

What Signs Say About Your Community

A new book released in January 2012 discusses the importance of sign regulation in Michigan.

In January 2012, MSU professor Mark Wyckoff and Brian Connolly, a law student at the University of Michigan (with two degrees in urban planning) published a community guidebook for sign regulation. The book, entitled, *Michigan Sign Guidebook: The local planning and regulation of signs*, is available from Scenic Michigan (www.scenicmichigan.org).



The book is a comprehensive look at issues involving regulation of signs in Michigan. The authors have researched approaches to sign regulation and present potential conflicts between regulation and constitutional protections. While the book does not provide a “model” sign ordinance, alternatives from around the state are presented and discussed within a reasonable regulatory framework. Several key factors make up this framework:

- **Regulatory interest:** Communities should make sure the intent behind their sign regulations respects those factors that may be regulated, including safety, aesthetics, and economic development. Regulations should not be arbitrary or without basis.
- **Content-Neutrality:** There is considerable information presented in the guidebook about maintaining a content-neutral ordinance. Essentially this means creating regulations that apply to signs without impacting the content of the signs, which could limit free speech. Proper regulations speak to size, number, height, and aesthetics (time, place, and manner), without regard for the information presented on the sign.
- **Substitution clause:** This clause simply states that wherever commercial speech is allowed, non-commercial speech is allowed to the same extent. This protects the community from ordinance provisions that appear to favor commercial speech over non-commercial speech.
- **Exception from General Bans:** Regulations that except too many types of signs, for a variety of reasons, run the risk of being “under-inclusive,” which may suggest the ordinance presents a weak regulatory interest. In other words, if provisions are valid and reasonable, they should be adhered to more often than not.
- **Prior Restraint:** It is important for communities to establish a clear, prompt timeframe for reviewing sign permits, as well as making design review standards objective and uniformly applicable, based on the goals of the regulations. The goal is to avoid the appearance or tendency for a review process to limit speech.
- **Suppression and Overbreadth:** Communities may be challenged if they are overly restrictive in the regulations of signs, particularly in residential areas. In developing regulations, consider whether there are alternative avenues for communication and expression.
- **Amortization and Takings:** It is important to remember that sign regulations contained within zoning ordinances should not have amortization provisions, rather, those provisions regarding sign removal after a certain time period should be contained in a separate ordinance, if desired.

Many communities often focus on sign sizes and setbacks first when preparing possible amendments. However, it’s better to start with the list above and develop a “health check-up” for the sign ordinance first. As areas for improvement are identified, then get feedback from those who use the sign regulations: staff, business owners, and members of the planning commission and zoning board of appeals. Ask them what seems to be working, and what areas may need work—issues or questions that frequently arise within the sign regulations. Subsequent amendments to the sign ordinance will result in an ordinance that is both sound and beneficial to the community.

For assistance with review of your local sign regulations, please contact Clearzoning.