only the task intended and that the light they produce does not shine directly into neighboring properties or roadways.

2. *Brightness*. The maximum brightness of an electronic sign shall not exceed illumination of 3,500 nits (candelas per square meter) between dusk and dawn, as measured from the sign's face at maximum brightness. The signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period from one-half hour before sunset until one-half hour after sunrise.

3. *Color*. All bulbs in LED signs shall only be amber in color.

4. *Non-conformities*. All legal non-conforming electronic signs shall meet the requirements herein that pertain to *Development standards*, *Brightness*, and *Color*.

Timeline

March 15, 2007

City Plan Board (regular meeting)

- Recommended prohibition of electronic signs and amortization of existing electronic signs
- Recommended approval of changes to Sec. 30-23 Definitions (change definition of animated signs; add definition of electronic signs; delete definition of changing message center)

April 23, 2007

City Commission (regular meeting)

- Begin a 6-month moratorium on electronic signs
- Allow electronic signs up to 20 square feet with staff recommendations form the City Plan Board packet
- Directed staff to bring back visual examples of electronic sign sizes and design standards in a subsequent meeting
- Approved the City Manager's recommendation to initiate a separate petition to the City Plan Board to achieve greater consistency of regulation within the sign code to ensure equal treatment of different use types
- Directed staff to draft an ordinance

September 24, 2007

City Commission (regular meeting)

- Extend moratorium to April 14, 2008
- Referred the matter to the City Plan Board with the recommendations of the City Commission, including that electronic signs be limited to 20 square feet
- Directed staff to coordinate electronic signs with other parts of our sign ordinance to incentivize bringing into compliance legal non-conforming signs and other aesthetic benefits

November 29, 2007

City Plan Board (workshop)

- Recommended five-year prohibition on electronic signs
- Support for an amortization process in which iconic, historical signs could be designated and preserved with some type of criteria

- A variance procedure that allows non-conforming signs to have a longer time of amortization to be made conforming.

January 24, 2008

City Plan Board (workshop)

- Recommended prohibition of electronic signs
- Recommended against sign amortization
- Recommended against lowering sign height requirement from ten feet to eight feet
- Recommended against prohibition of pole-mounted signs

February 4, 2008

City Commission (workshop)

March, 2008

First and Second Readings of Ordinance

April 14, 2008

Electronic signs moratorium ends

CITY OF GAINESVILLE
every path starts with passion
FLORIDA

City Plan Board Signage Meeting/Workshop Recap

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City Hall Auditorium
200 East University Avenue

January 24, 2008
Thursday, 6:30 p.m.

I. ROLL CALL – Eileen Roy and Laura High absent.

II. APPROVAL OF AGENDA– Approved by David Gold and second by Bob Cohen. Carried 6–0.

III. REQUEST TO ADDRESS THE BOARD – None.

IV. NEW BUSINESS

1. Petition 146TCH-07PB City Plan Board. Amend the sign regulations of the City of Gainesville Land Development Code. Amendments include but are not limited to adding regulations regarding electronic signs, amending the definition of animated signs, deleting the definition of changing message devices, amending the height and area requirements for ground-mounted and monument signs, and amending requirements regarding nonconforming signs.

Dean Mimms, Comprehensive Planning Chief stated he would like to withdraw this petition, as Staff has realized that they can continue to use the original petition, since it has neither a vote of approval or denial from the City Commission.

Motion By: David Gold	**Seconded By:** Randy Wells
Moved To: Withdraw petition.	**Upon Vote:** 6 – 0.

V. PRESENTATION BY STAFF - Electronic Signs, Aesthetics, and Amortization

VI. OPEN DISCUSSION BY PLAN BOARD

The Board, business owners and citizens discussed and voiced their opinions on the signage issue.

VII. ACTION BY PLAN BOARD

- ✓ Amortization is too contentious in an economic and aesthetic sense for the community and needs to be removed from the table
- ✓ Unsure of what type of real incentives would make the signage community come into conformance given the time, effort, re-permitting and the contracting that would be required, and should be left aside
- ✓ Reduction in height takes too much time from the regulators, business owners and enforcement and would discourage it
- ✓ Not to prohibit pole signs
- ✓ At the evolution of new technology of diode based lighting; and would be unwise to permit electronic signs
- ✓ Extend moratorium for 3 – 5 years

VIII. ADJOURNMENT – Meeting was adjourned at 9:49 p.m.

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CITY OF GAINESVILLE **INTER-OFFICE COMMUNICATION**

DATE: **November 27, 2007**

TO: **Electronic Signs Petition File**

FROM: **Dean Mimms, AICP**

SUBJECT: **Minutes - Electronic SignsWorkshop**
Friday, November 16, 2007
10:00 AM, Room 201, Thomas Center "B"

Attendees: Brent Christensen, Gainesville Area Chamber of Commerce
Monica Cooper, Citizen
Carol Gordon, Citizen
Larry Hagstrom, Festival Signs Co.
Mike Hoge, City staff – Planning & Development Services Department
John Hudson, Citizen
Dean Mimms, City staff - Planning & Development Services Department
Frank Regan, Citizen
Michelle Warnock, Florida Credit Union

After the attendees introduced themselves, staff explained the status of Petition 139TCH-07 PB, which was last heard by the City Commission on September 24, 2007, and of the moratorium on electronic signs. The moratorium is in effect through April 14, 2008.

