Signage has the potential to serve a critical role in human settlements for facilitating free speech, creating a sense of place, engaging public participation in decision-making, and promoting wayfinding and economic development. Virtually every US city has sign regulations of some type, yet many are seemingly the result of simplistic replications of the codes of other nearby jurisdictions based on little more than inclinations and convention, and uninformed by a growing body of signage science. This issue brings together timely signage research on key topics of interest to a wide range of stakeholders concerned about the relationships of signage with free speech, sense of place, public participation and economic development.

In the first article, Fontaine and Bradbury contend that while well-designed and located signage has been shown to be an important factor in determining retail business success, small independent retailers too infrequently make use of graphic design to effectively communicate a visual message about their business. It is argued that many of the small, locally-owned businesses essential for the revitalization the neighborhood business districts and downtown retail, lack awareness of the importance of high-quality graphic design for their branding and commercial success. Further, local governments frequently fail to provide guidance to these local businesses on their signage, nor do they emphasize or incentivize careful consideration of signage design and location.

In the second article, Jourdan, Strauss and Hunter explore an area of critical concern to urban planners, but as well to the many others concerned about citizen participation in the development and amendment of sign codes. The article assesses citizen participation as part of the development or amendment of sign codes as part of a review of communities that have revised their sign codes over the past 10 years. Then, based on that review, the authors identify best practices for improving sign code development and amendment processes. The best practices include several things that planners can do

on their own. These include building capacity among planners so they can lead sign code revision processes, encouraging communities to recognize indicators that sign code revision are needed, recruiting a diverse array of stakeholders to participate in the development and amendment processes, creating multiple opportunities for public participation, and developing materials to visually represent to stakeholders the impact of sign proposed regulations.

In the third article, Alan Weinstein provides especially useful and timely insight for those concerned about the Supreme Court's 2016 *Reed* decision that may have potentially invalidated portions of most local sign regulations in the US. As the author explains, the *Reed* ruling holds that any sign code provision that considers the message on a sign to determine how it will be regulated is content-based and is subjected to strict judicial scrutiny. As such it must be demonstrated that the regulation serves a compelling governmental interest and is the least restrictive alternative to achieve that interest. Since this decision is likely to significantly change how courts' treat sign codes, local governments are advised to carefully consider *Reed* when undertaking code reviews or developing new sign codes to avoid any of the content-based distinctions that created problems for the City of Gilbert. Further, *Reed* raises concerns about litigation risk that local governments likely want to avoid. All with an interest in the regulation, design and/or use of on-premise signage will find this article useful.

In the final article, Muhammad Rahman and Vikas Mehta (forthcoming) explore how words, type and letters convey meaning in an urban environment, and ultimately can significantly contribute to a neighborhood's sense of place. The authors contend letterforms help build social narratives and create inquisitive interpretive spaces through which viewers experience meaning. This is a result, in part, by how letterforms occupy space, convey characteristics, portray personality and physique, situate dimensionally and can be associated with emotions. Ultimately, it is concluded, urban typography can help create a neighborhood identity and plays an important role in urban revitalization by

communicating a neighborhood's societal aptitude and triggering an urban discourse. As such, they authors consider that design of urban typography can become communication tool to celebrate the unique assets of an urban neighborhood.

Taken together, the articles paint an interdisciplinary mosaic of timely issues confronting those designing, selling, regulating and using signage. Certainly the issues raised by Weinstein, about the *Reed* decision need to be high on the list of priorities for any community that regulates signage and has not yet taken steps to make their sign code *Reed* compliant. This is not just a matter of the enforceability and therefore the effectiveness of their sign code, but one of avoiding expensive litigation, as well. While the potential fiscal threat will get the attention of local government officials, many signage researchers will argue that the issues of raised in the other three papers are similarly important, perhaps even more so, in terms of the longer-term impacts of signage on the quality of life of urban residents. Rahman and Mehta, both urban design researchers, bring to the attention of land use planners, attorneys, graphic designers, economic developers and others, perhaps for the first time for many, how signs and their component words, type and letters contribute to a location's sense of place, with consequent implications for sign regulation and how cities revitalize and maintain neighborhoods. Likewise, Fontaine and Bradbury's call for improved signage design and placement to enhance the competitiveness of local businesses deserves greater attention from both sign regulators and those promoting local economic development initiatives. Local governments can and should do much more to guide sign design, with special focus on more effectively utilizing graphic communication tools. Finally, Jourdan, Strauss and Hunter confront an issue of the highest conceptual importance to urban planners, yet one that is inconsistently addressed in real-world applications. Their survey results about public participation practices and their list of best practices will be of interest to many local government planners. Further, their work has significant potential to

better inform responses to *Reed*, as well as support efforts to more effectively utilize sign codes to support

strong local businesses while enhancing a neighborhood's sense of place.

Providing brand guidance for independent businesses:
A supplement to District Signage Standards

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Abstract

If downtown retail districts are to compete with franchise-heavy commercial districts and malls, their small independent businesses must communicate a vibrant, alternative message through graphic identities. The identity that represents each business is the most important aspect of this message, and it needs to be planned and implemented with great care. Based upon our research we propose ways to assist business owners and communities with graphic messaging and its application to signage by providing the communication guidance that is missing in design standards and sign regulations. Through an understanding of communication theory and examining both positive and negative examples of business signs and community design standards, we demonstrate how communities and regulations can be improved to better serve of the unique communication needs and goals of small, independent businesses and the community.

Introduction

There are approximately 29 million small businesses in America, of which 2.5 million (or nine percent) consist of very small retail establishments (U.S. Small Business Administration, 2017). These small retail businesses tend to be found in downtown retail districts in cities of all sizes throughout the country. If downtown retail districts are to compete with franchise-heavy commercial districts and malls, their small independent businesses must communicate a vibrant, alternative message through graphic identities. The identity that represents each business is the most important aspect of this message, and it needs to be planned and implemented with great care. Recent research indicates that appropriately designed and located signage is an important factor in determining visibility (Auffrey and Hildebrandt, 2017) and retail business success (Rexhausen et al., 2012). Although they lack the enormous budgets that large franchise stores spend, by carefully researching and applying attractive brand messages on their signs, small independent retail establishments should be able to utilize the same graphic design techniques used by larger companies to effectively communicate a visual message about their business through signage. But this rarely occurs. Two reasons help to explain why:

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1). Lack of awareness of the role of graphic design

Designing effective sign communication is a specialty area within the field of Graphic Design. However, due to limited budgets, small independent retailers often forego graphic design expertise, going instead straight to a sign fabricator who will then become responsible for making important decisions about their graphic identity. The fact that fabricators place little emphasis on visual communication theory[1] is overlooked in exchange for what many describe as 'free design services' if you use their fabrication services. Sign fabricators consider the print type and images to be the main ingredients of a sign, and tend to rely on these instead of crafting an authentic message that conveys the essence of the business. This typically results in confusing or inaccurate messages since the sign fabricators are not informed about the communication process.

2). Lack of guidance from the District or City

Signs serve an important role as a communication device within a community in terms of wayfinding (Calori, 2007) and also to advertise businesses (Taylor et al., 2005). Just as the use of signs particularly for businesses is long standing, likewise communities have long placed restrictions on signage (Jakle and Sculle, 2004). Many cities and downtown business districts have adopted design standards, including sign regulations, as a means by which to enhance or create places that people want visit, live, shop and invest (Morris, 2001). However, most, if not all, of these regulations fail to consider the marketing functions of signage and lack any guidance about the message that is on the sign (Anderson, 1983; Kuhn et al., 1997; Weinstein, 2001). Instead, the standards consider the sign as an object rather than a message-delivery system and

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[1] Of the 32 job listings by sign design companies for 'sign designer' found online in November 2017, only two mention the phrase 'visual communication' as a required skill, and none mention 'communication theory' anywhere within the job description.

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focus on controlling the number, size, shape, color, height, placement, orientation, location and

illumination of the sign (Duerksen and Goebel, 1999). While these sign regulations may

contribute to making a coherent and compatible look for the district, they often fail to guide each

business in terms of how to promote sign visibility, as well as express their individuality, both of

which is critical to their ability to attract customers and differentiate themselves from their

competitors (Taylor et al., 2012; Rexhausen et al., 2012; Auffrey and Hildebrandt, 2017).

Small independent businesses are a vital component of any downtown commercial

shopping district. Encouraging and supporting small businesses and entrepreneurship is a typical

economic development tool utilized by cities of all sizes (Leigh and Blakely, 2013). Thus it is

critical for communities and planners alike to fully understand how they can provide guidance to

business owners about effective graphic messaging and its application to signage through the use

of design standards and signage regulations. Incorporating information for business owners about

developing an effective graphic identity and would be easy to do since these methods are already

implemented in advertising, branding, and visual communication. Modifying how sign

regulations are written will not only support the independent retailer's ability to thrive, but will

also encourage an eclectic streetscape that communicates an important message of diversity and

uniqueness for a downtown commercial district as well as contribute to enhancing community

economic development and vitality.

Downtown Commercial Districts, Sense of Place and Economic Development

The downtown is the heart of the city as a community, a reflection of its economic health,

image and identity (Burayidi, 2001; Orvell, 2012). As a physical space, the downtown serves as

the city's historic civic and business center, and consists of a sizeable component of the

community's tax base (Robertson, 2001; Walzer and Kline, 2001). One of the features that

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distinguish downtown commercial shopping districts from other commercial districts is the presence of small independent businesses that are unique to that community. For decades research has shown that small businesses contribute significantly to job creation and economic prosperity, generate tax revenues and provide access to goods and services (Birch, 1987; Leigh and Blakely, 2013; U.S. Small Business Administration, 2017). However, small businesses, which are the heart of downtowns, have long faced ever-increasing competition from chain stores, mail order catalogs, e-commerce, shopping malls, and big box stores (Stone, 1995; Halebsky, 2009; Orvell, 2012; Flora et al., 2016). As a result, economic development officials and planners have worked to support and retain small businesses within their communities by utilizing a number of different strategies such as providing and improving infrastructure (such as high-speed internet connections, improved streetscapes or small business incubators), hosting training programs for entrepreneurs and small business owners, and expanding access to capital and incentive programs for small businesses (Leigh and Blakley, 2013). Rarely, however, do these strategies include training programs on brand identity or signage, perhaps due to a misconception that 'brand' refers only to large corporations or a lack of awareness of how important signage is to business success and a commercial district's economic vitality (Taylor, 2005; Rexhausen et al., 2012).

While one of the keys to having a healthy downtown is that it should be multifunctional, having a strong retail and service sector is critical (Robertson, 2001). Big box and chain stores often will not locate downtown due to limited space and regulations that they find to be expensive and constraining to their requirements (Burayidi, 2001). Thus downtown retailing tends to be dominated by small, local independent businesses that are more flexible in terms of their locational requirements (Robertson, 2001). It is the dominance of these small independent

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businesses that contributes to the uniqueness of the downtown as a shopping district. Small

businesses also help to create a sense of community by building strong relationships with

customers. They also have a greater tendency to buy local, invest and support activities within

local community. Research has shown that more of the money spent in small businesses tends to

remain within the community when compared to chain stores (Martin and Patel, 2011). Added to

the presence of these independent businesses, are the distinctive development pattern, history,

and architecture (often historic), which combine to give the downtown its own individual

character that make these places attractive to both residents and tourists.

Another commonly utilized economic strategy related to downtowns and community

building involves creating or enhancing a 'sense of place'. The term 'sense of place' or

'placemaking' refers to the process of enhancing community identity and increasing social

connections and relationships among people as well as to a specific physical place through

community-based revitalization projects that are based on local values, history, culture and the

natural environment (Schneekloth and Shibley, 1995; Zelinka and Harden, 2005). Placemaking

brings a space together in "a matrix of meanings" (Fleming, 2002). It is believed that each

community is unique based upon its place in the landscape and the people who have lived there

and shaped it over time. Having a strong sense of place is the foundation for successful

downtown development in small cities (Robertson, 2001), thus investing in projects that

contribute to enhancing a downtown's sense of place has been a widely adopted community

economic development strategy (Arendt, 1994). Communities of all sizes have focused on

making physical and aesthetic improvements to their downtowns as a means to make and keep

them as economically vibrant public spaces (Morris, 2001; Leigh and Blakley, 2013). Examples

of these types of physical improvements may include landscaping, and the addition of street

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furnishing and/or public art (Hinshaw, 2001). Areas that are physically appealing attract more customers and businesses and contribute to stable or increasing property values (Morris, 2001). To assist with these efforts, cities may also choose to established design standards as a means to enhance a district's sense of place. However, all too often the implemented design standards and sign regulations fail to achieve what was intended. Instead of enhancing community character and contributing to creating a unique sense of place, these regulations result in uniformity and homogeneity that ultimately robs the individual businesses, and the downtown district as a whole, of their distinctiveness (Hinshaw, 2001). Often absent from these regulations is the recognition of the vital role that eclecticism plays in conveying downtown's sense of place (Hinshaw, 2001; Rexhausen et al., 2012). If independent retailers are each able to convey their unique point of difference, the resulting message is that of a 'nowhere else' cascade of offerings, which is ultimately the goal of placemaking.

