

Town of Dedham

Sign Code Bylaw Study



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Prepared for the
Town of Dedham, MA

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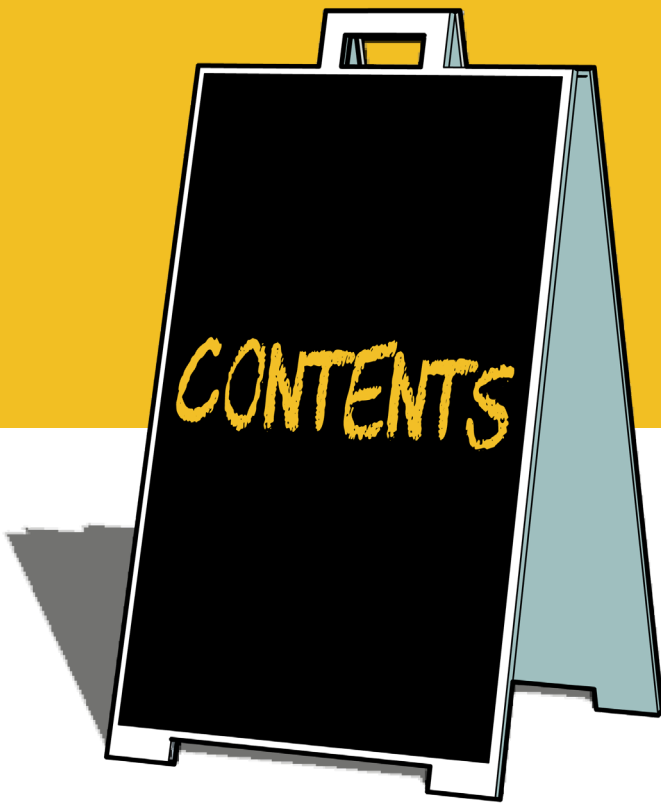
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INTRODUCTION

Project Initiation

The Town of Dedham decided to update its existing Sign Code to address the following:

- Recent legal decisions on the regulation of signs
- Desire to streamline the permitting process
- Need to address new sign technologies

To assist with the project, the Town hired Harriman and Steven Cecil Design and Planning to document existing conditions within Dedham, research current best practices for sign codes, investigate new sign technologies and their implications, and prepare recommendations for an update to the code.

This report documents those existing conditions and best practices. The planning team provided the Draft Sign Code to the Town in a Word document for future updates as it moves through the Town's approval process. A "how-to-use" handout accompanies the Draft Code. Four appendices that provide back-up information to this report are also separate documents.

Community and Stakeholder Engagement

Community engagement was difficult during this process, which began as the social distancing requirements for COVID-19 took effect. The Town sponsored an online survey in August 2020, but few people responded.

Interviews with stakeholders (those with a specific interest in the process) proved more informative. Appendix D contains the notes and observations of the twenty-one interviews the planning team conducted. A summary of these notes and the responses of the online survey begins on page 6.

In addition, members of the Planning Team met with DRAB, the Zoning Board of Appeals, and the Planning Board in December 2020 and again with DRAB in June 2021.

Findings and Recommendations

The planning team also undertook an extensive review of the existing code to understand what might need to be changed based on stakeholder feedback and current best practices. The team found that much of the

current sign code could be retained.

The analysis of the existing code was paralleled by a photographic inventory of existing signs, both compliant and non-compliant (Appendix A), documentation of the current application and approval process (Appendix B), and a study of how the current code has been applied (Appendix C).

The results of these studies, the planning team's findings, and its initial recommendations begin on page 10.

Models and Choices

This section, beginning on page 30, presents an analysis of the provisions of existing and model sign codes that have relevance to some of the issues identified during this study process.

In addition, this section also contains a detailed analysis of new technologies in signs, including options for and the regulation of illuminated signs and those with variable or electronic messaging.

For both the precedent sign codes and models and the new technologies, the section contains a list of resources for those who would like to explore these topics in more detail.

Initial Recommendations

From the two previous sections, the planning team drew specific initial recommendations for each section of the existing code. These recommendations, beginning on page 56, provided the starting point for the initial draft of the proposed new sign code, which has since been revised several times prior to its presentation to DRAB on June 2, 2021.

Sign Tests

As the planning team worked with the Town on the iterations of the draft, the planning team tested the proposed dimensional standards against existing signs in Dedham. These tests, shown starting on page 61, allowed the team to understand the impact of the proposed new requirements. The majority of the existing signs tested were found to be compliant with the proposed new regulations.

Draft Sign Code

As noted above, the Draft Code is provided in an accompanying Word document. The Town can continue to make changes as the draft moves through the approval process.

The major points of change include the following:

- Refining the process to obtain a sign permit by allowing the Building Department to approve specific sign permits and placing others under the jurisdiction of the Design Review Advisory Board (DRAB).
- Adding new sign definitions and modifying existing definitions. Standards included in definitions were moved to a new section.
- Reorganizing certain sections so that related provisions of the Code are clearer.
- Addressing legal changes, primarily the decision in *Reed v. Town of Gilbert* (576 U.S. 156 (2015)). The result of this decision is that the content of signs may not be regulated, but the location and placement, duration, and dimensional standards (including size and height) may. For this draft Sign Code, certain definitions have been removed and new allowable standards have been added to address this legal decision.

STAKEHOLDER AND COMMUNITY ENGAGEMENT

Stakeholder Interviews

As part of the review and evaluation of issues and practices in administering Dedham's Sign Code, the Planning Team undertook interviews of stakeholders identified by the staff of the Town's Planning & Zoning Department. The following assessments organized by topic came primarily from those discussions coupled with other observations from the review process:

■ **Clarity, completeness, and interpretation of the code** – The current effort should be considered as a targeted refinement focused on making the Code (and the process of implementing it) clearer and more consistent. The focus should be on definitions, tables, standards for sign area allocations and sign sizes, and consideration of multi-tenant and multi-frontages or buildings that have multiple entrances. Some methods are being used to controvert signage Code purposes, such as using lighting, graphics, and architecture so that the entire facade or portions of a facade become a branded communication device, greater in area than the sign size limitations. In this regard, architectural design and sign design review need to be coordinated.

■ **Quality of design and problematic signs** – The updated Code needs to better address types of signs that raise significant concerns about quality and related enforcement. Categories include large pylon and highway-business type signs, temporary signs and banners serving as business signs, window signs. Examples from other communities may be informative.

■ **Process of application, review, and approval** – Dedham and applicants would benefit from more clear information and directions about the process. Everyone would benefit from the ability to use digital technologies for application, reviews, and permit fee payments, rather than hard copies of documents.

- **Requirements that are too specific** – An example is the colors listed in the existing *Sign Code Attachment 1: Appendix A – Awning Colors* which reference Sunbrella products or equivalent. A review of their website suggests that their color designations have changed. The table states that equivalent materials must be used but does not list specific materials from the Sunbrella line.
- **Role and influence of the Design Review Advisory Board** – DRAB seems to be performing a helpful function in many instances. Their ability to improve the quality of the physical and business environment through good design practices may need to be better integrated and communicated. The idea of a single review board as the design review and waiver granting authority should be revisited, but few commenters have recommended this.
- **Role and Influence of the Zoning Board of Appeals** – The waiver criteria can be clarified in the Code, and consultations and discussions with other related boards, committees, and staff could be helpful. The prospect and implications of adding an appeal process to its decisions should be considered.
- **Enforcement** – Methods and instances of enforcement, including types of signs, methods, and prioritization should be reviewed.
- **Potential Future Uses** – An improved Sign Code needs to anticipate evolving technologies and associated policy and implementation issues to meet Town goals and provide for a clear set of standards for application and approval. As the Town encourages and supports an artistic community and civic life, the sign-related aspects of this need to be considered.
- **Sign-related issues and opportunities** – The process and overall design quality could be improved if there were clear guidance and explanatory documents to accompany the Code. An active referral program to a list of quality, experienced graphic designers and sign fabricators would also be helpful if it were readily available either through the Town or through local advocacy groups. Some joint meetings or discussions among the staff and board participants in the process could build better understanding and appreciation regarding key issues, practices, and purposes.

Virtual Open House

8 Dedham community members responded to the first virtual open house, which was open for just over

two months from August 3, 2020 to October 6, 2020. The Open house was designed to replicate an in-person workshop using the Survey Monkey® platform. While participation was relatively low, the feedback received

was thoughtful and played an important role in the development of the proposed updated Sign Code. To see the full write-up of results, see *Appendix E: Community Engagement*.

Figure 1: **Have you ever read the Dedham Sign Code?**

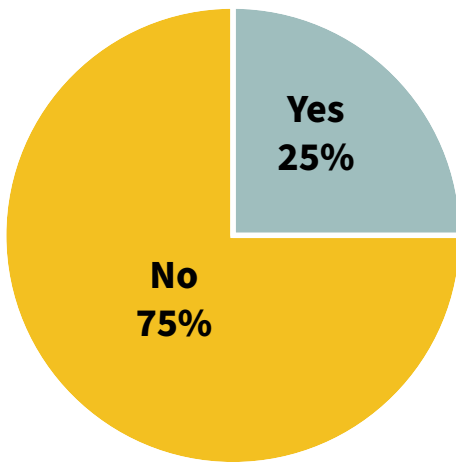


Figure 2: **Have you ever applied for a sign permit in Dedham?**

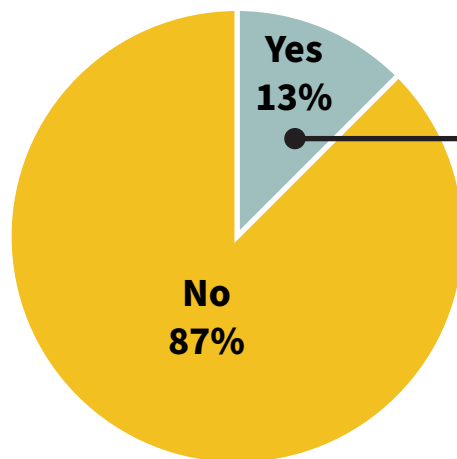


Figure 3: **If you have engaged with the sign application process in the past, how would you rank that experience overall?**



Figure 4: **Do you feel that signage regulations should be consistent town-wide, or that they should vary by location/zone.**

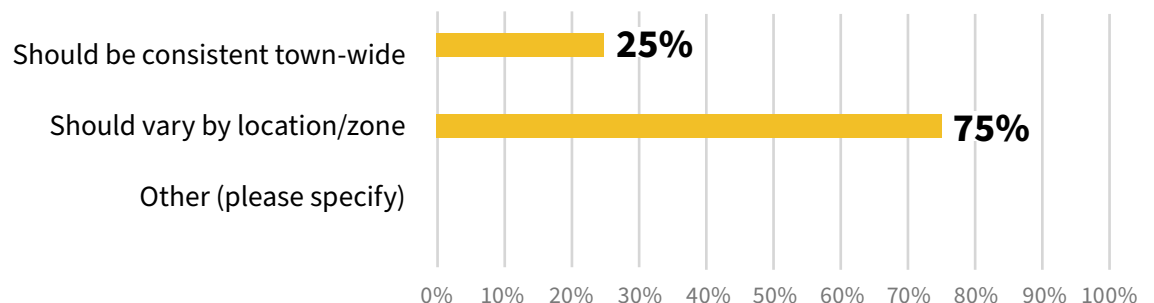


Figure 5: In general, do you prefer more consistent signage, like you see in Legacy Place, or more diverse signage, like you see in Dedham Square or along Route 1?

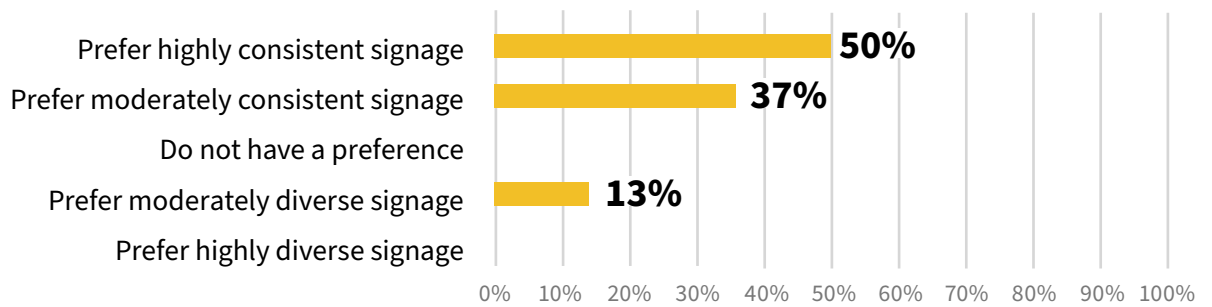







Figure 6: Visual Preference Survey Results

	Signs like this should be allowed everywhere	Signs like this should be allowed, but only in certain locations	Signs like this should only be allowed if they undergo a special review to make sure they are appropriate for the intended location.	Signs like this should not be allowed in Dedham
 Digital Display Sign			100%	
 LED Sign		13%	75%	12%
 Neon Sign			75%	25%
 Mural		38%	25%	37%
 Feather Sign		25%	38%	37%

FINDINGS AND RECOMMENDATIONS

Purpose - This section provides annotations and commentary on the existing signage regulations and their implementation in the Town of Dedham. The Planning Team assembled a photo inventory (**Appendix A**) of conforming and non-conforming signs in Dedham which is referenced throughout this document by figure number. This section identifies key issues with the regulations and their implementation that do not appear to be consistent with Town planning goals or purposes.

The findings outlined in this section come from a compilation of several studies carried out by the planning team. Detailed analyses of these separate studies are attached in the following appendices:

- **Appendix A - Photographic Inventory** provides photographs of existing signs in Dedham. These photographs represent examples of both code-compliant and non-compliant or prohibited signs. The appendix includes descriptions of the sign types, the primary regulations related to that sign types, and in some cases additional relevant observations. This analysis helped the planning team to identify which codes are most often in violation; therefore, warranting re-evaluation in the updated Code.
- **Appendix B - Sign Procedures** provides an in-depth explanation of the process an applicant must follow to receive a sign permit or waiver. This includes a helpful flowchart of the steps and paths to approval or denial and includes examples of the application forms and documents required to participate in the process.
- **Appendix C - Signage Application and Evaluation Review** is a review of Town files regarding applications,

recommendations, and actions taken by the Design Review Advisory Board (DRAB) and the Zoning Board of Appeals (ZBA). This appendix includes two tables; the first looks at how many applications were recommended, recommended pending changes, or not recommended by DRAB from 2018 to present. The second table summarizes the outcomes of waiver application reviewed by the ZBA over the past three years.

- **Appendix D - Stakeholder Interviews** is a full summary of the interview process and outcomes of the discussions. Some of the topics discussed in these interviews are included as findings in the introduction section of this report..
- **Appendix E - Community Engagement** provides the full write-up and analysis of feedback and data collected through the community engagement process.

EXISTING REGULATIONS AND PRACTICES

Zoning Bylaw

There is little in Dedham's Zoning By-laws that relates to signs and the Town's Sign Code is the primary document governing signage regulations. The by-laws state that in non-residential districts, structures must either be at least 20-feet from the outside edge of the road, or a distance equal to the permitted setback of a building on the lot. Whichever of those two distances is less governs the setback. This provision may cause confusion or conflict with the Sign Code in some instances. For example, the Sign Code states that a free-standing sign in a Highway Business district must have a twenty-five-foot setback, and the dimensional requirements in the Zoning By-law state that the minimum building setback must be thirty feet, so it becomes unclear whether the appropriate setback is twenty or twenty-five feet from the road.

By-law provision 5.3.1 General states that all commercial and related uses (except for principal or accessory residential and agricultural uses) must be conducted entirely inside enclosed buildings; however, signs and sign supports are one of the exceptions to this rule.

