

Amarillo Yard Art

In the City of Amarillo, Texas more than 5,000 objects of a unique form of art—yard signs—are located on individual properties. We used a windshield survey to identify 2,311 such signs and sent questionnaires to a random sample of 394 residents with signs in their yard and 696 of their neighbors. We asked how often they encountered the signs and their opinions of the signs and also solicited background information. Most residents with no sign in their own yard evaluated the signs negatively. The findings suggest popular support for design control over this one kind of public art in residential yards. The signs and residents' responses to them bring to fore some questions relating to the conflict between design controls and property rights and freedom of speech. Communities with similar conflicts should consider controls of location and physical features or on a block by block approach, and use a proactive approach.

Jennifer Evans-Cowley (AICP) is an assistant professor of city and regional planning at The Ohio State University. She specializes in infrastructure and plan implementation. She previously worked as a planner for the City of Amarillo, Texas.

Jack L. Nasar (AICP) is a Professor of City & Regional Planning at The Ohio State University and Editor of the *Journal of Planning Literature*. His research centers on human evaluative responses to their surroundings, sense of community in relation to urban form, and fear of crime and crime as it relates to urban form. Books include *Design by Competition* (Cambridge, 1999), *The Evaluative Image of the City* (Sage, 1998), *Environmental Aesthetics* (Cambridge, 1992).

Resident Responses to Yard Signs and Their Regulation

Jennifer Evans-Cowley and Jack L. Nasar

Some homeowners and renters put decorative objects onto their front yards to add character or uniqueness to their property. In addition to the popular pink flamingo, common items include stone figurines, garden gnomes, geese and seasonal flags. Residents also display signs stating that their child plays on a particular team, performs with a particular group or achieved an academic honor. Although this type of display seems harmless, what happens when one resident fills the yard with such objects (see Figure 1), or when a neighborhood displays them in most yards (Figure 2)?

At what point does yard art become offensive enough to be considered a nuisance? Such a nuisance is created by a visual "tragedy of the commons" (Nasar, 1987): the depletion of a shared resource by actions that in the short term appear to benefit the individuals (Hardin, 1968), when individual choices in appearance create a cluttered scene for the group. For example, each merchant in a retail strip mall might want a large, obtrusive sign to call attention to his or her store, but if many neighboring merchants install such signs, the strip becomes cluttered and unattractive, and no store stands out. Similarly, in a neighborhood, people might find one or two pieces of yard art interesting, but thousands of such objects would look cluttered and ugly. Do residents' property rights extend to include yard art? What role should local governments play in regulating yard art?

It Happened in Amarillo

In Amarillo, Texas, a unique form of yard art--metal signs-- left us questioning the degree to which residents have the right to place what they want in their front yards. The Amarillo yard art fashion started slowly. In 1990, after seeing a sign that read ROAD ENDS IN 300 FEET, Stanley Marsh 3, a wealthy Amarillo resident made a diamond shaped metal sign that read, ROAD DOES NOT END and placed it in his front yard. Then, a sign with a portrait of Marilyn Monroe and the word MARILYN popped up in a yard on Monroe Street. Later another sign with a blue dot appeared. The first few signs grew into a massive sign campaign that in 8 years yielded more than 5,000 signs on properties throughout this city of 173,000 people. According to one resident, "When I first

saw the blue dot I was amused – it’s not amusing anymore” (This and subsequent uncited quotes were gathered in June, 2001. The sources are not individually identified).

The metal signs are similar in size and shape to traffic signs and are mounted on metal posts about 5 feet high. They typically contain phrases, portraits, cartoons or some combinations of these elements (see Figure 3 for examples). Most are in primary colors such as yellow or red. Some show famous portraits such as the Mona Lisa; others display historical places or buildings in Amarillo. Many have just text, while some have text and images. Although most of the text is English, some signs use Spanish, such as JUGO DE NAJANJA, and to a lesser extent, French or even Latin. Some signs carry humorous messages:

IF YOU TOOK EVERYBODY WHO FELL ASLEEP
IN CHURCH AND PUT THEM END TO END IN A
LINE ON THE FLOOR THEY’D PROBABLY BE
MUCH MORE COMFORTABLE

NEVER GO TO BED MAD, STAY UP AND FIGHT

Others carry messages that may offend people:

SHE SAT ON MORE LAPS THAN A NAPKIN.

NOTHING IS HEAVIER THAN A DEAD BOY AND
IT WEIGHS EVEN MORE WHEN THE HEAD IS
MISSING

The man who started this public art campaign is no stranger to strangely creative art. Stanley Marsh 3—III is too pretentious according to him (S. Marsh, personal communication, June 13, 2001)—achieved fame in 1974 for commissioning Cadillac Ranch, a row of 10 Cadillacs partially buried at a 45 degree angle alongside Interstate 40 outside of Amarillo. His sign art takes a decidedly different approach. In 1992, Marsh formed the Dynamite Museum, a loose collection of local artists, who created the content for all of the more than 5,000 individual signs (S. Marsh personal communication, June 13, 2001). In addition to creating original art, these artists drew their some of sign content from literature, television, music, and art.