Staff then made a PowerPoint presentation that described the City Commission motion of September 24, 2007 ('Extend the moratorium. Refer matter to Plan Bd with recommendations of Commission, including max size 20 sq. ft. Coordinate electronic signs w/other parts of sign code to incentivize compliance of non-conforming signs and other aesthetic benefits.') and that included digital images of LED signs, television signs, billboards, and time and temperature signs.

Staff noted that the Plan Board recommended prohibition of LED signs and that staff's recommended criteria to the City Commission on September 24, 2007 had included:

Must be monument signs;
Electronic sign area should be limited to 50-75% of total area;

Only one sign per 600 feet of frontage;
Pedestrian sized signs limited to 6 feet in height;
Animation not allowed;
Electronic signs only permitted if other non-conforming signs are made to conform;
Brightness will be limited;

Discussion centered next on amortization of non-conforming signs. It was noted that 7-10 years is generally considered to be a defensible amortization period, and that Boulder, Colorado has cash incentives for more rapid amortization. Brent Christiensen asked if it is possible to allow long-established non-conforming signs partial rather than full conformance, should amortization be implemented. Staff replied that this was probably not allowable, and that he would ask the Law Department about this. [The Law Department subsequently indicated to staff that it would be extremely difficult to establish defensible standards for partial conformance.] John Hudson described his experiences with the previous non-conforming sign at the shopping center located at the SW corner of the intersection of NW 13th ST and NW 23rd Avenue, and said that there is no incentive in the sign ordinance to bring a non-conforming sign into conformance, particularly considering that it can be very costly to modify a non-conforming sign to make it conforming.

There was apparent consensus that ground-mounted signs comprise the largest and most apparent type of non-conforming signage.

Brent Christensen indicated that amortization, if it is to be considered, should perhaps be for all non-conforming signs, rather than only be for situations in which electronic signs are proposed. He said amortization toward smaller signs might be a hard sell in the community.

Frank Regan mentioned building codes requiring some fire upgrades for older buildings don't allow for amortization, but Mr. Christensen countered that life safety issues were not necessarily equivalent to esthetics issues for signs.

Staff suggested that reducing the maximum allowable height of ground-mounted signs from 10 to 8 feet, and reducing the maximum allowable sign area of ground-mounted signs are possible changes that could be considered.

LED sign brightness was discussed. John Hudson and Larry Hagstrom discussed brightness controls, comparing bulb brightness technologies versus use of screens. Mr. Hagstrom said that LEDs are programmable, that brightness could be reduced up to 90% for night use using electronic dimmers.

Staff mentioned the possible use of 'white' [amber, technically] LED lights only, and noted that this was suggested by a local sign company, which also informed him that this is the color of the LED signage at the major UF entrances at W. University Ave. and at

SW 34th Street. Mr. Hudson said emergency vehicles are now using colored LEDs, and that perhaps we should ban non-white LED lights for that reason. Messrs Hudson and Hagstrom said that more closely spaced, smaller LED lights make for higher resolution, crisper figures with less glare.

Mike Hoge suggested that monument signs use the same materials as the rest of the structures on site. He also suggested that if LED signs are to be allowed, that a minimum distance from intersections should be considered.

John Hudson said that LEDs shine into the right of way, that this violates the sign coed, and that requiring LED bulbs with prisms, or placing covers over the array of LEDs, could avoid this problem

Carol Gordon said that electronic signs were totally unnecessary. If allowed, they will be placed everywhere. Ms. Gordon noted that she didn't mind small LED signs in attractive monument signs.

Brent Christiansen cautioned that the pending annexation of Butler Plaza would bring multiple, large, non-conforming ground-mounted signs into City limits. He noted that a 20 foot maximum area for ground-mounted electronic signs would be for the largest frontages (600 feet or greater).

Larry Hagstrom urged staff to see the ground-mounted (monument) LED sign at Sunstate Credit Union.

Staff reminded attendees of the November 27, 2007 City Plan Board workshop on signs, and thanked them for their participation.