Design Standards and Sign Regulations

The establishment of design standards and sign regulations is a popular practice to support and enhance downtown commercial districts. Design standards refer to a set of regulations regarding the architectural appearance of a building that governs its alteration, construction, or improvement (Davidson and Dolnick, 2004). Design standards are often used in conjunction with design review, which involves the comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting and signage, in accordance with a set of adopted criteria and standards (Davidson and Dolnick, 2004; Hinshaw, 1995). Design standards allow certain specific things may be done and that other things cannot be done. Design controls can be part of the zoning ordinance or established as a design review process

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which involves projects and proposals being reviewed against certain standards and criteria established by a city's or district's design review board or committee. Communities typically adopt design standards as a means to enhance the aesthetics of an area and help unify, distinguish, and improve the overall character of a district, and by so doing support the businesses located there. Along with design standards, the establishment of policies and guidelines that encourage creative business signs can do much to personalize and add unique elements to commercial districts (Zelinka and Harden, 2005). Although there has been limited research on understanding how signage and sign regulations impacts business success and sales, recent findings indicates that signage can influence the success of a business (Taylor et al., 2005), especially in the case of a small independent business (Rexhausen et al., 2012; Taylor et al., 2012; Auffrey and Hildebrandt, 2017). Research supports the conclusion that improvements in signage and building appearance have a positive effect on business sales (Rexhausen et al., 2012; Taylor et al., 2012). However, not all signage is created equal and the visibility of signs varies widely, especially when local business signage is compared to national and regional businesses (Auffrey and Hildebrandt, 2017).

Within a commercial district business signage serve a specific purpose. Signs are used to identify and advertise a business, as well as its location to potential customers (Kuhn et al., 1997). Signs also help to attract customers, communicate information about the store's image and atmosphere and serve to distinguish a business from its competitors (Berman and Evans, 2007; Kellaris and Machleit, 2016). For very small businesses, signage is often the most important means of communicating with potential customers and the most effective and affordable means of advertising (Morris, 2001; Kelly, 2010; Taylor et al., 2012). In addition, signage benefits consumers by informing them of possible locations to obtain needed or desired

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goods and services. Signage also positively benefits the broader community by supporting

economic growth through increased sales, income and property taxes (Rexhausen et al., 2012).

Not surprisingly poor sign quality can undermine the ability of a business to attract

customers or reach its full potential. In fact poor sign quality does not just adversely impact a

business but it can also exacerbate a negative image for an area and contribute to its decline

(Hinshaw, 2001). Thus planners and communities need to understand and recognize how signage

influences business and economic success and how their signage regulations could impact

businesses and the economic well-being of their community, yet most do not.

Instead the focus of most planners and communities when it comes to sign regulations

tends to be limited to aspects of safety, aesthetics and the legality of the regulation (Kuhn et al.,

1997; Jourdan et al., 2013). Signage is considered a somewhat complicated area for many

communities since the regulation of signs raises issues of freedom of speech related to the First

Amendment to the U.S. Constitution (Duerksen and Goebel, 1999). However, since signs exist in

public settings, they are subject to public opinion and regulation (Morris, 2001). Commercial

signs are a form of constitutionally protected speech but most courts have accepted traffic safety

and community aesthetics as a justification for sign regulations (Jourdan et al., 2013). As a

result, state legislatures have granted local governments the power to control signs and other

items related to community aesthetics (Weinstein, 2011). While governments may not restrict the

content of the speech or sign, they may control the number, size, shape, color, height, placement,

illumination, orientation and location of the sign so long as these appear to be reasonable and do

not discriminate based upon content (Duerksen and Goebel, 1999; Walker, 2009). However,

local governments are under increased scrutiny, by the courts, to show that their sign ordinance

directly accomplishes their stated goals of improved traffic safety or aesthetics (Jourdan et al.,

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2013). This is due to the fact that aspects of size, illumination, contrast and location all combine to influence the visibility of a sign and thus its effectiveness as a communication devise (Hawkins, 2011; Jourdan et al., 2013; Auffrey and Hildebrandt, 2017). Thus planners and communities need to have an awareness and understanding of how aspects of sign design and placement can impact the ability of signs to communicate and serve as an effective marketing tool for businesses (Kellaris and Machleit, 2016).

In developing signage regulations, planners are typically advised to write the standards and regulations in plain English so that they are easy to understand and will more likely be adhered to by sign companies and businesses. It is also recommended the sign ordinance should state the purpose for which it is being adopted, since this will help to ensure its ability to withstand judicial scrutiny (Duerksen and Goebel, 1999; Hinshaw, 2001). The use illustrations and diagrams are also often advised in order to clarify and explain the standards (Arendt, 1994; Hinshaw, 2001). Hinshaw (2001) recommends that sign regulations should be developed which

- Promote/ensure the visibility and readability of signs;

- Support the local economy and nurture small businesses;

- Are consistent with and strengthen the identity of the community and encourage creative designs that adds character to the streets, district, as well as public and private spaces;

- Protect historic areas, landmarks and public views;

- Reinforce or encourages signage that is consistent with the architecture of the buildings; and

- Encourages well-designed graphics.

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In addition, a community's sign regulations should be flexible to the needs of the various types of businesses and locations. For example, many sign standards instituted in downtown districts limit the size of the signs to a percentage of building's façade area rather than try to establish a one-size-fits-all-approach to the district's sign regulation (Walker, 2009). Good sign regulations need to take into consideration the scale of the sign and the context (Kelly, 2010), since a sign's readability is often determined by effective reading distance (Bertucci, 2006; Russ, 2009; Hawkins, 2011). For instance, the size, location and scale of signs in a pedestrian commercial area should be different to those found along a highway commercial district where traffic is moving at a considerable speed and drivers will need sufficient time and the ability to read, process and then react to the sign information (Hinshaw, 2001; Conroy, 2004; Bertucci, 2006). But as Hinshaw (2001) notes, good signage standards by themselves do not produce good designs, rather sign regulations should stimulate creativity.

However, despite these recommendations, upon reading and examining sign regulations from communities across the country, they appear to reflect a desire of restricting business owners from doing something that might ruin the feel or appearance of the district rather than the expected goal of helping businesses to thrive within the district (Morris, 2001). Here is an example of a typical sign ordinance:

> *Signs should be visually interesting and informative. They should be distinctive and eye-catching yet simple, avoiding cluttered designs and excess advertising. Signs should complement the architecture of the building and also provide a unifying element along the streetscape. The size, scale and style of signs should be determined by the scale of the buildings of which they are a part and the scale and spend of the intended viewer (pedestrian vs. vehicle). Along traditional multi-story commercial streets, the best placement for signs is along the lintel or sign frieze (generally defined as the area between the ground floor storefront or windows and the upper story windows or cornice)* (City of Palm Springs, 2005, p. 53).

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As this example illustrates, design guidelines and signage standards are usually limited to considerations such as size, materials, and contextual sensitivity – such as the placement on the building. Thus these standards consider the sign as an object rather than a message-delivery system. The marketing function performed by on-premise business signs is typically not discussed or recognized within the regulation (Anderson, 1983; Weinstein, 2001; Kellaris and Machleit, 2016). However, Jourdan et al. (2013) believe that municipalities and planners should treat on-premise signs as a form of commercial communication. Others, such as Kuhn et al. (1997) have developed model guidelines for on-premise signs that utilize the research concerning sign visibility as a means by which to improve sign regulations and educate planning and zoning officials. In 2006 the International Sign Association commissioned a draft evidence-based sign code utilizing the best available empirical research on readability and visibility of on-premise commercial signs (Jourdan et al., 2013). In addition, Bertucci and Crawford (2016) have utilized recent research on sign functionality and legibility, reviewer detection, response and comprehension, and traffic safety to develop a *Model Sign Code*, to provide municipalities with a means to understand and regulate the use of on-premise signs.

Despite this advancement, what is usually *never* offered as part of an ordinance is any advice about crafting an effective message, even though relevant techniques for this are well established in the fields of visual communication and branding (Kellaris and Machleit, 2016). An authentic and unique message for each business allows them to speak to potential customers, while at the same time contributing to an eclectic expression of individuality for the district as a whole.

Based upon our research we propose ways to assist business owners and communities with graphic messaging and its application to signage by providing the communication guidance

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that is missing in design standards and sign regulations. Through an understanding of communication theory and examining both positive and negative examples of business signs and community design standards we demonstrate how communities and regulations can be improved to better serve of the needs and goals of both the independent businesses and the community. By modifying how design standards are written, they can support the independent retailer's ability to thrive, and also encourage an eclectic streetscape that communicates an important message of diversity and uniqueness for the commercial district and one that contributes to enhancing economic development.

Learning from Visual Communication

The field of graphic design has long understood the complexities of visual communication, where "the meaning of a message is not fixed and absolute; it is produced by an interaction between communicator, the recipient, and the context" (Morgan and Welton, 1986). The intended meaning of a message can be either *connotative* or *denotative*. A business sign, for example, can denote "that to which it explicitly refers. The denotation of a word is what appears in the dictionary…" (Davis, 2012). It offers no information about the subjective experience that words or images can conjure in one's mind. Thus, a denotative message on a business sign limits its own potential by merely stating the literal. *Connotation* refers to the associations and affiliations that are likely called to mind by certain words and images. The connotations of a sign are the "totality of recollections (and emotions) evoked by it." (Davis, 2012) Graphic Designers are very attentive to the connotations of the messages they create, and apply visual communication theory to ensure that their messages evoke relevant and positive memories and affiliations from the audience. Without careful consideration, a sign can limit its potential if it is

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merely denotative (i.e. *this is a restaurant*); it can also, however, fall short by accidentally conveying inaccurate connotations (*i.e. our product line is outdated*).

Applying Communication Theory to Identity Design

Basic theories/principles of visual communication as they are applied to identity design (sometimes called branding) can be incorporated into design guidelines to assist businesses with their graphic image and sign design. These theories explain how visual communication works – in other words how messages are communicated through visual imagery. There are several communication models (Morgan and Welton, 1986); Berlo's model shows communication as a pathway from **sender** to **message** to **channel** to **receiver**. Berlo's and most other communication models could be interpreted simply as: *Who…. says what…to whom*? In the field of branding, which applies these communication models to identity design, this is adapted to be: *Who are you? Who needs to know? How will they find out about you? Why should they care*? (Wheeler, 2013).

Communication theory is relevant to downtown businesses and their need to communicate with their customers. Using Berlo's model, the *sender* in this case would be the independent business owner; the *message* would be how they describe themselves through their graphic identity; the *channel* is the media that carries the message, or in this case the sign; the *receiver* is the intended audience or customer. This path from sender to receiver to be a simple process, however, it is rarely straightforward. Messages get mixed up, distorted, or muffled in the process, leaving business owners wondering why they did not reach their intended audience. A clear understanding of how visual communication works is essential to assuring that the retailer's message is correctly received and interpreted by potential clientele.

Components of a Message

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While each step of the communication process has its challenges, the trickiest part is always the *message*, since it can often fail to communicate if it is ill defined or poorly executed. For this reason, Berlo's communication model (Morgan and Welton, 1986) breaks the message down into its fundamental components of *content, elements, structure*, and *treatment*. Each of these requires careful consideration, as they are the factors that influence the connotations evoked in the mind of the audience. Examining some individual sign design examples demonstrates each of these four components of a message.

1. **The *content* of the message:**

    This refers to the information, or subject, of the message. A business could simply show a literal image of their product (denotation: *we sell this product*). This fails to tell the consumer much about the store's point of distinction, however; it might be more memorable and appropriate to allude to a feeling or narrative instead. Safran Bar (figure 1) has chosen a medieval image to represent itself (connotation: *we are a traditional drinking establishment).*

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figure 1: Rouen, France 2012. Photo by Lisa Fontaine

A fish restaurant (figure 2) might have merely shown an image of a fish (denotation: *we serve fish*), or they might instead choose content that tells a story by using an animated neon image that shows chef holding a flapping fish (connotation: *everything we serve has 'catch-of-the-day' freshness*).

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figure 2: Seattle WA 2015. Photo by Lisa Fontaine

2. The *elements* of the message

These are the individual items or visuals used to express the message. Selection of

appropriate elements is pivotal to successful communication. One might simply show a

bicycle (denotation: *we sell bikes*) or surprise the customer by choosing elements such as a

rusty old bike as in figure 3 (connotation: *we aren't just here to sell you a new bike! We know*

that you might love the one you've got. We just love biking).

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figure 3: Boulder CO 2015. Photo by Lisa Fontaine

A wine store (figure 4) might simply show a bottle of wine (denotation: *we sell wine*) or they might include elements such as wine casks in the shape of a grape clusters (connotation: *we have a playful attitude toward wine; you don't need to be a wine connoisseur to shop here*).

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figure 4: Cedar Rapids IA 2017. Photo by Lisa Fontaine

Dada (figure 5) promises an unconventional experience through its selection of elements for the storefront. The inclusion of disconnected letters, distorted faces, and neon sign seem to be intentionally at odds with each other (connotation: *our product line appeals to an alternative audience.*)

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figure 5: Dallas TX 2009. Photo by Lisa Fontaine

3. **The *structure* of the message**

This involves the visual arrangement of the elements in a way that reinforces the message being communicated. For example, Buon Appetito Italian restaurant's signage (figure 6) arranges bold typography in an asymmetric and informal way (connotation: *expect a contemporary take on Italian fare)*. Basswood Trading Company (figure 7) employs a classical arrangement of type and image on their sign (connotation: *expect traditional clothing and gifts from our store*).