Marsh agreed to pay for the design and installation of a sign for any City of Amarillo property owner who wanted one. A residents could get a sign in one of two ways: accept one from a

Marsh crew who traveled around the city with a truck full of the signs and knocked on doors, offering to install one; or phone Marsh’s office and request a sign. Marsh did not allow people to request a particular sign; they had to choose from the signs Marsh offered. Then, he had the signpost set in poured concrete, making it difficult to steal or move.

Marsh's goal was to promote noncommercial non-advertising art. Rather than having museums designate something as art, he wanted that decision to rest with the individual. Therefore, people could get the signs installed for free, and the public could decide on their artistic merit. After 8 years on this art project, Marsh declared it completed. “I’m an artist,” he said. “When an artist starts a painting he doesn’t know when he’ll be done, but when he paints that last bird he knows the painting is complete. I knew I was done” (S. Marsh, personal communication, June 13, 2001).

Marsh's sign art touches on a central conflict in planning—individual expression versus government control—in this case regarding city appearance. Does Amarillo have the right to regulate the yard signs, even though they also represent works of art? The Amarillo city planner, Laurie Thomas, reported that the City chose not to regulate them because they do not fall within any of the sign categories outlined in the Amarillo Zoning Ordinance: business, advertising, institutional, political, or development signs.

When the yard signs first appeared in 1990, city officials did not realize that Marsh intended to locate so many of them in and around the city. Initially, “the messages seemed to be nontext type of signs . . . or short, nonoffensive statements . . . that intrigued the sign readers’ minds. As a few more signs were placed, the City of Amarillo started getting inquires of why the signs were installed and what was their purpose . . . [Some] neighbors and passers-by called City Hall to complain” (Laurie Thomas, personal communication, July 9, 2002).

The building official who received some complaints in those early years presented them to upper management to gain direction on how to deal with these types of signs. Discussions were held by the director of community services, the city attorney, and the city manager to determine the City’s options. They discussed the existing

ordinances and the city attorney's knowledge of freedom of speech law as it pertains to signage.

In the end, the City decided that "the signs represent the property owners' own ideological expressions and are covered under freedom of speech." Therefore, the building official was instructed not to require residents to obtain a sign permit. In addition, all yard art sign complaints were to be directed to Marsh's attorney (L. Thomas, personal communication, July 13, 2002). When Marsh was asked whether he had heard any complaints about the signs, he replied "Amarillo is full of 160,000 good people and a few old soreheads... if it doesn't provoke discussion then it defeats the purpose" (S. Marsh, personal communication, June 13, 2001).

The City Commission and the Planning and Zoning Commission accepted the freedom of speech interpretation from the city attorney and city management and never initiated an effort to regulate the signs. However, in an effort to protect roadways, the City did not allow the signs in the public right-of-way. Two signs spotted there were removed immediately. After that, there have been no yard art signs installed in the public right-of-way. Since Amarillo does not require permits for the signs, it is difficult for the city to determine their number and location. The uniqueness of the case and the quantity and consistency of the yard signs make it an ideal case for a study of design controls.

Design Controls: Legal and Theoretical Arguments

While residents do hold certain property rights, federal and state law suggests that Amarillo does have a right to control the signs. In general, U.S. courts hold that communities can regulate aesthetics and that free speech is largely irrelevant to questions of aesthetic controls. The courts have upheld aesthetics alone as "a legitimate government purpose in land use regulation" (Mandelker, 1993, p. 458). In *Berman v. Parker* (1954) the U.S. Supreme Court included the "aesthetic" in the values represented by public welfare and noted that the legislature had the power "to determine that the community should be beautiful as well as healthy" (p. 22). In *Penn Central v. New York City* (1978) the Court empowered cities to enact restrictions or

controls to enhance quality of life by preserving the character and desirable aesthetic features of a city. Most state courts followed with similar decisions (Smardon & Karp, 1993).

Although the U.S. Supreme Court has not addressed signs like the ones on residential property in Amarillo, it has held that cities can regulate signs within the zoning ordinance or as a separate ordinance (Mandelker, 1993, p. 417), but "signs with political or ideological messages are protected by the free speech clause as noncommercial speech" (p. 424). The burden rests with municipalities to show that the justification for sign ordinances by usual governmental interests such as traffic safety and aesthetics is stronger.

In *Metromedia v. City of San Diego* (1981) the court upheld a ban on off-premise billboards as advancing San Diego's interest in traffic safety and aesthetics, even though the effect on safety was unclear. A plurality of judges reserved judgement on banning noncommercial billboards and limiting on-premise signs to commercial messages. The court rejected the idea that beauty is a matter of individual taste, lacking standards or guidelines decisionmakers could use, but it wanted guides to "be carefully scrutinized to determine if they are only a public rationalization for an inadmissible purpose," (p. 510) and it wanted to be "convinced that the city is seriously and comprehensively addressing aesthetic concerns" (p. 534). This required "a comprehensive coordinated effort" although the city could attack the aesthetic problems "incrementally and sequentially" (p. 531).

