1-1-1971

Report on Sign Code Revision

City Club of Portland (Portland, Or.)
REPORT
ON
SIGN CODE REVISION

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION AND AUTHORIZATION

There is quickening interest over America in the relationship of advertising signs to the countryside and to the beauty and function of cities. This interest has resulted not only in national and state legislation to regulate advertising and identification signs adjacent to highways, but also in revised ordinances in numerous municipalities. It is timely, therefore, to review the control of advertising signs in the Portland area.

On May 23, 1965, the Board of Governors of The City Club of Portland authorized such a study, with the following charge:

"To study the Sign Code of the City of Portland and recommend revisions thereto which would consider the relationship of identification and advertising signs to our buildings, streets and public spaces, for the purpose of enriching the appearance of our city and reducing traffic hazards.

"The Committee should include within the scope of its study:

1. The establishment of an administrative body to issue permits, regulate fees, grant variances and exercise powers with respect to signs within the city;
2. The size, placement and density of signs within various zones of the city;
3. The use of signs with respect to public domain, vistas, historic monuments and buildings, the skyline, etc.;
4. The removal of obsolete signs, including election signs;
5. Control of signs which constitute a hazard to public safety;
6. A policy for the abatement of non-conforming signs;
7. The extent of need for similar sign regulation in the Portland Metropolitan Area outside the City of Portland."

During the five years this Committee has been in existence, there have been changes in personnel. Recognition and thanks for their assistance in the early stages of our work is extended to the following former members of the Committee: John C. Carlson, Allard J. Heitkemper, George Lord, Ross C. Miller, John G. Perry, Gordon L. C. Scott and Edward G. Westerdahl.

John Funk, then a student at Lewis and Clark College, was provided to the Committee by the Portland City Club Foundation, Inc., under its student intern grant program, to serve as a research assistant for special assignment on field survey, and his efforts are appreciated.

Sidney M. Cooper served as the Chairman of this Committee from its inception until his untimely death on April 13, 1970. The Committee was inspired throughout its deliberations by the patience, persistence, tireless work and insight of the chairman. The work of the Committee was virtually complete at the time of Chairman Cooper's death, and the Vice-chairman continued the work to the final preparation of this report.

To Sid Cooper we pay our profound respects and memorialize our abiding indebtedness and gratitude.
II. SCOPE OF RESEARCH

A. Witnesses Interviewed

Your Committee, or individual members or teams thereof, interviewed or consulted the following persons during the course of the Committee's investigations and studies:

- Stanton W. Allison, Counsel, Oregon Roadside Council
- Don Bergstrom, Traffic Engineer, City of Portland
- The late William A. Bowes, Commissioner, City of Portland
- James Brady, Sign Inspector, City of Portland
- Ralph G. Coan, New Sign Code Committee, City of Lake Oswego
- Lewis Crutcher, Architect, Lewis Crutcher & Associates
- Lew Dowler, Portland Area Manager, Foster & Kleiser; also, President, Portland Council on Outdoor Advertising
- Ralph W. Emmons, Attorney, Emmons & Emmons
- Roger W. Emmons, Attorney, Emmons & Emmons; Executive Secretary, Oregon Council on Outdoor Advertising
- Byron Ferris, Graphic Designer, McCann Erickson Collaborative Group
- Carl Greve, past member, Sign Code Appeals Board (Portland)
- Al Haner, Electrical Advertising Institute
- Capt. Forrest Hudnut, Multnomah County Sheriff's Office
- Lloyd T. Keefe, Planning Director, Planning Commission, City of Portland
- Craig Kelley, then Executive Secretary, Portland Building Owners and Managers Association
- George McMath, Architect, Allen, McMath & Hawkins; Chairman, Mayor's Sign Study Committee (Portland)
- Warren McMonies, Jr., Chairman, Community Affairs Committee, Oregon Real Estate Board
- William R. Moore, Portland Business Development Committee
- James Mount, Advertising Executive, Mount & Swearingen, Advertising
- Thornton T. Munger, past member, Portland and Multnomah County Planning Commissions and Variance Committee
- Alex Pierce, Architect; member, Portland Sign Code Appeals Board
- Carl Rohde, Consulting Engineer; former Chairman, Lake Oswego Sign Code Board of Appeals
- Don Ross, New Sign Code Committee, City of Lake Oswego
- Capt. William Taylor, Police Bureau (Traffic), City of Portland
- Kenneth Teter, "Keep Washington Green" Committee, Vancouver, Washington
- Gordon Van Antwerp, Executive Secretary, Oregon State Board of Realtors
- A. N. Weir, Manager, Oregon State Automobile Association
- Rudie Wilhelm, Jr., Citizens Committee for Effective Sign Control; Chairman, Sign Review Committee (Portland)
- Al Woods, Electrical Advertising Institute
- William W. Wyse, Citizens Committee for Effective Sign Control and now President, Travelers Rights, Inc.

B. Meetings and Field Trips

Members of the Committee attended meetings of the Portland City Council and of the Mayor's Sign Code Study Committee.

Members of the Committee inspected various areas of signing in Metropolitan Portland, independently, as a committee, with the research intern, and with members of the sign industry.
C. Bibliography

Your Committee also studied the following published works and correspondence:

*Billboard Regulations*, Bureau of Municipal Research, University of Oregon, 1957

*God's Own Junkyard*, Baker, Holt, Reinhart & Winston, 1964

*Harper's, "Billboards, Glass and the Law,"* Richard E. Babcock, April, 1966

Lauer, Dr. A. R., Director of Driving Research Laboratory, Indiana Science Research Institute, Iowa State College, *How Standardized Poster Panels and Painted Panels Help the Driver*

Letter, to Portland City Council from Portland Chapter, Inc, A.I.A., October 8, 1968

Letter, from the State of Hawaii, Department of Transportation, May 8, 1967

Letter, from The Outdoor Circle (a citizens' beautification group), Honolulu, Hawaii, May 11, 1967


Minutes, Mayor's Sign Study Committee from Sept. 22, 1966 to date

*Model Sign Ordinance for Municipalities*, Municipal License Tax Association

*Modern Sign Control Ordinance*, Committee on Aesthetics, A.I.A., November 4, 1965

Multnomah, Washington and Clackamas County Zoning Ordinances.

*NIMLO* (National Institute of Municipal Law Officers) *Model Code*, 1952

*No Time for Delay*, A.I.A. (undated)

*The Oregon Journal*, selected articles from 1965 to date

Oregon Labor Press, Herblock cartoon (Washington Post), May 17, 1967

Oregon Looks at Electric Signs, survey by Bardsley & Hoslacher, Inc., Nov., 1966

*The Oregonian*, selected articles from 1965 to date

Outdoor Advertising Manual, Foster & Kleiser (undated)

Proposed New Sign Code, Portland Council on Outdoor Advertising (undated)

Proposed New Sign Zoning, Portland Council on Outdoor Advertising (undated)

Proposed "S" Zone Ordinance, Electrical Advertising Institute, July 9, 1965

Public Relations Program, Electrical Advertising Institute

Regulation and Control of Outdoor Advertising, Bureau of Governmental Research, University of Washington, September 1947

Relationship Between the Accidents and the Presence of Advertising Devices, New York State Thruway Authority, Madigan-Hyland, Inc., Consulting Engineers, February, 1963

Schaffer, Enos, Chief Assistant to City Attorney, Tucson, Arizona, Western City, January, 1967, "Unique Sign Code Adopted in Tucson"

Seattle Post Intelligencer, August 20, 1966, "State Billboard Law Ruled Valid"

Sign and Display Industry, Dec. 21, 1964; July, 1966; August, 1965; May, 1965 (periodical)

Sign Codes and Ordinances for the following communities: Lake Oswego (1967), Seattle (1964), Salem, Santa Barbara (1961), Lajolla, Honolulu, Englewood, N.J. (1957), Beaverton, Hood River, Philadelphia

Sign Codes and Ordinances, City of Portland, from 1918 to date

Sign Control in Eugene, Metropolitan Civic Club of Eugene and Springfield, November 9, 1966

Signs in the City, Massachusetts Institute of Technology, 1963

Signs of the Times, selected issues, 1966 to date

Sign Regulations, Portland Development commission

Stadium Freeway "S" Zone Change, Portland City Club Committee, Dec. 9, 1965

Uniform Sign Code, International Conference of Building Inspectors, 1967

Zoning Code Sign Regulations, compiled by the Portland City Planning Commission for the Mayor's Sign Study Committee, May, 1966
III. HISTORY AND BACKGROUND

A. Signs, General

Signs are a means of communication. When walking or driving through the city, we rely on signs not only for orientation and direction, but also for knowledge of the operation, commerce, history and character of the city. Signs are as much a part of our communications network as are telephone, radio, television, or postal systems.

Signs can be divided into the following types: The "object itself" sign, the symbolic sign, the iconic sign and the verbal sign. Historically, the first sign was a display of objects in an open market place.\(^1\) It allowed one to tell at a glance important factors, such as subject, quality and quantity. The modern day equivalent of this "object itself" includes the car lot, display window or newsstand. Later, symbols began replacing objects as signs. Ancient Roman craftsmen displayed symbols of their trade at their doors. Familiar trademarks perform somewhat the same function today, but the barber pole and druggist's mortar and pestle are among the few surviving trade symbols. An iconic sign is a picture of the object. Like the "object itself" sign, it shows type and quality, but has the advantage of lending itself to idealization and can be displayed where the object itself cannot be. Examples can be seen in billboards showing a motel or automobile. The verbal sign, with our common language and high level of literacy, is the most common. It is precise and often indispensable, but it can lack impact and character, particularly if it is over-used, misused, or used when another sign type could be more effective.

Two distinct types of major sign industries have evolved. One is the illuminated sign industry which designs, constructs and leases or sells the majority of "on premise" signs. These are signs which are located where the goods are sold or services are rendered. Most of the business of this industry lies in illuminated, custom signs. The industry sees its job as providing identification for businesses. The other major signing industry concentrates on "outdoor advertising" or billboards. Its primary concern is with "off premise" advertising, or advertising away from the place the goods are sold or the services are rendered.

These two industries, however, account for only part of the total number of signs. Many signs, commonly called incidental signs, are nationally distributed to promote a product or service. Many other signs are of the "do-it-yourself" type, usually hand-painted and temporary. They may be taped to windows or fastened on an "A-frame" in a parking lot. City and state governments are a large source of signs, with street signs, directional signs and traffic control signs. Political posters, bus stop signs, scenic drive signs, convention welcoming signs, Rose Festival signs, also are added to our landscape.

The placement of signs is diverse. Many are attached to buildings, such as projecting signs, wall signs, and roof signs. Others are independently supported (ground signs). Traffic control signs are painted on the pavement, suspended over intersections, hung off lamp posts, or span streets and highways. Signs are painted on benches, trucks, and boxcars. Even most motor vehicles carry signs—some tell who made the car and where it was purchased; others affixed to the bumpers or antennas support a variety of political or commercial causes. Thus signs have become an integral part of the city and of our lives.