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figure 6: San Diego 2014. Photo by Lisa Fontaine   figure 7: Ely MN 2016. Photo by Lisa Fontaine
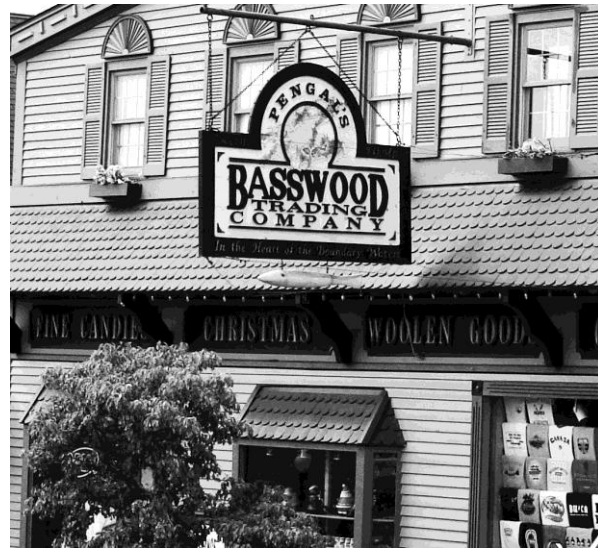
4. The treatment of the message:

Here we consider how the selected styles and materials of the images, text and surfaces

influence the message. Subtle decisions here may impact the overall success of

communicating the message.

Flashback store (figure 8) evokes 1960s era nostalgia with its fluid typeface treatment

and its psychedelic imagery (connotation: *we sell vintage clothing*). The Spirits Bar sign (figure

9), incorporates historical treatment, using a traditional font choice in painted gold leaf and an

artistic ironwork treatment (connotation: *expect an elegant interior and a sophisticated*

experience). This is a far different association than is made at Shakespeare and Co (figure 10),

where a whimsical treatment of hand painted images, rugged lettering and chalkboard quotations

fills the storefront (connotation: *it's really fun and informal in here*).

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figure 8: San Diego 2014. Photo by Lisa Fontaine

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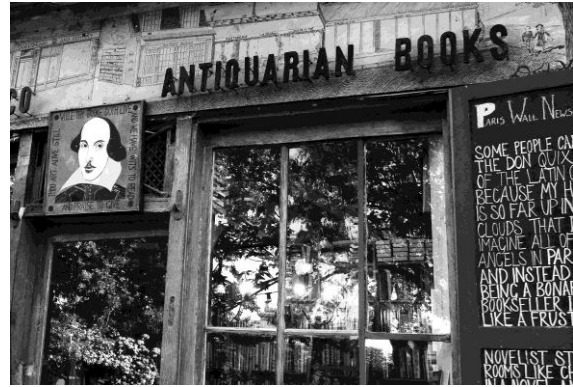
figure 9: Dublin, Ireland 2015. Photo by Lisa Fontaine   figure 10: Paris, France. 2017. Photo by Lisa Fontaine

These examples of the components of a message show clearly conceived, thoughtfully executed signs that have effectively and successfully communicated their message about their shop or business. However, this is not what is typically seen on the main streets of most cities. Instead we see signs that fall far short of communicating authentic, inviting and unique messages. When retailers receive no guidance about the message they are communicating, however, the resulting signs are a disappointment, not only for the business owner but also for the district as a whole.

Solutions and Recommendations

On-premise or business signage is one of the most basic, yet complex, forms of visual communication (Rexhausen et al., 2012). Local sign regulators must recognize the need for a creative approach to signage both for business and community success. Restrictive signage regulations make it difficult for businesses to be creative and effective with their signage, limit

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their ability to communicate effectively with their customers and often willing not withstand

legal scrutiny (Bertucci and Crawford, 2016).

Planners and municipalities often fail to appreciate the potential economic and fiscal

impacts of sign restrictions on their businesses and to their community. Sign regulations should

balance community design objectives with the full knowledge of how sign design, visibility, and

location impact business success. Planners and communities need to understand the important

communication/marketing role that on-premise business signs play. While on-premise signage is

important to all business, sign design is particularly important for small specialty stores to

communicate their brand and niche. Signage for these small, independent businesses needs to

communicate the "promise" of value for a product or service that is not commonly found

elsewhere (Rexhausen et al., 2012). Planners and local officials also need to understand that the

purpose and uses of signs differ for single establishments, small companies and big businesses.

Small, single establishments are more dependent on signs as a means of communicating their

existence, location, and products or services to potential customers. Regulations that allow for

flexibility and creativity, are content-neutral, and provide guidance and information on the

important communication role signs play may help small businesses to be more competitive

(Bertucci and Crawford, 2016; Kellaris and Machleit, 2016). However, restrictive sign

regulations can constrain and disadvantage small businesses in relation to big businesses

(Rexhausen et al., 2012; Auffrey and Hildebrandt, 2017).

As a result, we recommend the use of sign guidelines instead of rigid standards –

specifically simple, general sign guidelines that promote creativity and provide flexibility for

both the business and that community. Most importantly, these sign guidelines need to be

developed utilizing the research concerning how signage operates, and how it is processed by

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viewers to result in effective communication. Retail businesses should be encouraged to use

signs in creative, even whimsical ways (Hinshaw, 2001). However, small businesses, planners

and regulators will need to be educated and nurtured through the development and use of these

new sign guidelines. Fortunately model guidelines for on-premise signs have already been

developed (Kuhn et al., 1997; Jourdan et al., 2008; Bertucci and Crawford, 2016). These

guidelines are more likely to produce the desired outcomes of effective communication, along

with variety and creativity while avoiding miscommunication and the uniformity that tends to

result with standards.

Planners need to recognize that signs are a critical design and communication element in

their community and create sign regulations that aim to improve the built environment and

support local businesses. This is well understood in the field of visual communication/graphic

design and this information needs to be incorporated and shared through the development of

improved sign codes.

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Sign Code Development Process: Best Practices

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A wide variety of community stakeholders has an interest in ensuring that sign codes are

crafted in such a way as to allow for the free flow of speech while preserving community character.

These stakeholders may include businesses, sign companies, graphic designers, historic

preservationists, traffic safety specialists, environmental quality advocates, and chamber of commerce

types, among others. Including interested parties in efforts to develop and revise sign codes can help

ensure that the resulting regulation embraces the best available technologies and business practices of

the time in an effort to promote the economic vitality of local business districts. This report seeks to: (a)

explore best practices in citizen participation practices revolving around the development or

amendment of sign codes; (b) to evaluate the experiences of communities who have revised their sign

codes in the last 10 years; and (c) to establish best practices for improving the sign code development

process.

A. The Role of Citizen Participation in the Development of Zoning Regulations

Citizen participation in the development of sign codes is not well documented. This review seeks

to fill the gap in the participation literature as applied to the development or revision of sign codes by

reviewing the general literature in this field to understand the role of citizen participation in the planning

process generally, the evolution of participatory planning practice, and best practices in the field.

In 1969, Sherry Arnstein created *A Ladder of Citizen Participation* (1969). The ladder

demonstrates the various degrees of possible citizen involvement in local decision-making, starting at

the bottom rung where citizens are merely consulted about decisions made to the highest rung of the

ladder where the citizens themselves spearhead decision-making. Arnstein suggests that the level of

citizen participation should not be the same for every decision made, rather processes should vary by the

type and importance of the action to be taken. The author challenges local decision makers to decide up front how much participation should be solicited on a given matter and from whom. For instance, in some cases, consultation with groups or the public at large may be sufficient for getting input to inform decision-making. This type of process might be appropriate in instances where final actions are significantly limited by resource or legal constraints, i.e. the law requires a specific course of action with little discretion left to the local governing body. In other cases, opportunities for more comprehensive participation may be appropriate. It is the mandate of the local government to make decisions that promote the general public health, safety, and welfare. Decision-making at this scale requires efforts to get to know how the community feels about the issues affecting them. As such, city planners are compelled to reach out to the community when setting the visions that will inspire new policies. If the citizens envision a community where the economy is robust, planners must work with constituencies to dissect the concept so that local policies support those goals, rather than hindering them. Those who work in the field of signage and wayfinding might be quick to point out that there is often a mismatch between the goal of economic viability and sign regulations that make it difficult for some businesses to compete for attention in the marketplace.

Since Arnstein published her infamous ladder of citizen participation, there has been significant discourse about the role of citizen participation. It is a well-accepted principle in planning practice that inviting a variety of stakeholders to share in decision-making is one of the best ways to ensure the likelihood that a plan will be supported and implemented (Burby, 2003). However, there are a number of barriers to effective and meaningful participation. Often the public is given little notice about efforts to modify sign codes. While state law typically requires publication of efforts to modify codes in local newspapers, even those interested in the topic often fail to learn about such changes in time for them to

participate (Jorden and Hentrich, 2003). Many learn about proposed modifications at the very end of the process when such modifications are being considered by city councils. Gaining knowledge about proposed changes at this point may stymie the desire to participate or, in the alternative, incense those who believe they should have been consulted beforehand. In the case of the later, these stakeholders may band together to prevent the adoption of such ordinances at the final adoption hearing. As most cities have learned, merely adhering to the requirements of public notice is not sufficient for cities who seek to have sign codes that are supported and implemented in the long run.

When designing participatory processes to support the design or the amendment of a sign code, planners must carefully consider the degree to which stakeholder participation is important to the planning process. Planners must establish the following parameters for participation: administration, objectives, stage, targeting, techniques, and information. According to Brody et al, the choices planners make with respect to these issues significantly impact the resulting level of participation of participation by stakeholders (Brody, Godschalk, & Burby, 2003). Diversity in the design of participatory techniques is the factor that contributes to the greatest growth in participation. For example, public workshops and forums often increase the numbers of groups participating while formal public hearings drew fewer participants. Brody et al suggest that local governments prepare written plans outlining their approaches for participation that include clearly stated objectives in the early stages of planning (Brody, Godschalk, & Burby, 2003). Governments should also include programs that target relevant stakeholders, using a range of techniques and providing stakeholders with a full range of data and information. The authors conclude:

> These actions, which are within the power of the planning profession, can make a major difference in ensuring authentic participation, as well as increasing public understanding of, and support for, comprehensive planning"

(Brody, Godschalk, & Burby, 2003: 261). Because there are many possible ways to execute citizen participation it is important to investigate these options.

In the late 1990's Chicago's Pilsen neighborhood utilized visualization tools to better include citizens in the planning process (Al-Kohmany, 1999). They found that the use of GIS, hand sketching by an artist, and photo-manipulation greatly improved the experience for both the citizens and professionals involved. The citizens were able to come away from the process with a better understanding of the project and they had a much more energetic role in the development of the plan. The artist's drawings and GIS tools allowed citizens to be more involved in the early stages of the project and photo-manipulation proved more useful later on. The designers incorporated the citizens' ideas much more easily. The use of visualization tools also allowed citizens to be highly involved without much technical education (Al-Kohmany, 1999).

The use of online tools in the planning process is very prevalent now. The demographic and location of a population can have noticeable impacts on the tools made available (Conroy & Evans-Crowley, 2005). Many people do not have the time or interest to attend a public meeting so using e-government tools can open many possibilities for citizen involvement. Using GIS and the Internet allow for greater interaction. Information tools were found to be much more common than interaction tools. This is because information tools take less effort to produce (Conroy & Evans-Crowley, 2005). While Internet access is widely available now, there are still some people who do not have access. Areas with larger populations are more likely to have access to online tools and the higher the percentage of minority groups, the fewer tools that were found to be available (Conroy & Evans-Crowley, 2005). The changes that have occurred recently in the implementation of citizen participation demonstrate the exciting possible avenues that should be pursued today.

There are not many direct examples of the role of citizen participation in sign code development process, but the revision process has been documented by some cities. The focus of most of these reports is on off premise signs but can be extrapolated for the purposes of this study. For instance, the City Club of Portland (1996) conducted a report to examine how the city's Sign Code and zoning requirements should apply to billboards. A lack of public awareness and support for the issue led to minimal changes in the Sign Code after previous regulations had been invalidated in court in 1985. The committee members of the report believed that they currently had the support of the citizens on their side and that they had relied too much on involvement from the sign industry when creating changes to the sign code previously. The committee did not describe any citizen participation that occurred in the gathering of their report however. The report concludes with recommendations to the City of Portland regarding billboard regulation including significant citizen participation (The City Club of Portland, 1996).

The City of San Jose commissioned a survey about residents' views of billboards and other street signs (Fairbank, Maslin, Maullin & Associates, 2009). They also conducted focus groups and community meetings, but those were not detailed in this report. The survey was conducted online and residents of the city were asked to "indicate how acceptable they found the particular sign to be" (Fairbank, Maslin, Maullin & Associates, 2009: 4). Most respondents were neutral or positive about outdoor advertising in general and people were generally more negative about advertisements on historical or residential buildings. People were positive about storefront or onsite signs (Fairbank, Maslin, Maullin & Associates, 2009). This study broke down how different demographics feel about different varieties of advertising within their city. The city was then able to use this information to make suggestions to how the sign code should be updated.

Evaluating the impact of collaboration with citizens must also be examined. It is often assumed that all citizen participation is good, but sometimes efforts to engage stakeholders can be counterproductive if not properly designed and managed. Cupps (1977) writes

> …there is a growing body of data to support the contention that public participation which is automatic, unrestrained, or ill-considered can be dangerously dysfunctional to political and administrative systems

(Cupps, 1977: 478). Problems related to representation, style, and analysis can create major stumbling blocks. There need to be guidelines and limits put in place for citizen participation to be effective.

That said, meaningful participation in the sign code development process is critical just as it is with the revision of zoning codes. In Lerable's Planning Advisory Service Report on preparing conventional zoning ordinances he writes, "It has been the experience in many communities that the politics of signs are at least as volatile as, but quite separate from, the politics of zoning" (Lerable, 1995: 31). Lerable notes the importance of participation in both instances (Lerable, 1995: 3).