Members of City Council v. Taxpayers for Vincent (1984) clarified the *Metromedia* decision by upholding an ordinance prohibiting the posting of signs on public property, saying that the ordinance did not violate free speech rights as it was a viewpoint-neutral, time, place, and manner regulation. In arguing for the aesthetic interest, the court held that signs as "a medium of expression" created the "substantial evil--visual blight" (p. 810). The city did not have to exempt political and other signs on public property, but the court exempted signs on private property because it assumed that private property owners would keep signs on their property within reasonable limits. In the case of Amarillo, the vast number of signs may exceed reasonable limits for residential areas.

How does a community determine reasonable limits? We will return to this question after discussing the mechanism most communities use to regulate visual quality: design review (International City Management Association, 1984; Lightner, 1993). Many architects critique controls of visual quality as "petty, meddling, and useless," or "seriously flawed but potentially useful" (Gordon, 1992, p. 28). Some critics suggest that such controls may violate the free speech clause of the U.S. Constitution (Costonis, 1988; Poole, 1987; Scheer, 1994). Costonis (1988) asks if free expression in architecture differs from art in museums or by musical artists. Poole (1987) argues that aesthetic controls blocking excessively different or distasteful buildings violate free speech rights in that they suppress ideas without furthering a substantial government purpose. He would prefer that local governments deal with design controls as they deal with obscenity: Reject only designs that totally lack artistic merit, that blatantly offend community standards, or that cause substantial decrease in property values. A survey of architects found that more than 90 % believed that the conflict between design controls and individual expression was not yet resolved (Schuster, 1997). The U.S. Supreme Court, however, has held that, at least for sign ordinances, "a carefully drafted sign ordinance does not usually create free speech problems" (Mandelker, 1993, p. 458-459). Equal protection problems may arise if regulations varied across different kinds of signs (Mankelker, 1993). In *Members of City Council v. Taxpayers of Vincent* (1984), the Court held that "where a total ban is imposed on a particularly valuable method of communication, the court should require the government to provide tangible proof of the legitimacy and substantiality of its aesthetic objective" (p. 828). The community can ban the signs, but to meet the free speech requirement, the community cannot do so because of the content of the signs. Furthermore, sign ordinances can regulate the display and features of signs, such as their spacing, height, size, number of signs on a property, illumination, or color; the regulations can also prohibit certain types, such as roof signs or portable signs (Mandelker, 1993, pp. 421-422).

In sum, communities have the right to regulate aesthetics as long as they do not do so to achieve an inadmissible purpose. The local controls should

take place within a comprehensive and seriously pursued program to enhance community appearance. Though content-based regulations are invalid under the First Amendment, the courts have upheld sign regulations that are content-neutral and have reasonable time, place, and manner restrictions. Thus, it appears that even with "works of art," Amarillo could legally enact a ban on new yard signs, require the removal of all such signs or restrict sign display characteristics such as height, size, location, number, and colors. (If the signs were removed or banned, Marsh could still display the signs or pictures of them in other places, such as a museum or inside his personal residence). But on what basis could the City do so? How does one determine the aesthetic impact of the signs to argue that banning them does not constitute an arbitrary and capricious decision by government?

In *Dolan v. City of Tigard* (1994), the court held that "the government may not require a person to give up a constitutional right . . . in exchange for a discretionary benefit conferred by the government where the property has little or no relationship to the benefit" (pp. 385). For appearance controls, this decision suggests that the government must assess the benefit to the public of the control. In *Daubert v. Merrell Dow* (1993), the Court noted the "common law 'insistence upon the most reliable sources of information'" (p. 590). These two decisions suggest that the use of scientific data could give communities a sounder basis for implementing aesthetic controls.

Attempting to balance the public good against the private individual, George and Campbell (2000) proposed four criteria for design controls:

1. The controls should be clearly articulated and demonstrate public interest;
2. They should have demonstrable links to the stated intent;
3. They should be applied early in the design or decision process; and
4. They should encourage a variety of acceptable decisions.

For items 1 and 2, the city could use a scientific survey of the public. If most residents dislike the

yard signs, the city could argue that according to the community's standards the signs harm the appearance of the city and need to be controlled or removed. That decision would fit a clearly demonstrated public interest with the links to the public interest clearly shown. Though not applied early in the process in the present case (item 3), this could be handled by prohibiting future signs and allowing existing signs to stay until they amortize. For item 4, the results might not allow a variety of decisions if the public wanted the signs removed, unless follow-up work could identify less obtrusive ways to display the signs. Still, we would argue that the decision would represent the correct one.

Pre-Study Expectations

This study looks at Amarillo residents' evaluations of the yard art signs. Given the thousands of signs spread throughout Amarillo, we expected residents to report that they experience many signs on a daily basis. We viewed the yard signs as an example of a visual tragedy of the commons (Nasar, 1987) and thus expected residents to evaluate them en masse negatively. One court held that "plethora of signs . . . no matter how tasteful can have an undesirable cumulative effect on the community" (*Westfield Motor Sales Co. v. Town of Westfield*, 1974, p. 544).