Signs, however, are controversial. They use the visual environment for communication and contribute largely to the attractiveness or ugliness of the city. Theirs is a one-way conversation. One may choose to hang up a telephone, to own or not to own a television set, but he is given no such option with signs. They can neither be turned off nor turned out from the individual's visual environment. Signs, by their size and number, already occupy a large share of the cityscape, and

\(^1\) Many early ventures of Government into the control of signs were directed at promoting communication. In England in 1393, Flowerence North, a "bower of Chelsea" was presented, "for not putting up the usual" sign. Later Charles II granted Londoners the right to "expose and hang in and over the streets and ways and alleys... signs and posts of signs affixed to their houses and shops, for the better finding out such citizen's dwellings, shops, arts, or occupations, without impediment, molestain, or interruption of his heirs or successors"... From History of Signboards by John Larwood and John Camden Hotten.
as population, mobility and commercial competition increase, there will be further
demands for signs as a communicative tool.

The pollution of the air and water has been at the forefront of recent environ-
mental battles. The hazards to health and property resulting from such pollution
have been publicized and are generally recognized. Concern over visual pollution,
however, is only awakening. Trees are being planted along streets; power and
telephone lines are more and more being placed underground, anti-litter campaigns
are being waged. Along with these, increasingly strong controls are being placed
on signs by all levels of government.

The Federal Government and the individual states have been concerned with
signs bordering highways. All states are required to enforce certain national sign
standards along their interstate highways outside of incorporated cities, but many
have gone beyond the standards set by the Federal Government for the Interstate
System and have established controls for their state highways. Oregon, for example,
has controls which set billboard spacing requirements for all its highways.(2) In
addition, Oregon's Scenic Area Law prohibits outdoor advertising in certain design-
nated areas.(3)

Many cities through their building codes or zoning ordinances have established
sign controls. The objectives of the controls vary from city to city, and no typical or
model sign code has been found.

This variety in city sign controls is due, in part, to the differing goals of each
city. Honolulu, for instance, in a preamble to its sign ordinance, calls attention to
the fact that tourists are attracted to the city because of its natural beauty which
could be detracted from by "the indiscriminate erection and maintenance of large
signs." New York has set up sign regulations that respect its skyline.

Closer to home, Lake Oswego has a sign ordinance which places strict controls
over the size, illumination, density and placement of signs. These regulations were
designed to reinforce Lake Oswego's residential, village-like character. In Hood
River, businessmen took the initiative to reduce sign pollution on the main business
thoroughfare.

The lack of important studies of signing and of its effect on people and the
cities is alarming. This has resulted in the absence of agreed upon goals, even
among experts. Despite this lack of direction, sign regulations have become increas-
ingly common and more far-reaching in their effect. The validity of sign control
ordinances has been attacked in the courts for a variety of reasons, but in the main
the courts have sustained these regulations.

B. Legal Aspects of Sign Control

The authority of municipalities to regulate signs is usually found either in
state statutes or city charters which delegate to local government the power to
enact ordinances "for the promotion of the public interest, health, morals, safety,
comfort, convenience and welfare of the city" and its adjacent area. From a con-
stitutional law standpoint this exercise of the state's "police power" is limited by
the requirements of "due process" and "equal protection," "just compensation" in
the case of an actual taking of property, and the general prohibition against
"unreasonable" and "arbitrary" restriction upon the use and enjoyment of prop-
erty.(4) (See Annotation, "Municipal Power as to Billboards and Outdoor Advertis-
ing," 58 A.L.R. 2d 1314 (1958)).

Typically, sign regulations appear in the form of zoning ordinances which
frequently result from planning commission recommendations. See ORS 227.090.
The power to enact a comprehensive zoning ordinance was upheld 45 years ago by
the Supreme Court of the United States in the landmark case of Euclid v. Ambler
Realty Company, 272 U.S. 365 (1926). Zoning restrictions based on health and
safety factors have seen little challenge since that decision. Only recently, however,
have the courts faced up to the question of whether esthetics may be considered
in the exercise of the police power.

(2)ORS 377.115-377.430.
(3)ORS 377.505-377.545.
(4)The Supreme Court of California has recently held as "reasonable" a county zoning ordi-
nance requiring removal of billboards within one year after such billboards have been fully
depreciated for federal income tax purposes. National Advertising Company v. County of
Oregon is already on record as adopting the position, first enunciated by the highest court of New York, "that aesthetic considerations alone" can support a zoning ordinance. In Oregon City v. Hartke, 240 Or. 35 (1965), the Supreme Court of Oregon upheld an outright ban against auto junkyards and quoted extensively from a New York decision as follows:

"Once it be conceded that aesthetics is a valid subject of legislative concern, the conclusion seems inescapable that reasonable legislation designed to promote that end is a valid and permissible exercise of the police power. If zoning restrictions 'which implement a policy of neighborhood amenity' are to be stricken as invalid, it should be, one commentator has said, not because they seek to promote 'aesthetic objectives' but solely because the restrictions constitute 'unreasonable devices of implementing Community policy.' . . . Consequently, whether such a statute or ordinance should be voided should depend upon whether the restriction was 'an arbitrary and irrational method of achieving an attractive, efficiently functioning, prosperous community—and not upon whether the objectives were primarily aesthetic.' . . . And, indeed, this view finds support in an ever-increasing number of cases from other jurisdictions which recognize that aesthetic considerations alone may warrant an exercise of the police power.'" 240 Or. at 48-49.

Since the Oregon City decision, the New York Court of Appeals has specifically extended the same analysis to sign regulation. In Cromwell v. Ferrier, 19 N. Y. 2d 263, 225 NE 2d 749 (1967), the New York court upheld a zoning ordinance which had the effect of prohibiting a billboard on a lot across the highway from the land occupied by the advertised establishment. Judge Breitel, writing for the majority, stated the present rule in New York to be as follows:

"In concluding that the ordinance is constitutional and that the restrictive outlook of the Bond case (supra) should no longer be followed, it does not mean that any esthetic consideration suffices to justify prohibition. The exercise of the police power should not extend to every artistic conformity or non-conformity. Rather, what is involved are those esthetic considerations which bear substantially on the economic, social, and cultural patterns of a community or district. Advertising signs and billboards, if misplaced, often are egregious examples of ugliness, distraction, and deterioration. They are just as much subject to reasonable controls, including prohibition, as enterprises which emit offensive noises, odors, or debris. The eye is entitled to as much recognition as the other senses, but, of course, the offense to the eye must be substantial and be deemed to have material effect on the community or district pattern. Such limitations are suggested in the Stover case [which the Oregon court followed and quoted from in Oregon City v. Hartke]. No doubt, difficult cases will arise in which there will be the necessity for discrimination on very fine bases, but that is not a new difficulty for Legislatures, administrative agencies, or courts. This case does not involve, however, such a difficulty." 19 N.Y. 2d at 272-273.

Cromwell v. Ferrier is persuasive authority and it is quite probable that sign control regulations may be validly supported in Oregon by esthetic considerations alone. Most recently, the United States Court of Appeals for the Fifth Circuit has held that esthetic considerations alone validated a Florida municipal sign control ordinance prohibiting outdoor advertising signs; the court recognized that esthetics were sufficient to promote the general welfare "even though not required for the safety, morals or health of the general public." E. B. Elliott Adv. Co. v. Metropolitan Dade County, 425 F 2d 1141 (5th Cir., 1970).

C. Public Regulation

1. Code Development

Unsightly electric signs in the business district was the subject of a protest made yesterday before the City Council by a committee representing the Greater Portland Association. The Council agreed to look into the subject and, if possible, enact ordinances to correct the difficulties. Commissioner Dieck says he has a record of all
signs, but has been unable to limit the types except as to safety. The committee was headed by Leo Friede and E. J. Jaeger. It was complained that unsightly and poor signs are being erected, and they not only injure the appearance of the streets, but hide more attractive signs erected by other merchants.

_The Oregonian, January 13, 1917_

Portland downtown streets in 1917 were flanked and spanned by a proliferation of signs that perhaps exceeds that of today. Many signs were wooden and crudely painted. Symbolic signs were common (a dentist was arrested in 1921 for his refusal to take down an immense set of dentures that projected over the sidewalk). Illumination was achieved by centering exposed light bulbs on the letters; five such theater signs spanned Broadway by 1920.

On July 8, 1918, the City Council passed a sign ordinance designed to rid Portland of the “backwoods” image of its streets. The ordinance covered only those signs which projected over eighteen inches beyond the property line, but many of its provisions were far reaching and novel. Unique were the regulations against “blanketing” (one sign shutting off the view of another sign). A table set the maximum size for projecting signs based on their height above the sidewalk. Bigger signs were required by this provision to be placed higher above the sidewalk. _The Oregonian_ stated flatly on May 15, 1918, “The proposed ordinance will prevent blanketing.”

Also included was a requirement that all signs projecting over 18 inches beyond the property line be illuminated at a specified intensity during the evening hours. H. E. Plummer, the Chief Building Inspector at that time, and head of the committee that drafted the ordinance, stated that the principal reason for the existence of street signs was that they provided illumination for the sidewalk and caused the streets to be brighter and more attractive.

Soon to be dropped was a provision which stated:

No permit shall be issued for any sign which represents any article or thing which is of nonartistic nature, or which in itself is unsightly, grotesque, of offensive character or a monstrosity, it being the intent and purpose of this ordinance that all signs constructed over sidewalks be attractive in appearance.

The 1918 ordinance, although it has long since been replaced, was the foundation of our present Sign Code. The important features of the code, then as now, are the administration of sign permits, the electrical and structural design of signs, various safety provisions and miscellaneous regulations for blanketing and equalizing sign illumination. Changes have been made through the years on an _ad hoc_ basis. For instance, in 1927, when a Portland sign company was given a franchise for the use of neon, the ordinance was amended to include neon as an accepted means of illumination.

Later, the Light Standard Sign Committee was established under the ordinance. Its membership, made up of representatives of downtown business interests and the power companies, considers applications to erect signs on public light standards. Rose Festival, Christmas, and convention welcoming signs are examples of light standard signs to be approved by this committee.

2. Codes Now in Effect

Portland’s sign regulations come basically in two codes. One is the Sign Code; the other is the Planning and Zoning Code. The Sign Code is intended to describe what is a sign, how it may be erected and illuminated, and of what it may be constructed. The Planning and Zoning Code purports to describe the uses of signs, within the various land use zones of that code.

Superimposed upon the two basic sign codes, there are “S” Zones for the specific control of signs in any land use area, no matter what the construction or composition of the sign, and “D” Zones, which are general design control zones, including buildings as well as signs.

The basic sign codes are not tightly separated into different compartments. There are complex cross-references among the various codes, conflicts within them, overlapping between them, inappropriate cross-references to repealed sections, all
resulting in confusion. Even with intense study it is difficult to reach a clear understanding of the various sign regulations despite having had substantial experience in working with them. Practically speaking, only members of the sign industry and those city administrators dealing directly with sign control are familiar with the various provisions. The ordinary citizen who wishes to erect a sign is practically required to rely upon the recommendations made by members of the sign industry or representatives of the city.