The only other mention of signs in the By-laws relates to Site Plan Reviews for the construction of communication infrastructure. When infrastructure for new communication equipment is constructed (with the exception of indoor wireless devices) a Site Plan Review is required. The planning board employs the following guidelines related to signs when reviewing such application:

- There can be no advertising on or in the vicinity of the sign.
- The sign may not be larger than 4 square feet per sign.
- The sign should display the phone number of the person responsible for maintaining and installing the sign and must be reachable 24 hours a day.
- All other signs must comply with the sign code.

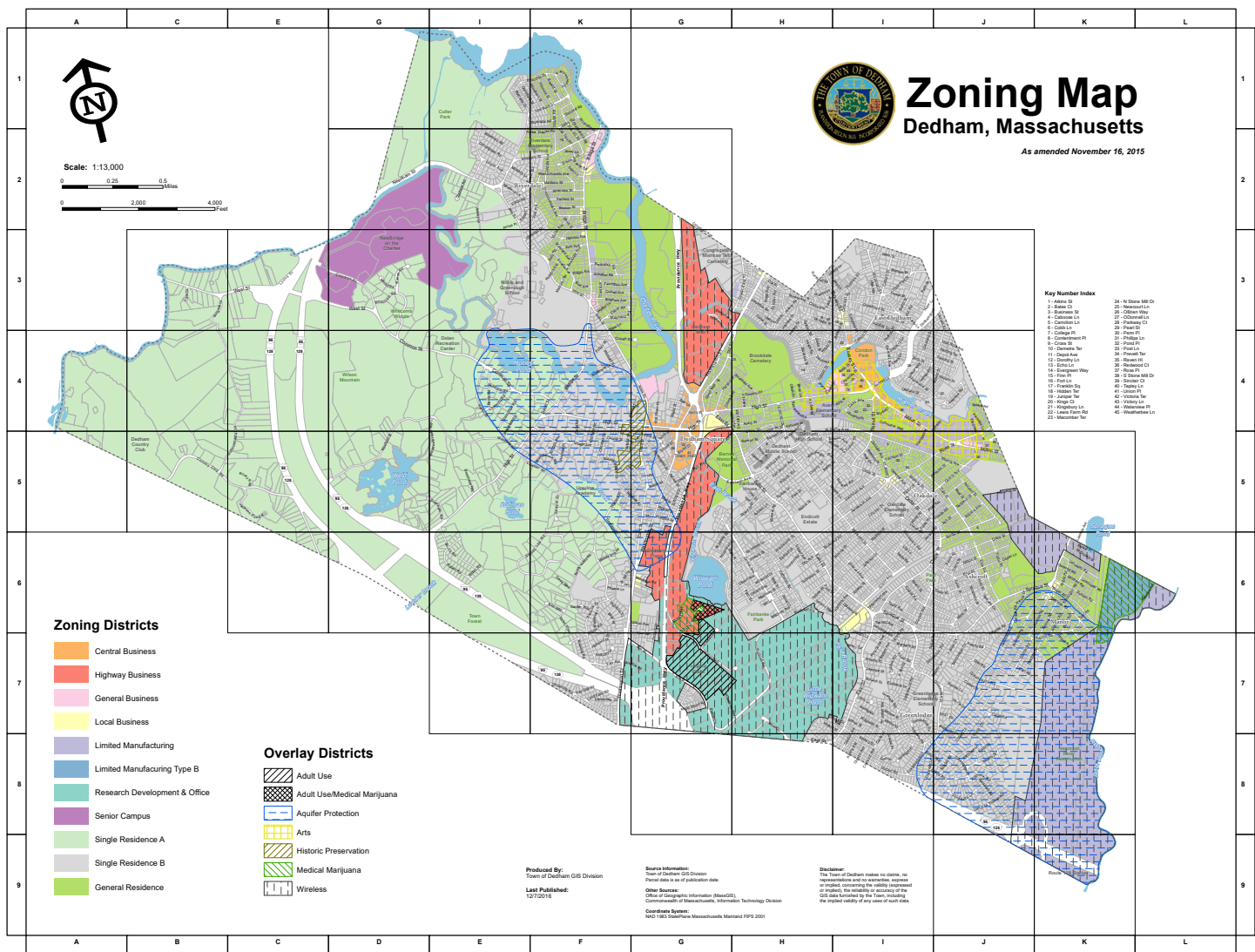
The Zoning Bylaw discusses the makeup and role of the Design Review Advisory Board (DRAB) for exterior changes/additions and new construction. Authority for signage lies solely within the Sign Code Bylaw. In the updated Bylaw, DRAB should take on larger designated role.

Enabling Legislation

The Sign Code was adopted pursuant to Massachusetts General Law Chapters 93 and 43 B which state the following:

- Powers of outdoor advertising board, rules and regulations, permits, hearings, including "Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law, not inconsistent with sections twenty-nine to thirty-three, inclusive, or with said rules and regulations."
- Prohibition of certain billboards, conformance to rules and regulations, application; signs must conform with applicable state requirements and local bylaws and ordinances, with grandfathering of certain business and advertising signs if owned by the same entity since 1925, were installed prior to 1925, and were in place between 1925 and 1945.
- *Provides for removal of non-conforming signs and billboards erected after 1925.*
- *Jurisdiction over sign related issues is the supreme judicial court and the superior courts*
- *Exemptions include signs on rolling stock on common carriers. Private carriers which carries goods or*

Figure 8: Town of Dedham Zoning Map



materials only for its own purposes would not be exempt.

- Limits first time penalties to max. \$100; subsequently max. of \$500.

Chapter 43B states:

“Home rule law,” generally establishes the authority of local governments to enact bylaws and ordinances and the powers to administer them.

The Town’s Sign code has a clause providing that all signs in the Town of Dedham must conform with the Sign Code and none are exempted. This section also clarifies that the effect of the sign code is to establish a permit system, allow signs that are not expressly prohibited, and to provide enforcement of sign code regulations, which is in accordance with Massachusetts General Law and Building Code regulations and supports the document’s purpose.

Existing Sign Code Review

This section offers observations and analyses of the elements of the existing sign code. The review is organized thematically as follows:

- Formatting, Style, and Content
- Enabling Legislation
- Application and Approval Process
- Definitions
- Dimensional and Location Standards
- Enforcement

Formatting, Style, and Content

The style and format of the Sign Code is not consistent with other official Town documents, such as the Zoning By-laws. The cover page contains little information other than the words “Chapter 237 SIGNS.” It does not indicate that it is the Sign Code for the Town of Dedham or when the legislation was adopted. A Table of Contents is missing, and the attachments have their own styles and formats with tables and footnotes that are also not stylistically consistent.

The *Purpose* of Dedham’s Sign Code is to regulate the design, construction, installation, and maintenance of signage. The purpose is broken down into the following four intentions:

- A. **Commercial communication and economic benefits for the Town:** *Encourage the use of signs as an effective means of communication, to promote public access and awareness of goods and services and to improve the Town’s ability to attract sources of economic development and growth;*
- B. **Aesthetic environment:** *Maintain and enhance the aesthetic environment by promoting visual order and clarity on Town streets and appropriate relationship between signs and the buildings and environment to which they relate.*
- C. **Safety:** *Promote pedestrian and traffic safety by controlling the location, design, and placement of signs on Town streets.*
- D. **Protection of property values:** *Protect property values by ensuring the appropriate location, size, number and use of signs in neighborhoods and business districts.*

Application and Approval Process

The Dedham sign review and permit approval process involves five phases of action: 1-Determination, 2-Routing, 3-Applications, 4-Review and Permitting, and 5-Inspections. Figure 10 on page 16 breaks down this process. To view the full-size flowchart and read a more detailed analysis of the application and

approval process, see **Appendix B – Signage Procedures**.

While the Town’s website offers multiple paths to finding the sign permit application and waiver forms, Dedham does not currently offer a comprehensive overview of the steps and processes involved in applying for a sign permit to guide interested applicants. For someone unfamiliar with the process, there is no document clearly mapping the relationships of the various boards, staff roles, application forms, review periods, and fees involved in the process.

Design Review Advisory Board (DRAB)

Since 2018, DRAB has reviewed a total of eighty-three applications. Fifty-eight percent of those were recommended by DRAB without any change, thirty-nine percent were recommended pending changes, and three percent were not recommended at all.

Every sign must obtain a permit from the Commissioner (Building Official) as well as receive DRAB approval unless specifically stated elsewhere in the code. Due to the high volume of sign applications, this may be

impractical to achieve with DRAB. The current process is as follows:

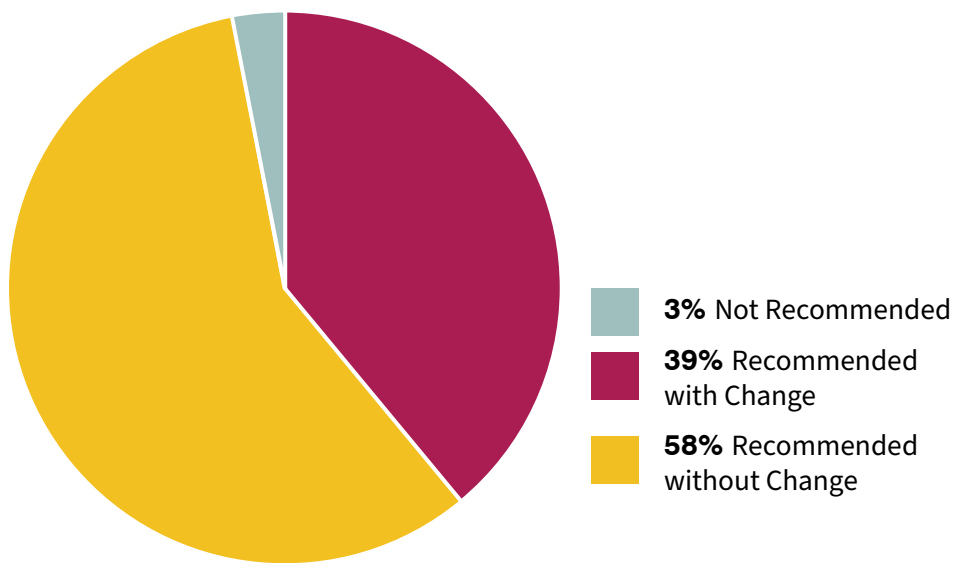
- Application fees are set by DRAB.
- Applications are submitted to the Planning and Zoning Board office; DRAB sets a deadline and meeting schedule annually; a 30-day review process commences beginning with submission of the deadline and meeting schedule.
- DRAB reviews the submitted application within 30 days and votes on whether to issue a recommendation letter; written recommendations are provided to the Building Commissioner and the applicant within 10 business days from the vote.
- Following the DRAB review, if recommended, the applicant can submit to the Building Department for a sign permit or wait for a waiver decision from the ZBA.

An inspection is to be held within 6 months of the issuance of a permit. If not completed or deficient, notification will allow an additional 30 days. If the issues are not corrected at the end of that extension, the permit lapses. Compliant signs within this period are acknowledged in a certificate of compliance. If an owner has a recommended Sign Package on file at the DRAB, the Building Department can directly issue a permit if it conforms to the Sign Package.

This Design Guidelines clause states that DRAB will apply the design guidelines from “Building Better: A Design Manual for Building Improvements and Design Bulletins” by RBA Group, which was adopted April 11, 2013, but the guidelines are not readily available online. These guidelines may be outdated.

All the prohibited sign types listed in § 237-15 are not allowed to be granted waivers by the Board. All other permissible waiver requests must follow specific procedures. Applicants must first submit a waiver request on a Board application along with a Waiver Application Packet for DRAB to review so that they may provide recommendation on whether to grant a waiver request. The Board cannot act until they have the recommendation from DRAB. Seven copies of the Waiver Application and DRAB’s recommendation letter are to be filed with the Town Clerk. If there is a simultaneous application to DRAB and ZBA, the Planning and Zoning Office will forward a copy of the DRAB’s recommendation prior to the hearing. The hearing is to be held within sixty-five days of the filing of these documents and a decision must be made within one-hundred days from the date of filing. A notice to abutters must be provided to those within 300 feet of the property line of the premise being granted a waiver.

Figure 9: **Percent of Sign Applications Recommended by the Design Review Advisory Board**



The board must have four affirmative votes to grant a waiver.

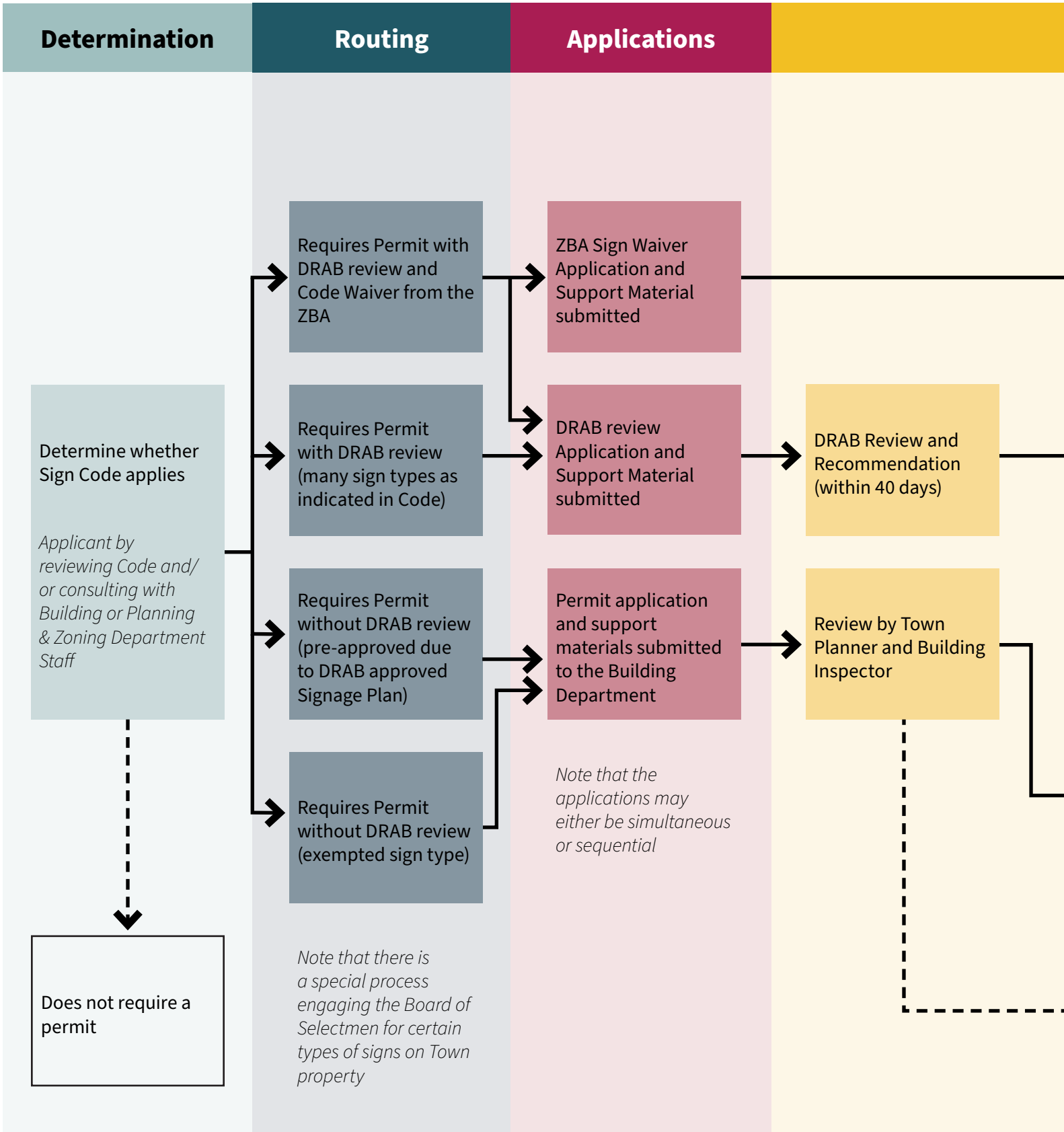
To grant a waiver, the Board must state in writing that they found that compliance with the Sign Code is either impractical or unfeasible. DRAB will recommend waivers for such cases if there is no substantial detriment to the public good, or contradiction to the intent or purpose of the Sign Code.