For the Amarillo signs, we expected four differences across groups:

1. Because people with signs in their yard requested them and could have theirs removed but still had not, those residents would respond more favorably toward the signs than residents without signs in their yard;
2. Residents opposed to sign control would have more favorable evaluations of the signs than other residents;
3. Residents with lower property values would like the signs more because they are a cost-free form of yard decoration;
4. Respondents with children would dislike the signs more because of the adult content of some signs.

This study sought to determine whether the community views the signs as desirable or undesirable and it sought to identify a community standard in reaction to all of the signs. Findings of widespread negative reactions to the signs as a whole or findings that many residents judge many of the signs to be offensive might suggest the need for municipal control of the signs.

Methodology

The Setting

Marsh refused to disclose the locations or the exact number of signs inside the city limits (S. Marsh, personal communication, June 13, 2001). To get a sample of signs on single-family residential properties and the residents exposed to them, we used a windshield survey of residential property within the Amarillo city limits.¹ Over four days in June 2001, the lead author drove through the city, identified single-family properties with signs, recorded the content of the sign; street addresses of the property with the sign, its next-door neighbors, and the neighbor directly across the street; and took photographs of many of the signs. Each day examined a new quadrant of the city, working from the downtown area out into the suburban and rural areas. The neighborhoods covered a broad range of socioeconomic status and housing styles. In total, approximately 28 of the 90 square miles inside the city limits were covered, resulting in the documentation of 723 signs and 1,588 neighboring properties (14.5 % of the estimated 5,000 signs).

To classify the signs, the two authors examined the words and graphics of all signs in this inventory and created a list of relevant content categories. Then each independently classified each sign's text and graphics into as many categories as applied. For example, a sign with a picture of 10 cows in the ground, titled Cow-da-lac Ranch, fit into four categories: (1) Wordplay – a play on Cadillac Ranch; (2) Label – a label of the picture; (3) Local – sign has a local context; (4) Animal – about an animal. We discussed differences in classification, added new categories for signs that did not fit an existing category, and repeated the procedure until we had all the signs classified into at least one category. Although this subjective approach may not capture all categories or accurately classify all signs, we did it to give the reader a sense of the variety of signs present.

Figure 4 shows the classification of signs and the frequency with which signs fit into the selected categories. The most frequently occurring categories included images, labels, common expressions, comments on gender, comments on love or sex, quotations, self-referential statements and references to evil (which includes evil, violence, crime and craziness). Examples from frequent categories are:

- Images: a portrait of Mona Lisa, a Strawberry Shortcake cartoon character, and a picture of a train.
- Expressions: short messages such as THAT'S LIFE, CIRCLE THE WAGONS, and A PICTURE'S WORTH A THOUSAND WORDS.
- Gender: comments about gender such as LEGS UP TO HER ARMPIT or THERE'S ALWAYS ONE WOMAN TO SAVE YOU FROM ANOTHER.
- Love or sex: comments such as AND THEN THE BED BROKE, I SHOULD HAVE KISSED HER MORE, or EVEN MALE CHAUVINIST PIGS NEED LOVE.
- Self-referential comments: expressions such as, I'VE BEEN UP AND DOWN SO OFTEN, I FEEL AS IF I'M A REVOLVING DOOR, or I DON'T KNOW HOW I DO IT BUT EVERY WOMAN I MEET IS CRAZY.
- Evil with three subgroups: Evil (I AM COOL AND MEAN), craziness (SOMETIMES EVEN PARANOIDS HAVE REAL ENEMIES or THE WIND IS DRIVING ME INSANE), and references to violence and crime (TWO HUNDRED YEARS AGO, THEY WOULD HAVE BURNED HER AT THE STAKE, BEHEADED, or AND PUT THE KITTEN IN THE BLENDER). Violence and crime represented the majority of signs in this category.

The Instrument

We used two different kinds of surveys, one for people with signs in their yards and one for those without such signs. To mitigate order effects, we varied the order of the questions. The survey for people with signs in their yards (a smaller sample) had two forms, while the survey for those without signs had three forms.

The surveys asked people to indicate how many signs they see in an average day, to rate their reactions to the signs on various scales (see Table 2), to rate each of 8 signs³ shown in the

questionnaire, and to report some demographic information about themselves (gender, year born, ethnicity, number of adults in the home, and number of children under 18 in the home). Residents with signs in their yards were asked additional questions about their sign to find why they kept it (if it were there when they moved in), or had it installed, and to find the number of comments received from neighbors, and how many of those comments were positive or negative. Residents without signs were asked questions about how they felt the sign closest to them impacted their neighborhood.