In order to better implement citizen participation, it is useful to look at guidelines for participation establish to govern other types of local efforts to amend policies, like comprehensive plans. Grabow, Hiliker, & Moskal (2006) created a guide to assist professionals and students in Wisconsin in understanding their state's Comprehensive Planning and Smart Growth law. The law states that a comprehensive plan must be developed for all changes affecting land use and that there must be written public participation procedure to engage citizens during the entire planning process. The guide dives into a nine-step process of developing a comprehensive plan. After laying the groundwork for the plan, the outcome of citizen participation is discussed.

The authors of the guide stress that citizen participation, "…is an approach of its own that runs parallel and complimentary to the comprehensive planning approach" (Grabow, Kiliker, & Moskal,

2006: 24 is). It is not a separate step in the process of creating a comprehensive plan, but rather a

practice that should run for the duration. Fourteen commonly used methods for involving citizens are

laid out within this guide. Detailed are practices such as direct mail, websites, open houses, citizen

advisory committees, and public hearings. The effort required of the planning organization and citizens

are discussed for each as well as their effectiveness and appropriate uses. A citizen participation

worksheet is included to help officials determine what their citizen participation plan should look like

(Grabow, Hiliker, & Moskal, 2006: 49-52). Participation efforts that inform comprehensive planning

processes are intended to yield much more general input than groups gathered together with the

intention to modify sign codes.

Authors Connolly and Wyckoff have provided one of the best resources to help communities

navigate their sign code (Connolly & Wyckoff, 2011). The guidebook is comprehensive and includes a

discussion of the role of participation in the sign code development process. The authors note that

planners must balance the interests of all those involved. The sign code development process can be

much simplified if the character of the community is defined beforehand (Connolly & Wyckoff, 2011:

8.3). The community should be consulted to encourage support and compliance. The authors state,

> A cooperative relationship between the local government, business and residents can do more
> than any regulations possibly could to reduce the likelihood of litigation and disagreement and to
> create a pleasant and functional signage environment

(Conolly & Wyckoff, 2011: 8-8).

Connolly and Wyckoff detail the process of drafting a sign code, beginning with a sign

inventory. They recommend the creation of an advisory committee to guide the code development or

revision process. The role of the advisory committee, in their opinion, is to help establish community

goals and the role of signs in accomplishing those. The planner, then, assumes the responsibility for

using this charge as the basis for the modifications made (Conolly & Wyckoff, 2011: 15-3). This guidebook concludes noting that a good relationship with the community will help ease the sign code adoption.

This study emerges from the authors' committed to designing and facilitating participatory processes that engage the right stakeholders in meaningful ways. This study seeks to understand the events that necessitate revisions of local sign codes and the ways in which U.S. cities of varying sizes undertake those modifications. The study specifically focuses on the role of stakeholder participation in these processes. Based on the study findings, the authors have proposed a series of principles to guide future actions by cities to amend or adopt new sign codes.

B. Methodological Approach

Building on the literature of citizen participation, researchers conducted a series of interviews with planners across the United States to learn about their experiences, both positive and negative, in the development of sign regulations. They were asked, among other questions, to explain:

- The frequency with which their city's sign code has been modified in the last 25 years;

- The reasons necessitating such modifications;

- Did the effort involve the creation of a new code or the revision of an existing one;

- Who initiated the revisions;

- Whether the sign code was revised on its own or as a part of a larger zoning code revision process;

- Who led the effort to revise the sign code: planners or consultants? Why;

- Was a task force assembled for review and redevelopment of the sign code? Who determined its membership? Was the sign industry represented;

- Did the code revisions relate to both on and off premise signs;

- How long did the process last;

- Were there any interrupts to the sign code development process? How were they overcome

- How did the Planning Commission and City Council respond to the proposed language;

- Were the public meetings to adopt these ordinances widely attended? By whom? Were their comments incorporated in the final ordinance;

For the purposes of this analysis, the researchers identified 30 cities of varying sizes (small, medium, and large) which have undertaken (on their own or with a planning consultant) the revision of their sign codes since 2000.

Surprisingly few cities, regardless of size, have undertaken sign code revisions in the last 7 years. Ultimately, only 17 communities responded to the researchers' requests for interviews. The reasons for the small sample size are discussed in the analysis that follows. Based on the information gathered, the researchers seek to provide a list of best practices to aid other communities as they contemplate the creation or amendment of local sign codes.

C. Survey Results

Participating planners were asked to answer ten questions. The answers to these questions is summarized below.

1. How frequently has your city's sign code been modified in the last 25 years?

Participating planners were asked when their last sign code revision was made in order to assess local interest in these regulations. This question was asked to determine interest and or reluctance to ensure that the sign code is not obsolete. Many of the planners surveyed responded that the majority of changes to the sign code for which they are familiar have been small and on as needed basis, averaging once a year or every few years. On average, most of the communities surveyed had not engaged in a major overhaul of sign codes for more than 20 years. Six cities, including Denver, Colorado, Morgantown, West Virginia, Beaufort, South Carolina, Mesa, Arizona, Warrenton, Virginia and Tucson, Arizona, are now undertaking major revisions to these codes.

Minor changes and amendments are common for a city to undertake frequently, but a complete renovation of the sign code does not occur with much regularity.

2. The reasons necessitating such modifications?

Generally speaking, localities amend their codes because either an external issue has made the terms of the ordinance inadequate or because internal issues have interrupted the normal process anticipated by the current ordinance. External issues may include either new forms of messaging not anticipated by the current regulations or changes in the legal or planning framework in existence when the current sign code was most recently adopted and/or revised. Internal issues could be an increase in the number of requests for administrative relief or a revision of a larger document (e.g. the zoning ordinance) of which the sign code is a part. It would seem more likely that external issues would be the more common reason cited for modifying the sign code.

The reasons given which necessitated modifications of local sign codes varied among the cities surveyed. Specific issues such as electronic signs, banners, or new districts needing their own code pushed cities to revisit their sign code. Some cities noticed they were doing a good deal of variances and wanted to change the code to reduce the number. The simple realization by local officials that their codes were old and outdated was a significant motivating factor for some communities. Changes in sign technologies also necessitated modifications in some places, particularly bigger cities. Others said that they were seeking clarity within their codes. In some places, updates to zoning ordinances necessitated changes to the sign codes. At least half of the cities surveyed indicated that the Reed decision was a motivation for changing sign codes. Considering the complexity of sign ordinances and the subject matter they regulate, it is not surprising that there are a multitude of underlying reasons cities have chosen to revise or replace existing codes that regulate signs.

3. Did the effort involve the creation of a new code or the revision of an existing one?

When it comes to planning and land use control issues, it is usually easier to amend an existing ordinance rather than delete and recreate language. The cities surveyed were asked if they adopted a new code or revised and existing one. There is often some provision in the current method of control that is either popular or so non-controversial that it does not need any change. This would suggest that a community would determine that it would be relatively uncommon to completely delete an existing code in favor of new and unfamiliar language.

Almost all the cities surveyed indicated that they completed a revision of an existing sign code or adopted amendments to the same rather than creating all new code. A few communities surveyed were in the process of creating new codes. In Morgantown, West Virginia, the city planner said they were undertaking an effort to completely replace the old code. Beaufort, South Carolina revised as existing

code while waiting to adopt a replacement code. Using what previous language was still applicable and combining that with some new code is what cities like Warrenton, VA plan to do as a part of their process.

4. Was the sign code revised on its own or as a part of a larger zoning code revision?

Since communities usually revise codes rather than create new documents, it is expected that these projects would be easier to formulate and less expensive to accomplish. The question was asked as part of a general research theme to determine whether sign code revisions were significant enough by themselves to warrant a push for independent change. Because of the particular knowledge associated with a sign code, the level of expertise needed to accomplish this task is greater than one needed for a general zoning code revision.

Nearly every city said the sign codes were revised on their own. Those interviewed explained that these stand-alone revisions were less costly and time consuming to complete. A few cities did a larger zoning code revision prior to addressing changes to the sign code. The planners interviewed explained that these larger, combined revisions of local codes, including sign codes, were necessitated by the complexities of regulating signs.

5. Did the code revisions relate to both on and off premise signs?

The United States Supreme Court issued a number of opinions allowing the strict control of off-premise signs by local governments. This question was fashioned as a way to determine the continuing impact of those decisions. The majority of the revisions done pertained to on premise signs. Planners in Fort Worth, Texas, Mesa, Arizona, and Arlington, Texas indicated that all revisions were focused on on-premise signs due to the fact that they do not permit off-premise signs with the exception of some

billboards. Xenia, Ohio is unique as the code does not recognize a distinction between on and off-

premise signs and instead focuses on bulk requirements.

6. Who initiated the process?

As with any code change, the impetus for such activity can come from within the locality or as a

result of a request from an entity outside the local government. The study asked planners who initiated

code changes to determine if there was internal or external pressure for change. Because sign codes are

complex documents with only occasional impact on the public, the expectation is that there is often little

demand for change from outside the government. In addition, the assumption is that industry values

certainty and consistency about regulations. These groups would also have little incentive for change.

The process for modifying the sign code was commonly initiated by someone within the city.

This was typically a combination of requests from city council or administration and planning staff.

Planners in Tallahassee, Florida explained that the sign industry played a role beginning the process.

The frequency of variances was a typical driver of internal decisions to revise sign codes.

7. Who led the effort to revise the sign code: planners or consultants? Why?

Since the study assumed that the need for a revision was frequently driven by an internal

dissatisfaction with the current set of regulations as well as reluctance to view this activity as part of a

larger project, it is only natural to suggest that the in-house planning staff would be responsible for the

management of the project. This question was designed to test that assumption. Of course, that is

predicated on the idea that the staff has the time to undertake such a project as well as the trust of the

political decision makers to put forth reasonable assumptions for review and approval. Consultants are

often used when there are time constraints or the objectivity of the planning staff may be a cause for

concern.

When asked who led the effort to revise the sign code, most cities responded that it was primarily

their planning staff. Even within cities that utilized consultants, the city planning staff played a large role

in the process. A consultant interviewed stated that it was usually inexperience, lack of time, or a small

planning staff that led cities to use them. Planners in Fort Worth, Texas and Tallahassee, Florida said

that their legal departments had a role in the process as well. In some cities, consultants were utilized,

but even with the extra help, city planners had a large part in developing the new codes.

8. **Was a task force assembled for review and redevelopment of the sign code? Who**

   determined its membership? Was the sign industry represented?

All planners are taught that involvement of stakeholders is essential to the success of any change

in regulations. The application of this principle on a day to day basis can be difficult. This question

assumes that interested parties were involved through the creation of a group that was formed to advise

the planning staff on all aspects of sign code revision. Establishing a task force is typically the

responsibility of the local staff. The question was designed to determine the membership of such groups

and indirectly the interests that were advocating or resisting change to the sign code. Beyond the sign

industry, the question was asked to discern what other segments of society outside the government were

involved.

The creation of task forces appears to be common to local efforts to revise existing or create new

sign codes. Planners interviewed in Pensacola, Florida and Beaufort, South Carolia said that they had

assembled a task force to advise them about potential revisions of the sign codes. Membership of these

task forces was determined by the city staff or city council members. These task forces were generally

comprised of elected officials, neighborhood representatives, business owners, realtors, and city staff.

Planners in Mesa, Arizona explained that their staff contacted people who they knew would be

interested in the topic including lobbying groups, industry, and neighborhood groups. All of those

interviewed said that the sign industry was represented on the task forces that informed the sign code

revision or development process.

9. How did the planning commission and City Council respond to the proposed language?

One way to validate the responses to the question on stakeholders is to ask about the reaction of

the governmental review and approving bodies to the proposed changes in the sign code. If both the

planning commission and the City council were represented on the advisory task force, they were made

aware of the process of developing the new ordinance language. It would be very surprising if there was

a negative reaction to these recommendations if these groups were active in the discussions concerning

their development.

All said that the council responded favorably and they did not encounter any major issues when

then new code language was presented for consideration. Specifically, in Arlington, Virginia, planners

presented individual portions of the sign code to council for feedback before submitting the entire

document for consideration adoption. Those interviewed believed this was critical to the positive

reception by council to the final sign code. Across those interviewed, planners indicated there was a

high level of interaction with the planning commission or city council to ensure they were comfortable

with the language before the process was too far along.

10. Were the public meetings to adopt these ordinances widely attended? By whom? Were their comments incorporated into the final ordinance?

Level and diversity of attendance by stakeholders at public hearings is often a question raised during the adoption or revision of governmental ordinances. In some sense, the formation of the advisory task force can be seen as a substitute for this type of public participation. This question was asked in order to determine if there was an "outside' public demand for change to the regulation. The study assumes that sign regulation is a technically complex and generally unrecognized form of land use control. Individuals apparently do not often express strong feelings about this issue in public forums. Therefore, attendance at public meetings would, if the process is similar to other planning projects, decrease as the project went from start to finish.

In this study, those interviewed reported low public participation when sign codes were amended or adopted with one exception. A hearing about the amendment of provisions relating to off-premise signs was well attended in Pensacola, Florida. It is important to note that many of those interviewed could not recall the degree of such attendance unless they occurred in the very recent past. Generally, attendees of these meetings included elected officials, citizens, and representatives from the sign industry. The City of Tucson, Arizona's public meetings dealing with sign code revisions drew astronomers who monitor illumination levels and the impacts of light pollution on night skies. Planners in Mesa, Arizona recommended that putting materials online for people to see and comment on was a useful approach for enhancing stakeholder participation to inform the sign code amendment or development process.

11. How long did the process last?

The length of the participatory process from start to finish varies significantly based on the complexity of the issues being tackled and the political will to make such changes. Across the board, planners stated that small or mid-sized amendments to sign codes usually took about four to six months to complete. In cases with more complicated issues, amendments may take nine to twelve to two years from start to finish.