The workshop concluded at 11:45 AM.

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Non-Conforming Ground-mounted Signs by Height

Corridor	From	To	# of Ground-mounted signs surveyed	# Non-conforming	% Non-conforming
Eastside CRA					
E. University Avenue	Waldo Road	E. 25th Street	9	8	88.9%
Waldo Road	E. University Avenue	NE 16th Avenue	11	7	63.6%
Hawthorne Road	E. University Avenue	SE 24th Street	8	8	100.0%
College Park/University Heights CRA					
W. University Avenue	W. 6th Street	W. 22nd Street	31	29	93.5%
S. Main Street	Depot Avenue	SW 16th Avenue	8	6	75.0%
NW 13th Street	W. University Avenue	NW 7th Avenue	14	14	100.0%
SW 13th Street	W. University Avenue	SW 16th Avenue	9	4	44.4%
SW 16th Avenue	Main Street	SW 13th Street	12	9	75.0%
Central Corridor					
NW 6th Street	NW 8th Avenue	NW 39th Avenue	51	25	49.0%
				Mean	76.6%

Comparison of Codes Governing Electronic Signs

	Electronic signs allowed?	Exceptions ?	Animated signs allowed?	brightness or filters	min. change interval	applicable zones/ uses	color	height/ area	proportion	setbacks (PL, int or LU)	special permit	Notes
Gainesville	Y		N		3 min.							
Alachua County	Y		N		30 min.		black w/mono chrome		20%			Partial exemption for transit routes
Ocala	Y		N	•								
Sarasota (city)	Y		N		24 hours	see note						office, commercial, mixed use and production intensive commercial
Orlando	N	Y	N			overlay dist.		1100 s.f.	35%			
Boca Raton	N	Y	N									
Tampa	Y		N									
Clearwater	N	public; menu; time/temp	N									
Marion	Y		N		3 sec.	Commercial						Includes elec message centers Ground- or building-mounted
Sarasota (co.)	N	N	N									"Official signs for safety purposes shall be exempt from this restriction."
Collier												
Orange	Y		N	Y								
Hillsborough	Y		N		6 sec.							
Palm Beach	Y				2 sec.	certain uses		6'-20'	50%	•	Y	Requires Commission approval based on specific findings; one sign per project
Broward	Y		N			•			50%	•		allowed on billboards, gas stations, hotels, certain commercial multi-tenant, theaters
Peachtree City, GA	N	N	N									
Fayette County, GA	Y		N		30 sec.		•	•	100%			
Hilton Head Island, SC	N	N	N									

	Subject is not addressed in the code
•	Addressed; see code for further detail
Y	Allowed by the code
N	Not Allowed

HUDSON & COMPANY, INC.
BUILDING CONSTRUCTION CONSULTANTS

070890

352-377-0623

January 27, 2008

City of Gainesville Commission
P.O. Box 490, Station 19
Gainesville, FL 32601-0490

Attn: Mayor Hanrahan and Commissioners

Re: Petition 139TCH-06PB, LED SIGN LIGHTS

Dear Commissioners,

I am writing to ask you not to support modification of our sign ordinance to allow the use of any device that directs light sources toward the Right of Way, and/or any property not owned by the owner of the sign, in compliance with existing code section 30-345.

Why is this a "big deal" to me (and should be for you in my opinion)? I love Gainesville and plan to live here and invest here for the remainder of my life. What I love about this city is the charm that it has while having big city amenities, great restaurants, sports, entertainment and small town ambiance. Quality of life oriented cities have strong sign ordinances and pay a great deal of attention to maintaining their character. I believe that if Gainesville allows electronic signs to be erected, one after another lining our streets, we will loose a part of that charm. To date there has not been mass appeal of these signs here due to their cost, but miniaturization of electronic components continues, and the cost of the signs continues to decline. Soon "everyone" will be able to afford them, and in an effort to compete with neighboring businesses who have them, others will buy them. **They are easy to stop from being permitted and erected in the first place, but once in place will be almost impossible to eradicate** (much like the kudzu vines imported to stop erosion in Georgia).

Our Land Development Code already contains provisions to prevent "Light Trespass and Glare" in Section 30-345 (b) (8) (a). Quoting from the code "Directional luminaires such as floodlights, spotlights, **sign lights**, and area lights shall be so installed and aimed that they illuminate only the task intended and that the light they produce **does not shine directly onto neighboring properties or roadways**." LED's are directional luminaries. The existing LED signs in Gainesville that I have observed violate this provision of our code. Apparently the staff who permitted these signs were not aware of the design of LED's, and that they have a focused beam of light which is aimed toward the viewer of the sign and **does** shine onto neighboring properties and roadways. Our code revision should either require amortization and removal of these signs, or installation of a diffuser type lens over the LED's, or both as provided in section 30-345.1.