Respondents

The Real Estate Center at Texas A&M University sent surveys to 1,000 Amarillo residents, randomly selected from the 2,311 sign and neighboring property addresses identified in the windshield survey. The sample included 304 people with signs in their yards and 696 neighbors. For each address, the occupant name was obtained from a directory. A total of 210 responses (21 % original response rate) was received following the first mailing. A followup survey mailed 2 weeks later captured an additional 123 responses. The followup mailing was used to increase the response rate and to allow a tentative prediction about how nonrespondents to the entire survey might respond. Hypothesizing that nonrespondents to the first mailing would be more like nonrespondents to the entire survey, we wanted to know if their responses would differ from those who responded on the first mailing.

Of the 1,000 people contacted, 333 (33.3 %) responded: 235 (33.8 %) neighbors; 98 (32.2 %) residents with signs in their yards. Table 1 shows the demographic characteristics of the respondents and of Amarillo. As you can see, the sample is diverse but has more Whites, males, couples, people with no children living at home, and people between 32-51 years old. According to data from the Potter/Randall County Appraisal District (2002), the value of the properties observed ranged from a few thousand dollars to more than \$600,000. Though we cannot interpret the results for the respondents as representative of the full population of Amarillo, they nevertheless reveal some patterns of reaction to the signs.

Results

As expected, most respondents reported that they had encountered many yard signs every day. Of the respondents, 72.7 % reported that they see more than five in an average day, 47.3 % see 5-10 signs per day, 16.9 % see 11-20 signs per day, and 8.5 % see more than 20 signs per day. When asked whether they have ever seen a sign that they consider offensive, about half of the respondents (50.2 %) reported seeing at least one such sign; of those who reported seeing the signs on a daily basis, a higher percentage (68.3 %) found some of them offensive, while 22.6 % found less than 5 signs offensive, 7.5 % found 5-10 signs offensive, 1.3 % found 10-20 signs offensive.² Furthermore, it is interesting to note that 19.7 % of respondents who see the signs daily report that they consider all of them offensive. This suggests that only part of the objection to the signs is based on their content.

The findings on offensive content received confirmation in the open-ended responses. Many people described the sign content as unacceptable or offensive, saying for example:

Most of the signs are negative and degrading. They talk about sex, drugs and say rude things about males and females.

Some of the words written on these signs aren't words we even speak at home.

I'm extremely disgusted by several I've seen.

... several are offensive referring to race and to unethical ways of life. I know some of the signs I would not want my children reading or seeing.

Some residents also described the signs as a traffic hazard. Because the signs are frequently located near the street and are similar to traffic signs in size, shape and color, drivers may mistake them for such. Figure 5 shows typical locations of the signs on properties.

Color is also a safety issue. Of the more than 300 signs that were photographed for this study, 20 % had a yellow background and 9 % had a red background, both of which are common colors for traffic signs. Both the Dip (yellow) and Yield (red) traffic signs are the same diamond shape as the art

signs. Message length can also be a problem. Although drivers can read some signs quickly without losing sight of the road, many signs have long messages. One example is:

SHE HIT THE THROTTLE ON TANGLEWOOD
ROAD A JACKRABBIT DIDN'T MAKE IT AND
DEAD CARCASS WAS THROWN AGAINST THE
WINDSHIELD THERE WAS A SPLASH OF BLOOD
AND THEN THE CARCASS WAS GONE

The longest text on an observed sign had more than 50 words, making it impossible for a driver moving at the speed limit to read. Drivers trying to decipher signs with such long messages can become distracted. These concerns are revealed in the following respondents' comments on safety.

Some signs are placed too close to intersections so that you at first take them to be traffic signs"

"I am a retired nurse and have seen 3 or more signs cause street accidents because at dusk or early day you cannot read them and they look like yield or stop signs. I've helped clean up many accidents

City officials reported that a formal study of traffic accidents caused by the signs has not been undertaken. Thomas, the city planner for Amarillo, stated

the documentation due to these signs would be just as difficult to document as accidents caused by a business sign or advertising sign...and even if the signage truly did distract the driver, it is unlikely they would admit being distracted as it could prove negligence on their part...Catch 22 (L. Thomas, personal communication, July 9, 2002).

However, in *Metromedia v. City of San Diego* (1981), the Supreme Court held that even though the city had a "meager record" showing "any connection between billboards and traffic safety," the Court should show judicial respect for the "accumulated, commonsense judgments . . . that billboards are real and substantial hazards to traffic safety" (p.508).

The negative opinions of the yard signs is further confirmed in the analysis of responses to the

close-ended questions. As shown in Table 2, respondents indicated that they would remove signs, did not think the signs improved the neighborhood, did not judge them as public art, disapproved of the signs generally, and would prefer to have the signs (if at all) distant from their house. They were unsure about the effect on property values.

We expected four individual variables to affect responses to the signs: presence of a sign in the

yard, attitude toward regulation of signs, property value, and the presence of children in the home. Tests of those four variables plus the number of yard signs in the neighborhood, and the gender, age, and race of respondent revealed two significant differences: Presence of a sign in the yard and age of respondent.