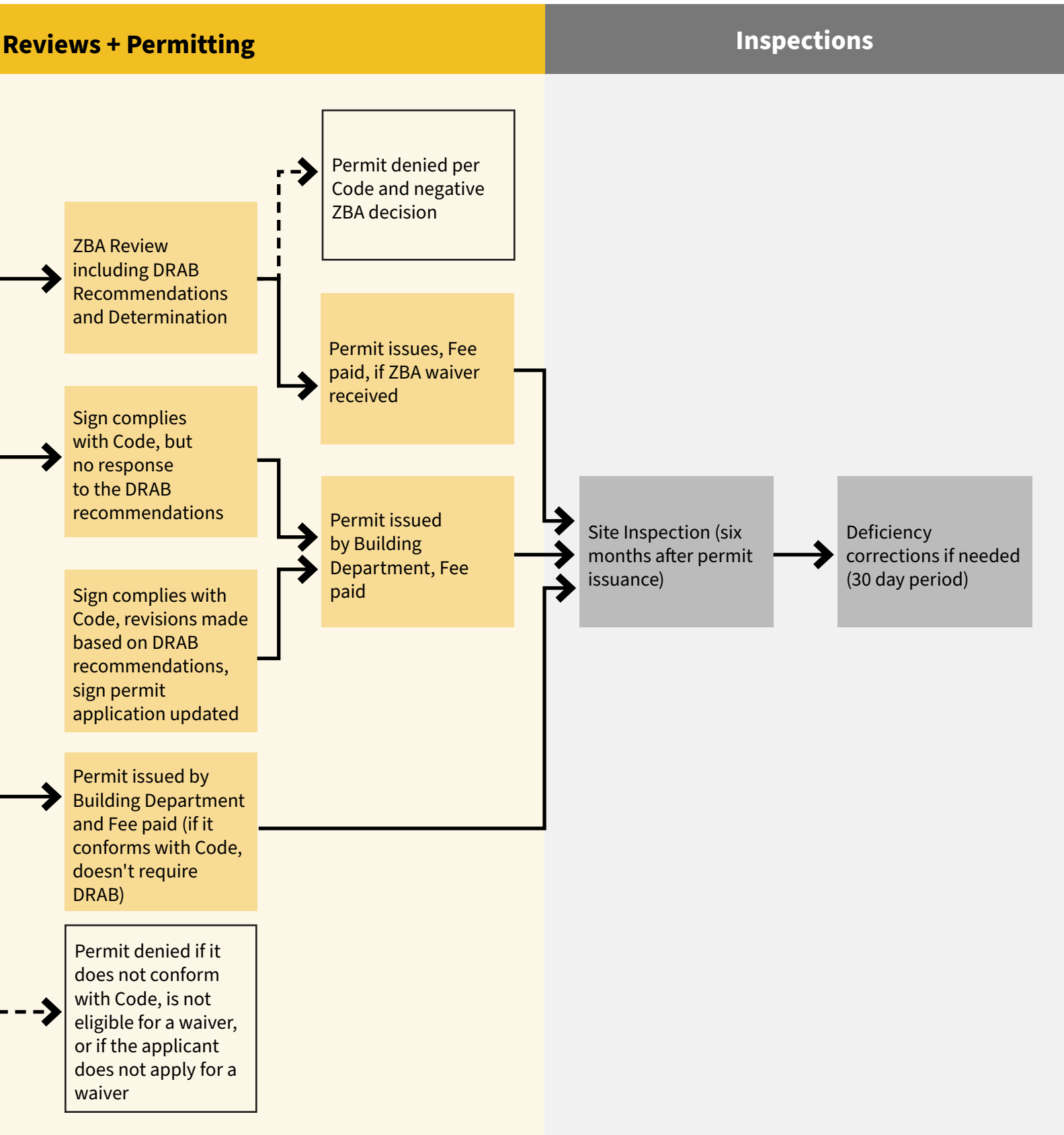
If denied a waiver, an applicant may appeal within thirty days (presumably from the date the board notified the applicant of the decision.) A hearing for the appeal shall be held within 65 days (again, it is not indisputably clear what the start date of this count is) and a decision shall be made within one-hundred days. Notice of the hearing shall be published in a local newspaper and sent to abutters and parties of interest within three-hundred feet of the property.

The language defining “abutters to abutters” and “parties of interest” is unclear, both seem to be defined as “within 300 feet of the property line of the application.” The full sentence is below in italics with the confusing language underlined:

The Board shall cause notice of such hearing to be published in a newspaper of general circulation and said notice shall be sent to the applicant, abutters and abutters to abutters within 300 feet of the property line of the application

Figure 10: Dedham Sign Review and Permit Approval Process





as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

Definitions

This Definitions section of the Sign Code begins by stating that if a word or phrase is not strictly defined in the Dedham code, but is defined in the Massachusetts Building Code, then the Town will apply the Massachusetts Building Code definition. A review of the Massachusetts Code 9th Edition Chapter 2 (Definitions, Amendments,) does not have any obvious new terms that would be relevant, apart from the definition of "Owner." Dedham's existing Sign Code does not provide a definition of owner, which the MBC defines as

Every person who alone or jointly or severely with others

- e. Has legal title to any building or structure*
- f. Has care, charge or control of any building or structure in any capacity including, but not limited to agent, executor, executrix, administrator, administration, trustee, or guardian of the estate of the holder of legal title; or*
- g. Lessee under a written letter agreement; or*
- h. Mortgagee in possession; or*

- i. Agent, trustee, or other person appointed by the courts.*

Each such person is bound to comply with the provisions of 780 CMR.

Neither Dedham's Sign Code nor the Massachusetts building code identify a definition for "mural," which is an allowable sign type in Dedham and often a point of controversy in many communities.

The following definitions from Dedham's Sign Code may warrant further clarification when writing the updated code.

- **Awning Sign** – Commercial messages less than six inches tall are allowed and not considered signs for the purposes of this code.
- **Business Identification Sign** – This broad definition could be considered to include virtually any information about a business, including "the name of the building, development, business, product, activity or service sold, provided, or offered." This would include brand names for products sold on the premises, such as the "Coca Cola" window signs that can proliferate and are not acceptable in some communities. The regulations would not restrict the number of such messages within the permitted sign area. It is not clear from the existing code how this definition is applied.

■ **Changeable Copy Sign** – This could be any sign which changes up to eight times per day and is animated. Clocks and temperature gauges do not count as a changeable sign and are acceptable parts of a sign.

■ **Commercial Message** – This broad definition could be considered to include brand names for products sold on the premises, such as the "Coca Cola" window signs or product brand signs that can proliferate and are not acceptable in some communities.

■ **Design Review Advisory Board (DRAB)** – The specific applicability and role of DRAB needs to be considered in the updated Sign Code and is discussed later in this document.

■ **Incidental Sign** – "A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located such as 'no parking', 'entrance', 'loading only' or similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental."

■ **LED Illuminated Sign** – "A sign that is illuminated from a light emitting diode." This definition was added in 2015, As a new sign type, it will be important to track in relation to the updated sign code.

■ **Neon Sign** – Neon signs are a flashpoint in many local codes

and are prohibited according to Dedham's existing code. There are; however, non-conforming neon signs on display in Dedham currently (see figures 93, 94, 95, 96, and 97 in **Appendix A.**)

- **Nonconforming Sign, Pre-Existing** – Any sign erected before April 8, 1996 or which conformed to an earlier version of the Dedham Sign Code when erected.
- **Pennant** – Signs hung from rope, wire, or string. The pennant signs that hang from fiberglass poles (i.e., SALE! OPEN!) do not qualify.
- **Pole or Pylon Sign** – A sign that is not attached to a building but is more than three feet above grade. The flexible signs on fiberglass poles may not consistently meet this requirement.
- **Portable Sign** – This includes A-frame signs, balloons, inflatable signs, signs on wheels, and signs on vehicles if they are not used as part of day-to-day operations.
- **Principal Façade** – The definition for principal façade suggests that there is one per building and is determined based on a combination of features including principal entry, storefront, and visibility.
- **Roof Sign** – Any sign which, even in part, projects above the lowest point of the eaves or above the roof parapet.
- **Sign** – A broad definition that

catches almost everything, "Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public."

- **Sign Package** – This is defined as an optional master sign plan for an entire lot or multi-tenant building.
- **Sign Panel** – This definition sets the basis for calculating sign area.
- **Temporary Sign** – Window signs are excluded from this definition.
- **Window Sign** – This is a broad definition including taped posters and other directly window-mounted signs displaying some form of advertisement or communication. The subsequent regulations in Table 2 would suggest that all of these signs, if calculated as Sign Panels, would be subject to area regulations, but would be permitted in all zones except residential.

Dimensional and Location Standards

The existing Sign Code clearly states regulations pertaining to allowable sign height and area, and allowable type and time of lighting in sections 237-19 and 237-18 respectively, while allowable sign setback and density

and setback are stated in Sign Code Table 2 and interspersed throughout the text. The following provisions in § 237-19 govern the computation of sign area and height as laid out in Table 2:

- J. **Visibility and size calculations:** If more than one face of the sign can be seen from one place, then the total visible sign area is considered the area. If two faces are back-to-back, then the sign area is only one of the two.
- K. **Sign area linked to lot frontage:** The sum of all sign areas is based on lot frontage per Table 2 (see table 2). Two frontages on streets will be considered two different facades for calculations, but sign area cannot be shifted between frontages.
- L. **Freestanding sign perimeter area requirements:** Freestanding signs must have a curbed landscaped area at least three feet, unless in a larger landscaped area (presumably without curbs.)
- M. **Clearance for projecting signs:** Projecting signs must be between eight and fourteen feet above grade.
- N. **Signs for enterprises above ground level:** The maximum height for such as sign is either twenty-five feet above grade, the second-floor window frame,

or the lowest point on the roof – whichever of those heights is the lowest. This requirement refers to “businesses,” but it would also apply to non-commercial uses. This clause allows wall signs that are only window signs in businesses above the ground floor; this reference is somewhat confusing given that a “window sign” is defined differently from a “wall sign.”

Sign Code Attachment 2: Table 2 – Sign Dimensions and Location regulates the height, area, and setbacks for different sign types by district. The following lists some of the key observations and take-aways from this table:

- The maximum total sign area is established for each lot and varies by zone.
- In general, freestanding signs are limited in number (1 per lot) and by square footage with an area varying by setback zone. They are also subject to listed height and setback requirements, which vary by zone.
- Wall signs are regulated by percentage of wall area, varying by zone.
- The size and height standards for freestanding signs are low relative to typical pylon signs for auto-oriented business environments.

This results in many signs that are identified in the signage inventory as exceeding these standards considerably.

- Lot frontage is used as the basis for computing the total allowable number of signs; therefore, the calculated standards for some lots/buildings/tenants appears inconsistent relative to appearance, visibility, scale, and practical purposes.
- Awning signs are regulated by percentage of awning area and is the same in all zones where awnings are allowed (twenty-five percent maximum.)
- Window sign areas are limited by the percentage of windows and is the same for all zones where window signs area allowed (twenty-five percent maximum.)

The following observations provide an overview and commentary of the footnotes for Table 2:

- Note 1 is unclear; it states that the maximum total area of all signs on a lot will not exceed the lesser of the listed calculations, but only one method is listed for each category (zone) to establish the maximum sign area. Certain signs are excluded from the calculation such as incidental signs, building markers, identification signs, and flags.

- There is a special sign height limitation for properties next to a lot that is both zoned and used for residential purposes.
- Multi-tenant residential properties are limited to a freestanding or wall-mounted sign no greater than fifteen square feet.
- Note 4 allows for dimensions and locations in Planned Commercial (PC) zones to be determined during the approval process and are based on the underlying zoning. It is unclear what “based on” means. Legacy Place and other large retail complexes may be classified as a PC zone if they have a Major Nonresidential Project Special Permit.
- Note 5 repeats the same dimension and number restrictions stated elsewhere and may not be necessary to include. Note 5 is listed in the table for “Highway Business Signs” and “Freestanding Signs.” This appears to be incorrect because the note is addressing identification signs.
- Note 6 repeats the same calculation basis contained elsewhere for two-sided signs and may not be pertinent to include.
- There is a method of reducing height in combination with reduced setbacks for freestanding signs.

- Institutions in residential districts have special sign size restrictions stating that signs can be no greater than 20 square feet and no taller than 6 feet.
- Note 10 repeats the same calculation basis for RDO projects as in Table 1 notes and may not be necessary to include.
- Note 11 repeats the same exemption for SC Districts already stated in § 237-14 Private property – exempt signs.
- Note 12 provides a method for landlords to apportion their signage for tenants that do not have a storefront; however, the maximum sign area may not be increased.

The Central Business District has additional regulations pertaining to signs and awnings. Wall signs on buildings with an architectural sign band must be located within the band, which the code defines as, the horizontal plane of the façade of the building defined by architectural details such as cornices, lintels, pediments, pilasters, and windows. Sign materials must conform with materials identified in *Dedham Sign Code Attachment 1: "Appendix A - Awning Colors"* (see Figure 15 on page 29;) however, review of the design guidelines revealed that there are no guidelines pertaining to sign

materials, other than awning colors. The location of awnings must be unobtrusive to the architecture and entrances. Design may be triangular in section and may have a valance for lettering. This creates some gray area around the use of the word "may." For example, it is unclear whether a rounded shape would be acceptable. Color guidelines are loose, simply stating that the color palette must be compatible with the overall design scheme of the building and the CB District. *Appendix A*; however, establishes a stringent list of only 12 colors that are acceptable.

There are several provisions in the Code regulating lighting and illumination. The only one that has language which is unclear expresses that a light source must come from a "steady, stationary, non-neon light, shielded and directed at the sign." This could be interpreted to include both internally and externally lit signs.

While the existing Sign Code does contain a Severability Clause, it is missing a Substitution Clause. A substitution clause adds language stating that if a commercial message is already being displayed, the entity displaying that message may also display a non-commercial message, so long as it is the same size, location, etc., without applying for a permit.

This type of clause ensures that commercial speech is not favored over non-commercial speech and is becoming common practice to include in sign code.

Enforcement

Signs must always comply with state building code, General By-laws, and the Town electrical codes. All signs must be made of permanent materials and be permanently attached except for banners, flags, temporary signs, and window signs. There are non-conforming fabric signs in several location in Dedham Square.

To protect public health and safety, all signs are prohibited from the public right-of way with the following exceptions:

1. Permanent bus stop signs erected by a public transit company.
2. Permanent informational signs related to public utilities.
3. Awnings, projecting, and suspended signs conforming to code regulations.
4. Temporary emergency warning signs erected by a governmental agency, utility, or contractor authorized to work in the public ROW.
5. Sandwich board signs conforming to code regulations.