3. The Sign Code

The present Sign Code is lengthy and highly technical. Fifty years of amendments and codifications have left it a bulky and sometimes curious document. The Sign Code's age—it is more than 20 years since the last overall revision—explains the fact that the code does not even speak to some types of sign materials which arguably are permitted under the present code with little or no regulation. Painted wall signs, for example, are practically without regulation under the Sign Code. Nor are such signs effectively controlled under the Planning and Zoning Code. The same lack of controls obtains for aircraft with trailing banners and for signs on vehicles.

The chief administrative body of the Sign Code, the Sign Code Board of Appeal, is required by ordinance to include members from the outdoor advertising industry and the electrical advertising industry. General business, including advertisers and the professions, is also represented. Although variances are permitted from the Sign Code regulations, there are few and inadequate guidelines to determine when variances should be granted. There is no coordination and little communication between the various bodies given administrative responsibility for sign regulations. The administrative agencies, in good faith, have attempted to fashion their own guidelines.

The task of enforcing sign regulations has fallen generally upon the one man who also has the task of passing upon all applications for sign construction. Obviously he can make no practical attempt at sign enforcement. Members of the advertising industry, particularly in the Electrical Advertising Institute, have made periodic efforts to maintain at least minimal enforcement of sign regulations. Most of these efforts have been directed to taking down abandoned signs. In one case a huge rooftop sign support structure on a downtown office building which passed through a change of ownership, was unused for six years before its forty tons of steel were removed upon condemnation by the City. There are many other unused sign support structures throughout the city (see Exhibits A and B). The Sign Codes do not provide adequate steps and remedies for the removal of unused on-premise signs. The fee structure accompanying application does not provide for effective enforcement machinery.

4. The Portland Planning and Zoning Code

Sign regulations in Portland follow the same general form as building regulations. Those aspects of signs that are of an environmental or planning nature are covered in the Planning and Zoning ordinances and administered by the Planning Commission under the Planning and Zoning Code.

The Planning and Zoning Code divides the city into eleven “basic zones” and establishes within these zones land uses, building heights, setbacks, etc. Included for each zone are regulations with respect to the type, size, placement and density of signs. These regulations differentiate between a residential zone and a commercial zone by placing strong regulations on signs in residential zones and few regulations on signs in commercial zones.

In theory, the land uses under the Planning and Zoning Code could have the same relationship to regulatory needs as would sign uses. Although it is conceivable that sign use zones need not be identical with land use zones, superimposing different zones within the city would appear to be more confusing than useful. Nevertheless, because of the necessary demarcation between land use zones, inequities can result to potential sign users on the border of the zones. Generally it appears to be desirable to have buffer zones for sign uses on the land use borders. This could be effected either through code provisions or through appropriate application under effective guidelines to a variance committee or other administrative body.
Bilboards, which are prohibited in residential zones, are allowed in certain industrial and commercial zones:

... the Variance Committee first approves the location as not obstructing a view of scenic interest, as not obstructing traffic visibility, and as not increasing the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

The Variance Committee, which considers all variances from the Zoning Code, has established guidelines, within the above charge, for weighing a request for a billboard. These guidelines allow billboards at approximately 150-foot intervals (not including intervening streets), or, with Portland's 200-foot grid system, an average of one and one-third billboards on each side of the street per block. Decisions of the Variance Committee can be appealed to the City Council.

Furthermore, the "S" and "D" Zones are superimposed on and overlap many commercial or industrial basic zones. But for these superimposed zones the far more lenient sign provisions of the basic zones would apply.

5. The "S" Zone

The most controversial aspect of the Zoning Ordinance affecting signs is the "S" Zone, or Sign Control Zone. The purpose of this zone is stated in the ordinance:

In locations where large numbers of advertising signs, business identification signs or outdoor advertising signs (billboards) would adversely affect traffic safety and the appearance and scenic outlook of the City, the control of such signs becomes necessary. "S" Zones are intended to include areas along bridges, or bridge approaches, and throughways designated by the Oregon State Highway Commission or other authority within the City of Portland and highways specially designated by the Council including other areas adjacent to such bridges, bridge approaches or designated throughways or highways and the extensions thereof where the Council determines an "S" Zone to be appropriate.

The intent is to eliminate billboards within the borders of this zone and to restrict severely on-premise signs as to size, density and animation (motion or flashing). The areas of this zone include much of what was the prime billboard space of the city. Existing, non-conforming signs were given a ten-year moratorium when the ordinance was passed in 1959. Therefore, for those areas mapped as "S" Zones in the original ordinance, compliance was required by July 1, 1969. Since the adoption of this zoning ordinance, areas have been added to the "S" Zone, which have followed the major arteries. The Minnesota Freeway and the Stadium Freeway are recent additions. A recent proposal by the Portland Planning Commission to include parts of McLoughlin Boulevard was passed by the City Council; however, the Council excluded from the ordinance a portion of the boulevard which the Planning Commission had deemed desirable to include.

Recently there has been a flurry of activity with respect to this aspect of the existing Portland Sign Code—the "S" Zone, which affects on-premise identification signs in some designated areas of the community and generally prohibits all off-premise outdoor advertising signs (billboards). Perhaps the interest engendered by this activity will continue, so that the entire area of sign regulation will have the public study and attention the community deserves. The recent interest came from the fact that Portland's "S" Zone was finally ready to be implemented after the ten-year moratorium. As your Committee has been informed that five years is generally the time used by advertising companies to completely depreciate signs, it appears that the ten-year moratorium was most generous.

6. The "D" Zone

The "D," or Design, Zone was established to preserve the character of areas of the City of high historic, architectural or scenic value. The present "D" Zone areas are the South Park Blocks, the Memorial Coliseum, Terwilliger Boulevard and the Skidmore Fountain. Plans for signs or any type of construction in these
areas must be submitted to the Design Advisory Committee of the City Planning Commission, where they are considered on their design merit. This Committee’s recommendations are not mandatory, but they are generally followed. The Portland Development Commission has its own sign regulations which are not intended to be coordinated with the City’s overall sign regulations. Private developers, such as the Lloyd Center, have established their own regulations with regard to the use of signs on private property.

7. Appeals, Grievances and Variances

Since multiple bodies deal with the subject of sign regulations, the individual user of a sign (or his industry representative) must take his disagreement with the City Bureau of Buildings to the Sign Code Board of Appeal—if the user’s disagreement is with the Sign Code and its definitional or structural requirements. The user aggrieved by a decision with respect to the use of a sign within a land use zone takes his grievance to the Variance Committee of the City Planning Commission. From either body, the user may appeal to the City Council. In the first instance, an application for the erection of a sign is made to the City Bureau of Buildings. The fee charged for servicing that application is minimal. Until recently the City has had only one man in charge of the entire department. He has the responsibility of screening all applications and enforcing all provisions of sign control in the City. In practice, applications are filed, signs are erected and the work is completed before the application is effectively passed upon by the appropriate administrative officials. In practice variances have been issued quite liberally either by the Sign Code Board of Appeal, the Variance Committee or ultimately by the City Council. As a result of the liberality with which variances have been granted, the regulation of signs is a patchwork.

D. Mayor’s Sign Study Committee

An eleven-member committee was appointed in February, 1966 by Mayor Schrunk to prepare simplified sign regulations. Serving on that committee are the City Traffic Engineer, the City Attorney, the Chief of the City Bureau of Buildings, a member of the Outdoor Advertising Industry, a member of the Illuminated Sign Industry, a Professional Engineer, the Director of the Planning Commission, a member of the Portland Art Commission, a member of the American Institute of Architects, a property management representative and an advertising executive.

The Mayor’s Sign Study Committee recently was directed by the Portland City Council to make specific recommendations with respect to the implementation of the “S” Zone after the expiration of its ten-year moratorium following the 1959 adoption of that “S” Zone ordinance. Reflecting the difference in that committee’s composition, it was far from unanimous in its recommendations. It felt, however, that the “S” Zone should continue to be enforced. It did recommend that adequate notice should be given to all sign users affected by the regulations.

The Sign Study Committee also proposed that another new sign regulating body should be established to function under the City Planning Commission. The City Council adopted those recommendations and also provided that there should be adequate variance procedures in enforcing the “S” Zone. The City Council also amended the “S” Zone ordinance—in order that on-premise signs would not “suffer”—to permit signs which were not visible from major arterials and thoroughfares, bridges, bridge approaches and freeways. The Mayor appointed the new Sign Review Committee on October 29, 1969. It now consists of the Chairman of the Planning Commission, the Business Manager of the Electrical Workers’ Union (some of whose members are employees of the sign industry), and three businessmen. The company of one of the business members of the new committee is a heavy user of outdoor advertising.

E. Portland’s Urban Renewal Area

The Portland Development Commission, Portland’s urban renewal agency, imposes another level of sign control over the urban renewal areas. All signs must be approved as to design. No billboards are allowed. “All signs must be attached flat against the wall of the building or to the face of a marquee and may not project above the roofline or wall coping, nor face directly upon a residential area.” No flashing signs are allowed.
F. Portland Suburbs

Each of the counties and incorporated cities in the Portland Metropolitan Area has its own set of sign regulations. These are normally a part of the zoning ordinance of the jurisdiction and are administered by its planning commission. The protection of the residents is the major—if not the sole—purpose of these regulations, and the result is often a quite simple set of laws, as compared with Portland; however, the pattern of the sign controls over the entire Portland metropolitan area is anything but simple. One can, in a mile's drive, pass through four jurisdictions, each with its own sign regulations.

G. Private Controls

The strictest controls over signs exercised in cities can be found in the shopping center. The desire for a corporate image of attractiveness has led to an effective form of self-regulation. Many building owners in downtown Portland impose similar controls over tenants' signs.

IV. REPRESENTATIVE VIEWS AND ARGUMENTS

In the course of interviewing and discussing the problem of signing with various persons and groups, your Committee discovered that there is no easy classification of proponents and opponents. Everyone seemed to agree that a problem exists, that something needs to be done about it, that controls are needed. The questions are "how much?" and "what kind?"

Your Committee has presented in Appendix A the opposing views and arguments of the sign industry and of others, including critics of the sign industry and of the present sign code and its enforcement, city officials, sign and traffic enforcement officers, architects and engineers, representatives of the arts, real estate, property management and retail business groups, and newspaper and magazine writers.

V. DISCUSSION

A. General

The use of signing is part of the process of communication. In the process, the message, the sender and the receiver all are important. There is public regulation of signing because the public is involved in all parts of this process of communication. The message is intended to communicate to the public. The sender is the businessman, the operator of an enterprise, a member of an industry, or an association.

Unlike other forms of advertising communication, signing — making use of the public vistas, mainly on streets and thoroughfares— cannot be physically "turned off" by the public.