12. Were there any interrupts to the sign code development process? How were they overcome?

This question was asked to see if there were any unanticipated delays to the completion of the sign code revision process. The question was also designed to determine if local elections affected the timeline of the project to amend and adopt new ordinances. Over half of the city planners interviewed said there were no major interruptions to the sign code revision process. On occasion, a few cities slowed the process themselves to that the city attorney could review questionable legal issues. In Denver, Colorado, the process was also temporarily slowed to engage in additional training with the planning board, but this effort did not significantly delay the process. Planners in Mesa, Arizona were seven or eight months into their revision process when the U.S. Supreme Court decided the Reed case. They put a hold on their planning process until the decision could be fully processed. Overall, most of the planners interviewed did not encounter any major interruptions to the sign code revision or development process.

13. Additional comments

Those interviewed were given the opportunity to offer any other comments they deemed relevant to this research. One planner was surprised to learn that many cities were operating with outdated sign codes crafted in the late 1980s and early 1990s. Many of the planners showed an interest in how the *Reed* decision would impact sign code development in the future. The planner interviewed from Mesa, Arizona explained that they anticipated changes to their sign code as the City moved to a more form-based approach going forward. In Arlington, Texas, the planner noted the importance of public participation to include as many stakeholders as possible.

D. Best Practices

Based on the input gathered as a part of this study, the following best practices are offered to help city planners design, facilitate, and implement successful sign code revision processes.

1. Revise the Code with Zoning Regulations and Incorporate (if possible)

Zoning regulations and sign codes are often separate documents that are prepared and revised separately. In many instances, the choice to separate is based on a belief that the two are unrelated. This view fails to recognize the relationship between signs and land uses. Signage is a vital part of all commercial uses and should be considered as such as plan commissions and city councils make zoning decisions. Other communities address the two types of regulations separately because of a belief that dealing with sign issues is contentious and may impede the passage of more comprehensive zoning ordinances that have been deemed most important. As a result, sign ordinances are often very disconnected from the regulations that shape urban form. In the worst-case scenario, signs regulations are infrequently updated and stymie the needs of those who seek to advertise their businesses. Planners

should work to integrate sign regulations to the zoning code to ensure that development types and sign

types are compatible.

2. Develop In House Expertise in Sign Regulation

When the time comes, most communities are quick to hire a consultant to revise sign codes.

Their expertise is invaluable in translating new developments in the law and advances in sign

technology. However, the mentality that a consultant is necessary to lead such processes often slows the

frequency with which revisions are made. Community planners must not be afraid of leading these

processes. Local expertise is available. Sign makers and designers are trained with specialized

knowledge about the visual landscape. Business owners, realtors, and members of the Chamber of

Commerce understand the economic value of commercial signs. The planner's job in this context is to

learn who might contribute to these important conversations.

3. Look For the Indicators that Necessitate Revision

Changes in law

Given the Constitutional underpinning of sign law, legal decisions can have a significant impact

on the elements of sign codes. Planners and city attorneys alike must follow cases that challenge

municipal regulations of signs. The outcome of these decisions may have a significant impact on the

contents of the code. The Reed case, for example, changed the way communities are allowed to name

signs. By law, cities my regulate signs by sign type, not by content or name. This opinion should be

embraced as an opportunity to revisit local sign codes given that most definition sections of sign codes,

for example, are likely in violation of the decision. Information about changes in the law are widely

available through non-profits and trade organizations like: the International Sign Association, the

Signage Research Foundation, and the American Planning Association, among others.

Changes in technology

Those in the advertising industry are enormously creative. They are in the constant pursuit of

new ways to help their clients capture a share of the economic market. As new materials and

technologies are generated, design professionals embrace ways to incorporate them in advertising

schemes. Inventions in digital technologies, for example, have changed the ways signs convey

information. Given the pace of growth in the areas of materials and technologies, city planners must

stay abreast of the inventions that will likely necessitate modifications to sign codes. For example,

planners should be deeply interested in autonomous vehicle technology and its potential impact on urban

form and signs. Advanced interest and knowledge development in these areas will reduce the anxiety

many communities experience when these new technologies are presented to them.

Abundance of Variance Requests or Use of Appeals Processes

One of the best indicators for knowing that it is time to update a sign code is the frequency with

which requests are made by applicants who seek to deviate from the code. Often, these requests are

viewed as applicants simply wanting more than they are entitled. However, if an increased number of

requests are being made, especially if they are concentrated in particular areas, this means that the

requests may be a product of neighborhood change. These requests should send a message to planners

and local politicians that codes must be modified to support those changes.

In the alternative, many communities will use other procedures that allow them to skirt codes

entirely. In one Midwestern community, for example, business owners commonly use the Planned

United Development (PUD) process to negotiate more favorable sign regulations with local

governments. While permissible, this tool can be abused and result in decisions which favor certain

landowners over others.

4. Recruit a Diverse Array of Stakeholders

All citizens, whether they know it or not, have specialized knowledge about signs. These

installations help them navigate communities and attract them to patronize one store over another. The

planner's job is to make as much of the public appreciate this knowledge as possible, drawing citizen

participants to the planning process.

5. Create a Multitude of Opportunities for Participation

The traditional public meeting process is a relic of the past. While the law still requires that

these meetings occur, planners are aware of the multitude of other tools available for garnering public

input. This may include the creation of ad hoc committees. These committees bring together interested

parties to have indepth conversations that may inform the sign code. Field trips to places the city seeks

to immolate are also important participatory tools. Sometimes seeing a place and talking to community

leaders elsewhere will inspire the development of more inventive codes. On line participation efforts

may also be the way of the future, allowing those who would not otherwise travel to city hall to inform

policy. In all instances, due process requirements of notice and hearing must be followed to ensure the

viability of the codes arising from these endeavors.

6. Visualize Regulations

Sign codes have long followed the tradition of zoning codes. These regulations are often devoid of

visual depictions of the attributes regulated. Even more than zoning, signage is a visual activity. Just as

a passerby needs to see a sign to navigate the urban landscape, so too, a person reading a code benefits from a photograph or a drawing of what is permissible and what is not. Sometimes communities are reluctant to be "so specific." However, courts have found that these types of pattern books are perfectly accessible as inspiration for design, rather than a requirement to be duplicated. Communities should embrace the advances brought to zoning by the form based code drafters who have successfully created models to visualize land use activities.

7. Expedite Processes as Much as Feasible

Planning process can take a while. On average, the process for amending or adopting a new sign code takes 6 months to a year. It is difficult to keep the attention of stakeholders for periods any longer than this. Efforts must be made to streamline these processes without sacrificing dialogue. The best way to accomplish this is through advance organization of the stakeholder process. Planners must aggressively recruit stakeholders to participate well in advance of the first meetings. In addition, the planner should outline the tasks of the group assembled and provide homework and consistent updates to participants. This might include hosting meetings on the following topics:

1. Introduction of participants and goals – make decision about whether the code remains freestanding or becomes integrated with the zoning code

2. Discussion/presentations on the value of signs

3. Review of current code and issues necessitating the revision

4. Tour of signs: "the good, the bad, and the ugly"

5. Review of sign codes of peer communities

6. Fieldtrip to a peer community with good signs

7. Recommendations of best practices to insert into sign code

8. Visualize impacts of regulations on sites

Efforts like these will keep stakeholders engaged and ultimately positive about the final outcome.

8. Do Not Allow Delays to Derail You

Things come up that will modify the timeline of a code revision. The pendency of the Reed case, for example, slowed a lot of communities' efforts to consider and reconsider sign code provisions. These events should not be allowed to slow the momentum of ongoing efforts. There is plenty of work to do that can be undertaken as communities wait for court decisions, for example. These events can also be utilized as motivators for education that might not otherwise occur.

9. Moratoria Should Be Used Sparingly

The advent of new sign types can sometimes result in over-reactions by communities who are concerned about potential impacts on the urban landscape. The entry of electronic message boards, for example, into the sign market caused a number of cities across the nation to adopt moratoria on sign application involving this new means of communications. While temporary in nature, these moratoria resulted in a significant amount of delay for those seeking new ways to advertise their businesses. As technology will always drive invention in this area, communities should follow emerging trends and work with local and national experts to prepare to embrace these inventions as they come.

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Legal Considerations in Sign Code Development

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Legal considerations have always played a critical role in the development of a sign code, but that role has taken on renewed importance in the wake of the U.S. Supreme Court's recent ruling in *Reed v. Town of Gilbert, Ariz.,* 135 S.Ct. 2218 (2015). A detailed analysis of *Reed* is obviously beyond the scope of this paper.[1] For our purposes, it is sufficient to note that the *Reed* Court announced a far more stringent test to determine whether a sign code's provisions are "content-neutral" or "content-based." In short, the Court ruled that any sign code provision that "on its face" considers the message on a sign to determine how it will be regulated is content-based.[2] The practical effect of finding that a sign code provision is content-based is to heighten the judicial scrutiny of such a provision if challenged. A provision that is content-neutral is subjected only to *intermediate* judicial scrutiny: the provision will be upheld if government can demonstrate that the regulation serves a *substantial* governmental interest and is *narrowly-tailored* to achieve that interest. In contrast, a provision that is content-based is subjected to *strict* judicial scrutiny: the provision will be upheld only if government can demonstrate that the regulation serves a *compelling* governmental interest and is the *least restrictive* alternative to achieve that interest.[3]

A case exemplifying how much *Reed* has affected court review of sign regulations that contain content-based provisions, normally found in "exemptions" is *Central Radio Co. Inc. v. City of Norfolk, Va.*[4] There, in a challenge first decided before *Reed*, the Fourth Circuit Court of

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[1] For a comprehensive analysis of the *Reed* decision, *see* Brian J. Connolly and Alan C. Weinstein, *Sign Regulation After* Reed*: Suggestions for Coping with Legal Uncertainty*, 47 Urb. Law. 569 (2015) in which portions of this articled were previously published.

[2] Reed v. Town of Gilbert, Ariz., 135 S.Ct. 2218, 2227 (2015).

[3] Strict scrutiny normally leads to the invalidation of the challenged provision since few courts have found that traffic safety or aesthetics, the governmental interests normally used to support sign regulation, are compelling interests. Further, most sign codes cannot demonstrate that a challenged provision is the least restrictive alternative. *See*, Connolly & Weinstein, n. 1 *supra* at 605-608.

[4] Central Radio Co. Inc. v. City of Norfolk, Va., 811 F.3d 625 (4th Cir. 2016).

Appeals had concluded that a sign regulation exempting flags, emblems and works of art was content-neutral and, applying intermediate scrutiny, held that the regulation was a constitutional exercise of the city's regulatory authority.[5] But when the challenge was renewed after *Reed*, the Court of Appeals reversed its decision and agreed with the plaintiffs that, under *Reed*, the regulation was a content-based restriction that cannot withstand strict scrutiny.[6] Similarly, in *Wagner v. City of Garfield Heights*,[7] the Sixth Circuit had first reversed a district court ruling that the city's restrictions on political signs was content-based regulation that violated the first amendment under strict scrutiny. After granting certiorari, the Supreme Court vacated the Sixth Circuit's judgment and remanded for reconsideration under *Reed*. The Sixth Circuit on remand applied strict scrutiny and found that the ordinance was not narrowly tailored to achieve the city's asserted interests in aesthetics and traffic safety.

While the Supreme Court's *Reed* decision is still fairly new and the decision's complete impact remains to be seen, when developing sign codes lawyers, planners, and local government officials can take steps to minimize legal risk in the wake of the court's decision. Even before *Reed*, most local sign codes contained at least some provisions of questionable constitutionality, and the fact is that developing a 100% content neutral sign code may be impossible for some, or even most, local governments. Further, as Justice Kagan's concurring opinion in *Reed* noted, such a code might not function well in addressing legitimate aesthetic and traffic safety

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[5] Central Radio Co. Inc. v. City of Norfolk, Virginia, 776 F.3d 229 (4th Cir.2015), *cert. granted, judgment vacated, sub nom*. Cent. Radio Co. Inc. v. City of Norfolk, Va.135 S. Ct. 2893, 192 L. Ed. 2d 919 (2015).

[6] Central Radio Co. Inc. v. City of Norfolk, Va., 811 F.3d 625 (4th Cir. 2016). *See also* Geft Outdoor LLC v. Consolidated City of Indianapolis and County of Marion, Indiana, 187 F. Supp. 3d 1002 (S.D. Ind. 2016) (noting amendment of ordinance to comply with *Reed*).

[7] Wagner v. City of Garfield Heights, 675 Fed. Appx. 599 (6th Cir. 2017). *See also* Marin v. Town of Southeast, 136 F. Supp. 3d 548 (S.D.N.Y. 2015) (ruling that a regulation that exempted certain signs, but not political signs, from restrictions placed on temporary signage, was a content-based restriction that did not withstand strict scrutiny).

concerns.[8]   Sign code drafting is an often imprecise exercise, subject to the influences of planning, law, and, perhaps most importantly, local politics. Planners and local government lawyers should therefore view sign regulation with an eye toward risk management. If the local government is willing to tolerate some degree of legal risk, it may be appropriate to take a more aggressive, if less constitutionally-tested approach to sign regulation. Conversely, if the local government is unwilling to accept the risks associated with more rigorous regulation of signs, it would be advisable to adopt a more strictly content neutral—if less aesthetically effective—approach.