I know that the Chamber of Commerce folks claim that these signs are a "valuable tool" in helping spread the word about kidnapings, emergencies, etc., but if that is what they are really concerned about they could put a lens over the LED's and make them much legal and more acceptable. See the photo attached with a thin plastic lens over part of

the sign. The plastic lens "refracts" the beam of light generated by the LED's and prevents them from reaching your eyes at a distance with the intensity that LED's and lasers produce. That is not what they want. The sign vendors and their customers want to use the focus of the LED's to reach into our cars (and into our eyes) to grab our attention. That is just not like Gainesville, and should be stopped before electronic signs spread through our city

City staff has been browbeaten into submission trying to find a "win-win" compromise with the Chamber of Commerce, and the result is the proposed area limit for the part of a sign that is permitted to be electronic. **This is not acceptable.** We should craft the revisions to the sign ordinance so that if EVERY business got the biggest sign they are "entitled to have" the appearance looking down the street at hundreds on these signs in a row would be acceptable. Please do not allow the aesthetic qualities of Gainesville to be negotiated away in an effort to appease sign interests or reduce old non-conforming signs.

While I admire the idea to use the electronic signs as bait to get rid of old ugly non-conforming signs, I feel that this price is too high. I believe that in the long term we may decide that electronic signs are even more disgusting than the old signs that they may replace. Instead I encourage you to update our sign code and provide incentives to down-size old non-conforming signs without opening the Pandora's box of the electronic sign world here in Gainesville until more is known about these signs.

Finally, I must remind you that the IES, a group of electrical engineers dedicated to the study of lighting, has not yet published any guidelines or standards concerning LED's. The sign industry is eager to sell as many of their $35,000 and up electronic signs as possible before these standards are developed. Let's not allow Gainesville to be an experiment in the sign wars that are raging in other communities across our nation. City staff should at least have the advantage of having professional standards to guide them in the development of an ordinance regarding electronic signs.

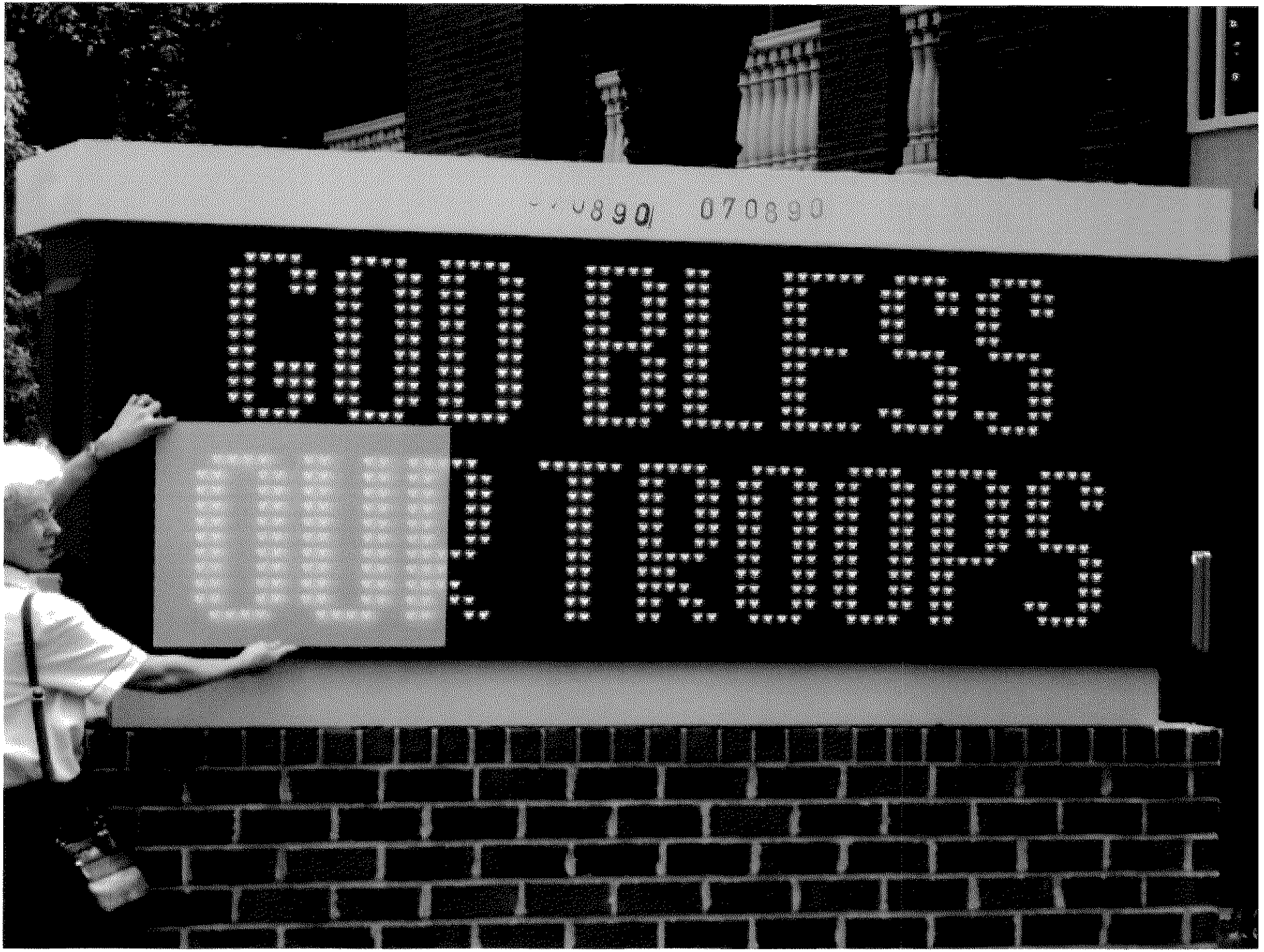
I will assist you in any way that I can, and very much appreciate your public service no matter what you decide to do on this issue.