Figure 11: Existing Sign Code "Attachment 2: Table 2"

District	Maximum Total Sign Area Per Lot (Note 1) sq. ft.	Sign Type	Maximum			Minimum	
			Number	Area of Signage	Height	Setback Front	Setback Side
Residential	4 sq. ft.	Wall	1 per residence	4 sq. ft.			
		Freestanding	1 per residence	4 sq. ft.	5 sq. ft. (Note 9)	3 ft.	5 ft.
		Identification	(Note 5)	4 sq. ft.			
Central Business	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	20 sq. ft.	8 ft. (Note 2)	5 ft.	5 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Local Business/ General Business (Note 12)	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	20 sq. ft.	8 ft. (Note 2)	5 ft.	5 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Highway Business (Note 12)	2 sq. ft. per 1 linear foot of street frontage	Wall	N/A	20% of wall area	(Note 7)		
		Freestanding	1 per lot	100 sq. ft.	20 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			

District	Maximum Total Sign Area Per Lot (Note 1) sq. ft.	Sign Type	Maximum			Minimum	
			Number	Area of Signage	Height	Setback Front	Setback Side
Limited Manufacturing A and B	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.	(Note 5)		
		Awning		25% of awning			
		Window					
Research Development and Office (Note 12)	2 sq. ft. per 1 linear foot of street frontage	Wall	N/A	5% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Planned Commercial (Note 4)		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning					
		Window					
Senior Campus (Note 11)	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	5 ft.	10 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Window		25% of window area			

6. Banner signs are allowed, including those with commercial messages if they are approved by the Board of Selectmen.

Prohibitions

Each sign in violation of the code counts as a separate violation and will be separately penalized (a property owner with multiple signs committing the same violation does not just get one violation, the penalty is applied per the number of signs.) Each day that the violation continues is also considered a separate violation. It is unclear from which point “continues” starts. It could be interpreted as continuing from the time the violation was cited or continuing from the time the violation began when the sign was first erected.

Enforcement of sign code violations is in accordance with § 1-6 of the Town’s By-laws unless there is a specific public safety issue in which case there is a process of notification specified in the code. Any actions the Town takes to remedy sign code violations following proper notification protocols are to be cumulative and must not impair the authority of the Commissioner to take any action authorized or required by the State Building Code or other local, state, or federal law.

This existing Sign Code contains a typical severability clause stating that if one part of the Sign Code is found to be invalid, the rest of the Code is still applicable.

Table 1 from the Sign Code clarifies which types of signs are allowed in which districts without a permit, with a permit, or not at all. The following signs do not require a permit:

- A. Public agency signs pursuant to federal, state, or local law.
- B. Government legal notices, public information, and traffic/pedestrian signs.
- C. Any sign inside of a building that is not visible. Visibility is defined as the ability to see the sign more than three feet past the property line.
- D. On-premise traffic control signage that meets DOT standards and contains only the name or logo of the business

Signs that do not require a permit if they are on private property:

- A. Residence signs must be no more than two square feet and display the street number, resident’s name, and the like.
- B. Temporary residential signs such as “yard sale,” “for sale,” “for lease,” etc. can be a maximum of nine square feet.
- C. Temporary real estate signs are allowed one per location at a

maximum of nine square feet.

- D. Construction signs are allowed if they are not lit and no more than nine square feet each.
- E. Unlit non-commercial signs are allowed if they are unlit and nine square feet maximum.
- F. Signs in the SC District that are exempt include lit and unlit signage that is visible from outside the SC District. Each sign can be no more than fifteen square feet maximum and they do not count toward the maximum total sign area for a lot within the SC District. The SC District is the NewBridge on the Charles community development.
- G. Real Estate Open House signs are allowed to be temporarily installed, unlit, and must not block the sidewalk. They may only be erected the day of the open house and conform to the size standards in the sign code.

The following lists some of the key take-aways from the existing *Sign Code Attachment 2: Table 1 – Permitted Signs by Type and District*. (Figure 12 on page 25.)

- Sandwich boards are not permitted in Highway-Business; there is likely to be non-conformance given the nature of this zone.

Figure 12: **Table 1: Allowable Sign Types by Zoning District**

Sign Type		Zoning Districts								
Freestanding	Residential (8)	A	A	A	A	A	A	A	N	A
	Pole Pylon	N	N	P	P	P	P	P	P	P
	Monument	N	N	P	P	P	P	P	P	P
	Incidental (5)	N	A	A	A	A	A	A	A	A
	Identification (3)	A	A	A	A	A	A	A	A	A
Wall Mount	Sandwich Board (9)	N	P	P	P	N	N	N	N	N
	Awning Sign (1)	N	P	P	P	P	P	P	P	N
	Building Marker (5)	A	A	A	A	A	A	A	A	A
	Identification (3)	A	A	A	A	A	A	A	A	A
	Incidental	N	A	A	A	A	A	A	A	A
	Marquee	N	N	N	P	P	P	N	N	N
	Projecting	N	P	P	P	P	N	N	N	N
Window	Residential (6)	A	A	A	A	A	N	N	N	A
	Applied Lettering (7)	N	P	P	P	P	P	P	P	P
	Sign Panel	N	P	P	P	P	P	P	P	P
Misc.	Banner (4)	P	P	P	P	P	P	P	P	N
	Flag	P	P	P	P	P	P	P	P	P

Key:

A = Allowed without a sign permit
 P = Allowed only with a sign permit
 N = not allowed

Zoning Districts

R = All Residential Districts
 LB = Local Business District
 GB = General Business District
 CB = Central Business District
 HB = Highway Business District
 LMAB = Limited Manufacturing Districts A and B
 RDO = Research Development Office
 PC = Planned Commercial
 SC = Senior Campus

- It is unclear why a Marquee sign is not appropriate in either Local Business or General Business zones.
- Table 1 refers to “identification signs” which are not specifically defined in the Sign Code. There is a definition provided for “Business Identification Sign” and “Center Identification Sign.” The table footnotes narrowly define an “identification sign” as being limited to only the name and address of the occupant and having a maximum area of four-square feet. This term should be included in the definitions section and differentiated from business and center identification signs.

The following observations provide an overview and commentary of the footnotes for Table 1:

- Awning graphics and back-lighting are constrained to eliminate glowing or highly graphic versions.
- Retail complexes and other businesses in an RDO zone (including areas like Legacy Place) are subject to Highway Business sign standards. The properties along Routes 1 and 1A with direct access to those streets where there are two traffic lanes in each direction can only use those major frontages to calculate sign areas.
- Community and cultural banners are permitted for up to thirty-nine days if they are approved by the Building Commissioner. There is no DRAB review required if the Select Board approves it.
- Building markers cannot contain commercial messages if they are visible off-premises.
- Residential wall-mounted lettering cannot exceed twenty-five percent of the building area.
- Residential signage is closely controlled for multi-family complexes.
- Sandwich board signs, where permitted, must be within thirty feet of the entrance and removed after closing. They do not count toward sign area calculations. They are restricted to two-feet by three-feet in size, letters/characters may not exceed 8,” and a chalkboard or corkboard is required for the message area. This requirement should be re-considered as it is not practical for rain or snow conditions. There are examples of sandwich board which do not comply with these restrictions in Dedham (see figures 50 and 51). Guidance on materials is provided that neither prohibits nor allows plastic but does prohibit cut plywood. Signs with changeable letters on tracks are prohibited. Logos are encouraged.

Table 2 highlights allowable and prohibited sign types in Dedham and references figure numbers from **Appendix A – Photographic**

Inventory, which offers a deeper analysis of conforming and non-conforming signs. Some of these prohibitions may be overly restrictive and warrant closer consideration, especially those categories for which non-conforming signs already exist within Dedham. Some of the allowable sign types are permissible only under certain conditions in some districts. See Table 1 for allowable signs, signs allowable with a permit, and prohibited signs by district.

Figure 13: (1/3) **Photo Inventory References of Allowable and Prohibited Sign Types**

Allowable Sign Types	Appendix A Reference		Prohibited Sign Types	Appendix A Reference	
	Figure #s	Page #s		Figure #s	Page #s
Applied lettering	1; 2	3	Animated and flashing signs	71; 72	25
Awning sign	3; 4	3	*Banners	73; 74	25
Back-lighted sign	5	4	Beacons		26
Banner	6	4	*Billboards	78; 79; 80	26
Building marker	7; 8	5	Business Signs	78; 79; 80; 81; 82; 83; 84; 85; 86; 87; 88	27-28
Building sign	9; 10	5	Commercial signs attached to fences or rocks	89,90	29
Business identification sign	11; 12	6	*LED Illuminated Signs	92; 92	29
Center identification sign	13; 14	7	Neon signs	93; 94; 95; 96; 97	30
Changeable copy sign	15; 16	7	Pennants		31
Digital display sign	17	8	Portable commercial signs		31
Directory sign	18; 19	8	Roof signs	98; 99; 100; 101	32
Externally illuminated sign	20; 21	9	Signs with red or green lights erected within sight of a traffic signal		

Figure 13: (2/3) **Photo Inventory References of Allowable and Prohibited Sign Types**

Allowable Sign Types	Appendix A Reference		Prohibited Sign Types	Appendix A Reference	
	Figure #s	Page #s		Figure #s	Page #s
Flag	22	9	Signs which obscure or tend to block a clear view of traffic, warning and control signs or signals, pedestrian crosswalks, or handicap accessible ramps	102	33
Freestanding sign	23; 25; 26	10	*Temporary Lease or Sale Signs	103; 104	33
Identification sign	26	10	*Temporary Signs	105; 106	34
Incidental sign	27; 28; 29	11	Wind-drive, whirling, turning, or spinning signs	107	35
Internally illuminated sign	30; 31	12	Wall Sign Above 25'	108	35
LED illuminated sign	32; 33; 34	13			
Marquee	35	14			
Monument sign	36; 37	14			
Mural	38; 39	15			
Non-commercial sign	40	15			
Nonconforming sign, pre-existing					
Off-premises sign	41	16			
On-premises sign					
Pole or pylon sign	42; 43; 44	17			
Projecting sign	45; 46; 47	18			
Real estate open house sign					

Figure 13: (3/3) Photo Inventory References of Allowable and Prohibited Sign Types

Allowable Sign Types	Appendix A Reference		Prohibited Sign Types	Appendix A Reference	
	Figure #s	Page #s		Figure #s	Page #s
Residential sign	48; 49	19			
Sandwich board sign	50; 51	19			
SC district sign	52	20			
Sign package	53; 54; 55; 56; 57	21			
Suspended sign	58	22			
Temporary sign	59	22			
Wall sign	60; 61; 62; 63; 64; 65; 66;	23			
Window sign	67; 68; 69; 70	24			

Figure 14: Existing Sign Code "Attachment 1: "Appendix A - Awning Colors"

Color	Shades
Sunbrella or Equivalent Color and Material	
Blue	Admiral Navy; Regatta; Regatta Tweed
Green	Forest Green; Forest Green Tweed
Red	Crimson Red; Burgundy; Terracotta
Black	
Neutrals or Combined with White Stripe	Sand; Toasty Beige; Grey

MODELS AND CHOICES

This section contains observations regarding a selected group of sign regulations to help inform the refinement of Dedham's Sign Code. The examples include signage codes, ordinances and bylaws from relevant communities that have a reputation for thoughtful civic design. This chapter also includes a summary of relevant model codes as a resource. The focus of the review has been to consider alternate approaches to key topics and issues that were identified with Dedham's Code in the preceding stage of this study.

This section summarizes key findings and observations drawn from the review of the documents referenced in this chapter, followed by specific review comments for each of the documents, with excerpts and illustrations where relevant. A complete list of the reviewed documents and website links are at the end of this review.

The documents reviewed for this analysis include the following:

Municipal Regulations

- Arlington, Massachusetts - *Signage Bylaw*, and associated presentation.
- Barnstable, Massachusetts - *Signage Bylaw*
- Cambridge, Massachusetts - *Sign Code*
- Freeport, Maine - *Signage Ordinance*
- Portland, Maine - *Draft Signage Ordinance*, and associated report.
- Seattle, Washington - *Sign Ordinance*

Model Codes

- *An Evidenced Based Model Sign Code*, Urban Design Associates
- *Model Sign Ordinance*, Montgomery County Planning Commission, Pennsylvania
- *Michigan Sign Guidebook*, Model Sign Code, Scenic Michigan.



Figure 15: Images from *Michigan Sign Guidebook*.

General Findings

Overall Approach

- There are many good examples of statements of intent and purpose that are more clear and aligned with contemporary legal standards than Dedham's current version
- There are several phrases and approaches that are important to include to recognize recent Supreme Court decisions and first amendment protections.
- Phrases include the importance of content-neutral regulations, and the ability to place non-commercial messages within commercial signs.
- The planning basis for regulation should build the link between aesthetics, economic health, community character and other goals.

Formatting, Style, and Content

- Recent formats emphasize illustrative graphics that are not directly part of the code, but have explanatory value.
- Many codes use the sign type as the basic organizing element for size, dimension and other characteristics, then distribute these types among zoning districts.

- If appropriate, zoning districts with the same sign regulation standards can be grouped into Sign Districts.
- Simpler definitions seem to work well if the signage type regulations effectively expand the explanation.
- The use of tables is common but not uniform. However, the number of notes and exceptions needs to be limited.

Application and Approval Process

- The administrative processes vary.
- Most codes provide for implementation and permit issuance by building department staff, with limited planning or board involvement except for certain areas.
- Most of the codes are extension of zoning codes, and have a related appeal process.
- The idea of offering a sign bonus in exchange for removal of non-conforming signs was expressed in a model code.
- A robust design review process has been an important aspect of signage in specific districts.
- De facto design review is likely occurring in communities where planning staff reviews and approvals are required.
- No other community or model code had an advisory review like Dedham's.

Definitions

- There are useful distinctions between different types of LED illuminated signs, including Electronic Message Boards and Electronic Variable Message Signs.
- Trade Signs or Symbols are a useful type, and consist of 3-dimensional sculptural signs.
- Neon signs are not generally allowed except within windows, but there are exceptions.
- Wind-driven signs like feather signs are generally not allowed, with limited exceptions.

Dimensional and Location Standards

- The relationship of most sign types and regulations to zoning districts is a common approach.
- Needs of special areas such as town centers and historic districts are often recognized.
- None of the examples and models provided for special sign plans and programs for multi-building, multi-tenant locations, a key strength of Dedham's Code.

Enforcement

- The regulation of Electronic Message Boards can include detailed proscriptions for the illumination, changing of messages, and the like.

- The reviewed codes have simple formulas for determining sign area, unlike Dedham which uses lot frontage to determine sign area.
- Most of the codes rely on size standards by sign type, with variations due to location.
- Few of the codes address the issue of tenants without frontage clearly.
- Most of the sign codes are restrictive of sign heights to keep the visual impacts in line with their community goals.
- Some of the codes are restrictive regarding illumination, and do not allow internally lit translucent panels around letters or symbols.

Specific Review

Comments by Document -

Municipal Regulations

This section addresses exemplary municipal regulations from comparable communities. Within the observation comments, italics indicate particular salient or unusual items.

ARLINGTON, MASSACHUSETTS

Town of Arlington Sign Analysis (Presentation), Town of Arlington and Lisa Wise Consulting, Inc., December 12, 2018.

Town of Arlington Zoning Bylaw Section 6.1 Sign Regulations and Section 2 Definitions Associated with Signs, as Amended by Town Meeting on April 22, 2019.

Arlington has placed considerable emphasis on developing and applying design-oriented regulations, guidelines and practices for its commercial areas through its Planning Board, Planning Department and various contributing committees. It undertook a thorough review and revision of its signage regulations in 2018, culminating in a revised article approved at Town Meeting in 2019.

The revision process was assisted with consultant services, similar to the process being employed by Dedham.

Overall Approach

- Purpose includes a context-based approach to be compatible with the unique character and ambiance of the Town and its districts including historic areas.
- Seeks to be non-discriminatory and content-neutral.
- Specifically seeks enforceability: "(6) Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations." (6.2.1.A.(6).)
- Addresses picketing and protest signage on public property, but sets limits on safety and allows for reasonable restrictions that the Town may adopt.
- Has a specific clause to address free speech and content, including:

This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Section shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the

need for any approval or sign permit, provided that the sign is otherwise permissible under this Section. If a commercial message is substituted for any other commercial message, a sign permit is required pursuant to Section 6.2.2(A)(1). To the extent any provision of this Section is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message. (6.2.1.D)

- Specifically includes a severability clause.