In a risk management approach to sign regulation, the local government's adopted regulations should reflect a balance between the community's desire to achieve certain regulatory objectives and the community's tolerance for legal risk. Regardless of some of the uncertainties that remain about the substantive reach of the *Reed* decision,[9] *Reed* clearly increases the level of legal risk associated with many aspects of sign regulation, and most particularly regulation of non-commercial signs. Thus, while communities are well-advised to review sign regulations for potential areas of content discrimination and to take precautions against potential sign litigation, when developing a sign code communities should also consider (or perhaps reconsider) the level of legal risk that the community is willing to tolerate in order to achieve the community's aesthetic goals and interests in traffic safety. In some areas of sign regulation and for some local jurisdictions, achieving aesthetic goals may run counter to minimizing legal risk, and it will be up to planners, lawyers, political leaders, and community

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[8] Reed v. Town of Gilbert, Ariz., 135 S.Ct. at 2236-2239.
[9] *See*, Connolly & Weinstein, n. 1 *supra* at 587-610.

members to determine the appropriate balance between the community's desired planning outcomes and the community's risk tolerance.

In all communities, special care should be taken to avoid regulating signs that have minimal impact on the community's established interests in sign regulation. For example, avoiding regulation of signs which are not visible from a public right-of-way, or which are so as to have a negligible visual impact, is good sign regulation practice and is in keeping with the notion that regulations should only go as far as necessary to further the interests of the regulating body. In the same vein, communities should focus on addressing "problem areas" of sign regulation specific to the community instead of regulating for problems that do not exist. Employing this approach to sign regulation will likely result in the outcomes desired by the community while providing an appropriate level of protection against costly and time-consuming litigation. With these observations in mind, here is some practical advice on dealing with legal issues in sign code development and regulation in the post-*Reed* world.

A.   **Review Your Current Sign Code for Content-Based Provisions**

Because local sign codes frequently contain at least some areas of content bias, a community should undertake a painstaking review of its current sign code to determine where and how the code exhibits the forms of content discrimination called into question by *Reed*. Local sign codes are often an amalgam of regulatory provisions enacted to respond to discrete sign regulation problems that have previously arisen. Further, "common sense" reactions to many sign regulation problems may raise the greatest problems in First Amendment analysis; for example, addressing a proliferation of temporary political signs by imposing strict regulations on such signs would likely prove problematic if scrutinized by a court following *Reed*.

Where a municipal attorney or local planner lacks certainty as to whether a particular provision is content neutral, contact a lawyer well-versed in First Amendment issues and sign regulation. Even if a sign code "fix" is not possible in the near term, knowing the sign code's areas of vulnerability, and coaching permitting and enforcement staff to limit potential problems, can be a crucial step toward protecting a local government from liability.

To guide the process of reviewing local codes for content based provisions, here is a short list of critical areas to review for existing codes and to consider in developing a new code.

1.   Review and Consider Eliminating Exceptions to Permitting Requirements

Exceptions to permitting requirements are common features of sign codes, but these exceptions often raise constitutional problems. The Gilbert, AZ sign code at issue in *Reed* mirrored many other codes in having a general requirement that all signs obtain a permit, with several categories of excepted signs.[10] Exceptions from permitting can be problematic from both a content neutrality and narrow tailoring perspective. On the content neutrality side, local governments should closely review how the excepted signs are defined. For example, are there exceptions to permitting requirements for political signs, election signs, campaign signs, religious signs, real estate signs, construction signs, address signs, governmental flags, or any other types of signs that might be defined by the message(s) displayed on the signs? [11]

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[10] *See, e.g.*, DENVER, COLO. ZONING CODE § 10.10.3.1 (containing a list of signs not subject to a permit).

[11] *See, e.g.,* Central Radio Co., Inc. v. City of Norfolk, VA, 776 F.3d 229 (4th Cir. 2015), cert. granted, judgment vacated, 135 S.Ct. 2893 (2015), reversed, 811 F.3d 625 (4th Cir. 2016)(ruling that sign code exempting certain displays, including any "flag or emblem" of any government or "religious organization" and "works of art" that do not identify/relate to a product or service was a content-based restriction that did not withstand strict scrutiny) *and* Marin v. Town of Southeast, 136 F.Supp.3d 548 (S.D.N.Y. 2015) (finding that regulation that exempted certain signs, but not political signs, from restrictions placed on temporary signage, was a content-based restriction that did not withstand strict scrutiny).

On the narrow tailoring side, local governments should consider whether the exceptions to permitting requirements further the asserted purpose for the sign code or are at least sufficiently limited to avoid undercutting the stated purpose. For example, if a code contains the express goal of eliminating sign clutter to improve traffic safety and aesthetics, does allowing "Grand Opening Signs" somehow nullify that aesthetic interest—or nullify the government's interest in prohibiting myriad other temporary signs? Or if a code allows certain types of unpermitted noncommercial signs to be larger than real estate signs, is the government undermining its general interest in reducing driver distractions (since drivers can be distracted just as easily by political signs as by real estate signs)? Removing content-based definitions from exceptions to permitting requirements, and reconsidering whether the exceptions undermine the regulatory purposes of the sign code will assist local governments in mitigating liability going forward.

Clearly, After *Reed*, exceptions to permitting requirements are extremely problematic. It follows that the number of permitting exceptions should be reduced wherever possible, while maintaining those permitted exceptions—and their definitions—that are necessary to reduce litigation risk or achieve stated goals of the sign code. The same holds true for differentially-treated categories of signs. The sign code in *Reed* contained 23 categorical exceptions to the town's basic permitting requirement. Regardless of the rationales for the enactment of these 23 exceptions, one can assume that at least some of these exceptions—and the differential treatment between the various categories of exceptions—were unnecessary to achieve the code's stated goals of traffic safety and community aesthetics. My experience in sign regulation strongly suggests that excessive "slicing and dicing" of sign categories frequently leads to more litigation

and liability for local governments. Thus, local governments are encouraged to exercise restraint in creating permitting exceptions and avoid multiple categories of permitted exceptions.

The foregoing is not to say, however, that local governments should avoid ***all*** exceptions to permitting and require permits for all signs. Permitting requirements carry additional constitutional obligations for local governments, most importantly the obligation to avoid unconstitutional prior restraints on speech. For a permitting requirement to avoid such concerns, it should contain adequate procedural safeguards. Such a requirement should provide strict yet brief review timeframes to which the local government must adhere and must not vest unbridled discretion in local government officials, *i.e.*, the code should contain clearly-articulated approval criteria for signs subject to a permit.[12] If a local government opts to require that noncommercial signs be permitted prior to installation, the code should avoid content discrimination in the requirements for permitted noncommercial signs. Precisely because of prior restraint concerns and the sensitivity of noncommercial sign owners to prior restraints, many local governments opt to except certain forms of noncommercial signage from permitting requirements. If the sign code drafters desire to except political signs from a permitting requirement, that exception—and the treatment of the excepted signs in terms of size, height, lighting, etc.—should apply equally to all noncommercial signs, regardless of the message on the sign.

2.   Remove/Avoid "Problem" Definitions

To avoid post-*Reed* liability associated with certain types of noncommercial speech, local governments should remove or reconsider potentially problematic categories and definitions in sign codes. Some of these problem definitions include "political signs," "religious signs," "event

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[12] *See, e.g.*, Café Erotica of Fla., Inc. v. St. Johns Cnty., 360 F.3d 1274, 1282 (11th Cir. 2004); Lusk v. Vill. of Cold Spring, 475 F.3d 480, 485-87 (2d Cir. 2007).

signs," "real estate signs," and "holiday lights." These categories are problematic for two reasons. First, when used in local sign codes, these categories typically rely upon the subject matter or message of the sign itself to define the category, which is presumptively unconstitutional after *Reed*, thus giving rise to potential liability for the government.[13] The second reason is that, in most cases, these categories relate to core First Amendment-protected speech, with concomitant heightened public sensitivity that can easily lead to litigation. Whereas many commercial business owners are disinclined to spend time and money litigating over sign regulations, individuals and not-for-profit organizations, many of whom are represented by *pro bono* legal counsel in First Amendment cases, are inclined to spend time and money to preserve core First Amendment rights.[14] *Reed* is a perfect example: the litigation lasted eight years, and Pastor Reed and Good News were represented by *pro bono* legal counsel.[15]

In some cases, the problem areas can be regulated with sign code definitions that do not directly control or restrict the content of the sign in question. As discussed above, a potentially content neutral definition of "real estate sign" could be "a temporary sign posted on property that is actively marketed for sale." Such a definition does not address the content of the sign, but rather deals with the status of the property and location of the sign. Thus, a for-sale property could theoretically be posted with a "Save the Whales" sign under this definition, but it is likely that the economic motives of the seller would dictate otherwise. While this approach lowers legal risk, it does not eliminate it. If such a provision were challenged, a plaintiff might

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[13] *See Reed,* 135 S. Ct. at 2227.

[14] Because First Amendment challenges to sign codes are normally brought under the Civil Rights Act, 42 U.S.C. § 1983, which allows for the award of attorneys' fees under 42 U.S.C. § 1988, *pro bono* – and other – counsel may be very interested in representing plaintiffs in these challenges. *See, e.g.,* Cleveland Area Bd. of Realtors v. City of Euclid, 965 F. Supp. 1017, 1026 (N.D. Ohio 1997) (awarding $308,825.70 in attorneys' fees and costs in sign code case). Adjusting for inflation, that award is equal to $457,225.60 in current dollars.

[15] They were represented *pro bono* by the Alliance Defending Freedom. *See,* "Vital Signs" available on the Alliance website: adflegal.org.

successfully claim that the purpose for the facially content-neutral definition was to allow for the display of real estate signs, which would then subject the provision to strict scrutiny. Similarly, if the definition of "event sign" is "a temporary sign displayed within 500 feet of property on which a one-time event is held, and which sign may be displayed for up to five days before and one day after such event," the "event sign" could read "Smoke Grass," but the event proponent's interest in promoting the event would likely win the day.

In other cases, some of the problem sign types should simply be avoided. For example, it is nearly impossible to define "political sign" or "religious sign" in a manner that does not create serious content bias issues. If a community has concerns regarding proliferation of these sign types, the problem is best addressed with regulations applicable to all noncommercial signs. As *Reed* espouses, it is not within the purview of local government to pick and choose the subject matter or message of noncommercial speech, or to favor certain types of noncommercial speech over others. To the extent local political leaders are concerned about proliferations of political or religious signs, lawyers and planners should endeavor to educate political leaders about the risks associated with sign regulations of this nature.

B.   **Avoid Strict Enforcement of Content Based Distinctions and Moratoria**

Local governments are also well-advised to suspend enforcement of code provisions— particularly regulation of non-commercial signs—that *Reed* calls into question. This obviously does not include any *structural* and *locational* provisions in the sign code directly related to public safety. All of these should continue to be enforced. In a case decided shortly before *Reed*, a federal court upheld an Oregon county's decision to cease enforcement of content based

provisions in the county code[16] and to instead review applications for temporary sign permits

under the remaining, content neutral provisions of the code.[17] This decision provides a superb

road map for a jurisdiction considering how it might administer, in the near term, a content based

local sign code.

Some local governments may believe that a prudent response to *Reed* is to enact a

moratorium on the issuance of sign permits during the pendency of code revisions. That

approach is problematic. If challenged, a moratorium, would in most circumstances constitute an

unconstitutional prior restraint on expression.[18] Courts strongly disfavor moratoria on issuing

any sign permits or, worse yet, displaying any new signs. In contrast, a moratorium of short

duration – certainly no more than 30 days – that is narrowly tailored to address only the issues

raised by *Reed* might possibly be upheld. The authors, however, do not recommend this

approach.

C.   **Ensure that Sign Codes Contain the Three "Basic" Sign Code Requirements**

While acknowledging the complexity inherent in sign regulation following *Reed*, there

are three easy steps that communities can take to reduce legal risk associated with sign code

litigation.