Sincerely,

Hudson & Company, Inc.

John E. Hudson
President

211 SW 4th Avenue, Suite 3 • Gainesville, FL 32601 • 352-377-0623 • Fax 352-377-5269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TROOPS

Citizens for a Scenic Florida

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Planning Commissioners Journal **Winter 1996-97**

Sign Regulation

by Edward McMahon

When was the last time you really looked at the streets of your community? D out to the edge of town. Stop at the city limits. Now look at what you see. Is the scene pleasing? Does it make a good first impression on visitors, or is the scene ugly and cluttered?

Now, head downtown. Look at the streetscape along the way. Does your community appear attractive, interesting, unique? Or, does your town look like "Anypl USA?" Whatever your answer, you know that the physical appearance of your community is important. You should also recognize that sign control–or the lack of sig control–can have a significant impact on your community's appearance.

Sign regulation is one of the most powerful actions in a community can take to make an immediate, visible change in its physical environment. Properly drafted and enforced, sign controls can reinforce the distinctive design quality of the entire commur And as I have noted in previous columns, a community's image and how it looks often correspond with its economic vitality.

We need signs. We can't get along without them. They give us direction and necessary information. As a planned feature, a business sign can be colorful, decorative even distinguished. So why talk about a sign problem? The answer is obvious: too ofte signs are misused, poorly planned, oversized, inappropriately lit, badly located, and altogether too numerous.

In many cities, sign clutter dominates the landscape, overshadowing buildings trees, eroding community identify, ruining scenic views, degrading historic ambiance, a blighting whole neighborhoods.

In an effort to attract business, merchants often engage in a destructive compet to see who can build the biggest, tallest, most attention-grabbing signs. Ironically, in su competition both the merchants and the town lose. When there is an overabundance of competing signs, the message of each is lost. One city planner explained it this way:

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"When everyone shouts, no one can be heard; when all speak softly, each voice is distinct."

Some town allow signs in such profusion that drivers have to scan a confusing smorgasbord of clutter to find what they are looking for. Other, more successful towns control the size, number, and materials of signs. The result: a pleasing, inviting appearance that gently beckons consumers instead of assaulting them.

A good sign code is pro-business, since an attractive business district will attra more customers than an ugly one. Moreover, when signs are controlled, merchants do a better job of selling, and at less cost. Indeed, studies on visual perception . . . have shov that when the size and number of signs are reduced, the viewer actually sees more.

Sign control is especially important to areas that seek to increase tourism. Wh Because the more one town comes to look like every other, the less reason there is to vi On the other hand, the more a community does to enhance its unique assets, the more tourists it will likely attract.

This article examines some of the key legal, political, and practical aspects of (premise sign regulation. Because off-premise billboards present special problems, they be the subject of a subsequent article.

Sign regulation raises a number of legal issues. These issues do not prevent effective regulation of outdoor signs. However, signs codes must be carefully drafted t avoid legal challenges.

Like any regulation based on the police power of local government, sign regul must advance a public interest related to the preservation of the public's health, safety, welfare.

Courts routinely uphold sign codes under two separate aspects of the police po First, courts uphold sign ordinances as traffic safety measures, reasoning that signs can distract drivers. Second, many court decisions, particularly in recent years, have uphel the power of a community to maintain or improve its appearance through aesthetic regulations that are related to the general welfare.