Formatting, Style, and Content

- Bylaw includes illustrations (sample page attached). However, the illustrations are not incorporated into the zoning, but are indicated as serving only an "illustrative" purpose.
- Sets up basic regulations by sign type.
- Somewhat similar to a form-based code, with sign types instead of building types, with some of the types illustrated.
- For signs that vary by districts (e.g. wall signs), there is a table relating to the zoning district.
- There is an overall table of allowable signs by district.

Application and Approval Processes

- Administered as part of the Zoning Bylaw
- Updated regulations clarify the administrative process.
- Permits are issued by Building Department.
- Certain exceptions to the regulations can be attained through a Special Permit process.
- A frame signs can obtain a temporary sign permit for which there is no limit in duration.
- There is an appeal process for rejected signs through the ZBA.
- All applications reviewed by Department of Planning and Community Development .
- It may refer application to the Arlington Redevelopment Board (which is the Town's Planning Board) for review under its rules and regulations. After review, the Building Inspector determines outcome of the application; if denied, there is a written explanation. It is not clear if such a review entails a required approval, but is presumably used as a review mechanism to persuade and suggest improvements.

Definitions

- Addresses new technology in sign design and illumination, including Animated Signs, which provides

the appearance of movement with lighting or mechanical devices

- Identifies "Single-Color LED Signs" as sign composed of single color lighting units with either fixed or changeable copy.

Dimensional and Location Standards

- Has Sign Districts that combine applicable zoning districts. Arlington has 19 different zoning district designations, including 6 different types of business districts, and a multi-use and PUD district. It has 8 different types of residential districts, and other districts.
- A matrix allocates sign types by Sign Districts.
- Has a useful restriction at street intersection with dimensional standards, but seems problematic in that a building can be within the restricted area, but not signs.

Enforcement

- Takes into account content-based restrictions due to Supreme Court ruling in Reed v. Town of Gilbert; specifically exempts non-illuminated non-commercial signs on residences in residential zoning districts.
- Exempts practical non-illuminated incidental information including credit card acceptance, business

hours, open/closing and the like if the total aggregate area is less than 6 square feet. This may be a reasonable approach to problematic "Open" flags and banners, and the like.

- Excludes regulating signs not readable from the public right of way.
- Exempts signs not exceeding 11 x 17 inches on a community bulletin board.
- Exempts landmark signs, historic plaques and the like, with a size limitation on some of them.
- Exempts building identification signs up to 2 SF for residential and 4 SF commercial.
- Prohibits cabinet signs, a type which the consultant appears to have disliked.
- Is somewhat more restrictive than Dedham regarding parking of sales, service and delivery vehicles where they are actually serving an advertising purpose.
- Prohibits feather banners, streamers, tubes and more where they are affected by flow of air.
- Prohibits Electronic Message Centers or electronic displays.
- Prohibits signs that move or provide the appearance of movement, flashing, blinking, and the like.
- Sign area calculated as smallest rectangle enclosing copy, and if

present, a sign background; an illustration is helpful.

- Sign area for individual letter signs are by word - which seems unwise and could promote much larger signs than would otherwise be appropriate. They similarly allow for incremental subarea calculations for irregular shaped signs.
- Allows interior lit awnings as signs, which seems unfortunate, and has a dimensioning method which does not count the height of the awning.
- Prohibits strings of lights with certain exceptions.
- Neon is allowed - but only in window signs.
- Prohibits off-premise signs except for permitted temporary, portable or A-frame signs.
- Portable signs are specifically limited to A frame signs, yards signs and the like.
- Defines and prohibits bandit signs (signs on property without owner permission)
- Has a complicated calculation method for multi-faced signs, and for three-dimensional signs.
- Has a complicated method of establishing height of freestanding signs which would require advanced algebra to solve.
- Distinguishes and allows "raceway cabinet signs" but discourages

them, for unclear reasons. They are distinct from straight cabinet signs.

- Dimensions are by sign type for some signs, but vary by zoning district for wall signs, post signs, and monument signs.
- Wall signs have maximum areas per business, which raises pragmatic issues.
- Allowable wall sign areas are calculated using extremely complicated formula, and is based on width and height of the "building element" on which it is located, which seems dependent on buildings being largely neo-traditional. It is proscriptive, and would appear to be difficult to apply in many settings.

BARNSTABLE, MASSACHUSETTS

Barnstable Zoning Bylaw Article VII Sign Regulations, Town of Barnstable, Current

Barnstable has placed a notable emphasis on design standards to retain its village character, and has many different types of commercial areas, including highway-oriented, traditional village centers and a new center designed to be traditional in character. They have several distinct village centers and commercial areas, including a neo-traditional new town center area.

Overall Approach

- The standards are part of the zoning bylaw.
- Has an unusual statement of intent without a clear statement of positive purposes. The intent is to have "...the minimum regulations necessary for the protection of the visual environment of the Town and the public safety, convenience and welfare..." and goes further to say that this intent shall be narrowly construed in favor of the public interest.
- Has significant restrictions on the size and type of signs in residential districts
- Organizes allowable sign types and some sizes according to zones
- Many dimensional standards are by sign type, but there is a maximum signage area per establishment calculated based on each establishment's facade area, calculated by multiplying length by 10'.
- Significantly limits heights of freestanding signs, but allows roof signs.
- Tends to promote trade figure or symbol signage.
- Prohibits the flag, banner feather sign types with limited exceptions.

Formatting, Style, and Content Definitions

- Entirely text, without tables.
- Cross referencing between sign types and district-based size and number regulations is tedious; some standards appear in Definitions.

Application and Approval Process

- A-frame sign approvals contingent upon proof of adequate insurance by the permittee.
- Most signs subject to review and permitting by Building Commissioner.
- Historic District Commission serves that role within an Historic District.
- Fines include up to \$100, with each day being considered an additional violation.
- Former violators may be required to provide up to \$500 deposit per sign for new permits.
- Design Review Processes
- There does not appear to be a formal design review process, although some review is likely to be included in the scope and responsibilities of the Historic District Commission for the area that they administer.

- Includes Business Area Signs that identify different geographic areas and centers.
- The "Animated Sign" covers any method to indicate movement or create a special effect of scene.
- Includes Electronic Message Centers where copy changes, a broad definition that includes time and temperature signs.
- Defines Open/Closed signs, which are allowed and do not count towards amount of signage allowed; neon open/closed signs are permitted.
- Have an illustrated definition of a Trade Figure or Symbol sign, using a sculptured head of steer as an example of a butcher shop sign.
- Sign types include a Trade Flag, which has images, icons or letters exemplary of the business, which must be "consistent with the historical heritage and character" of the area in which they are located.
- Includes a "V-shaped sign", which is similar to a two-sided sign.

Dimensional and Location Standards

- Mostly is based on existing zoning districts.

- Has more detailed performance standards for the traditional Hyannis Village zone such as prohibiting internally illuminated signs.
- Has special provisions for certain use types (gasoline stations, shopping centers, movie theaters and entertainment establishments).

Enforcement

- Prohibits all banners, pennants, and flags except Trade Flags.
- Prohibits any LED signs, or any simulated neon signs.
- Prohibits strings of lights except during winter holiday period.
- Has a general prohibition on signs obstructing visibility at corner lots, without dimensional standards.
- Prohibits off premise signs.
- Prohibits portable signs except for allowed A-frame signs.
- Prohibits roof signs.
- Prohibits signs that obstruct the view of a previously permitted sign
- Sign area calculation is straightforward, simple rectangle around sign components and background.
- Wall area calculation is wall length times 10 vertical feet.
- Total business sign area allowed is a percentage of wall area associated with an establishment,

or 100 square feet, whichever is lesser.

- Sign heights are limited, up to 10 feet, with an additional 2 feet at the discretion of the Building Commissioner, taking into account context of sign.
- Allows incidental signs (credit cards, sales, hours of operation) up to 4 SF total area.
- Only one free standing sign is permitted per lot, except on corner lots; total sign area permitted may not be increased because of this.
- Barnstable does allow roof signs in lieu of wall signs up to 20 square feet, but has to have a low height/length proportion.
- Freestanding sign area are quite small for single tenant locations (4 SF, maximum height 7 feet, with multiple business locations allowing 8 SF and 10-foot height maximum).
- Provides a dimensional limit of 3 cubic feet for trade figures or symbols.
- Illumination level maximum is based on physical measurement (less than 50 foot-lamberts).

CAMBRIDGE, MASSACHUSETTS

Cambridge Zoning Ordinance Chapter 12.08 Advertising Signs and Displays, City of Cambridge, Massachusetts, April 30, 2020 (current)

Cambridge has a reputation as a design-oriented community that has many diversified commercial districts at many different scales. As a sizable city, the regulations must cover a wide range of circumstances.

Overall Approach

- The initial section includes a separate "Findings" section and a "Purposes" section, presumably to create the rational nexus between the regulations and a reasonable, sound planning basis. This is likely to strengthen its legal defensibility relative to challenges that it is arbitrary or an improper extension of governmental authority. This basic approach probably reflects U.S. Supreme Court decisions about state and local regulations.
- The findings include a broad assertion of governmental interest in enhancing the physical appearance of Cambridge, indicating that sign regulation is necessary to preserve and enhance this interest in its natural, scenic, historic, cultural and aesthetic qualities.
- Also indicates economic role and importance.

- Contains a severability clause, with particular reference to a clause requiring removal of certain non-conforming signs.

Formatting, Style, and Content

- Ordinance is compact, brief, without tables.
- Has specific dimensional and other requirements by most sign types, similar to other reviewed regulations, but simply does not have the illustrations.
- Total sign areas regulated through the use of a frontage formula (described below).

Application and Approval Process

- Signs below 25 square feet are administered by the Inspectional Services Department; all others are subject to Community Development review and certification which presumably uses substantial discretionary judgments relying on the findings and broad public purposes in the ordinance.
- Inspectional Services provides final permit in all cases.
- Community Development obligatory review and approval for signs greater than 25 square feet in area.

Definitions

- Definitions are limited. There are only 3 types of defined signs: Freestanding, Projecting, Wall.
- "Premises" is used to define the notion of tenancy and different uses that require signs, and is considered the portion of a lot, building or structure occupied by a premise.
- "Establishments" refers to ground floor premises with separate entrances to the outside of a building.
- Sign Frontage is used to scale signage for ground floor premises, and is based on the building frontage along a street with separate and distinct premises.
- Has simple, overall outside area of signs, logos, but also includes patterns and background color that is linked to a Corporate or Brand Identification to calculate sign area.
- Two-sided sign area is the same as for a single sided sign.
- Some sign type definitions and requirements are provided in specific matrices, such as Identification Signs, Hotel and Office, as well as freestanding, wall, and projecting signs.

Dimensional and Location Standards

- List of permitted signs by zoning district is contained in the separate district regulations.
- The district regulations provide for various scaling factors for total sign areas.

Enforcement

- Total sign area for a ground floor establishment is a multiple of the Sign Frontage, using factors of 1, 1.5, or 2 depending upon district-based rules.
- Provides for a simple maximum of 30 SF of signs for establishments and buildings without frontage.
- Prohibits roof signs or signs projecting above the roof line.
- Exempts signs (even illuminated) not visible from public way.
- Is specific that flags of city, state or country are exempt, allowing regulation of all other flags.
- Exempts upper floor window signs if less than 20% of glazing area, with some related restrictions.
- Awning regulations similar to Dedham's.
- Limits temporary "sale" or similar window signs to 15 days, cannot exceed 30% of window area.

- Wall signs are not limited in number, area is determined by frontage, and maximum single sign is 60 SF.
- Limits sign height (top of sign) to 20 FT, or the bottom line of second floor sill, whichever is less.
- Allows neon within windows.
- Significantly limits internal illumination, and effectively does not allow Electronic Messaging Signs or digital display panels with graphics.
- Allows internally lit small signs (up to 30 square inches), or lighting of letters and numbers only.
- There are exemptions to the sign types and illumination including messaging panels for non-profit theaters, museums, libraries and the like
- Required certain non-conforming signs to be removed with 4 years of a certain date, including rooftop signs and signs greater in area than maximums otherwise allowed.

FREEPORT, MAINE

Freeport Chapter 22 Design Review Ordinance, as Amended July 21, 2015
Freeport Chapter 23 Sign Ordinance, as Amended July 21, 2015

Freeport is a highly unusual community with a major chain-oriented retail town center. The Town

has been diligent in establishing and maintaining the visual quality and characteristics of a traditional New England village environment, while actively supporting commerce. It has a need to coordinate signage impacts on adjacent residential neighborhoods, and coordination with historic districts.

Overall Approach

- The Town has a detailed sign ordinance, which is linked to and administered with a special design review process within the core commercial and historic areas that are key to the Town's image, character and economy.
- Statement of purpose is general and similar to Dedham's.
- Allocates sign area allowed by the square footage of the building.
- Includes standard severability clause.

Formatting, Style, and Content

- Regulates signage size by business or activity, not lot frontage.
- Basically, limits signage by allowable area and number.

Application and Approval Process

- The key aspect of its success has been design review, governed by a related Design Review Bylaw, and

also a part of Site Plan Review for projects subject to that process, through which a special Project Review Board can impose more stringent standards.

- Design review is required for signs in designated districts with mapped boundaries.
- Such applications have special submittal requirements.
- There is a special color review required within boundaries of a Color District, with a palette of historical colors as a guide.
- A Design Certificate must be provided by the Project Review Board prior to obtaining a Sign Permit from the building official.
- The design review is based on guidelines that are general, and which can be supplemented by the Design Board.
- This suggests that the process is based on precedent and discretion, but has demonstrably resulted in a significantly coordinated character and appearance that balances business needs and community character.
- Code Enforcement Officer issues all permits.
- In designated areas, a separate Design Certificate must be obtained from the Project Review Board.
- Provides for an appeal process through Board of Appeals.

- Provides for broad discretion and issuance of waivers during holiday periods, a key sales and marketing period for businesses in Freeport.
- Illuminated signs that outline buildings or parts of buildings are prohibited.
- Established time limits for illumination, but allows extended times for those establishments with extended hours.
- Simply prohibits portable signs.
- Simply prohibits off premise signs.
- Kiosk regulations are helpful in defining conditions and sizing in a place where multiple establishments are common and change frequently.
- Allows roof signs, but has size limitations and total projected height above eaves.
- Limits total number of signs per building.
- Limits window sign area to 30%.
- Has complicated number and area conditions for signs on secondary facades, including rear facades.

Definitions

- "Business or Establishment" is a useful definition, given the number of second floor and basement establishments. Signs can be allocated to businesses or establishments having a separate entrance door, but must have more than 500 SF of area.

- Uses "Ground Sign" for all freestanding signs, and allows for "Kiosks", which provide advertising for 3 or more establishments on same or contiguous premises.
- Has a simple, common-sense approach to sign area.
- Has simple approach to signs with multiple faces; unless it is literally two-sided, each sign is a separate sign.
- Defines "visible" as capable of being seen without visual aids by anyone with average sight.

Dimensional and Location Standards

- Provides mapping of areas where design review is required.
- Interested in power/process of the review Board
- Provides special consideration for buildings determined to have neighborhood significance, and has a clear building classification methodology.
- Provides for larger size ground signs on Route 1 where design vehicle speeds are 40 MPH or greater.
- Limits maximum ground sign heights to 25 feet.

Enforcement

- Provides for broad discretion and issuance of waivers during holiday

periods, a key sales and marketing period for businesses in Freeport.