Studies conducted by the outdoor advertising industry as well as by the electrical advertising industry, however, indicate that large segments of the public ignore the signing that can be seen about them. The public has learned not to pay attention to signing and to take it for granted.

It should be stressed that the regulation of signing is regulation of a system of communication rather than the regulation of an industry. Because this system makes use of the public vistas, the public has not only the right but the duty to make certain that the public eyesight is not abused. Your Committee is persuaded that signing is an important and integral part of the cityscape today. Signing necessarily affects the public enjoyment of the visual environment. Good signing can add to the public enjoyment of the city.

Your Committee is concerned that the businessman is the innocent third party squeezed by the system. If the businessman's neighbor has erected a sign which contributes to the visual pollution of the area, the businessman frequently is pressured to compete, not by lessening the pollution but by adding to it. Thus we find the clutter (see Exhibit C) and the parade of projecting "fingers" signs

(5) Arthur D. Little, Inc., Study op. cit. and Bardsley & Hoslacher Study op. cit.
EXHIBIT C

(see Exhibits D and E) in which some signs effectively blanket others from public view. The more the signing under those circumstances, the less the opportunity for anyone to see what the businessman is trying to call attention. There is a distinction between demanding and inviting public attention. To achieve the latter has been the stated purpose of the Portland Sign Codes, and that purpose is worthy. The cost of bidding for the demand of public attention can become enormous for the individual businessman. One who cannot financially meet his more affluent competitors in the matter of signing feels the pressure to compete by having a potpourri of less expensive signs which are equally devastating to the cityscape.

The public's esthetic health and the individual businessman's economic health, therefore, would be improved by proper regulation of signing within the community. Moreover, the health of any business in the Portland community definitely links itself to the attractiveness of the community as a whole. The policy statement of the Portland City Planning Commission on sign regulations reflects sound thinking (see Appendix B). That statement indicates:

"Considering the wonders of our natural setting, Portland has a greater stake in its visual appearance than most other cities. It is time we emerge and reap the benefits. Our reputation as an attractive city is rapidly fading."

There is a limit to the visual assault that an individual should be required to endure in his city. When signs become a threat to a person's ability to see and respond to other elements of his environment, they have gone too far. As some have warned, we may be approaching the point of oversaturation: So bombarded with signs that we see no signs at all.

No one disputes the fact that all signing must be regulated for structural safety. Nor is there substantial argument with the proposition that sign regulation is required to insure traffic safety. One of the more important functions of sign regulation, however, is to provide a signing process with necessary tools to make
the message clear. When one sign competes too strenuously against the next, all messages become fuzzy. When the size of the sign is entirely out of proportion to its scale within the city, the message becomes absurd. No system of sign regulation can or should attempt to design each sign. The sign regulations should encourage, not stifle creativity and innovations in signing. Much of the competitive sign blanketing stems from the sameness of the signs. Much of the public’s desire to “turn off” the signs stems from a rejection of the dull monotony of the signing routines within the city.

The members of the business community should have a reasonably equal opportunity to make use of effective signing. A newcomer to a street blanketed by signs should be given neither an opportunity to blanket even more nor the penalty of having no sign. The solution is to eliminate blanketing and thus eliminate the newcomer’s dilemma.

Because signs are a major element within the cityscape, the signing system does have the opportunity to contribute greatly to the scenic improvement within the city. Every study of the public’s reaction to signing makes clear that there are other elements within the visual environment more important than signs. Buildings, vehicles, utility structures and people are other factors that make up the visual environment of the city. Certainly it would be preferable to bring all elements of the city into accord and harmony. The sense of the appropriate, however, is not abandoned when discussing one of the factors alone. Good signing alone will not make for a magnificently beautiful city. Bad signing does not help.

The primary concern of the Portland Sign Code is on-premise signing. Here the businessman identifies his enterprise and invites the public to patronize him. A convincing argument is made that on-premise advertising for the identification and description of a business enterprise on the premises is both useful to the public and essential to the individual business, and that off-premise advertising within the city is neither useful to the public nor essential to the business community.

Off-premise advertising is largely used by national and institutional enterprises which do not limit their guest patronage to any particular business establishment. This form of advertising is the least expensive of all of the major alternatives, for the exposure created. During a political season, this form of advertising is widely used. The members of both the outdoor advertising industry and the Electrical Advertising Institute blame the independent, wildcat, or do-it-yourself signer for much of the abuse of sign regulation. Whether these marginal practitioners should share the bulk of the blame for the abuse of present sign regulations as well as for the violations of good taste has not been verified by your Committee; certainly, these marginal practitioners in the main have not policed themselves well.

The conventional billboard structure today does not help to beautify the city, despite the new latticework backs now starting to be used. Members of the outdoor advertising industry have not been creative or innovative in developing off-premise advertising procedures or opportunities, and the use of kiosks, poster panels, billboard clusters, or even off-the-road billboard “communities” have not been explored sufficiently by off-premise advertisers. The Portland Zoning Code essentially forbids all billboards, except where special variance permits the construction and erection of such off-premise advertising. The superimposed “S” Zone, or Sign Control Zone, forbids all billboards along the freeways and some of the major arterial roads within the city. The approach to off-premise advertising, however, has been to chip away at the number of structures permitted, rather than to examine the need for the desirability of off-premise advertising altogether. At present there is in effect a kind of “grandfather clause” which permits no more billboard structures than exist already. The question that needs to be asked is whether we should have the billboards we now have.

Many of the members of the Electrical Advertising Institute and their representatives as well as the members of the outdoor advertising industry and their representatives have been most helpful to the Committee in its deliberations. Many of these same members and representatives from the advertising industries
have bent their effort to creative contributions to signing. Certainly the busi-
nessmen who deal on a daily basis with signing have the best opportunity to
contribute to good signing. With the guidance of planners, architects, designers
and artists, in response to needs of the public, the signing industry in its various
aspects can and should be one of the best forces for the development of the liva-
bility of our city and the beauty of our cityscape.

The sign industry has a major role in the successful and effective imple-
mentation of sign regulations and the signing of the city. The industry, there-
fore, must understand and advocate the community interest which should coin-
cide with the business interests of the industry. The effort must be made to
improve the effectiveness of signs without harming either the attractiveness of
the city or the rights of the individual. The old approach of “more of the same”
is not good enough now or for the future.

B. Regulation

The lack of regulations or enforcement had its historic effects. In the 17th
Century, for example, London literally was

“darkened with great swinging signboards of every description. . . . Increase
of size made the signs a nuisance, especially in narrow streets. Again and
again legislation was passed restricting the size of signs, but the restrictions
were not continuously enforced. In the great fire of London in 1666, the
rapid spread of the flames was attributed partly to the numerous signs that
stretched clear across the streets.”(6)

Unlimited sign proliferation also was evident in Portland before its first sign
ordinance was adopted in the 1920's.

The following purposes are served by sign regulation:

1. Protection of public safety through structural requirements and main-
tenance of signs, and by insuring that both motorists and pedestrians have
clear perception of traffic signs and of business, residence, and recreation
locations, civic uses and general orientation within the city.

2. Protection of the economic interests of the community through afford-
ing an equal opportunity to all businessmen to identify and advertise their
businesses, to participate responsibly and effectively in the sign and adver-
tising industries, and to enjoy an attractive community which encourages
patronage.

3. Protection from visual interference of scenic vistas, historic locations
and landmarks and areas of natural beauty.

4. Clarification and strengthening of the nature of neighborhoods and
districts, by heightening the awareness of the character of those areas.

5. Strengthening the integrity of all facets of the cityscape, including
signs, sign structure, buildings, streets, sidewalks, lights and landscaping.

6. Coordination with and complementing of state and federal sign
regulations.

Our society regulates the use of broadcasting airwaves and even controls the
commercial messages which may be broadcast. The dissemination of advertising
literature is controlled by federal mail regulations as well as by local permit and
licensing requirements. All building and construction throughout the city is
subject to zoning and code requirements, to insure consistency of uses and
safety of design. Special zoning and code requirements affect special areas of
the city as their scenic, historic, industrial, commercial or residential use may
require. The regulation of signing, therefore, is only a part of the overall
control of the public on its environment.

The regulation of signing should be considered as a part of the field of
communication. Therefore, the clarity and effect of the message is of great
importance. If the least important message is permitted to use the most attention-
riveting means of communication, then what should be used by the most im-
portant message?. Sign regulation must work within the framework of the com-

(6)Larwood & Hotten, loc. cit.
munity's needs, within the context of the visual environment; in that context are the messages that the members of the community must interchange one to another, within that environment.

Of necessity, no amount of sign regulation can be sufficient to achieve the purposes described above, without the cooperation and good will of the members of the sign industry and those who advertise through signing. An effective sign code should have adequate policing of the regulations in force. Self-policing by the sign industry, as in so many other aspects of our society, must be expected in order to achieve satisfactory results from sign regulations. If members of the sign industry or advertising industries using signs are called upon to be the public policeman, there is an obvious conflict of interest. Presently the efforts of the Mayor's Sign Study Committee, which has been in existence nearly as long as your City Club Committee, reveals the great difficulty in asking affected members of an industry to police themselves in the public interest. If the policemen are the ones to be policed, then who polices the policemen? Vote after vote in the Mayor's Sign Study Committee has reflected the specific self-interest of those members of the industry affected. Certainly every individual affected by public decision should have his voice heard, but neither the initial draftsmen of sign regulations nor the boards and commissions designated to administer the sign regulations should be comprised of members from the immediately affected industries or agencies. In the democratic process, these roles should be filled by intelligent participants from the general community. The Portland community has plenty of persons of sufficient knowledge and background to sort out the competing claims against the purposes as well as the specific provisions of existing sign regulations. And members of such administrative bodies enforcing sign regulations certainly should seek expert guidance from all who are affected and knowledgeable. In the past the public's sign regulations have been drafted, advocated, implemented and enforced mainly by the members of the sign industry directly concerned, together with those members of the advertising and business community most directly affected by the signs concerned. The public in general has been under-represented, its professional administrators have been understaffed and, as a result, the problems of sign regulation have suffered from under-concern.

The arguments raised before the City Council, the City Planning Commission and the Mayor's Sign Study Committee, the unreasonable, irrational, personal attacks made upon devoted members of the professional staffs of these bodies, and the general tenor of the opposition to enforcement of the "S" zone after ten years all were indicative of severely limited perspective on the issues at stake. Members of your Committee attended several meetings of the Portland City Council and the Mayor's Sign Study Committee at which wild accusations of creeping socialism were made, when the only complaints to be voiced boiled down to the failure to provide for appropriate notice to people affected by the regulations and for appropriate procedures for affecting variances. Stripped of the overall framework of the emotionally charged arguments, some of the suggestions recently made are worthy of consideration. The context of the argument is disturbing when it suggests that sign regulation should be abolished as merely another insidious plot to destroy free enterprise. Your Committee has seen no evidence of any such plots.