TYPES OF ON-PREMISE SIGNS

1. Portable and Sidewalk Signs

Portable signs are the junk mail of the street scape. They move around, get in people's way and clutter up the sidewalks in many commercial areas. Portable signs ar almost never allowed in shopping malls or other controlled environments. They are likewise out of place on Main Street. Not only are they unsightly and unnecessary; they are also dangerous in high winds or stormy weather and a hazard to the handicapped an

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visually impaired (as such, sidewalk signs may well violate provisions of the American With Disabilities Act). Sign ordinances typically define a portable sign as "any sign wh is movable and which is not permanently attached to a building, structure or the ground

There are two approaches to regulating portable signs. One is to prohibit them outright, as many communities do. The other is to allow portable signs for temporary display only – e.g., 30 days a year for sales, grand openings, etc. This approach, howev has two problems. First, it is almost impossible to administer and enforce. Second, cou are more likely to strike it down, questioning how a portable sign can be safety hazard a aesthetic concern at certain times but not at others. In my experience, from both legal a a practical standpoint, the simplest solution to regulating portable signs is to prohibit th outright.

2. Wall Signs

Wall signs are signs attached to a building. The design of a building usually dictates the best location for a wall sign. Such signs should be limited in proportion to t size of the building, and not exceed a certain maximum size. For example, a typical sig ordinance might allow walls signs up to 150 square feet or 15 percent of the frontal area whichever is smaller. Wall signs should also not obscure windows or other key architectural details.

In addition to wall signs, some cities permit one hanging or projecting sign mounted at a right angle to the building. In general, projecting signs should be limited t size, and the ordinance should require that the sign be constructed of materials appropri to the building.

3. Freestanding Signs

Freestanding signs are signs held above the ground by a permanent structure an not attached to a building. There are two types of freestanding signs: pole signs and ground signs. Their principal use is for business identification outside the downtown commercial core.

Pole signs are elevated above the ground by a pole or other structure. In many commercial areas, tall pole signs proliferate, creating an unattractive, cluttered appearan Effective sign control ordinances commonly limit a business to one freestanding sign w a maximum height of 12 to 15 feet. Signs much taller than this are difficult to see throu an automobile windshield. Reducing signs height also saves merchants money and mak it easier for signs to do the job they are meant to do.

A growing number of cities are prohibiting pole signs, allowing only ground si (also referred to as monument signs). Ground signs, as their name implies, are low to th ground. They are typically used by vacation resorts, planned communities, and other ci that seek a distinctive image.

4. Flags, Banners, and Pennants 070890

Many cities have ordinances that prohibit flapping pennants, banners, balloon, inflatables because of their distracting nature. Regulating flags and banners, however, presents problems that require special attention. It is almost certainly unconstitutional t prohibit the display of the U.S. or other official flags. Yet everyone is familiar with the car dealers and other merchants who display enormous American flags, far larger than a permitted sign. To address this problem, communities can limit the height of flagpoles the size of flags. In addition, communities can regulate all non-official flags – the McDonald's flag, for example – as signs subject to normal size limitations.

Official banners in a downtown can add color and interest to the streetscape. S how can a community ban unsightly commercial banners that say "Sale Here" or "Oper Today" and still allow decorative banners for special events or seasonal decorations? T answer is simple: prohibit banners except as "temporary signs on public property (e.g., street lights) to promote events of general civic interest, subject to a special permitting process."

5. Historic Signs

Cities, in their effort to clean up unsightly commercial clutter, sometimes throv the good with the bad. Old painted wall signs, barber poles, neon, porcelain, and other signs of outstanding craftsmanship or design frequently run afoul of local ordinances drafted to clean up sign clutter or foster a distinctive design image.

Unlike the homogenized, plastic backlit signs so prevalent today, unique, labor intensive signs from the past are often worth saving. Peter Phillips of the Society for Commercial Archeology describes old historic signs as "examples of a dying art," notin that "they provide local color, historic character, individuality, a sense of place, and clu of a building's history."

But how do you draft a sign ordinance that cleans up the clutter and, at the sam time, recognizes the value of historic signs? First, survey historic signs. Develop an inventory of any signs that may be worth saving because of age, historical association, exemplary design, or aesthetic quality. This list can then be used as the basis for individ designation and protection.

Some cities permit signs to be designated as historical by the city council or planning commission if the signs meet certain criteria. In Culver City, California, for example, a sign can be designated if it is:

- At least 50 years old.
- An appurtenant graphic (i.e., it is an on-premise sign, not a billboard).
- Unique and enhances the cultural, historical, or aesthetic quality of th

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- Structurally safe.

Once designated, historic signs are deemed in compliance with the sign ordina regardless of their size, materials, colors, or location.