For these tests, factor analysis was used to group the scales measuring reaction to the signs. A

Characteristics (no respondents)	% respondents	% Amarillo population
Gender (n = 306)		
Male	64.1	48.0%
Female	35.9	52.0
Year Born (n = 307)		
Before 1935 (> 65)	20.5	16.4
1935-1949 (51-65 years)	24.4	18.2
1950-1969 (31-50 years)	38.4	39.2
1970 or later (> than 31 years)	16.6	26.1 ^a
Race (n = 304)		
Caucasian	80.6	68.4
Hispanic	13.5	21.9
African-American	3.3	5.8
American Indian	1.3	0.5
Other	1.3	3.4
Number of Adults in the home (n = 303)		
1	8.0	40.5
2	62.7	50.6
More than	8.5	n/a
Children under 18 living at home (n = 306)		
None	61.1	34.5
1	16.9	65.5 ^b
2	11.0	n/a
3 or more	6.9	n/a

^a Excludes persons under 18 who are not eligible to participate in the survey.

^b Households with one or more child under 18

Table 1. Demographic characteristics of survey respondents

one-factor solution explained 58.5 % of the variance (the only factor with an eigenvalue exceeding 1.0); and all but one scale loaded on that one factor with a score above 0.6 (the question about property value loaded at 0.48). Following accepted practice, the question with the highest loading (0.90) on the

scale—"Do you approve or disapprove of signs in general?"—served as a surrogate for the factor score. We used it as an indicator of overall reaction to the signs and for tests for differences of sign evaluation across the different conditions. As an indication of overall reaction, Table 2 shows that the response suggested a negative appraisal. The comparison between the first and followup mailings

revealed a slight downward trend (first mailing mean = 4.46, SD 2.26; follow-up mailing mean = 4.44, SD 2.22) but this was neither a statistically

significant difference ($p = .993$) nor a large effect size ($R^2 = .000$). Though one cannot know how non-respondents would have responded, the comparison suggests that they may well have had similar responses to those in our sample. The analyses also revealed that respondents without a

sign in their yard disapproved of signs (mean = 5.107, SD = 2.074) while respondents with a sign in their yard approved of them (mean = 2.791, SD 1.574). This difference achieved statistical significance ($F[1,281] = 01.02, p < .001$).

While many of the questions focused on the signs generally, the questionnaire also had respondents evaluate each of eight specific signs (shown in Figure 6), selected by the lead author as representative of the different kinds of yard signs in Amarillo. With one exception, respondents gave

	n	Mean (SD)
7-point scales (7 = worst possible score)		
I would remove the sign [closest to my house] if I had the option (7 = strongly agree)	214 ^a	5.077 (2.198) ^b
I believe signs improve the neighborhood (7 = strongly disagree)	325	4.883 (2.072)
The signs are public art (7 = strongly agree)	296	4.527 (2.369) ^b
Do you approve or disapprove of signs in general (7 = strongly disapprove)	321	4.451 (2.207)
The signs are a public nuisance (7 = strongly agree)	303	4.396 (2.451)
I strongly disapprove of the sign [closest to my house] (7 = strongly agree)	219	4.344 (2.384) ^b
The signs are silly pranks (7 = strongly agree)	280	4.196 (2.154)
6-point scales (6 = worst possible score)		
If you would NOT want a sign in your yard, where would you be willing to allow a sign (1 = across the street or next yard, 2 = on your block, 3 = next block 4 = in your neighborhood, 5 = in Amarillo, 6 = nowhere)	164	4.689 (2.074)
If you had the authority would you (1 = keep existing signs/encourage new ones, 2 = keep existing signs and allow new ones only if they pass review, 3 = keep existing signs but do not allow new ones, 4 = don't care, 5 = remove some signs that people find offensive, 6 = remove all signs)	317	4.047 (1.995)
4-point scales (4 = worst possible score)		
I believe the signs [closest to my house] (1 = increase, 2 = have no effect on, 3 = not sure, 4 = decrease property values)	324	2.653 (0.728)

a. Scale reversed so higher score = lower rating.

b. Only those respondents without signs received this question.

Table 2. Responses to the signs

each sign a negative rating (means from 4.44 to 5.31, where 1 = strongly like and 7 = strongly dislike). The one exception—a picture of a Collie dog with the word LASSIE next to it—drew a neutral rating (mean = 3.94). The analysis found

statistically significant differences in the degree to which people liked each sign ($F [7, 1939] = 2.92, p < .01$). However, respondents with a yard sign tended to give more favorable responses to each sign than did those without a sign; and they had a much more positive response to three signs (Art, They hung the jerk, and But Baby) and a more

negative response to two of them (Siamese Twins and Owl) than did respondents without a yard sign. The analysis found statistically significant main and interactive effects for the responses to the presence of yard signs and ratings of to the 8 signs ($F [7,$

2009] = 41.37, $p < .001$; $F [7, 2009] = 3.94, p < .01$).

Given the choice of actions relative to the signs (keep existing signs and encourage new ones, keep existing signs and allow new ones if they pass a design review, keep existing signs but do not allow new ones, don't care, remove existing signs that people find offensive, remove all signs), a plurality (35.7 %) called for the removal of all signs and an additional 15.4 % called for the removal of signs people find offensive. A minority (23.2 %) wanted to keep the existing signs and encourage new ones. Design review did not fare well: only 3.4 % of respondents advocated allowing new signs only if they pass such a review.