C. The Visual Environment

The effect of signing on the cityscape is the central concern of your Committee's study and report. The considerations of such effect in large measure are within the area of esthetics. Your Committee has heard the argument repeated frequently that beauty cannot be legislated. However, court decisions have upheld laws designed to promote beauty. The same argument against legislating esthetics is also made with respect to morality. Your Committee disagrees with the thrust of this argument. If neither beauty nor morality can be legislated, then the bulk of the laws, statutes, ordinances and regulations affecting people and society are an exercise in futility. Zoning laws in particular are an exercise in esthetic considerations. Design control zones, the protected historic and scenic vistas, anti-litter, and similar regulations are intended to serve more than the
physical health and safety of the populace. It is a proper function of government in the public interest to provide for the pleasure as well as the protection of the people. Landscaped boulevards, required underground wiring and utility structures, design competition for public construction, community parks, plazas and esplanades are attempts by the public to provide for their esthetic pleasure.

Simply to repair to the desirability of "good" signing is of little use. To the advertiser the sign is good if it brings more trade. To the consumer, a sign is good if it easily identifies the place of business and suggests the nature of trade conducted by the business. (The consumer has a hard time now locating the business by street number because so many establishments do not display their numbers. It is startling that this most essential of all identification signs, the street number, is absent from so many businesses.) To the business whose enterprise or product is advertised off-premises, a good sign carries the message effectively and economically.

Architects have their own esthetic notions for signing. Garden club members may consider their particular reactions to a specific sign or the general effect of tidiness. The sign manufacturer considers the sign he sells a good sign. The City Building Department may consider a good sign one that is structurally safe and of minimum fire hazard. The traffic engineers appreciate a sign that constitutes no traffic hazard and does not compete with traffic control signals. To a tourist, a sign is good when it has the general effect of impressing the tourist with the beauty, dignity and interest of the city, as contrasted to a honky-tonk quality. To a property owner upon whose property the sign sits, the sign is good if it brings desirable revenue and does not damage the property or depreciate its prestige and value.

Artists disagree among themselves on art. The public disagrees in wide variations on artistic taste. Good taste is determined by the individual point of view. Creating "good taste" is in the general public need not be the aim of legislation.

Representatives of the sign and advertising industries have suggested to your Committee that esthetic considerations cannot be ignored. These representatives have indicated that signs should not be permitted to block or obstruct scenic views; the signs should be restricted to areas zoned for commercial or industrial use; they should be properly spaced and maintained in a neat, clean and attractive condition; gimmicks, such as spotlights, rotary beacons, satellite flashers and other devices should not be permitted. Representatives of the sign industry thoughtfully suggest that devices which demand rather than invite attention should be eliminated. Yet these same representatives urge that there is no commonly accepted standard of esthetic values, for what appeals to one may offend another.

It is evident to your Committee that sign control should reflect the values and aspirations of the society, even as the society controls and regulates the rest of its environment. Signs should be regulated in accordance with their appropriateness for the area in which they may be found, together with their size, scale, density and placement. Signs can and should contribute positively to the cityscape. The community should seek a system of sign regulation that permits variety and freedom of design, yet conforms to well-defined community goals. Although the community may not be able to insure against ugly signs any more than a zoning ordinance will insure against an ugly building, nevertheless, a system of signing can be created to contribute to a more attractive, more inviting and more workable city. In addition to the general objectives of sign regulation discussed above, the esthetic purposes for sign regulation should include an effort to return our urban areas to a human scale. Many of the signs permitted and con-

(7) It is of interest to note that Article 25 of the Public Works Code does require the posting and displaying of street numbers on all houses and buildings throughout the city. Indeed, Section 5-2502 of the Public Works Code requires that the numbers shall be placed within 15 days after the number has been assigned by the City Engineer, and Section 5-2506 requires that no building permit be issued until the owner or his agent has obtained the actual numbers to be posted. The City Engineer's office, however, has advised your Committee that it would not be economic to provide the manpower to enforce these provisions.
constructed in the city today are designed for the motorist, but are visible only to a pedestrian. Frequently only the pedestrian has enough time to search for the sign or to absorb its entire message. Esthetic considerations also should encourage the use of signs to serve secondary community service, such as shielding already unsightly views of the city. However, shielding an ugly unpainted or decrepit side of a building might be the reason it remains in such a state.

The use of the “S” zone (sign control zone, added on to basic use zones of the City) is a case in point in the exercise of esthetic considerations. No signs spanning bridge approaches and major arterials may be erected without compliance with the restrictive requirements of the “S” zone. Initially these requirements fell in line with federal regulations on federally financed freeways. Essentially, however, the purpose of regulation of signs in these zones is to protect beauty; for example, in scenic vistas such as the riverfront. Secondarily, signs are restricted in these areas of fast-moving automotive travel, to avoid distraction of the motorist whose two-second diversion of attention can be fatal at 70 miles per hour. Your Committee is puzzled by the logic behind an “S” zone, if it does not apply to the use of the city as a whole. It appears to the committee that, as a result of practical political expediency, some city planners have determined that only the encroachments of continually extended “S” zones will permit the kind of sign regulation which professional planners urge. This approach appears to be essentially deceitful. If the purpose of the “S” zone is sound, it should appropriately be applied to the city as a whole. The control of signs as suggested in the “S” zone ordinances not only is a sound approach but absolutely crucial if there is to be effective, uniform, consistent sign control regulation throughout the community.

An examination of photographs and the hearing of interested and knowledgeable observers suggest that some kinds of signs, even on the premises, identifying and advertising the business and its products, should be banned altogether. The private stop-and-go traffic control signal as an advertising sign is attention-demanding; it also interferes with the official traffic control signal. Such a sign uniformly is prohibited. Signs are not permitted to stretch out over the streets and highways, although they may cover a portion of sidewalk. Signs are restricted in the height above a building on which the sign may stand. The overall size of the sign frequently is restricted, within widely varying limits. Projecting signs and roof signs promote clutter within the city. On-premise identification signs best serve the public when they are uniform. Esthetic considerations and utility to the sign observer suggest that on-premise identification signs generally would be preferable if flat against the side of a building.

D. BILLBOARDS—OUTDOOR ADVERTISING

There is great concern over the use of billboards within the city. Billboards generally are referred to in the sign industry as outdoor advertising signs. For practical purposes these are uniformly prohibited in the “S” zones. Generally the outdoor advertising sign is entirely out of scale with the urban environment. There is insufficient space without interruption to permit a motorist to focus upon such a sign, and the pedestrian is overwhelmed by the size of an outdoor advertising sign. Representatives of advertising agencies disagree on the effectiveness of billboards for conveying the advertising message. Some feel that billboards are the least effective means of communicating the advertising message. There are other advertising media equally as effective. Outdoor advertising on billboards is the least expensive form of the advertising media. As an advertising device, however, billboards are unique. You cannot turn the page, switch the channel, change the station, or ignore the handout. The billboard will not go away. It either commands your attention or forces you to block the presence of the structure and its message from your consciousness.

The bulk of the advertising messages on the billboards in the city comes from national distributors, largely of whiskey and beer. These advertisers closely are followed by the national automotive industry. The relative impact of outdoor advertising on local businesses and small business enterprises is difficult to establish.

There are limited uses for which outdoor advertising signs have a unique value. To the motorizing tourist entering the community, a billboard may be a
convenient means of indicating to the visitor in our community where he may dine, lodge, or seek further information about the community, although there are other means available.

E. Safety Needs

All agree there is a clear need for regulation of structural safety in the design, erection, maintenance and removal of signs. These considerations are integrally linked with general building code requirements for structural safety. As in general building codes, however, the regulations for signs and sign structures are in need of constant revision, so they may keep abreast of developing materials and systems. The Sunday Oregonian\(^{(8)}\) headlined on one occasion, “City Regulations Favor Ugly but Legal Signs.” The accompanying story described the inability of one businessman to erect a tasteful sign because it was to be constructed of a material (wood) which was not sanctioned for the building requirements of signs.

City administrators have advised your Committee that the requirements for lighting signs to be visible in certain hours in certain fire districts continue to puzzle even the administrators themselves. Their best guess is that these provisions were inserted in the sign code before street lights were plentiful, so that businesses erecting signs could contribute to the general lighting of the streets and ways of Portland. This is but one example of the anachronisms which may be found in a building code and affect proper development of signs.

Everyone pays lip service to the observation that signs should not contribute to traffic hazards. Members of the outdoor advertising industry, however, strongly assert that there is no evidence of correlation between the presence of advertising signs and traffic accidents. Undoubtedly there are distractions in the visual environment other than advertising signs.

There are few data available to illustrate whether there is a correlation between the presence of advertising signs and traffic accidents. Accident reports do not provide in their check lists for a determination of the effect of advertising signs at the scene of the accident. Few motorists would be willing to acknowledge that the accident was caused by their inattention to driving because they were distracted by an advertising sign. The New York State Thruway Report, however, has demonstrated that at least on throughways and highways and particularly at intersections and interchanges, there is a definite correlation between increased frequency in accidents and the presence of advertising signs.

Local traffic administrators have informed your Committee that there is an obvious distraction from brightly illuminated signs, particularly at busy intersections, when the traffic control signals may be obscured by competing lighting. Even the traffic signs themselves can constitute a traffic hazard, and public bodies have been guilty of posting public signs where they almost certainly do constitute traffic hazards.

Your Committee agrees that advertising signs constitute a traffic hazard when they are designed to divert the attention of the motorist to the message on the sign rather than to the roadway and its traffic conditions. An automobile moving at a moderate speed is traveling a full city block in five seconds. On the open road an automobile at freeway speeds travels more than a quarter of a mile in 15 seconds. It is evident that advertising signs constitute a traffic hazard. This conclusion does not necessarily imply that all advertising signs must be eliminated because of the traffic hazard. It does imply the need for regulation of the placement, frequency and density of advertising signs in relation to the surrounding traffic conditions.

In order to compete with the increasing clutter in the city, traffic engineering officials feel compelled continually to increase the intensity and size of traffic control signals. This is a vicious cycle which contributes to the increased clutter in the city. Although traffic control signals and other public signs are usually not subjected to the control requirements of urban sign codes, those officials in traffic engineering charged with protecting the public interest should cooperate with other city planners in regulating the visual pollution of the city.

VI. CONCLUSIONS AND RECOMMENDATIONS

The focus of your Committee's concern is only on one part of the overall environment of the city. If the Committee were planning a city from the beginning, it probably would not single out sign control as the only subject of regulation. The Committee deals with an existing city, subject to varying regulations in varying areas. It makes its recommendations, however, aware of the impact and interplay upon and among sign regulations with all of the aspects of the environment of the city. Your Committee has concluded that concern for the urban environment compels immediate action for more effective sign regulation. Other areas of the environment of the city may also require immediate action and attention, but sign regulation should not be postponed until the day that all other aspects of the city are brought into harmony, one with the other.