DEALING WITH NONCONFORMING SIGNS

One key legal issue in sign regulation involves the removal of nonconforming signs. When you pass a new sign code, many old signs that don't conform to the new l will remain. How do you deal with them?

There are several techniques for removing nonconforming on-premise signs. T most common method is to set a specific date by which they must be removed. This process is known as amortization. Businesses are given a designated period of time (usually between one and five years) during which the nonconforming signs may remai When the time period is up, the sign must be removed or modified to comply with the code.

Amortization is based on the principal that business owners depreciate, or amortize, their investment in a sign within a number of years, typically five years or les With an amortization provision in place, the municipality does not pay for the value of sign after the amortization time period has run.

Another method for eliminating nonconforming signs is for the ordinance to require that whenever an old sign is removed, it can only be replaced with one that conforms to the sign control regulations.

Additional techniques that communities have used to encourage the removal o nonconforming signs including the following:

- Provide a size bonus for a new sign if the old sign is removed by a cer date.
- Prohibit installation of any new signs on the property while a nonconforming sign remains.
- Prohibit modification or maintenance of nonconforming signs.
- Prohibit issuance of building permits for the zone lot while nonconfor uses remain.
- Offer to remove the nonconforming sign without charge to the owner.
- Offer a cash incentive or a tax credit for removal of nonconforming si
- Condition any rezonings, variances, or conditional use permits on the removal of nonconforming signs.
- Require nonconforming signs to be removed any time there is a chang the certificate of occupancy or business license for the premise.

SELLING SIGN CONTROL

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While there is no legal impediment to effective sign regulation, there is often a political one. Sign manufacturers frequently try to convince local officials that sign cor will hurt local business. To combat this tactic, counter-persuasion needs to begin early. Planners need to educate the local business community about the advantages of sign control, and explain how improving the community's overall appearance will benefit businesses. If this is done, the business community itself may become the most effectiv advocate for sign control.

In Lubbock, Texas, for example, the planning commission was able to demons that sign controls would benefit businesses, and that smaller signs were more attractive would cost less than larger signs. As a result, more than 60 percent of the local busines were in compliance with the sign law before the amortization period ended.

In Baldwin County, Alabama, a local quality of life group commissioned a sur of residents' views on sign control, tree preservation, and other community appearance issues. The results: residents preferred fewer signs and more trees and landscaping. Th survey helped convince local businesses that sign control was an essential ingredient tir enhancing both quality of life and economic vitality.

The State of Vermont is perhaps the most striking example of the economic benefits that accrue from strict sign controls (in Vermont, all off-premise advertising sig have been prohibited by state law since 1968). When asked about the state's experienc with sign control, a spokesman for the Vermont Travel Division said, "Although there v some initial sensitivity that removing big signs might hurt tourism, it has had the oppos effect. Tourism is up for all businesses, both large and small."

Additional benefits of sign regulation include:

- Individual businesses receive a "level playing field." In other words, get a fairer assurance that their signs will not be obscured by those of neighboring businesses.
- Because small signs cost less than big ones, the total cost of each busi signs will be less in the long run.
- As clutter is reduced, commercial areas will become more attractive t customers.
- The community as a whole will attain a more distinctive sense of plac becoming a more attractive place to live, work, and visit.

SUMMING UP

Almost nothing will destroy the distinctive character of a community faster tha uncontrolled signs and billboards. Sign control plays an important role in improving th appearance of small towns and traditional commercial areas, particularly as part of an overall community revitalization process.

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The signs along a city's streets influence the public's perception of individual businesses, commercial districts, and the community as a whole. Well-designed, appropriately scaled signs can enhance a community's unique image, while an overabundance of haphazardly placed, oversized, look-alike plastic signs detracts from community's appearance – and ultimately hurts business.

Today, once skeptical businesses are flourishing in Fairhope, Alabama; Raleig North Carolina; Tempe, Arizona; Boca Raton, Florida; Palo Alto, California; Madison, Mississippi; Paella, Iowa; Germantown, Tennessee; and in hundreds of other communit with sign controls.

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International Dark-Sky Association Model Lighting Ordinance Update

By Scott Davis, Chief Operating Officer, International Dark Sky Association

The International Dark-Sky Association (IDA) was founded as a 501(c)3 non-profit organization in 1988. The IDA has raised awareness of light pollution to international levels. The IDA now has close to 11,000 members in all states in the U.S.A. and in over 70 countries worldwide. By constant and persistent outreach to municipalities, utility companies, the lighting industry, and the general public, they have made the term "light pollution" a household word. They have educated to the world about the value of quality outdoor lighting, lighting that is rational and responsible, that doesn't create glare or waste energy, and that doesn't pollute the night sky.