While more than half of the survey respondents (51.1 %) wanted to remove some or all signs, some respondents brought up the issues of property rights and freedom of speech. More than half of the respondents (52 %) added comments at the end of the survey. 11 people cited freedom of speech, while 5 cited property rights. Three examples are:

Freedom of speech – free expression – my yard I chose, what more do we want in America

These signs are self expressions and freedom to do what I wish on my property! It is a lawn ornament along with my angels and flowers. If people don't like it – buy my house and take it down. As long as I own this property I will put what I want in my yard.

Most of these signs are in people's yards, their own property. You can't tell people what they can or can't do to their own property. Also, you can't grade art.

These comments indicate that while many residents dislike the signs and judge them as offensive, there are some who agree with the City of Amarillo that the signs are an expression of free speech.

Conclusions and Recommendations

Sign regulation represents an essential component of zoning ordinances: however, for the most part there is little consideration given to signs on residential properties. Amarillo represents an extreme case because it has thousands of these signs. This article demonstrated that a scientific survey can assess community reactions to such signs and more generally to questions relating to the desirability of putting them under design control.

As expected, most respondents in Amarillo said they encountered many signs daily, and many said they encountered signs they viewed as offensive. In agreement with the visual tragedy of the commons, they did not approve of the signs in general. Furthermore, a plurality of respondents (35.7 %) called for the removal of all signs. Though one cannot know how nonrespondents would have responded, lack of difference in response between those responding to the first mailing and those who did not respond until they received the followup mailing suggests that the survey results may apply to the larger population.

In spite of their negative reactions, many respondents appear to oppose local government intervention. Only a handful favor some kind of design review for new signs; 26 % said they want to keep the existing signs (either encouraging new ones or not allowing new ones) and 14.1 % said they don't care. Amarillo residents may well hold a strong belief in property rights, which leads the City to place few restrictions on individuals' use of their own property. That support for property rights emerged in the openended responses, where some respondents, whether they favored or disliked the signs indicated support for free speech and rights to property.

Although cities have the legal right to regulate the signs, they may lack the political will to do so against the wishes of the many residents who support rights to private property and freedom of speech. Yet, the situation calls for some action. As the cities cannot legally regulate the content of yard signs, cities cannot remove those signs some residents consider offensive. What alternatives can a city consider?

Options for Amarillo

The City could decide that yard signs qualify under the existing sign ordinance, even though they do not contain advertising copy. A number of zoning ordinances around the country recognize and control “noncopy” signs such as murals. Murals as public art objects are comparable to Stanley Marsh’s yard signs, and communities would want to control their placement. The same holds true for the yard signs.

Amarillo could apply George and Campbell’s (2000) approach of encouraging a variety of acceptable decisions. Attempting to balance the public good against the rights of the individual, they proposed four criteria for design controls. These should:

1. be clearly articulated and demonstrate public interest;
2. have demonstrable links to the stated intent;
3. be applied early in the design or decision process;
4. encourage a variety of acceptable decisions.

The City could conduct a scientific survey of the public (items 1 and 2). If most residents dislike the yard signs, the City could argue that according to the community’s standards, the signs harm the appearance of the city and need to be controlled or removed. That decision would fit a clearly demonstrated public interest and clearly show links to it. Although Amarillo did not apply controls early in the process (item 2), controls could prohibit future signs and allow existing signs to stay until they amortize. If the public wanted the signs removed, the results might allow a variety of decisions (item 4), if followup work could identify less obtrusive ways to display the signs.

Location. Federal law allows Amarillo the right to restrict the location and manner of yard signs as long as the regulation is neutral towards the viewpoint expressed. Placing these signs under the existing sign ordinance would allow the City to count any art signs in a commercial district as part of the overall signage of a site. In a residential district, Amarillo could control or prevent their being located in the front yard. With regard to location, Amarillo regulates yard objects such as gazebos, sheds, and other buildings if they are 200

square feet or larger and have a solid roof (City of Amarillo, 1998; L. Thomas, personal communication, July 9, 2002). In these cases, a building permit is required and the structures must meet height and setback requirements. Courts agree that the City can control sign setbacks. As the R-1 district requires a front yard setback of 25 feet, the city may also require that setback for signs so they are less obtrusive to passersby. Many of the yard signs do not meet this setback. For example, at least two of the four signs in Figure 5 are located at the front edge of the property line

Physical Features. Another option would be to limit the size of the signs. Residential sign ordinances typically limit the size of any sign to 2 square feet or less and may require the sign to be affixed to the building. The Amarillo yard signs are clearly larger than 2 square feet. Restricting their size could reduce the visual impact and traffic hazards. Smaller signs would be less likely to be mistaken for traffic signs. The City could restrict the height of the signs for the same reasons. These restrictions wouldn’t prevent the signs altogether because an artist or homeowner could install new signs or adapt existing ones to changes in the ordinance. For example, Marsh mounted one sign, which reads “SHORT STOP,” about two feet high. The City can also restrict colors to less obtrusive hues and colors that drivers would not mistake for traffic signs.