1.   Purpose Statement

All sign codes should have a strong, well-articulated purpose statement to pass

constitutional muster. Although *Reed* rejected the notion that a content neutral *purpose* is

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[16] *See* Icon Groupe, LLC v. Washington Cnty. 2015 WL 3397170, at *8, *13 (D. Or. 2015).
[17] *Id.* at *13.
[18] *See, e.g.,* Schneider v. City of Ramsey, 800 F.Supp. 815 (D.Minn. 1992), aff'd sub nom. Holmberg v. City of Ramsey, 12 F.3d 140, 144-45 (8th Cir. 1994) (invalidating, as prior restraint, moratorium passed to allow city time to draft zoning regulations for adult uses); Howard v. City of Jacksonville, 109 F. Supp. 2d 1360, 1365 (M.D. Fla. 2000) (finding a moratorium on the issuance of permits for adult entertainment businesses invalid as an unconstitutional prior restraint on expression).

sufficient to withstand a First Amendment challenge to a content-based provision, governmental

intent remains an important factor in sign code drafting and litigation.[19] After all, the first prong

of both the intermediate scrutiny and strict scrutiny tests focuses on whether the government is

seeking to advance a "significant" (intermediate) or "compelling" (strict) regulatory interest.[20]

In *Metromedia*,[21] the Supreme Court upheld both traffic safety and community aesthetics

as significant governmental interests sufficient to satisfy intermediate scrutiny. Since that time,

it has been standard practice for local governments to articulate traffic safety and aesthetics as

regulatory interests supporting sign regulations. Although these are certainly the most-recited

regulatory interests in local sign codes, and the ones most routinely acknowledged by courts as

meeting the intermediate scrutiny test's requirement of a significant governmental interest, other

regulatory interests may suffice as well. Such regulatory interests might include blight

prevention, economic development, design creativity, prevention of clutter, protection of

property values, encouragement of free speech, and scenic view protection.[22]

2.   Substitution Clause

The second "basic" sign code requirement is a so-called "substitution clause." A

substitution clause is designed to avoid unconstitutional, content based preferences for

commercial speech over noncommercial speech resulting from bans or limitations on off-

premises signage, or generous allowances for certain commercial signs. A substitution clause

expressly allows noncommercial content to replace the message on any permitted or exempt

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[19] In Desert Outdoor Advertising v. City of Moreno Valley, the Ninth Circuit struck down a local sign ordinance simply on the grounds that it failed to articulate a regulatory purpose. 103 F.3d 814, 819 (9th Cir. 1996). A local government's articulation of a regulatory purpose provides an evidentiary basis for the first prong of the intermediate and strict scrutiny tests.
[20]*See Reed*, 135 S. Ct. at 2231.
[21] Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981).
[22] *See* Brian J. Connolly & Mark A. Wyckoff, MICHIGAN SIGN GUIDEBOOK: THE LOCAL PLANNING AND REGULATION OF SIGNS, 12-3, 13-3 (2011), available at http://scenicmichigan.org/sign-regulation-guidebook.

sign.[23] For example, where a sign code allows onsite signs for, say, big-box retailers to be larger than other signs allowed in the community, the message substitution clause allows the big box retailer to replace the onsite sign with a noncommercial message advocating a political position or supporting a particular cause, avoiding the constitutional problem that would otherwise arise if a commercial sign were permitted to the exclusion of a noncommercial sign.[24]

3.   Severability Clause

Severability clauses are added to sign regulations—and statutory provisions more broadly—to uphold the balance of a code in the event a court finds a particular provision invalid.[25] In the context of sign regulations, severability clauses have always been extremely important and are even more so after *Reed*.[26] Facial challenges to sign codes are more common than facial challenges to zoning codes or other local regulations. Severability clauses hedge against the possibility that a court will rule that a sign code is invalid in its entirety rather than merely invalidating one or more provisions. Without a severability clause, an invalidated sign code could result in a regulatory vacuum without sign regulations, forcing local governments to either allow all signs—an aesthetic anarchy from which recovery would be difficult—or to adopt roughshod regulations or moratoria that could cause additional constitutional problems. For

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[23] *See, e.g.*, Daniel R. Mandelker, Andrew Bertucci & William Ewald, STREET GRAPHICS AND THE LAW 51, PLANNING ADVISORY SERV. REP. NO. 527, (Am. Plan. Ass'n rev. ed. 2004).

[24] Many of the problems of the Gilbert sign code at issue in *Reed* would have been resolved with a strong substitution clause, although it is questionable whether such a clause would have achieved the town's pre-*Reed* regulatory objectives.

[25] *See, e.g.*, BOERNE, TEX., SIGN ORDINANCE § 18 (2008) ("If any portion of this ordinance or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect."); CITY OF FARMINGTON, MICH. ZONING ORDINANCE § 35-233 ("This chapter and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this chapter to be unconstitutional or invalid, such ruling shall not affect any other provision of this chapter not specifically included in said ruling.").

[26] Even if the sign code is contained within the zoning code, the authors strongly recommend a separate severability clause be placed in the sign code.

these reasons, adopting a severability clause into the sign code is an important protective step for

local governments to take.

D.   **Apply an Empirical Approach to Justify Sign Regulations, Where Possible**

Sign codes require justification with purpose statements. Recitations of regulatory

purposes should be supported by some form of empirical study or data. Short, glib statements

regarding regulatory purposes do not reflect any degree of thoughtfulness regarding sign

regulations, and they leave a local government without evidentiary support for its stated purposes

in the event of litigation. To that end, local governments should consider employing at least

some study and analysis in preparing regulatory purpose statements. Two approaches are

discussed below. Using a comprehensive planning process to identify aesthetic concerns

generated by signage, or employing traffic safety analysis can assist in purpose statement

preparation.

1.   <u>Traffic Safety Studies</u>

While many local sign codes recite traffic safety as a central purpose for sign regulation,

very few substantiate the conclusion that a proliferation of signs—or certain types of signs—has

actually caused traffic safety concerns in the community. Indeed, some lawyers and sign

industry advocates have questioned whether signs—particularly in a world of smart phones,

navigation systems, and other driver distractions—contribute at all to driver distraction and

traffic incidents. Local governments are therefore advised to conduct studies, or at least consult

studies prepared by national experts, to more carefully determine the safety concerns associated

with outdoor signage.[27] Local government fire and safety personnel may also be helpful in

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[27] *See, e.g.*, FEDERAL HIGHWAY ADMIN., THE EFFECTS OF COMMERCIAL ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) ON DRIVER ATTENTION AND DISTRACTION: AN UPDATE, Publ'n No. FHWA-HRT-09-018 (Feb. 2009),

documenting, even if only anecdotally, their concerns about traffic safety issues associated with too much or too little signage. For example, employing traffic safety study data or documentation provided by fire and safety personnel to determine the appropriate location, height, size, brightness, etc. of signage along major thoroughfares provides a local government with the type of evidence required to craft sign regulations that respond to stated traffic safety concerns, as well as the evidentiary support necessary to defend a sign code in the event of litigation.

2.   Comprehensive Planning

Comprehensive planning is another source of empirical study that can be used to justify and defend sign codes. Signs are not often the focus of comprehensive planning, however, the visual impact of signs on communities and corridors weighs in favor of including sign issues in communities' land use planning processes. To the extent signs are addressed in a local comprehensive plan, the plan can help to identify and direct sign regulation toward the most pressing sign issues in the community. Moreover, a good comprehensive plan containing robust analysis of sign issues in the community provides good evidentiary support in sign code litigation.

E.   **Regulation of Sign Function in a Content Neutral World: Construction Signs, Real Estate Signs, Wayfinding Signs, Political/ideological Signs, etc.**

Perhaps the most vexing post-*Reed* problem faced by local jurisdictions is how to continue to regulate signs according to function or category without becoming crosswise with a district court judge. For some communities, it may be possible to avoid functional sign regulation altogether through uniform regulations of temporary signs—regardless of message.

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available at http://www.fhwa.dot.gov/real_estate/cevms.pdf. *See also* Dawn Jourdan et aL, AN EVIDENCE BASED MODEL SIGN CODE (2011), *available at* http://www.dcp.ufl.edu/files/8c71fa03-9cbf-4af2-9.pdf.

For other jurisdictions, however, that may not be possible for various planning or political reasons.

Reed condemns all facial distinctions between messages, including those that "are more subtle, defining regulated speech by its function or purpose."[28] Therefore, as a starting point, local governments must avoid defining functional sign types according to the language or message that appears on the face of the sign. By now, it should be clear that establishing distinct rules for political, religious, or ideological signs is virtually impossible without engaging in content regulation. A local government that maintains regulations specific to these sign types risks treating forms of noncommercial messages differently, which may precipitate a sign code challenge. As much as some local politicians may wish to see regulation of political signs, specialized political sign regulations are simply barred after *Reed*.

This is not to say, however, that local governments cannot regulate signs according to structural, temporal, or other time, place, and manner-type distinctions. For example, local governments may still regulate permanent signs differently from temporary signs in a content neutral manner. These signs are easily distinguished based on structural characteristics— permanent signs are permanently affixed to the ground, a wall, or some other device, while temporary signs are not. Permanent and temporary signs may also be made of different materials; permanent signs are frequently made of stone, metal or wood, while temporary signs are predominantly made of plastic or cardboard. Local governments may also regulate display time for temporary signs. It is not unconstitutional for a local government to say, for example, that a temporary sign may be placed for a maximum of 90 days at a time. Moreover, sign

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[28] *Reed*, 135 S. Ct. at 2227.

regulations may continue to place size limits and numerical limits on total amount of signage per

property.

It is therefore not inconceivable to think that a local government could regulate political,

ideological and other forms of noncommercial signage as follows: "Notwithstanding any other

provision of this code, each parcel of real property shall be allowed, without a permit, an

additional thirty two (32) square feet of temporary noncommercial signage, not to exceed four

(4) signs at any one time, for a period not to exceed ninety (90) days per calendar year." This

provision would allow non-permitted, temporary, noncommercial signage, but restrict that

signage to certain size and number requirements, and to a certain display time. Moreover, this

code provision is content neutral, as it does not limit or restrict what the sign might say—except

that it must be noncommercial.

While the foregoing code provision would likely satisfy *Reed*, it may be difficult to

enforce and may not accomplish all of the objectives of the local government.   Another

approach, albeit one with greater risk exposure, is to define signs according the activities

occurring where the sign is located. For example, a content neutral definition of a "construction

sign" might be "a temporary sign placed within a parcel of property upon which construction

activities of any type are being actively performed." The code could contain definitions similar

to this one for real estate signs. "Grand opening signs" could be defined as "a temporary sign

placed within a parcel of property, not to exceed thirty two (32) square feet, and which may be

displayed for a period not to exceed ninety (90) days following the sale, lease, or other

conveyance of the parcel or any interest therein." Event-based signs could fall under a regulation

that defines an "event sign" as "a sign not to exceed twelve (12) square feet that is placed no

more than two (2) weeks prior to and no more than two (2) days following a registered event,"

and which requires a registration of events with the permitting jurisdiction.

Assuming the code provided a category for general temporary noncommercial signage,

these code provisions would be more likely to satisfy *Reed* than a code that articulates definitions

based solely on the message of signs. Note, however, that the aforementioned provisions have

not been tested in courts, and even *Reed* may call into the question the validity of such

regulations under the rationale that these regulations exhibit subtle content bias. Even so, to the

extent local governments desire to regulate signs according to function, the authors advise

against such regulation, as any type of functional or categorical regulation *will* lead to increased

risk exposure for the local government.

F.   **Permitting and Enforcement**

As with other areas of regulation, in addition to being informed by the local

government's tolerance for risk management, sign regulations should also be based upon the

local government's appetite for and ability to enforce the regulations. Enforcement of sign

regulations is rarely an easy task, and improper enforcement of sign regulations can lead to

serious trouble.[29]   Local governments should therefore consider the enforcement of sign

regulations before and during the drafting process, rather than after adoption of the regulations.

The availability of online registration systems may greatly ease enforcement headaches

of local governments. For example, it may be possible for a local government to require any

person displaying a temporary sign to register the sign with the local government on its website.

Such an online registration system would not act as a bar to an individual's right to display a

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[29] Selective enforcement claims arising in the enforcement of speech regulations may give rise to liability for local governments. *See, e.g.*, LaTrieste Restaurant and Cabaret, Inc. v. Vill. of Port Chester, 40 F.3d 587, 590 (2d Cir. 1994).

temporary sign, and would provide the local government with a registry of the properties at which signs are posted, which would in turn allow for better enforcement of size, height, and time restrictions on signs. In such a scenario, the local government could cite property owners with unregistered signs.

With the advent of digital technology, there is significant room for creativity in enforcing sign regulations, so long as the local government is not using such enforcement mechanisms to subvert First Amendment obligations.

Conclusion

Reed is likely to precipitate a significant shift in courts' treatment of sign codes under a First Amendment challenge. Local governments thus would be wise not merely to consider *Reed* when developing a dew sign code but to undertake sign code reviews and, if necessary, revise now to ensure that the code does not contain any of the content-based distinctions that created problems for Gilbert. Where necessary, local governments should consult resources—including planners and lawyers knowledgeable in First Amendment issues—to be certain that sign codes do not carry more risk than the local government desires to bear.

Letter Forms as Communicative Urban Artifacts for Social Narratives

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Abstract /

Type is a meaningful and perhaps most recognizable and vital urban element of communication. Type is also an art form, providing immense pleasure to the everyday observer, reader, and speculator. The art and conception of letterform can be traced back to ancient Egyptian times where the duality in art form and communications co-existed in hieroglyphs. Today, designers use the monumental landscape of environmental typography in urban spaces for legible semantics, to instigate brand expressions, and to create commercial narratives by employing scale, wit, materiality and evoking more scopes of meaning and spectacle. But words, type and letters — as signs and artifacts — have an immense potential to convey meaning in the urban environment. In this paper, we explore how typographic expression at the urban scale can be applied as a communicative tool in society to express and translate social messages. In the first phase, using urban typography — through its legibility, form, character, and scale — we propose a powerful graphic vocabulary to articulate complex social issues and social narratives of the community in Cincinnati, OH. In the second phase of the project, we plan to engage the residents of individual neighborhoods and conduct workshops to generate and collect social narratives. The process is intended to make residents think critically about their issues and ownership. By using large scale typography, we project the social issues, create narratives and persuasively engage the people of one neighborhood in the city to communicate with those of other neighborhoods.

Keywords /

urban communication, social issues, public art, community messages, letterforms,

INTRODUCTION

Words, type and letters — as signs and artifacts — have an immense potential to convey meaning in the urban environment. Letterforms are the 'architecture of language' (Baines and Haslam, 2005) — they build narratives, and create inquisitive interpretive spaces through which the reader experiences meaning. Typography and letterforms can be perceived and defined in two ways — functional (legibility) and visual (formal). The utilitarian domain of typography is a prerequisite for effective communication, but letterforms have also been an unending quest for designers to explore and qualify various other more ephemeral dimensions of communication. Unique to letterforms is the distinctive manner in which they can be used to occupy space, convey characteristics, portray personality and physique, and situate dimensionally or even be associated with a variety of emotions. Type is an art form, providing immense pleasure to the everyday observer, reader and speculator.