The keys to good nighttime lighting are simple: 1) shine the light only where you need it, 2) use only the amount you need to see well, 3) turn the lights off when they aren't needed. These seem like common sense, but all too often lighting is used to flood entire landscapes all night, in an effort to create a "safe and secure" environment.

IDA defines the major components of light pollution as the following:
Glare: Intense and blinding light that causes discomfort and a reduction in one's ability to see. Glare never adds value, but it is common to all locales. Unfortunately, too often people mistake the absence of glare for lack of light. Glare is neither wanted nor needed for any nighttime activity.

Light trespass: Light falling where it is not wanted or needed. Light trespass is intrusive lighting. Spill light (also called stray light) is light falling outside of the intended area, and it can result in light trespass. Light coming into a yard or bedroom window at night from streetlights, the nearby car dealer or mall, or from a neighbor's security light is light trespass. This type of light pollution usually has glare and always wastes both light and energy.

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Model Lighting Ordinance Update . . . *Continued from page 12*

Visual clutter and confusion: Light "noise" in the field of view that is both distracting and annoying. Examples might include too many brightly lit signs or too many bright lights. For example, visual clutter and confusion make it difficult to see or differentiate between directional signs and traffic signals.

Artificial sky glow: The artificial brightening of the night sky due to inefficient lighting fixtures that shine light upward-essentially wasted light. The night view of previous generations has virtually disappeared for city dwellers today. Urban children view the Milky Way in planetariums. Unfortunately, population growth and urban sprawl now threaten rural areas with the same fate-even remote astronomy observatories. Protective efforts in some of these areas have been underway for some time, with positive results for the observatories and communities in sparsely populated areas.

Energy waste: Light that is not serving a "useful" purpose or that is produced by inefficient sources such as incandescent or mercury vapor lamps causes energy waste. Conservative estimates by the International Dark-Sky Association show that such inefficient waste of light costs American at least two billion dollars annually.

Much of the early efforts were focused on helping the City of Tucson develop an outdoor lighting code. Today there are estimated to be more than 1000 communities in the U.S.A. with outdoor lighting control ordinances. The demand for them from the public and governmental agencies is growing, as evidence by the nearly daily phone calls and emails to IDA asking for advice or examples of such ordinances. An outdoor lighting control ordinance places restrictions on the lighting type, when it can be used, and other matters affecting its quality and value. Most contemporary lighting ordinances share several provisions, including designated lighting zones, the amount of light permitted, lighting fixture shielding, and lighting curfews.

Unfortunately, many of these are poorly written or use terms that are technically incorrect. It is because of these that the IDA has spent the last three years developing what we believe will be a simple solution for those communities who wish to enact legislation. The solution - the IDA Model Lighting Ordinance (MLO). The MLO has been designed to easily fit any community in the United States through its use of Lighting Zones. Lighting zones exist to address the highly varied lighting needs within a city or region. The five primary zones, suggested by both the IDA and the International Commission on Illumination (CIE), allow different amounts of light in zones of different nighttime characteristics. Lighting zones are an aide to determine the amount of light permitted in an area. Communities should recognize that copious amounts of light are not an appropriate antidote for safety and security concerns. They should consider and use what is recommended by national lighting organizations such as the Illuminating Engineering Society of North America (IESNA) or the Crime Prevention Through Environmental Design (CPTED). Over the years, the acceptable amount of brightness, from businesses, entertainment complexes, signs, street lighting, and parking lots in communities has gradually increased. Consequently, night lighting often has become a function of advertising rather than functional. Too much lighting and glare compromise the eye's nighttime adaptation level, and thus can easily compromise safety.

The IDA MLO incorporates restrictions on the types of fixtures that can be used in each lighting zone based on the fixtures shielding characteristics. Light output can be controlled by the use of quality lighting fixtures, ones that insure that the lighting is going where it is needed. In addition, such fixtures are essentially glare free. It is possible to add shielding to existing fixtures to enhance their performance. Lights should be used only where needed, and they should be always be designed and installed so as to minimize glare, light trespass, and wasted energy.

Besides the issue of how much light is needed, there is the issue of when light is needed. Clearly, it is not needed everywhere at all times of night. Hence, the MLO will include curfews on the use of lighting to help limit light pollution and energy waste.

Lights should be adequately shielded, without glare or light trespass, and operated at the lowest acceptable lighting levels, thus ensuring safety and conserving energy. Lighting should also be shut off (curfews) when not needed. The IDA Model Outdoor Lighting Ordinance can be a powerful tool in improving the quality of outdoor lighting in any locale.

The IDA MLO is available through the IDA website at www.darksky.org. It is currently released as a draft, with public review continuing until June 2005.

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