Basic to your Committee's conclusions is the judgment that esthetic concern for beauty is a legitimate and judicially approved reason for regulation within the cityscape. In the view of your Committee, sign regulations of recent years from communities around the country have concerned themselves with regulation for the promotion of beauty. Disingenuously, however, most sign codes repair to assertions of the police power, deploring encroachments on the public way, and making vague references to the health and welfare of the community. Structural safety in sign construction, maintenance and removal is important. Traffic safety must be considered in all sign regulations, and your Committee concludes that traffic hazards do occur as a result of the nature, design, placement, operation and size of given signs. Sign codes, however, in fact do much more than regulate structural and traffic safety; therefore, they should purport to do more, explicitly and candidly.

A sign code should protect the health, safety, property and welfare of the public by regulating all signs and sign structures not located for viewing inside of a building, including aircraft and vehicular signs. The code should regulate the design, size, number, location, quality of materials, construction, electrification, illumination, maintenance and elimination of signs and sign structures. Definitions should be broad enough to prevent exceptions by interpretation. Few, if any, signs should be exempt from the code. Where, as a matter of policy, exemptions are granted (as for official governmental signs), they should be carefully defined in the code.

A city could be said to have a good system of signing if those who use the city can do so in an informed way—informed of traffic regulations, orientation within the city, business, recreation and civic uses. Proper implementation of a sign code should inure to the improvement of the generally accepted esthetic values of the community which promulgates the code.

By being receptive to imagination and creativity in signing proposals, a sign code may encourage and stimulate positive beautification and development within the city. It is not impossible to draft a code which is so receptive. The basic approach for such a code, in the opinion of your Committee, is to adopt provisions as restrictive as possible, giving latitude to a Sign Review Committee, with full and clear guidelines to relax the restrictions in appropriate situations.

It is obvious that the present sign code regulations in the City of Portland are in need of overhaul. There should be only one sign code. Archaic, meaningless and conflicting provisions should be eliminated. It would seem to ask for the obvious by requesting effective administration of an existing sign code. That may be obvious, but it is not the present fact. Effective administration requires effective manpower as well as adequate funding. Both can be aided by annual licenses and adequate fees in connection with sign construction applications, periodic maintenance inspection and removal.

In order for the program to be self-sustaining, application fees for a permit to construct a sign should be fixed in proportion to the cost of the sign, based upon the projected expense of administering a sign code. Proper administration should include adequate personnel for prompt and effective enforcement as well as initial screening of all applications. It should be required that on the discontinuance of the use of a sign, it must be removed within a reasonable time. Adequate fees...
obtained at the time of the construction of a sign, perhaps with a bonding procedure, would guarantee adequate funding and responsibility for the removal of the sign.

Although sign use areas should continue to be determined by the general land use zones within the city, on the land-use borders sign uses should be made equitable to the businesses found in those areas.

Your Committee deplores indirect control of sign regulations. The superimposition of sign control zones, the use of design zones, the implementation of special requirements as in urban renewal zones, strike your Committee as an exercise in compromising encroachments on the status quo. If the city's existing sign control regulations are inadequate, they should be changed rather than nibbled at. Certainly it is conceivable that specific uses for specific areas will require special signing. Your Committee's impression, however, is that the lack of an effective overall city pattern of sign control causes the proliferation of regulations coming from sign control zones, design control zones, urban renewal and private developers.

The Portland City Planning Commission has addressed itself to the questions of sign control as a matter of policy. The Director of the City Planning Commission has served on the Mayor's Sign Study Committee. He also has been the subject of harsh criticism by local special interest groups because of his efforts in suggesting recommendations for sign control. In the judgment of your Committee, the nature and thrust of the criticisms of the Director of the City Planning Commission have been unjustified, and the tone of the criticisms has been improper. The policy statement on sign regulations, adopted by the Portland City Planning Commission on May 7, 1968, is a good, clear exposition of sound thinking in this area. Your Committee is favorably impressed by this policy statement which is attached to this report as Appendix B.

Your Committee believes that the conflicting provisions affecting signs serve no purpose. There should be one sign code, speaking to all of the regulations a sign user must face. The same sign code should deal with those signs affected, where they may be placed, how many may be placed, how frequently (density), the size of the sign, its message, the number of signs on a given business, the construction and maintenance of the sign, and the procedures for obtaining a permit for placement and construction.

The code, of course, should be as brief as possible, in language that can be understood by the ordinary potential user. If it is necessary to make reference to other codes and ordinances, the references should be included verbatim if they are substantive. It would be desirable to have sign regulations administered by only one administrative body, an arm of which would be the only appellate forum prior to ultimate appeal before the City Council.

It would be desirable to have the Portland Sign Code mesh with the regulations of surrounding counties, as well as the state and federal authorities. Oregon's efforts on a statewide level, particularly on the federal and state highways, have been excellent. Members of the outdoor advertising industry have cooperated with those who have made possible the elimination of signs along hundreds of miles of state highways in scenic or historic areas. County, state and federal programs, however, only tangentially bear upon the signing for the cityscape. We in the City cannot avoid our responsibility with respect to sign regulation, by waiting for other governmental units to coordinate their efforts with ours, or to lead us in our own efforts.

Portland sign regulations must consider the existing city, its vistas, its roadways, its buildings, its architecture, its business, its cultural life, and the projected developments for the community. None of the many sign regulations from other communities, reviewed by your Committee, by the Research Assistant for your Committee, and by those administrative, civic and public bodies whose representatives met with your Committee, yields a magic code. Model sign codes, so-called, proposed by various groups, including the National Outdoor Advertising Industry, the Bureau of Governmental Research and others, provide no magic answers. Attached to this report, labeled Appendix C, is a comparison of sign regulations from various communities. In the end result, the substance of the Portland Sign Code must be the determination of Portland's policy makers and decision makers, based upon Portland's needs and desires.
A table of organization for administering an effective sign regulation is beyond the scope of your Committee's function, as is a detailed draft of specific sign regulations.

In effect, the heart of the proposal by your Committee is that there be a general sign review board. Such a disinterested public body may be personally unaffected by specific decisions, but its public responsibility cannot leave it unconcerned. The functions such a body may be called upon to perform are not dissimilar from the functions that the Variance Committee of the City Planning Commission now is called upon to perform with respect to land uses. In fact, the same Variance Committee of the City Planning Commission today passes upon sign use variances from the existing planning and zoning codes. In the ultimate structure and organization of the City Planning Commission and its Variance Committees, it may be wise to have the sign review board serve as a subcommittee of the Variance Committee of the City Planning Commission.

This general, overall sign review board, now proposed by your Committee, should not be confused with the existing Sign Review Committee previously discussed. That Sign Review Committee concerns itself only with all signs in the "S" zones and with applications for new billboards outside the "S" zones. The Sign Review Committee now finds that although it was created by an amendment to the "S" Zone Ordinance, the Committee does have wider scope. The Committee is charged with determining the propriety of placement of any outdoor advertising sign (billboard) both inside and outside of "S" zones. The Committee's determinations are to be based on considerations of both sign density and appearance, as well as discretionary considerations of traffic safety, residential developments, public buildings, parks, and public or private eleemosynary institutions. Despite specific guidelines similar to existing law, the Committee may impose stricter density standards, and it may approve a billboard location "in case of hardship or special situation where the Committee finds that the . . . guidelines should not be applicable." It is interesting to note that scenic and historic vistas and design control zones are not enumerated for the Committee's consideration of billboards.

The general sign review board your Committee proposes certainly should include the functions now given to the existing Sign Review Committee. However, that committee's creation in an ordinance amending only the "S" zone is symptomatic of the failure to face directly sign control regulations and their needed reforms.

The members of the administrative bodies proposed by your Committee should not include members of the industries specifically affected by sign regulation. Certainly representatives of these industries should be given an opportunity to present their views and expertise in hearings before the bodies, but they should have no voice in making the actual decisions.

The public at large should constitute the manpower pool for such administrative bodies. Preferably the members of those bodies should have adequate background in interpreting and administering city regulations. The members should include those who have concerned themselves with city planning, architecture, business development and land uses. Specific and effective guidelines for review by the appellate arm are essential. Without them there can be no fair and uniform administration of a unified sign code. Indiscriminate granting of variances, with or without effective guidelines, can destroy the very code which is so patiently to be constructed.
VII. MAJORITY RECOMMENDATIONS

A sign code, like any ordinance, should proceed toward known goals. In the preceding discussion and statement of conclusions, your Committee has set forth and explained the goals for which a sign code should be designed and implemented. The recommendations of your Committee are intended to be viewed within the context and explanation of the stated goals.

The majority of your Committee, therefore, makes the following recommendations:

1. There should be one code for the regulation of all signs displayed within the City. This code should be understandable to the ordinary user of signs. It should be maintained on a current basis to reflect changes in land use, signing devices and developments, new materials and construction methods.

2. Specific sign regulations for design, construction, materials and methods should encourage creativity.

3. Administration of the sign code should be fiscally self-sustaining. Adequate bonding should be required to insure compliance with applicable regulations for maintenance and removal.

4. There should be one unified administrative body to implement and enforce sign control regulations, with an adequate professional staff to pass upon applications as they are presented, to inspect construction, to determine compliance and to enforce maintenance and, if necessary, ultimate removal. An arm of this body should hear all appeals from staff determinations and should be the sole unit to approve variances. Its membership should come from the general public, excluding members of the businesses and industries affected by the sign regulations.

5. Owners of non-complying signs should be limited to five years within which to bring themselves into compliance with the sign regulations. Such owners should receive a second notice at least one year in advance of the end of such five-year period.

6. Specific sign regulations should include:
   a. Prohibition of all outdoor advertising signs (billboards) within the city.
   b. Prohibition of all roof-top signs.
   c. Prohibition of all projecting signs except those attached to the face of a building and limited to the minimum overhang (such as 18 inches) necessary to permit viewing by passers-by.
   d. Prohibition of all pylon (free standing) signs taller than a reasonable height, such as 20 feet.
   e. Prohibition of all moving or flashing signs.
   f. Prohibition of all signs adversely affecting traffic safety, such determination to be made through active coordination with the City Traffic Engineer and appropriate police agencies.
   g. Strict limitations on the number of signs that may be permitted on each business or commercial property, such as a maximum of three with one additional for each fifty feet of frontage of such property beyond an initial fifty-foot frontage.
   h. Strict limitations on the size of signs, such as one square foot of sign surface for each lineal foot of business frontage.

7. Variances should be granted within specifically set guidelines. The granting of variances in no case should be a cursory procedure. Guidelines for granting variances from all of the above regulations and others appropriately to be included in a sign code should consider:
   a. Permitting delay in complying with sign regulations, on grounds of economic and business hardship, coupled with good faith efforts at compliance.
b. Efforts at creative experimentation in signing from design through construction should be encouraged. Such experiments could include poster panels, kiosks, sign clusters, or "billboard cities."

c. Buffer zones, on the borders of land-use zones, may be permitted, to insure equitable competition among business owners on the border of such land-use zones.

d. Historic and scenic vistas should not be imperiled by variance.

e. Traffic hazards should not be permitted by the granting of variances.

f. The nature of the use of the property and the nature of the uses of the area in which the property may be located should be relevant guides for granting or denying of the variance.

g. Insignificant size, placement and area violations should be permitted where necessary to the nature of the sign or business message, construction or design.

h. Temporary usage for appropriately restricted purposes should be permitted.