- Has a general restriction on signs that could be a safety hazard, granting discretion to permitting official.
- Temporary banners allowed only for non-profit entities in specific locations with permits on a first come, first serve basis, with size and removal requirements.
- Strictly prohibits any sign with appearance of motion, blinking, changing, wind driven and the like.
- It does not prohibit printed wall name signs that are rectangular banners printed on flexible material and attached on all corners.
- Allows for "Open" banners with some limitations (e.g. one per business, size, colors).
- Prohibits strings of lights as advertising or even attracting attention.
- Allows internally illuminated signs except in the key village commercial and mixed-use districts. An illuminated menu board at an order/pick-up location is not considered an illuminated sign, so McDonald's in Freeport is off the hook on that one.
- Prohibits signs for closed premises.

PORTLAND, MAINE

Portland, Maine Sign Audit & Recommendation Report, ReCode, City of Portland and Lisa Wise Consulting, Inc., May 15, 2020

Portland is a New England community that has placed considerable emphasis on updated zoning and signage regulations through a multi-year program administered by its planning department staff. It undertook a thorough review and revision of its signage regulations in 2019, culminating in a draft revised zoning article under public review at this time. The revision process was assisted with consultant services, similar to the process being employed by Dedham.

- Takes into account content-based restrictions due to Supreme Court ruling in Reed v. Town of Gilbert.
- Recommends a context-based approach to sign regulations.
- Signage ordinance should be closely coordinated with the recent Comprehensive Plan.
- Considers new technology in sign design and illumination.
- Recommends refined approach to temporary signs, addressing issues like "feather signs" like those that have been identified as an issue in Dedham. Recommends placing regulations for all temporary or portable signs to be placed in a

distinct section, with a separate and clear purpose section in view of the content-related issues. This section should demonstrate the same "time, place, and manner" regulations.

- Recommends updating and expanding standards and regulations for window signs within separate tables for temporary and permanent signs.
- Recommends clarifying the administrative process, including updating the waiver criteria.
- Recommends including illustrations and photographs to clarify elements of the Sign Code such as sign area and height measurements.

Portland, Maine Article 20, Sign Standards (Draft), ReCode, City of Portland, June 26, 2020

This is the just-released complete version of the proposed revised sign code, which is currently in a process of public review and refinement. It reflects the goals of the City's ReCode process and recommendations in the preceding analysis report.

Overall Approach

- This will be part of overall zoning code.

- Focuses on establishing acceptable sign types, then assigns eligibility to install sign types and similar area restrictions by Zoning Code Districts. It uses the same concept of Sign Districts as the Arlington bylaw. Total sign area and some other dimensions such as for freestanding signs is controlled by sign district, using matrices and tables.
- Like the Arlington bylaw, there is a clear emphasis on compliance with the Supreme Court decision regarding content. It also sets the stage for "rational nexus" defensibility. The Purpose section includes an introduction virtually the same as the Arlington bylaw (emphasis added):

20.1 PURPOSE

This article has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community through a comprehensive system of *reasonable, effective, consistent, content neutral, and nondiscriminatory* sign standards and requirements. (Section 20.1)

- It continues the same approach under applicability:
 1. The provisions of this article shall be applied in

a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this Article. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

2. Nothing in this article shall be construed to prohibit a person from holding a sign while picketing or protesting on public property. (Section 20.3.1,2.)

- Many of the specific elements are identical to or similar to the Arlington bylaw. This includes definitions, illustrations, and prohibition and allowance measures (for example, prohibiting "Cabinet Signs" and "Feather Signs). As a result, the comments in this section are largely focused on those elements that vary from the Arlington example, which is separately documented.

Formatting, Style, and Content

- Like the Arlington Code, this document borrows heavily on the visual format and illustrations that are similar to the form-based codes which have been promoted in professional planning circles and adopted in some communities.
- Graphically, it is consistent with

Portland's new overall zoning format, which is clear and well composed.

- Portland has many different district types and conditions; in part for this reason, the draft Sign Standards are fairly long and complex, reaching 40 pages in length.
- Uses a table to establish sign districts, then assigns allowable signs by sign district.

Application and Approval Process

- Most signs are directly administered including review, approval, and rejection by the Building Department
- In Historic Districts, the Planning Authority must also separately review, approve or reject a sign application.
- Appeal process would be through Board of Appeals
- Some discretion, with criteria, are provided to the Building Authority, for example, concerning illumination levels.
- Planning Authority provides discretionary review consistent with design guidelines and standards within historic districts.

Definitions

- This section is virtually identical to the Arlington bylaw.

- Has a useful definition of Electronic Message signs to distinguish from other types of LED illuminated changeable message signs, by including, "An Electronic Message Sign is not a Single- or Two-Color LED Sign." (Article 3)
- Single or two-color LED signs can have changeable letters or numbers only.
- Like the Arlington Code, it has both definitions and clear regulations for service island canopies.
- Has definition of fuel pump topper signs, then integrates them into calculation of allowable sign areas, although it is not clear that this is a significant regulatory issue.

Dimensional and Location Standards

- Adopts the zoning district as the basic method to assign sign regulations
- Establishes Sign Districts to provide for common standards among different zoning districts
- Provides special review and approval process for historic districts.

Enforcement

- Allows for electronic message signs, but has many requirements: to be able to control and vary light intensity according to ambient light levels through

photocell technology, limits preset illumination to be no greater than 100 nits through manufacturer certificate, limits message changes to minimum of 30 seconds, and that settings are password protected or other approved method. Prohibits roof signs. Also limits hours of operation to business hours or 10 PM, whichever comes first. Only text can be shown, no changing displays, flashing, video messages that implies motion.

- Prohibits signage on storage containers and receptacle's except for basic manufacturer identification.
- Prohibits search lights and laser displays.
- Limits internal illumination to the letters and symbols.
- Sets discretionary criteria for Building Authority to limit sign internal illumination level, including adverse impacts on neighboring areas.
- Allows exposed neon signage, but emphasizes limits on hours of illumination.
- It would appear that the consultant particularly dislikes cabinet signs and illuminated signs that light translucent backgrounds; as in Arlington, they are defined and prohibited.
- Off-premise permanent directional signs for non-home businesses in residential areas is permitted, for reasons that are not clear. This

might be, for example, for hospitals or churches.

- Non-compliant sign removal is triggered in the event of a major site plan review, building permit for significant renovation (over 50% of value or \$100,000, whichever is less), or if a new sign permit is sought, in which case all of the signs on the lot must be brought into conformance.

SEATTLE, WASHINGTON

Seattle Chapter 23.55 Signs and 23.86 Sign Measurements **City of Seattle, Current as of June 24, 2020**

Seattle is considered a community with a significant emphasis on the aesthetic and economic vibrancy and entrepreneurship of the commercial districts, and successful relationships between commercial and residential areas and uses. The sign code is part of the overall Land Use Code (zoning) for the City. Design and development in the City are extensively regulated in many regards, through its written regulations.

Overall Approach

- Focuses on specific regulations geared to different zoning districts.
- Was incrementally assembled, with many amendments.
- There is not a separate design review process for most signage

permits, but is administered relative to adherence to the ordinance provisions. There are exceptions to this associated with special districts and circumstances.

- They have an interesting intent, among others: "To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs" (Chapter 23.55.001.)

Formatting, Style, and Content

- Is part of standard Land Use Code format
- Has separate dimensional standard section, combined with other types of dimensional standards.

Application and Approval Process

- Mandatory design review occurs in special districts, such as historic districts. Otherwise, the process is governed by the code standards.
- For signage that is part of development projects, signage may be a matter of consideration by design review committees and required approval from them administered by the Department of Construction & Inspections, with 8 separate committees for different areas of the City. The extent to which signage is a topic of review was not determined as part of this analysis. The

Department of Construction & Inspections has its own planning staff for this program. Design review determinations are subject to appeal.

- Permits are issued by the Department of Construction & Inspections.
- Variances are provided for as with other zoning measures.
- Special procedures occur in a limited number of special districts.

Definitions

- Signage dimensioning standards are in a separate section of the code.
- Decorations not readily apparent as a message are not counted in the sign area, encouraging elaboration and decorative accoutrements.

Dimensional and Location Standards

- In general, there are many specific regulations responding to characteristics of different zoning designations and special districts, such as Seattle Center. There are special sets of provisions and administration process for areas designated within the Shoreline District and designated areas such as a Special Review District (Pioneer Square).

Enforcement

- Provides for video display signs in certain districts with restrictions including limiting video displays to between 2 and 5 seconds, and pauses with still images or blank screens of at least 20 seconds between video displays. There are restrictions with limitations on illumination intensity during daytime and dusk versus nighttime conditions, setback relationship to residential areas, maximum height above grade, prohibition of audio speakers, and the others.
- Has an extremely complicated method to assign sign areas for multiple tenant building.
- Has an extremely complicated method to calculate location restrictions on off-premise signs.
- They protect the landscape: no temporary signage is permitted in planting strips, even if they are on private land, except for real estate open house signs.

AUSTIN, TEXAS

Code of Ordinances / Chapter 25-10 - Sign Regulations

Austin's signage regulations are less restrictive than the other examples discussed so far. A wide variety of bold, bright signs create a vibrant atmosphere in the City's downtown. There are few prohibited sign types

and many are allowed through a waiver process. Signage approvals and variances are overseen by the Board of Adjustment and Sign Review Board.

Overall Approach

- Sign Code and Zoning are both under *Title 25 - Land Development* in Austin's Code of Ordinances.

Formatting, Style, and Content

- Organized into 11 articles in an easily understandable sequence.
- Online format makes navigation easy.
- Lacking any illustrations or tables.
- Lacking a cover sheet with identifying information like authors and dates published.

Application and Approval Process

- Contractors or anyone intending to install or alter a sign must first be registered with the City of Austin and pay a registration fee.
- Variance application are submitted to the Building Official, but it is the Board of Adjustment who grants variances, and establishes guidelines for review of variances.

Definitions

- List of definitions is brief.
- A definition is provided for "mobile

billboard" to include signs on taxis and buses as well as personal vehicles.

- Definitions are concise which is good, but may sometimes lack complete clarity.

Dimensional and Locations Standards

- Definitions provided for single, two-faced, and three-dimensional signs.
- For a wall sign the sign area is "the smallest rectangle within which the face of the sign can be enclosed."
- Sign setbacks are based on the diameter of the supporting structure of the sign.
- With the exception of wall signs, a sign must either be less than 30" or have a clearance of more than 9'.
- There is no dimensional use table. One is probably not needed given the simplicity of the regulations.
- Regulations vary by zoning district.

Enforcement

- The Sign Code is enforced by the Building Official for the City.

Specific Review

Comments by Document -

Model Codes

An Evidenced Based Model Sign Code, A Legal and Technical Exploration of On-Premise Sign Regulation, Urban Design Associates

This publication was assembled by the prominent urban design consulting firm Urban Design Associates in College, Texas. It includes contributing articles by: Dawn Jourdan, Esq., Ph.D., University of Florida; H. Gene Hawkins, Jr., Ph.D., P.E. Hawkins Engineering; Robin Abrams, Ph.D., Texas A & M University; Kimberly Winson-Geideman, Ph.D., University of North Texas. It is somewhat dated, with the most recent referenced publications dating to 2009. But it provides an extensive discussion of legal, technical, and scientific issues associated with perception and other topics. It then provides a complete model sign code. It is a publication promoted by the Sign Research Foundation, which is an academic and research-oriented organization actively promoting sign design principles and practices. It appears to have a significant

relationship with the International Sign Association, which generally supports the sign, graphics and visual communications industries including manufacturers, users, and suppliers. The comments below pertain only to the Model Sign Code within the publication, and not the accompanying articles.

Overall Approach

- This model should be read as an industry-favoring argument which both dismisses signs not produced by professional sign fabricators or suppliers, and avoids any meaningful restriction on the technology or visual impact of signs.
- The purpose listed is described as seeking to promote economic vitality, public safety, and compliance with Constitutionally protected First Amendment rights in a legal and reasonable manner. It indicates that it seeks to reduce subjectivity which is implied to be a negative and may be associated with aesthetics or lacking in substantiation.
- This approach makes an entirely inappropriate distinction often used to justify the use of good judgment and the value of design and aesthetics, by substituting the word "subjective" or "discretionary" with for the word "arbitrary." Many important

decisions require subjective judgment and discretion based on rational and clear criteria. Arbitrary decisions are not appropriate in public regulations. Reasoned subjective and discretionary decisions, backed up by clear planning principles and properly documented, is a hallmark of successful regulatory processes.

- The entire premise goes against Supreme Court findings that regulations, if based on a reasonable nexus between community purposes and good faith planning, is a perfectly appropriate basis for their valid application.
- The purposes section implies that "objective" measures of visibility, physiology, and other factors are solid and sufficient ground for establishing sign permits. Discretion **is not** needed and would be an impediment to good ("evidenced-based") standards.
- The simple interpretation of an industry-based approach is that they should not be regulated based on aesthetic or contextual principles, such as community attitudes and preferences. This is argument is often used to suggest that lack of regulation is good for business. But easily obtainable evidence is to the contrary, including the extensive private regulations placed on signage by sophisticated master landlords for shopping malls and cooperative tenants whose motivations are profit-based. It ignores the evidence of the land, rental and tax values of well-regulated commercial districts with sign regulations that include historic, aesthetic, and community-based principles.
- Focus is on the visibility and characteristics of individual signs so much so that it ignores the cumulative impact of many signs, and combinations of signs. It is like an "individual rights" argument. Each sign may have an appropriate purpose, but without balance and cooperation, you end up with chaotic situations.
- The benefits of this document and approach include considerations of legible signage based on viewing distance and from moving vehicles. Illegible signs along streets and highways are not useful.

Application and Approval Process

- Limits time limit on review of application to 10 days, otherwise, it is considered approved.
- Appeal process ensures that no deference is made to the original cause for rejection.
- The code includes indemnification of municipalities, their officers, agents and employees from any aspect of administering the code.
- It requires a licensed contractor to

install all signs.

- There is no design review in this model.

Definitions

- "Snipe" signs (small signs attached to trees, benches, poles and the like) or signs on vehicles are discouraged.
- Defines and has positive interpretations of "Dissolve/Appear" transitions, "Electronic Message Display", "Fade/Appear", "Inflatable Devices", "Scroll."
- Relies on technical concepts in visibility, such as "Conspicuity" (the ability to visually distinguish a sign), "Cone of Vision", "Contrast", "Luminance", and "Readability."

Dimensional and Location Standards

- There is no suggestion that the code be applied differently to different areas.

Enforcement

- Uses a complicate the formula for establishing sign size, predicated on the idea that it is seen from moving cars. (See Figure 18.)
- Exempts sign face changes on legally conforming signs.
- Exempts sign changes where it is a modification costing less than 50% of the original sign.

- Sets minimum size signs based on speeds of vehicles, without recognizing that in many places, certain signs are entirely appropriate and directed to pedestrians.
- Has generous sign heights, based on the concept of "cone of vision." The cone of vision concept does not recognize that individuals adjust their heads to account for the overall visual context.
- Promotes multiple wall signs on a facade, up to 50% of the wall area.
- Promotes roof signs, and allows illumination of such signs.
- Promotes illuminated awnings, which become signs in effect in their entirety.

MONTGOMERY COUNTY, PENNSYLVANIA

Model Sign Ordinance, Montgomery County Planning Commission (Pennsylvania), 2014

This publication is a well-researched model code with many helpful references. It was prepared as a resource for municipalities within the region of the MCPC, but is referenced as a guide with the State of Pennsylvania. It takes into account a "content-neutral approach" that anticipates the standards in the *Reed v. Town of Gilbert* decision in 2015.

Overall Approach

- Establishes the number of signs and sizes based on building and sign types, not frontages.
- Generally context-based in terms of different standards according to the zoning districts, but the table of regulations mixes in separate categories for special sign types, which is not a helpful organization method.
- Has a clear and useful model purpose and intent section, excerpted below. The term "scientifically-based" is overstated, and a nod to the "evidenced-based" school of sign regulation:

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the [municipality] to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- A. Setting standards and providing uniform, scientifically-based controls

that permit reasonable use of signs and preserve the character of the [municipality].