Block by Block Controls. A more extreme measure would prohibit or remove signs if a certain percentage of neighbors (51 % or 67 %) on a particular block indicate that they do not want more signs on their street or that they want the existing signs removed. A neighborhood survey could also identify any sign that most people in the neighborhood deem obscene. This community standard might allow the removal of the sign.

Proactive approach. What can a city government do in a situation where many residents dislike yard signs and find them offensive, but many residents also oppose government intervention? First, it is critical that planners be proactive in their approach to this problem. The City initially did not think there would be many of these signs. As happens in many communities, the first new sign--or land use or cell tower--may not appear to require a response, but the planner never knows if that will be the only one. Where one may

not be a problem, after multiple instances (as in Amarillo with more than 5,000 signs), the situation may have gone too far for corrective action. Instead of waiting, planners should respond quickly--or better yet try to anticipate changes in the community. Amarillo stands as a cautionary example. Few people would have anticipated this type and extent of public art. Yet, action after the first few signs appeared could have produced a more desirable outcome.

While planners in other communities are unlikely to encounter this particular form of yard signage, yard displays in residential areas are quite common. In some situations they can become quite large. Cities should examine regulations that apply to their residential areas to ensure that any display is limited to an appropriate size, style and placement.

Notes

1. Some appear outside the city limits and in other cities throughout the metropolitan area, but most are inside the city limits.
2. A comparison of the number of offensive signs seen per day that were reported by respondents to two mailings revealed a slight downward trend from the first mailing (n=205; mean = 2.57, SD = 1.97) to the followup mailing (n = 116; mean = 2.471, SD = 1.87). This was neither a statistically significant difference ($p = .67$) nor a large effect size ($R^2 = .001$).
3. The lead author chose the eight as representative of the different kinds of yard signs in Amarillo.

References

- Berman v. Parker.** (1954). 348 U.S. 26.
- City of Amarillo.** (1998). *Zoning ordinance*. July 1998. Amarillo, TX: Author.
- Costonis, J. J.** (1988). *Icons and Aliens: Law, Aesthetics and Environmental Change*, Urbana: University of Illinois Press.
- Daubert v. Merrell Dow.** (1993). 509 U.S. 579.
- Dolan v. City of Tigard.** (1994). 512 U.S. 374.
- George, R. V. and Campbell, M. C.** (2000). Balancing different interests in aesthetic controls. *Journal of Planning Education and Research*, 20, 163-175.
- Gordon, D.** (1992). Survey: Guiding light or backseat driver? *AIA MEMO*, December, p. 28. Washington, DC: American Institute of Architects.
- Hardin, G.** (1968). The tragedy of the commons. *Science*, 162, 1243-1248.
- International City Management Association.** (1984). Facilitating economic development: local government activities and organization structures. *Urban Data Service Report_16*, 11-12. Washington, D.C.: Author
- Lightner, B. C.** (1993). Survey of design review practices. *Planning Advisory Service Memo*, January 1993: Chicago. American Planning Association.
- Mandelker, D. R.** (1993). *Land Use Law* (3rd Edition), Charlottesville, VA: The Michie Company.
- Members of City Council v. Taxpayers for Vincent.** (1984) 466 U.S. 789.
- Metromedia v. City of San Diego.** (1981). 453 U.S. 490.
- Nasar, J. L.** (1987). Effects of signscape complexity and coherence on the perceived visual quality of retail scenes. *Journal of the American Planning Association*, 53, 499-509.
- Penn Central Transportation Co. v. New York City.** (1978). 438 U.S. 104.
- Poole, S. E. III** (1987). Architectural appearance review regulations and the First Amendment: The good, the bad, and the consensus ugly. *Urban Lawyer*, 19, 287-344.
- Potter/Randall County Appraisal District** (2002). http://www.prad.org/property_search.html
- Scheer, B. C.** (1994). Introduction: The debate on design review. In B. C. Scheer & W.F. E. Preiser (Eds.). *Design Review Challenging Urban Aesthetic Control* (pp. 1-10). New York: Chapman & Hall.
- Schuster, J. M. (1997). The role of design review in affecting the quality of urban design: The architect's point of view. *Journal of Architectural and Planning Research*, 14, 209-225.

Smardon R. C. & Karp J. P. (1993). *The Legal Landscape*.
New York: Van Nostrand Reinhold.

Westfield Motor Sales Co. v. Town of Westfield. (1974).
129 N. J. Super. 528.

Figure 1. Examples of common residential yard signs (columbus, oh, 2002).

Figure 2. Yard signs on a street in Amarillo, Texas (2001).

Figure 3. Examples of yard art signs in Amarillo, 2001.

Figure 4. Categories of sign and their frequencies.

Figure 5. Typical sign locations on single-family properties in Amarillo, 2001.

Figure 6. Signs included in Amarillo questionnaire, 2001.