Respectfully submitted,
Gilbert R. Meigs
Diarmuid F. O'Scanlain
Durward E. Wright and
Arden E. Shenker, Vice Chairman,
for the Majority

VIII. MINORITY STATEMENT

The Minority of your Committee agrees with the Majority except for its Recommendation 6(a) prohibiting all outdoor advertising signs within the City.

All, including the sign industry, agree that signs should not be permitted to block out or obstruct scenic views. All testimony given to your Committee was to the effect that outdoor advertising on billboards was the least expensive form of the advertising media. Some, however, including the Majority of your Committee, maintain that billboards are out of scale with and inappropriate to the City, that other equally or better effective media are available to convey the same message, that the advertising done most on billboards comes from national advertisers giving little or no established benefit to the City, that the billboard is an encroachment on the public domain and should, therefore, be completely prohibited.

The present Portland zoning code sign regulations provide that outdoor, off-premise signs (billboards) can be erected only in a C2, M3, M2 or M1 zone. Brief descriptions of these zones are as follows:

C2—General Commercial Zone
M3—Light Industrial Zone
M2—General Industrial Zone
M1—Heavy Industrial Zone

It seems to the Minority that the prohibition, per se, of all billboards with the resultant elimination of an industry within the City is an unwarranted and over-harsh penalty to inflict, even assuming the complete validity of the charges. A properly drawn code limiting billboards to the above-mentioned zones under specified strict conditions properly enforced would allow a limited number of such advertising devices which should not be detrimental or offensive to the public interest. Advertisers should also have the prerogative of using this relatively inexpensive media if they choose—subject, of course, to regulations protecting the public interest.

An outdoor advertising sign erected immediately in front of the wall of a building or in front of an earthen bank, for example, in one of the previously mentioned manufacturing or commercial zones, and complying with all the other
regulations of those particular zones as to size, density, etc., should be permitted. Certainly they should not be allowed in the downtown or local or limited commercial zones. However, in industrial zones or along such commercial thoroughfares as 82nd Street, Sandy Boulevard, etc., if properly spaced and limited by having to be located in front of a building wall or earth bank, only far enough from the wall or bank to permit construction and maintenance, and not extending above the roof line or top of the bank, billboards would not obstruct any vista or the skyline. This location requirement added to the other restrictions already on the books, such as only four sign faces in 600 lineal feet, would certainly restrict the number of sites available for such signs.

IX. MINORITY RECOMMENDATION

The Minority of your Committee therefore recommends the adoption of the report with the exception of Recommendation 6(a) of the Majority Recommendations, and recommends instead that Recommendation 6(a) be as follows:

6. Specific sign regulations should include:

(a) Prohibition of all outdoor advertising signs (billboards) within the City except as follows:

(1) In zones C2, M3, M2 and M1, billboards be permitted in front of buildings and/or earth banks subject to the following conditions:

i. Sign’s distance away from the building wall or earth bank shall be no more than enough to permit room for construction and maintenance of the sign (such as a maximum of five or ten feet);

ii. Sign shall not extend above the roof line of the building or top of the bank;

iii. Strict compliance with all other regulations of the particular zone in which the sign is located, such as size, spacing, etc.

Respectfully submitted,

Sidney M. Cooper, *Chairman for the Minority

*Deceased.
APPENDIX A

REPRESENTATIVE VIEWS AND ARGUMENTS

1. The Role and Regulations of Signing

Sign Industry

The sign industry is a legitimate form of free enterprise, a factor in our area's and the country's economy, and should not be restricted any more than any other industry. The principle of control is conceded, but the question is "how much"?

The industry has taken responsibility for leadership in developing reasonable and responsible legislation. It seeks to contribute to the health and growth of the business community, while it recognizes and contributes to the esthetic values. Each industry proposal for advertising control has been in the public interest.

The industry developed a Model Sign Code and an accompanying Sign Zoning Ordinance for use in Oregon cities, and these have been used in greater or lesser degree as the basis for a new sign code in Medford, Corvallis and other Oregon cities.

Others

Other industries affecting the public interest are regulated, some very strongly. The sign industry should be no exception to regulation by the public in the public interest, as the public is affected.

Those who are to be governed and regulated should not establish the rules and controls under which they operate. The sign industry dominated the committees which drafted Portland's present sign code. The absence of an architect designer, artist or public member-at-large on those committees is of itself bad because the represented public interest was not properly represented.

Existing sign codes around the state, largely the result of industry proposals, have been detrimental to the public interest in that they have not contributed to esthetic values but actually have permitted scenic blight.

The industry's proposed Model Sign Code is no improvement and was unsatisfactory and unacceptable to the City of Portland officials. The industry's proposal for sign code legislation makes little, if any impact on the general business community.

2. "Good" Signing Through Legislation

Sign Industry

It is impossible to define a "good" sign. "Good" signing cannot be legislated and no code can eliminate "bad" signs and enforce good taste.

Certain criteria are necessary, such as: enough illumination, but not too much; enough color, but not a conglomeration; enough size, but not so large as to overpower. That not all signs meet all of these criteria is not surprising. Overly restrictive sign legislation can give a town a lifeless appearance.

Others

Of course a good sign must be structurally sound and properly convey the intended message. "Good" signing can be legislated by setting criteria which include appropriateness to the surroundings of the sign. The scale, the beauty and the relationship to the physical environment of the sign can be achieved through a proper sign code and proper enforcement.

3. Responsibility for Signing

Sign Industry

Industry has always acted responsibly in affording good signing to the business community. The problems of the past have come from inadequate enforcement of existing laws, from do-it-yourself signing and from marginal members of the sign industry.

The sign industry continues to act responsibly by installing and erecting the signs desired by the business community, and by advocating sign control in the public interest. Because the sign industry is vitally affected by sign control, it should have a voice in formulating and implementing sign control regulations.

Others

The visual pollution of our cityscape by signs has been caused in large part by the sign industry's failure to give sufficient attention to the esthetic and environmental needs and interest of the public.

Although the sign industry claims to support good sign control regulations, in fact the industry continues to oppose regulation in the public interest which would aid in beautifying the city; i.e., opposition by their representatives on the Mayor's Sign Study Committee to any proposal that they consider adverse to their business interest. Therefore, the public must take the responsibility for developing sign control regulations which are in the best interest of the city dweller.
4. Benefits of Signing

Sign Industry

Signing is needed for identification. Many signs hide eyesores and are better than what they obscure.

Signs, particularly billboards, are one of the best mediums for advertising.

Signs enliven towns.

Others

Because of the blanketing of some signs by others, everyone trying to out-do his neighbor, identification is not achieved in signing. We are so over-stimulated visually by signs that we are in danger of seeing nothing. Signs hide landscapes and vistas that should not be obscured. Signs obscuring unpainted or dilapidated buildings are used as an excuse and are a deterrent to rehabilitation of such eyesores.

Other forms of advertising can carry the load now carried by billboards. “Outdoor Advertising Signs” is the only medium which contributes only advertising and nothing else, as opposed to radio, television, magazines, etc., and advertising can get along without outdoor signs.

5. The Public Interest

Sign Industry

The public interest is to maintain an atmosphere in a city for good living and citizenship. Sign policy should be based on this public interest, but excessive sign control is not in the public interest and is bad for business activity.

A sign has as much right to be on the roadside as any other business activity.

By referendum, the public has shown its favor for highway billboards.

Others

Signs by their very nature are directed to the public; they use the public way and the public vistas; therefore, signs are a privilege and a public concern. Billboards improperly intrude on one’s eyewight and violate, by encroachment, the public domain. Billboards and other signs are inappropriate to the overall community surroundings; therefore, such signs bring chaos to the physical and visual environment and surroundings and are an intolerable imposition on the public.

The well-organized outdoor advertising industry overwhelms the unorganized public when a measure adverse to the advertising industry is brought to a vote.

6. Esthetics

Sign Industry

Signs should not be permitted to block out or obstruct scenic views; they should be restricted to areas zoned for commercial or industrial use; they should be properly spaced; they should be maintained in a neat, clean and attractive condition; and gimmicks such as spotlights, rotary beacons, satellite flashers and other devices that are used to demand rather than invite attention should be eliminated.

There is no commonly accepted standard of esthetic values. What appeals to one person may offend another.

Others

Sign control should reflect the values and aspirations of our society. Signs must relate to the visual environment. By their appropriateness, size, scale density and placement, signs can and should contribute positively to the cityscape.

Billboards are out of scale with and inappropriate to the city; they are inherently distasteful within the urban community and should be abolished.

Outdoor advertising can be achieved while contributing positively to the physical environment by such means as posters, sign clusters and kiosks. These media can be used effectively for screening eyesores and breaking up the monotony of long walls.

Projecting and roof signs promote clutter. The city would look better by putting all signs flat against the building.

7. Traffic Safety

Sign Industry

Extensive research reveals that there is no recorded case either in the files of insurance companies, police agencies or recognized safety authorities to show that a sign caused an accident. Indeed, highway advertising signs are useful to break monotony and road hypnosis.

Others

There is a clear relationship between the proximity of brightly illuminated signs surrounding traffic lights during night hours and the frequency of traffic accidents.

Signs at ramps and intersections are particularly distracting and dangerous to traffic. The very purpose of a sign is to attract attention to the sign. At least one study has demonstrated the relationship between advertising devices and the frequency of highway accidents from driver inattention.

There is no need to combat highway hypnosis in a metropolitan center like Portland.
8. Portland's Present Sign Regulations & The Need for Change

Sign Industry

The present code is complex, but over a period of years has become understood by both the city and industry. The industry can operate well within its bounds, although lay people would perhaps be confused by it. The major problem, if any, is inadequate enforcement by the city, particularly where signs are no longer in use.

The sign regulations are inflexible; for example, the sign control zones ("S" Zones) allow for no variances. Flexible regulation is necessary to apply to the myriad of sign situations.

The problem of sign control in the past has been the failure to distinguish between different types of signs; generally regulations of advertising signs should distinguish among billboards, electrical signs and small commercial signs.

Improved sign regulations are desirable by setting criteria, standards and limitations, and promoting uniformity of regulations throughout the metropolitan area, as well as in Portland; these improvements should protect the industry against marginal practices.

Bonds or some similar provision should be required to insure the removal of old, unused, outdated signs which have outlived their usefulness. Permit fees should be increased to cover the cost of administration and enforcement not presently covered.

Others

The present code needs re-writing because of overlapping, complex, contradictory, sometimes incomplete and missing regulations in many situations. It also needs modernizing in its mechanical, electrical, material and construction requirements.