- B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for the review and approval of sign permit applications.
- E. Optional: Ensuring sign design that builds on the traditional town image and visual environment the [Borough / Township] seeks to promote (page 67).

Formatting, Style, and Content

- Has a useful approach to categorization and specific regulations by sign type with helpful size, area, height and other information. Cross referencing with the district standards is required.
- Is graphically clear with sidebar for photos and illustrations.

Application and Approval Process

- Includes a duration-limited certificate for illuminated signs, renewable every three years, and subject to conformance with standards. It notes that standards may be adjusted based on changing technologies and evaluation of impacts.
- Indicates separate review required for historic districts.

Definitions

- Provides useful distinctions among different Changeable Copy Signs, including two types of changeable-copy signs (manual changeable copy signs and electronic changeable copy signs). The electronic signs are further divided into message center signs, digital displays, and Tri-Vision Boards, which physically rotate components to provide different messages.
- Provides useful distinctions in illumination type definitions.
- Uses term "incidental signs" for site information, directions, hours of operation and the like.

Dimensional and Location Standards

- Has a separate table for illumination standards by district
- Has extensive, well-illustrated

regulations for signs in residential districts.

- Includes optional approach to have tailored regulations for Main Street, Commercial Village Districts, General Commercial and Industrial Districts. Most of this could be easily covered in a clear table.

Enforcement

- Has some useful distinctions and specific requirements associate with "Limited Duration Signs" (e.g. for sale or for lease signs) and for Temporary Signs
- Generally restrictive relative to ostentatious sign types (roof signs, interactive signs, movement, inflatable signs, and the like).
- Exempts security signs.
- Restricts signs in undimensioned "sight triangles."
- Uses smallest enclosing cube volume to regulate sculptural 3-dimensional signs.
- Effectively uses photo examples to explain simple basis of calculating sign area.
- Uses nearest grade of street to establish base elevation for sign height.
- Uses foot-candle limit on impacts to abutting properties for illumination level, which seems impractical and would vary with abutting use.

- Has specific illumination standards for message center signs and digital displays.
- Has specific message duration for digital LED signs, with fairly complicated formulae.
- Includes additional technical and dimensional standards for Message Center signs.
- Distinguishes separate technical and dimensional standards for LED digital message signs.
- Has extensive and clear standards for temporary signs ("Limited Duration Signs.")

MICHIGAN MODEL SIGN CODE

Michigan Sign Guidebook: The Local Planning and Regulation of Signs, Scenic Michigan,

December, 2011 (note - this is being updated, and is to be republished in 2020)

This is a comprehensive book on many dimensions of signage and municipal regulations, only part of which addresses a model ordinance. The guidebook was first published in 1989, was updated in 2011, and is once again being reviewed and updated for 2021. It carefully considers the legal, administrative, and practical application of sign regulations. It was published and promoted by a planning advocacy

organization valuing the visual quality and character of communities.

Overall Approach

- Distinguishes the approach and components for a small town or suburban community from cities and rural places. Dedham would probably be considered a suburb.
- Provides for clear regulations intended to support the interests of the community including protection of property values, free speech, encouragement of effective communication, protection of small town character, protection of dark night sky.
- Tends to avoid proliferation of signs and visual impacts that do not aid in clear communication.
- Has an excellent set of purposes:

“The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the township, conflicts between different types

of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

1. *To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;*
2. *To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;*
3. *To keep signs within a reasonable scale with respect to the buildings they identify;*
4. *To reduce visual distractions and obstructions to motorists traveling along, entering or leaving streets;*
5. *To promote a quality manner of display which enhances the character of the township; and*
6. *To prevent the proliferation of temporary signs which might promote visual blight.” (from Oakland County, Michigan, quoted on page 13-6)*

Formatting, Style, and Content

- Supports use of tables, photos and illustrations.

Application and Approval Process

- Provides examples of different municipal approaches.

- Does not discuss this topic within the model zoning.

Definitions

- Does not include an example list.

Dimensional and Location Standards

- Advocates for a zoning district-based allocation of sign types and standards, with special districts also being included if appropriate.

Enforcement

- Notes that "A substitution clause permitting the display of non-commercial copy on any sign allowed under the ordinance is a modern requirement of every sign ordinance." (page 13-9)
- Allows for roof signs that do not extend above roof peak.
- Does not allow projecting signs, which is odd; these are small town traditional sign types and are practical.
- Allows movement and flashing signs in limited suburban areas.
- Restricts sign area and height, but supports possible bonuses for non-conforming sign removal.
- Electronic signs would have restrictive message change rate limits.
- Specifically addresses and restricts supergraphics.

List of Reviewed Documents and Internet Web Links

Municipal Regulations

Town of Arlington Sign Analysis (Presentation), Town of Arlington and Lisa Wise Consulting, Inc., December 12, 2018.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi3oe_gx-67qAhXbl3IEHVe1AT0QFjAAegQIARAB&url=https%3A%2F%2Fwww.arlingtonma.gov%2FHome%2FShowDocument%3Fid%3D44958&usg=AOvVaw2_UxxaQaB39Zvy3ltzhygC

Town of Arlington Zoning Bylaw Section 6.1 Sign Regulations and Section 2 Definitions Associated with Signs, as Amended by Town Meeting on April 22, 2019.

<https://www.arlingtonma.gov/home/showdocument?id=43413>

Barnstable Zoning Bylaw Article VII Sign Regulations, Town of Barnstable,
Current.

<https://ecode360.com/6559665>

Cambridge Zoning Ordinance Chapter 12.08 Advertising Signs and Displays, City of Cambridge, Massachusetts, April 30, 2020 (current)

https://library.municode.com/ma/cambridge/codes/zoning_ordinance?nodeId=ZONING_ORDINANCE_ART7.000SILL

Freeport Chapter 22 Design Review Ordinance, as Amended July 21, 2015

https://www.freeportmaine.com/sites/freeportme/files/uploads/chap22_190423_design_review.pdf

Freeport Chapter 23 Sign Ordinance, as Amended July 21, 2015

<https://www.freeportmaine.com/sites/freeportme/files/uploads/chap23.pdf>

Portland, Maine Sign Audit & Recommendation Report, Division 22, Signs, ReCode, City of Portland and Lisa Wise Consulting, Inc., May 15, 2020

https://www.recodeportland.me/s/LWC_Portland_Sign-Code-Audit_Recommendations_Final.pdf

Portland, Maine Article 20, Sign Standards (Draft), ReCode, City of Portland, June 26, 2020

<https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=5806>

Seattle Chapter 23.55 Signs, City of Seattle, Current as of June 24, 2020

https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IILAUSRE_CH23.55SI

Model Regulations

An Evidenced Based Model Sign Code, Urban Design Associates

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi-f3rqpYK7qAhXlknIEHfx3BDgQFjAAegQIARAB&url=https%3A%2F%2Fsignresearch.org%2Fwp-content%2Fuploads%2FA-Legal-and-Technical-Exploration-of-On-Premise-Sign-Regulation-An-Evidence-Based-Sign-Code.pdf&usg=AOvVaw2MuMO98zd6dANeoCld7xBT>

Model Sign Ordinance, Montgomery County Planning Commission (Pennsylvania), 2014

<http://www.montcopa.org/DocumentCenter/View/7070>

Michigan Sign Guidebook: The Local Planning and Regulation of Signs, Scenic Michigan, December, 2011 (note - this is being updated, and is to be republished in 2020)

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEw-jApM67ibzqAhUqlXIEHYMUCwgQFjAAegQIARAB&url=https%3A%2F%2Fscenicmichigan.org%2Fsign-regulation-guidebook%2F&usg=AOvVaw1WAjO6HVMCoWJrtb_LX1jX

[url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi3oe_gx67qAhXbl3IEHVe1AT0QFjAAegQIARAB&url=https%3A%2F%2Fwww.arlingtonma.gov%2FHome%2FShowDocument%3Fid%3D44958&usg=AOvVaw2_UxxaQaB39Zvy3ltzhygC](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi3oe_gx67qAhXbl3IEHVe1AT0QFjAAegQIARAB&url=https%3A%2F%2Fwww.arlingtonma.gov%2FHome%2FShowDocument%3Fid%3D44958&usg=AOvVaw2_UxxaQaB39Zvy3ltzhygC)

Review of Sign Technology Topics

This summary provides information observations regarding evolving sign technologies as may be useful in the refinement planning for Dedham's Sign Code. The changes have been driven by the advent of LED (light-emitting diode) light source technology, which provide the ability to create internally illuminated and changeable images and sign copy. Driven by computer software, these technologies can be used to create sign-sized videos, animations, and special effects. They can also provide a range of colors, or be limited to narrow color ranges. The technologies provide for a wide range of illumination intensities, as well.

The research focused on two types of signs that are increasingly prevalent in some communities, and which are evolving in terms of both technology and regulatory provisions. The terminology for these signs varies somewhat both within the manufacturing and sign fabrication industry, and within the realm of municipal regulation. For the purposes of this research, we distinguish among:

■ **Electronic Variable Message Signs** - Signs that use illuminated

LED's to change text or numbers only, while the remainder of the sign is non-electronic.

■ **Electronic Message Centers**

- These are panels with an array or matrix of LED's that can be programmed in many ways. They are capable of presenting changeable text, symbols, messages, images, or videos, or a combination of these.

The following sources were consulted as part of this research. A complete list including web links is located at the end of this document.

- *Digital Billboards: Lessons Learned from AASHTO 20AASHTO 20--7 (256)*, The Veridan Group, August 2009
- *Context-Sensitive Signage Design*, Douglas Mace, Marya Morris, Mark L. Hinshaw, and Alan Weinstein, American Planning Association, 2001
- *Michigan Sign Guidebook: The Local Planning and Regulation of Signs*, Scenic Michigan, December, 2011 (note - this is being updated, and is to be republished in 2020)
- *Model Sign Ordinance*, Montgomery County Planning Commission (Pennsylvania), 2014
- *Regulating Electronic Message Centers (Presentation)*, Mike Freeborg and James Carpentier AICP, International Sign Association, July 22, 2016
- *Signs: Digital and Electronic Sign*



Figure 16: **Examples of an Electronic Variable Message and Electronic Message Center Sign**

Image Source: *Michigan Sign Guidebook*

Regulation, Chester County Planning Tool Box web page, July, 2020

Electronic Variable Message Signs

This type of sign has proliferated and is in use in various locations in Dedham. The sign type has the advantage of allowing digital computer technology to change letters, number and messages. Some

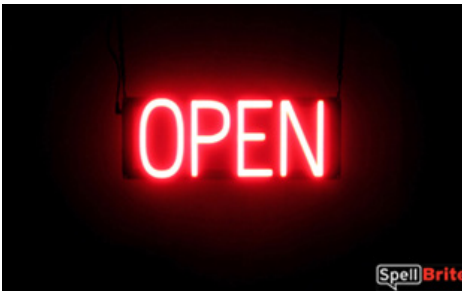


Figure 17: **Neon Sign**

Image Source: https://www.spellbrite.com/shop/open-neon-led-sign-letters/?couponcode=g-shopen&gclid=EAlaQo bChMivfjb1LSj7AIVA7blCh19IwpREAQYASABEgJ3L_D_BwE

of the signs consist of digital arrays that can be adapted to rapid change in messages, the appearance of movement, or graphic displays. In that case, they would become - in effect - Electronic Message Centers. The LED's can be of one uniform color emitted from the diodes, or can have multiple colors available through changes due to the engineering and technical characteristics of the light source.

They serve the same function as traditional changing message signs that were physically adjusted. For business signage, they have the advantage of being more easily seen at night or at a distance, and they are easier to manage.

Assuming that they are acceptable as a sign type, then the regulatory approach in model codes and examples is straightforward.

Attributes of sign regulation could include:

- **Area devoted to changeable messages, and location or sign type** - For example, they could be restricted to filling stations, and restaurant exteriors as freestanding signs with dimensional restrictions.
- **Window signs** - They could also be allowed as window signs with limited area, such as 1 square foot. This type of sign is now commonplace, such as this "OPEN" sign offered by SpellBrite Signage System and designed to look like a neon sign. This sign is .7 SF in size.
- **Type of message allowed** - This sign type It could be restricted to just letters and numbers. Alternatively, it could entail a single symbol or image accompanying letters and numbers. The Town could provide for a sign, for example, that showed a steaming cup of coffee with the words "COFFEE" next to it. This sign is available through the Newon Company, and is about 3 SF in area.
- **Total colors permitted on the sign** - These can be limited, and some regulations restrict signs to one or two colors, although the current technology allows for more colors.
- **Duration of messages** - The changeability between changes could be regulated, for example, anywhere from 30 seconds to one

day).

- **Regulation of changeability** - Controls can provide prohibition on flashing, appearance of movement, scrolling effects, changes in illumination levels, or other effects that would bring attention to the sign other than the message. Figure 19 on page 53 shows the type of sign that is designed to provide letters, but can have scrolling of messages in three colors (Banner-Lite advertisement).

Electronic Variable Message Signs (EMC) typically consist of rectangular arrays of LED diodes, and often have accompanying surrounding and supporting sign elements. They typically provide for multi-colored options, and can be programmed with various levels of sophistication. Large versions of these signs are termed Digital Billboards (DBB).

The resolution (diode density and size) varies. The displays will typically have a range of possible luminosity, including high levels that can be perceived as too bright relative to their surroundings. The lighting intensity range can be regulated with integral limits in the operating software, with initial maximum levels set by the manufacturers.

A computer is used to program the display, and the messaging is determined by an operator. Control



Figure 19: LED Sign

Image Source: https://www.wish.com/product/5d9ffd0aaddf414577ae6d4d?hide_login_modal=true&from_ad=goog_shopping&_display_country_code=US&_force_currency_code=USD&pid=googleadwords_int&c=%7bcampaignId%7d&ad_cid=5d9ffd0aaddf414577ae6d4d&ad_cc=US&ad_curr=USD&ad_price=57.71&campaign_id=7203534630&quest=true&gclid=CjwKCAjwz-vX7BRAeEiwAsXExo_6uyODcrhuhHeO9gsmHg6tNXC56r1NdNOeoGWdh66A1YuW3MI0_3BoCzcwQAvD_BwE&share=web

systems can be secured with passwords, to avoid unauthorized access and use.

Based on the review of the resources listed here, there are persistent and reasonable concerns about the safety implications of the demand on drivers' attention. Definitive research was not identified. However, the two key factors which may reasonably linked to safety concerns are the level

of illumination (brightness) and the



Figure 18: Electronic Variable Message Sign

Image Source: https://www.webstaurantstore.com/banner-lite-2025-40-programmable-scrolling-color-led-message-banner/466LEDBNNR1.html?utm_source=google&utm_medium=cpc&utm_campaign=GoogleShopping&gclid=CjwKCAjwz-vX7BRAeEiwAsXExo1YNVU3Dfi25iGim54_pvvD_Lcq1tULEogEIAMrnj3DKRR6IAw9sNhoCcQ_UQAvD_BwE

length of time that each image or message endures before changing. As a result, much of the regulation of these signs focuses on maximum area, the type of messages (including animations), minimum message duration, message transition time and method, maximum brightness. Some regulations include default displays in the event of failure.

Regulators have pursued many factors that can be controlled, including:

- **Size** - The total contribution to a sign total area can be regulated (e.g., 30%,) or maximum sized could be regulated, or both.
- **Location** - Locations could be restricted by zones, or to certain areas defined as part of an approved Signage Plan for multi-building, multi-tenant areas.
- **Message Types** - Messages with animations, motion, flashing and changing light intensity, or implied motion can be prohibited, so that

the sign content is similar to a standard static sign. It is important not to allow subtle but apparent animations in the process, such as an image that steadily gets bigger: sale, sale, sale.