It is too wordy, internally inconsistent, archaic and lacking in many technical details as well as being difficult and too costly to administer for the fees being recovered.

Since there are presently two codes to work with — the Sign Code and the Planning & Zoning Code — many problems are created.

For instance, one code may refer to a section of the other code which has meanwhile been repealed or revised so that the reference no longer applies. A suggested remedy is that all types of signs should be covered by the Sign Code with those to be excluded from regulation being specifically listed, and everything pertaining to signs in any respect should be in the Sign Code although possibly duplicating another ordinance.

9. Administration of Present Sign Regulations

Sign Industry

The present sign regulations do not provide for a Variance Committee with sufficient authority to make the necessary allowances.

Although ideally the Sign Code Board of Appeal should perhaps comprise disinterested parties only, the necessary experience with which to enforce sign regulations comes only from industry.

Others

Present code administration is not adequate or effective. More inspectors and other staff are needed for enforcement.

The present provision against unsightly signs is not being enforced. Some signs are erected without a prior permit and frequently permits are issued for signs already erected.

While some variances may be necessary, the chief pressure for variances is from the sellers of signs and not from the buyers or users.

The Variance Committee sets its own standards and its decisions may be appealed to the City Council where factors other than the merits of the sign problem sometimes take precedence. Therefore, the standards should be set forth in city ordinances.

Industry members dominate the Sign Code Board of Appeal and former industry employees dominate the enforcement of the Code. This practice is questionable at best.
APPENDIX B

Portland City Planning Commission

POLICY STATEMENT ON SIGN REGULATIONS

At the May 7 meeting the Planning Commission decided that a policy statement should be drawn up concerning the Commission’s position on the control of on-premises signs. This was the conclusion after a discussion of the detailed regulations which are being proposed by the Planning Director to the Mayor’s Sign Committee. The following statement was adopted by the Portland City Planning Commission at its June 4, 1968 meeting:

Since there are now no limitations of consequence on signs identifying and advertising business enterprises in the M zones, and the C1 and C2 zones, many business areas of the City and most ribbon developments such as are along 82nd Avenue, Sandy, Union, Lombard, Barbur, Hawthorne and several other streets have become a jungle of signs. The Planning Commission is convinced that it is not only in the public interest but also in the interest of the business community itself to take action. The objective should be to cut down the general clutter and profusion of signs which are placing the stamp of mediocrity and ugliness on this city. Moreover, the outlook has become so crowded with signs and there is so little space between signs that fewer and fewer signs have sufficient contrasting background to render them seeable. On some streets the great confusion of signs creates traffic hazards and endangers human life.

Considering the wonders of our natural setting, Portland has a greater stake in its visual appearance than most other cities. It is time we emerge as a leader and reap the benefits. Our reputation as an attractive city is rapidly fading.

To achieve a toning down of signs it is necessary to limit the size, the number, the height, the extent of projection over sidewalks, and to eliminate moving and flashing signs. After comparing many sign situations in Portland and observing the change that has taken place in Lake Oswego since its new sign regulations have become effective, it is our judgment that the amount of space on the horizon devoted to signs must be reduced drastically if any noticeable difference is to be made. Allowing about one square foot of sign area for each lineal foot of street frontage for any given property seems to the Commission would permit adequate signing as well as enhance the appearance of business areas considerably. However, the Commission realizes that pylon and projecting signs are the most objectionable and that a bonus should be given of perhaps 50% more sign area to encourage proprietors to keep all signs flat against buildings.

To overcome the great competition between signs, the tendency is to push signs to greater and greater heights; apparently so that they can be seen literally a mile away. Not only are they becoming more expensive but they are spreading their blight to adjoining residential property. There seems to be no alternative but to invoke a height limit lower than permitted for buildings.

Elimination of moving and flashing signs is necessary because there seems to be no limit in this direction. Every day more signs are revolving, moving and flashing with irritating frequency. Sound accompaniments may be next.

To combat the visual disarray so typical of used car lots and several kinds of drive-in businesses, the strings of pennants, propellers and the like have to be prohibited.

Signs are now so large and so numerous that little will be accomplished unless new sign controls are made retroactive. All signs and other types of attention getting devices made of impermanent lumber materials should be made to conform immediately. Signs made of permanent materials should be allowed 5 years before removal and/or replacement by conforming signs. This 5-year period should start at the time the sign permit was originally issued, not from the date new regulations are enacted. Lease arrangements and test cases in courts in other jurisdictions indicate that 5 years is a common period of amortization in the sign industry.

The following paragraph was considered but not adopted because the Commission is not convinced that billboards should be excluded from the over-all front footage formula.

On-premise signs by definition do not include billboards. Billboards will be the subject of a separate policy statement by the Commission. However, to achieve a degree of equality, any property which has a billboard should not be permitted the full area of on-premise signs.
# APPENDIX C

## ON-PREMISES SIGN REGULATIONS

In zones comparable to C2 in Portland

<table>
<thead>
<tr>
<th>City</th>
<th>Status</th>
<th>Number Per Business</th>
<th>Area</th>
<th>Projecting Signs</th>
<th>Height</th>
<th>Movement</th>
<th>Flashing</th>
<th>Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PORTLAND</td>
<td>Enacted 1959</td>
<td>No limit</td>
<td>No limit</td>
<td>Projecting Signs</td>
<td>On Bldg.: 18 ft. above roof Pylon: 45 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Planning &amp; Zoning)</td>
<td></td>
<td></td>
<td>Number: No limit Area: No limit</td>
<td>Yes, unless traffic hazard</td>
<td>Yes, (unless traffic hazard)</td>
<td>Immediately</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Sign Code)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PORTLAND PC STAFF</td>
<td>Proposed</td>
<td>3 plus 1 per 25 ft. front, over 50 ft.</td>
<td>1.5* total all signs 1.0* if projecting sign present</td>
<td>Number: 1 per bus. Area: 20 sq. ft. Into R/W: 3 ft.</td>
<td>On Bldg.: below roof Pylon: 20 ft.</td>
<td>No</td>
<td>No</td>
<td>In 5 yrs.</td>
</tr>
<tr>
<td>PORTLAND SIGN COMPANIES</td>
<td>Proposed</td>
<td>3 plus 1 per 25 ft. front, over 50 ft.</td>
<td>3.0* total elec. sign only</td>
<td>Number: No limit Area: FF Into R/W: 2/3 sidewalk</td>
<td>On Bldg.: 18 ft. above roof Pylon: 45 ft.</td>
<td>Yes</td>
<td>Yes</td>
<td>—</td>
</tr>
<tr>
<td>LAKE OSWEGO</td>
<td>Enac. 1961</td>
<td>Governed by area limits</td>
<td>0.8* to 1.6* depending on length of frontage</td>
<td>Number: FF Area: 12 sq. ft. Into R/W: 3 ft.</td>
<td>On Bldg.: Pylon: 20 ft.</td>
<td>No</td>
<td>No</td>
<td>In 5 yrs.</td>
</tr>
<tr>
<td>SAN DIEGO</td>
<td>Enac. 1954</td>
<td>3, 4 if bldg. set back 20 ft.</td>
<td>1.0* (25 sq. ft. max. per bus.) 0.4* pylon (37.5 sq. ft. max. per bus.)</td>
<td>None permitted</td>
<td>On Bldg.: below eaves Pylon: 20 ft.</td>
<td>No</td>
<td>No</td>
<td>Immediately</td>
</tr>
<tr>
<td>BERKELEY</td>
<td>Enac. 1967</td>
<td>2</td>
<td>1.8* (150 sq. ft. max. per sign) 1.0* pylon (200 sq. ft. per face)</td>
<td>Number: 1 per bus. Area: 150 sq. ft. Into R/W: 5 ft.</td>
<td>On Bldg.: 8 ft. above roof Pylon: 30 ft.</td>
<td>1 rev. per min.</td>
<td>1 change per min.</td>
<td>In 10 yrs.</td>
</tr>
<tr>
<td>EUGENE</td>
<td>Proposed</td>
<td>2</td>
<td>3.0* total pylon (40 sq. ft. per face)</td>
<td>Number: 1 per bus. Area: FF Into R/W: 7 ft.</td>
<td>On Bldg.: 3 ft. above roof Pylon: 20 ft.</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>MINNEAPOLIS</td>
<td>Enac. 1963</td>
<td>No limit</td>
<td>6.0* total 3.0* max. for lighted area</td>
<td>Number: No limit Area: FF Into R/W: 6 ft.</td>
<td>On Bldg.: 35 ft. above roof Pylon: 35 ft.</td>
<td>Yes</td>
<td>No</td>
<td>No time limit</td>
</tr>
<tr>
<td>PHOENIX</td>
<td>Enac. 1967</td>
<td>No limit</td>
<td>1.0* plus 150 sq. ft. (300 sq. ft. max. all signs)</td>
<td>Number: No limit Area: FF Into R/W:</td>
<td>On Bldg.: 25 ft. Pylon: 25 ft.</td>
<td>No</td>
<td>No</td>
<td>In 15 yrs.</td>
</tr>
<tr>
<td>SACRAMENTO</td>
<td>In hearings</td>
<td>2 attached 1 pylon 2.0* attached 0.5* pylon</td>
<td>Number: 2 max. Area: 150 sq. Ft. Into R/W: 4 ft.</td>
<td>On Bldg.: below eaves Pylon: 30 ft.</td>
<td>No</td>
<td>No</td>
<td>In 5 yrs.</td>
<td></td>
</tr>
<tr>
<td>SALEM</td>
<td>Proposed</td>
<td>1 principal sign plus unlimited secondary signs</td>
<td>4.0* for principal signs 1.0* for secondary signs</td>
<td>Number: Area: Into R/W: 4.5 ft.</td>
<td>On Bldg.: 3 ft. above Pylon: 30 ft.</td>
<td>Yes</td>
<td>Yes</td>
<td>—</td>
</tr>
<tr>
<td>SAN FRANCISCO</td>
<td>Enac. 1965</td>
<td>No limit</td>
<td>No limit</td>
<td>Number: No limit Area: No limit Into R/W: 3/4 sidewalk</td>
<td>On Bldg.: 25 ft. above roof Pylon: 36 ft.</td>
<td>No, except on a few streets</td>
<td>No, except on a few streets</td>
<td>No time limit</td>
</tr>
</tbody>
</table>

Other Cities
Zoning and Sign Regulations in Dallas, Denver, Long Beach, Los Angeles, Seattle, Spokane, Tacoma, and Vancouver, B.C., were also examined. Except for a height limit in Spokane and required setback for pylon signs in Dallas, generally there are no restrictions on on-permit signs in these 81 western cities in zones comparable to C2 in Portland.

**Abbreviations**
- FF — area of projecting signs governed by and within the total area permitted by formula based on frontage.
- max. — maximum
- enac. — enacted
- bus. — business
- rev. — revolution
- front. — frontage

Compiled by the Portland City Planning Commission.
(existing regulations for Portland added by City Club Committee from information furnished by staff of Portland City Planning Commission)