- **Message Duration** - Short duration messages tend to benefit businesses, but cause community issues. Duration should be long enough not to become annoying or contribute to visual pollution and information overload. Also, the ability to convey many different messages on the same sign is a clear business advantage that others might fairly seek, leading to a proliferation of this type.
- **Brightness** - This can be regulated, technically accomplished, and measured for compliance. Units of measure include foot-candles, an imperial system measurement that is typically used in lighting evaluations and regulations in the U.S, or nits, which is based on metric systems. Autodimming technology during the night relative to daytime conditions is considered necessary and is achieved with integral technology. Brightness may vary among images, but should not vary within a single image. The allowable lighting levels that might be recommended require additional research, because relatively few recommendations were encountered in the research

to date. However, a suggested standard (Montgomery County model ordinance) consists of the following:

- e. Brightness: Message center signs and digital displays are subject to the following brightness limits:
 - i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) units.
 - ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within (page 80).

- **Message transitions** - Transitions may be required to be instant. Short period transitions of less than one second seems to be manageable. The method needs to be clear, so that there are not animated dissolve or transition effects. The definition of a dissolve with gradual fading of an image without use of any pattern and gradual appearance of the next

image seems best.

- **Default display** - This is used to ensure that a system failure results in a predictable, appropriate and static display.
- **Addition of a digital display to an existing sign, or conversion** - This can be prohibited for non-conforming sign, to discourage proliferation. Also, a sign should not be converted to digital format without a new permit.
- **Security and operations** - The municipality can require evidence of secure computer access including a password, and require documentation of automated timers and illumination controls relative to ambient light levels as a requirement for a permit.
- **Time limited approvals** - Approvals could be for a certain time period, such as one year, with renewal being granted based on adherence to the standards and any evolution in standards, to keep current with new research and technologies.

List of Resources

Digital Billboards: Lessons Learned from AASHTO 20AASHTO 20--7 (256), The Veridan Group, August 2009

<http://www.chescoplanning.org/municorner/etools/pdf/NAHBAFINAL-Wachtel.pdf>

Michigan Sign Guidebook: The Local Planning and Regulation of Signs, Scenic Michigan, December, 2011 (note - this is being updated, and is to be republished in 2020)

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEw-jApM67ibzqAhUqIXIEHYMUCwgQFjAAegQIARAB&url=https%3A%2F%2Fscenicmichigan.org%2Fsign-regulation-guidebook%2F&usg=AOvVaw1WAjO6HVmCoWJRtb_LX1jX

Model Sign Ordinance, Montgomery County Planning Commission (Pennsylvania), 2014

<http://www.montcopa.org/DocumentCenter/View/7070>

Regulating Electronic Message Centers (Presentation), Mike Freeborg and James Carpentier AICP, International Sign Association, July 22, 2016

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjLmLeoozqAhVul3IE-Ha4RD_oQFjAQegQICBAB&url=http%3A%2F%2Fwww.ohioplanning.org%2Faws%2FAPAOH%2Fasset_manager%2Fget_file%2F132611&usg=AOvVaw2IJh14ASC3-yllQMBrvM_z

Signs: Digital and Electronic Sign Regulation, Chester County Planning Tool Box web page, July, 2020

<https://www.chescoplanning.org/MuniCorner/Tools/DigitalSigns.cfm>

INITIAL RECOMMENDATIONS

Introduction

The following is a list of suggested recommendations based on the materials above. These recommendations are organized by the outline of the current sign code. These recommendations informed the development of the draft code, which is a working document separate from this report.

Recommendations for the Sign Code

- Should this new sign code match the format of the existing zoning or set a new standard (especially in terms of the use of illustrative graphics)?
- Review use of “may” vs. “shall” throughout document to ensure appropriate use.
- Consider adding a Substitution Clause after the Severability Clause (Michigan Model).
- Consider adding illustrative graphics for sign types, dimensional standards and other principles (Arlington) or providing a supplementary document.
- Consider regulating by sign type and overall context, integrated into zoning districts (Arlington, Portland, Seattle, Michigan Model).
- Map areas with special design requirements (Freeport).
- Consider requiring special provisions by use (Barnstable, Freeport).

Cover page

- Update cover page (minimum required information)
 - New title: Town of Dedham Sign Code
 - Date approved
 - Town Seal

Table of Contents

- Add Table of Contents, including the names of the appendices.
- Consider adding a Table of Figures and Tables.
- Consider annotating table of contents to provide more information about how to use the code and where to find important information

Article I: General Provisions

§237-1. Purpose.

- Update to address changes in legal standards.
- Add language to recognize recent Supreme Court decisions and first amendment protections, including content-neutral regulations, and the ability to place non-commercial messages within commercial signs.
- The planning basis for regulation should build the link between aesthetics, economic health, community character and other goals in the public interest.
- Consider clause addressing free speech (Arlington, Portland).
- Consider a findings section (Cambridge).
- Address rational nexus (Portland - see page 42).
- Consider interest of community and purpose as defined in Michigan Model.

§237-2. Authority.

§237-3. Applicability and effect.

Article II: Definitions

- Sign definitions should not include regulatory standards.

§237-4. Definitions and interpretation.

- Improve the clarity of the definitions identified as insufficient.
- Anticipate evolving technologies and associated policy and implementation issues.
- Address signs that support the artistic community and civic life. Review guidelines to ensure that temporary items such as strings of light, banners, etc. that may add variety during events, are not unduly restricted.
- Consider waivers during holiday periods (Freeport).
- Consider adding the following definitions:
 - Owner
 - Mural
 - Identification Sign (Differentiate between “Business” or “Center” identification signs).
 - LED Messaging signs (Differentiate among types, including Electronic Message Boards and Electronic Variable Message Boards)
 - Trade Signs or Symbols
- Wind-driven sign
- Animated Signs (Arlington)
- Single-Color LED Signs (Arlington)
- Open/Closed Signs (Barnstable)
- Trade Flag (Barnstable)
- V-shaped Sign (Barnstable)
- Business or Establishment (Freeport)
- Kiosk (Freeport)
- Visible (Freeport)
- Incidental Signs (Pennsylvania Model)
- Limited Duration (Pennsylvania Model)

■ Consider clarifying the following definitions:

- Awning Sign
- Business Identification Sign
- Changeable Copy Sign
- Commercial Message
- Design Review Advisory Board (DRAB)
- Incidental Sign
- LED Illuminated Sign
- Neon Sign
- Nonconforming Sign, Pre-Existing
- Pennant
- Pole or Pylon Sign

- Portable Sign
- Principal Façade
- Roof Sign
- Sign
- Sign Package
- Sign Panel
- Temporary Sign
- Window Sign

Article III: Administration

§237-5. Permits; review by Design Review Advisory Board required.

- Consider trigger for a lower level of review – for example, Inspectional Services reviews signs below a maximum sign area in Cambridge. Design review above that; permit issued by Inspectional Services in all cases.

§237-6. Applications; issuance of permits; notification of denial.

- Clarify (and perhaps strengthen) role of the Design Review Advisory Board (DRAB).
- Simplify the process and the number of steps an applicant must take to obtain a permit or a waiver.
- Streamline the application process and access to relevant documents and materials online.

- Create a digital/online process for submission.
- Create documents with clear graphics to guide applicants and review boards and clarify the roles and relationships of various boards, entities, and parties involved in the process and the expectations for the applicant.
- Consider providing a list of local experienced graphic designers and sign fabricators.
- Identify opportunities for joint meetings for pre-approval and approval processes.

§237-7. Inspection; certificate of compliance; notice of deficiencies.

§237-8. Replacing signs shown on sign package.

Article IV: General Regulations

§237-9. Permits required.

§237-10. Public right-of-way signs.

§237-11. Town-owned property – temporary signs.

§237-12. Town-owned property – sponsorship signs.

§237-13. Exempt signs.

- Exempt flags of city, state, or country (Cambridge – allows all other flags to be regulated).

§237-14. Private property – exempt signs.

§237-15. Prohibited sign types.

- Review list of prohibited signs to test whether these conflict with newer technologies.
- Ensure exemptions meet “time, place, manner” requirements and are not based on content.

Article V: Special Regulations

§237-16. Central Business District.

- Colors in Appendix A are specific to awnings; consider whether broader guidance on colors is appropriate.
- Consider a color palette for historic areas or other areas that should be distinct from the whole town.

§237-17. Design guidelines.

- Refers to “Building Better: A Design Manual for Building Improvements and Design Bulletins” by RBA Group, adopted April 11, 2013; however, this not currently in use by the Town. Remove this reference and replace with

illustrations within sign code itself.

- Exempt signage not visible from a public way (Cambridge), as long as there is not more than one sign per tenant.

§237-18. Illumination.

- Address neon signs, LED signs, including electronic messaging boards, and video displays.
- Consider whether more restrictive standards for internally lit signs are necessary.
- Consider measuring illumination with specific, measurable standards (Barnstable).

§237-19. Computation of sign area and height.

- Consider changing the governance of sign area by lot size to another method (perhaps by sign type).
- Consider restricting sign heights to address community goals for visual impacts.
- Simplify area calculation for sign and wall area (Barnstable).
- Consider calculating signage area for ground floor premises by building frontage along the street to address scale (Cambridge).

§237-20. Construction and maintenance standards.

Article VI: Nonconforming Signs and Signs without Permits

§237-21. Removal of nonconforming existing sign; permit for conforming signs.

- Create an incentive to remove fixed non-conforming signs.
- Require certain non-conforming signs to be removed within four years of a specific dates (Cambridge).
- Tie removal to application for certain regulatory thresholds – site plan review, special permit, building permit over a certain number of square feet or dollar value (Portland).

§237-22. Continuation of certain existing signs.

§237-23. Requirements for sign modifications.

§237-24. Removal of sign when business is discontinued.

§237-25. Previously nonconforming sign still in violation.

§237-26. Sign area; setback.

Article VII: Enforcement

§237-27. Violations.

§237-28. Enforcement and remedies.

- Lack of enforcement identified as a problem. Review process to identify other options for enforcement.
- Update and clarify regulations to help business owners avoid Code violations.
- Update and clarify enforcement protocols.
- Require insurance for signs in the public way (ex. A-frames, Barnstable).

§237-29. Waiver from requirements.

- Consider specific exemptions by Special Permit (Arlington).

§237-30. Waiver criteria.

- Clarify waiver criteria.

§237-31. Appeal.

- Discuss ZBA vs. DRAB as authority for appeals.
- Clarify lines six and seven in paragraph – may be missing “, and”?

§237-32. Severability.

Recommendations for Attachments

- All attachments should be stylistically similar to the main code, including the cover page.
- The format of tables, footnotes, etc. should be consistent across all documents.

Attachment 1: Appendix A: Awning Colors

- Remove reference to outdated colors in Sunbrella line.
- Regulate the durability of the fabrics without mentioning a specific manufacturer.
- Consider integrating discussion of colors into recommendations for all signage and not just awnings.

Attachment 2: Table 1: Permitted Signs by Type and District

- Update based on recommendations above.
- Review the following:
 - Sandwich boards are not permitted in Highway-Business; there is likely to be non-conformance given the nature of this zone.
 - Marquee sign is not permitted

in either Local Business or General Business zones.

- Applicability of Identification Sign should be addressed (two types: Business and Center).
- Consider the following:
 - Specific exemption for non-illuminated non-commercial signs on residences in residential zoning districts (Arlington).
 - Exemptions for small, non-illuminated signs less than a certain size (Arlington, Burlington).
- Note 4 allows for dimensions and locations in Planned Commercial (PC) zones to be determined during the approval process based on the underlying zoning. It is unclear what “based on” means. Legacy Place and other large retail complexes may be classified as a PC zone if they have a Major Nonresidential Project Special Permit.
- Notes 5, 6, 10, and 11 information provided in the regulations. Consider referencing the requirement as Note 7 does.
- Note 5 is listed in the table for “Highway Business Signs” and “Freestanding Signs.” This appears to be incorrect because the note is addressing identification signs.

Attachment 3: Table 2: Sign Dimensions and Location

- Update based on recommendations above.
- Address the following possible issues:
 - Note 1 is unclear; it states that the maximum total area of all signs on a lot will not exceed the lesser of the listed calculations, but only one method is listed for each category (zone) to establish the maximum sign area. Certain signs are excluded from the calculation.



SIGN TESTS




The planning team undertook a review of a sample existing signage in Dedham to determine whether the sign types would meet the recommendations in one of the early drafts, based on the Initial Recommendations provided above. This review suggested the following changes:




- The basis of establishing total signage area should be the frontage length of the principal facade for a building with tenants, or for the frontage length of a ground-level tenant within a larger building.
- The maximum areas allowed do not adequately address buildings that have two or more sides that are both visible and serve as approaches for patrons from travel ways or parking lots.
- As a result, the maximum signage permitted should be increased in these circumstances by an additional 50% of the total allowed signage area, subject to review and approval by DRAB.
- The allotment for wall sign areas is excessive and not practically used in the Highway Business zone, and could be decreased from 20% to 10%.
- Window signs should not be included into the total sign area calculations, because they are unpredictable and changeable; they are also very difficult monitor and enforce. A check of several businesses with a large amount of window signs indicated that they are not exceeding the 25% maximum allowed. While there are examples of businesses that post too many signs, they are a relatively small proportion of businesses today.



These recommendations were incorporated into the review document submitted to DRAB for their meeting on June 2, 2021.

The table on the next few pages lists specific examples that were analyzed and indicate where and why some would not be compliant under the proposed standards.

Zoning District	Example	Photos	Comments
<p>Central Business</p>	<p>CVS Pharmacy and Bank, Washington Street</p>		<p>These buildings are on the same property, and would exceed the draft allowance; they exceed existing standards that use the lot frontage to calculate allowable area, as well. The signage would be nearly consistent with the proposed standards if the 50% bonus amount is provided for side façades facing parking. The existing buildings easily comply with the maximum percentage of principle façade devoted to signage with 8% coverage.</p>
<p>Central Business</p>	<p>Eight businesses in Dedham Square on High Street</p>		<p>These façades and signs would all be consistent with the proposed draft standards.</p>

Zoning District	Example	Photos	Comments
<p>General Business</p>	<p>Brothers Roast Beef, Bridge Street</p>		<p>Total Signage is somewhat above the maximum that would be permitted (137%), but existing signage could be provided if an increase were allowed due to the side entrance (150%).</p>
<p>Local Business</p>	<p>Three businesses in Oakdale Square</p>		<p>All tenants and the building would comply with Draft standards.</p>
<p>Highway Business</p>	<p>Dunkin' Donuts Tenant Façade</p>		<p>If this were evaluated as a stand-alone proposal, this façade and signage are consistent with the proposed standards.</p>

Zoning District	Example	Photos	Comments
Highway Business	AutoZone		<p>This building is within a larger property; it would not meet the total sign allowance as currently proposed, but would somewhat exceed the total area with the proposed side/rear façade bonus for which it would be eligible. This establishment has two identical large signs on the principal façade, and a modest reduction in total sign area seems appropriate. This façade easily complies with the maximum percentage of principle façade devoted to signage with 5% coverage.</p>
Highway Business	Bed Bath & Beyond and Verizon		<p>This building is within a larger property; it would not meet the total sign allowance as currently proposed, but would comply with total area with the proposed side/rear façade bonus for which it would be eligible. This façade easily complies with the maximum percentage of principle façade devoted to signage with 8% coverage.</p>
Highway Business	Massage Envy		<p>This building is within a larger property; it would meet the total sign allowance as currently proposed.</p>

Zoning District	Example	Photos	Comments
<p>Research Development and Office</p>	<p>Retail Complex 865 Providence Highway</p>		<p>This is a multi-tenant building; it would comply with the standards as proposed and not require use of the side/rear façade bonus for which it would be eligible.</p>
<p>Research Development and Office</p>	<p>Retail Complex 875 Providence Highway</p>		



**Steven Cecil
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