LETTERFORMS IN HISTORY

The art and conception of letterform can be traced back to ancient times where art form and communication co-existed in Egyptian hieroglyphs (Jean, 1992). According to Jean, "the word 'hieroglyphs' itself stands for the pictograms and characters used for writing and etymologically, it combines the Greek word 'hieros' meaning "sacred" and 'gluphein', "to engrave" (p. 27). While Trajan capitals in the Roman Empire were laboriously carved, the famous and skillfully executed inscriptions (Diringer, 1977) were glorifying the reign of Emperor Trajan with urban messages to the masses — connecting and elevating the urban art to monumental proportions. After Egyptian hieroglyphs, this is perhaps one of the most recognized point of departure of urban typography on building surfaces in an urban environment.

Huerta (2011), claims that it is obligatory for the urbanite to acquaint with visual culture, through which the understanding of the civic becomes easier and provokes us to solve concurrent social problems. According to Huerta:

> *The city, more than any other environment or landscape, intoxicates us with his letters. Arranged in thousand different ways, in walls, streets, monuments, shops, announcements,the words written and drawn in the skin of the city report his stadiums, his lacks, his sorrows, but especially they us [sic] delight as a legible topography, concluding a certain order of hybrid character: visual and verbal. (p. 25)*

The visual landscape is essentially a multifaceted image that is condensed and abstracted in memory as a stock of visual experience (Arnheim, 1969). Quoting Arnheim's understanding of visual landscape, Jakle (1987), states, "Rudolph Arnheim suggested that visual images have 3 primary dimensions: sign, picture and symbols. He narrates that, words on a billboard convey meaning but they themselves do not picture the thing communicated. As simile or metaphor, the thing portrayed, represents some higher order of abstract meaning beyond itself" (p. 16). The complex matrix of visual displays — all those buildings, people, transportation, trees, shops, etc. — demonstrates a hybrid assemblage of visual elements. We also experience the throbbing presence of an array of readable messages, be they on billboards, magazines, or audacious street signs, or name plates of food-carts, buildings, or even as printed typefaces. Every day, we wake up in the morning with type, from our first glimpse at a watch or a toothpaste or breakfast cereal, or even the emails on the phone and text messages. All this happens, in the most diverse range of formats, as we just begin our day. The ubiquity of letters in our everyday life make them a common object, characterizing the potent meaning, context, scale and its symbiotic quest. Its meaning and patterns already have so much penetrated in our everyday psyche that, it is rather impossible to imagine anything without type. We read and react with its personality, form and scale. Words, type and letters as artifacts, categorize and resonate meaning on the urban façade — literal as well as interpretive. They can be found in, on and around urban spaces – sprinkled around throughout the landscape, navigating us through places with legible wayfinding. As a pragmatic tool of communication, designers today use the monumental landscape of environmental typography in urban spaces for legible semantics, to instigate brand expressions, and thoughtful commercial narratives by employing scale, wit, materiality and evoking more scopes of meaning and spectacle. Quoting Victor Hugo and chronologically presenting the Latin Alphabets A-Z (Diar, 1967), states, "So, first comes the house of man, and its construction, then the human body, its build and deformities; then justice, music, the church; war, harvest, geometry; the mountain, nomadic life and secluded life, astronomy, toil and rest; the horse and the snake; the hammer and the urn which — turned over and struck — makes a bell; trees, rivers, roads and finally destiny and God: this is what the alphabet signifies." (Hugo's Travel-diary, 1839). In his famous short essay, "The alphabet is a source", Victor Hugo writes (cited in Diar, 1967):

> *A is the roof with its rafters and traverse – beam, the arch, or it is like two friends who embrace and shake hands. D is the back, and B is a D on a second D, that is a "double back" – the hump; C is the crescent, the moon, E is the foundation of the pillar and the roof – all architecture contained in a single letter. F is the gallows, the fork, G is the horn, H is the façade of a building with its two towers, I is the war machine that projectiles, J is the plough, the horn of plenty, K signifies one of the basic laws of geometry: (the angle of reflection is equal to the angle of incidence), L is the leg and the foot, M is the mountain, or the camp within tents, N is the door, closed with a crossbar, O is the sun, P is the porter carrying a burden, Q is the croup and the tail, R signifies rest, the porter leaning on this stick, S is the snake, T is the hammer, U is the urn, V is the vase (that is why U and V are often confused). I have already said what Y signifies. X signifies crossed swords, combat – who will be victor? Nobody knows – that is why philosophers used "X" to signify fate, and the mathematicians took it for the unknown. Z is the lightning – is God. (p. 2)*

Liberman's (1978) typographic study found Viollet-le-Duc, the French architect and theorist, asserting: "A civilization cannot pretend to possess an art unless that art shall penetrate everywhere — unless it makes its presence felt in the commonest of works" (p. 93).

Dimensional letterforms date back to an age when paper was still a rare element to communicate through. Three-dimensional typography made from stone, metal, wood, or other materials of volume and mass, is well suited for navigation and branding. Large scale typography has been used as a strong element in the visual landscape. The architectonic expressions of large scale typography are impressive and physically much more enduring compared to temporary brochures, scrims, banners, or even posters affixed to similar platforms of communication. Increasingly, dimensional letterforms are emerging as integral components in institutional branding, traditional wayfinding, billboard advertisements, and even in architectural schemes and design of screens (Heller and Illic, 2013). Many outdoor typographic experiences revolve around the perceptual dislocation derived from planting larger format letters, words, and statements in unlikely environments. Letters and words occupy the stage and are physically integrated into the visual landscape to engage visitors with messages, both metaphorically and literally. Here we discuss a few projects with the scale and scope of urban interaction and opportunities of social statements.

A creative work of typographic art by English artist Gordon Young designed in collaboration with Why Not Associates, contains over 160,000 granite letters embedded into 2,200 sq. meters of concrete. *The Comedy Carpet,* is a pure celebration of British comedy on an extraordinary scale (Figure 1). Gordon asserts the content as a "confection of materials" and installed as a part of regeneration and new sea defenses in a town. He narrates, "I also wanted to create a work with self-consciously high craft standards, as embodied in the

Figure 1 *'Comedy Carpet'* — a work of art by Gordon Young designed in collaboration with Why Not Associates, in front of Blackpool Tower, UK.

town's historic architecture. I chose a carpet because I felt the town needed something very posh in its built environment and I didn't want an area used for comedy to be a run-of-the-mill paving area. And most people who buy and fit a carpet try to look after it." This unique collaborative project engages on a very personal level, through familiar wit and humor, with a diverse yet regular audience (Heller and Ilic, 2014, p. 51). At the same time, 'social congregation', 'personal interpretation' and 'urban conversation' become spontaneous.

'Forever begins when you say yes', at first glimpse seems like nothing more than a corporate advertisement. Then suddenly it becomes something dimensional, romantic, and more enigmatic — a hand-painted love letter at monumental billboard-scale by designer Stephens Powers (Figure 2). With the help of his partner in crime, Dave Villorente, a prolific New York based graffiti artist in the bustling Brooklyn area of New York, Powers transformed the bland surfaces of Macy's garage near Fulton Mall with a series of personal messages in a conversation with someone. The work, thus, resurfaces the voice of the common man in a community and projects it as a legible artifact beyond just a tag of typographic art. Words like "Meet me downtown for a few," with a block-long poem below featuring the words "ninety-nine", over and over again, in tribute to the three 99-cent stores that run the length of the block (Heller and Ilic, 2014). The vernacular characterization and valiant use of enormous scale of signage patterns are intertwined with connecting the

Figure 2   Stephen Powers. *"A Love Letter to the City"*, Brooklyn, New York. Photo credit © Stephen Powers, ESPOs ART WORLD

Figure 3   Stephen Powers. *"A Love Letter to the City"*, Brooklyn, New York. Photo credit © Stephen Powers, ESPOs ART WORLD
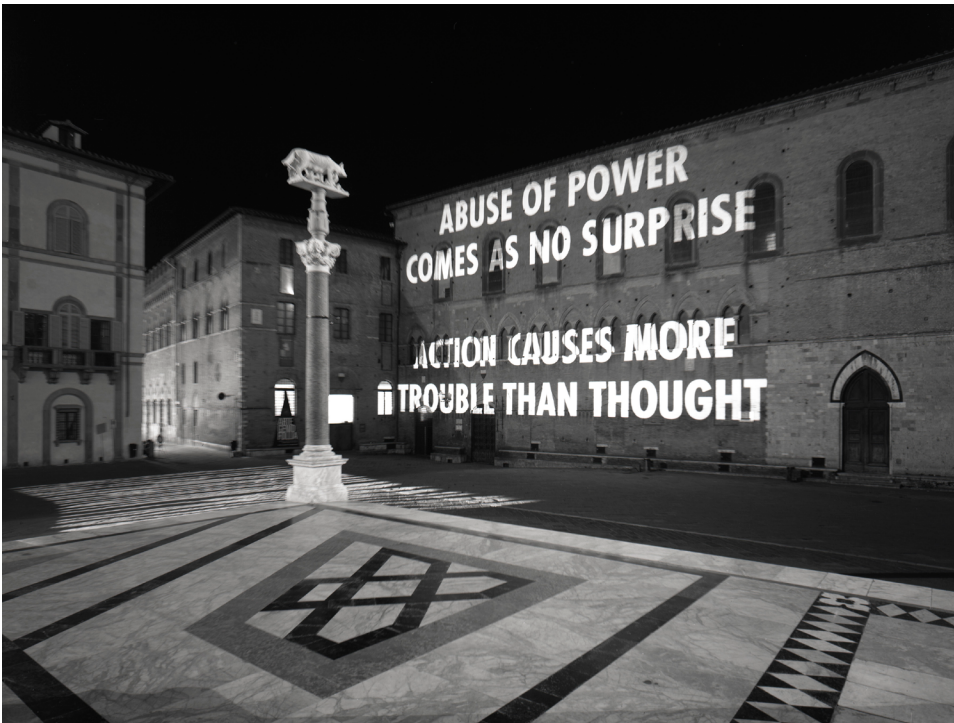
personal voice in an urban landscape instantly evoking urban storytelling, hints of a 'strong persona of the neighborhood', and a quality of human scale (Figure 3). Everyday conversations, contextual and malleable memories along with a "vivid first-person account of growing up in Brooklyn in the 1980s and '90s by Powers" (Powers, 2014, p. 116) instantly connect the context and construes gentrification through design.

Jenny Holzer[1], searches for new ways to make urban commentary an implicit part of visual objects. She plays with typography in mega-installation art employing three-dimensional structures in urban environments. Instead of using print and working in gallery spaces, she uses an identical yet robust sans serif typeface that reads clearly and boldly from an urban distance (Figure 4). In this case, Holzer must have considered how the type will lay onto the exterior of a building, leaving some of the design to the nature of the building's form. Huge words and numerals outside the buildings and other structures resonate for those who see, intersect, and interact with them. Holzer's urban projections manifest theatrical flair, initiate conversations and arguments among the audiences, and through this endeavor she resurfaces text as a hybrid medium and the public space as an ideal platform. Holzer's projects openly challenge social norms and political structures. Her words are all profound, silent yet active they enlighten viewers with compassion and dignity while reiterating a pristine love for the beauty of large type. Words construct a robust existence in the urban environment and exult the mode of communication.

Making a social statement and to visualize the death of industrial Chicago, designer BJ Krivanek used 28 identical vertical wooden posts that were

[1]

For more than thirty-five years, Jenny Holzer, an American neo-conceptual artist, has presented her astringent ideas, arguments, and sorrows in public places Holzer declares in one of her interviews that, "I show what I can with words in light and motion in a chosen place, and when I envelop the time needed, the space around, the noise, smells, the people looking at one another and everything before them, I have given what I know."

(http://projects.jennyholzer.com/biography)

painted dark creosote black to create a public design project, as a constellation of thoughts, experimental abstractions, and interpretation of the voices of the working-class families. Here, intelligently implemented typographic treatment unfolds a designed duality. Sited in front of Chicago's massive, unoccupied Brach's factory structure across the street, all the rectangular posts have job titles inscribed on the east and west faces—while the north and south sides are inscribed with descriptive words that the workers use to explain their job experience. The statements on the signs come from actual people that Krivanek and his staff interviewed through a handful of the social-service agencies in Austin and Oak Park. Such a simple artwork project on a vacant lot booms the powerful meaning of words in volumes, installing 'type as artifacts' to motivate the neighborhood in a compassionate way. An inherent duality reflects both positive and negative connotations of perceptions, creating an interplay of conditions placing individual voice of a "repairman", "office-manager", "machinist" with "unappreciated", "violated", "under-paid" with "outspoken", "capable" and "trustworthy," for instance. The ordered placement of the posts in a rectangular configuration can be read as a "societal narrative" in a community, or a graveyard to connote the long-vanished industrial Chicago. Social issues are communicated as a delicate manner using the interplay of light, intelligent orientation, and richness of context.

In the everyday city, designers regularly contribute to the privatization, commodification, and sanitization of the public realm by strategically establishing order and consistency through environmental communication that often fails to fulfill their intended use and, most importantly, to generate solutions that are sensitive to the cultural identity, social needs and values of communities (Cue, 2014). Yet, as the examples discussed above show, some designers have embraced deeper social content to better portray the complexity and richness of places. Urban typography, dimensional letterforms and words—particularly because of their dimensional presence—can be a direct and interactive mode of social communication. Subjective interpretation from the everyday urban audience on the streets can impart awareness, interaction, and values. Thus, apart from branding, navigation or advertisements, and using the influence of the visual narrative, urban typography can be used as a powerful tool to project a social voice in the urban milieu. The city presents itself to us full of messages, of elements that can turn out to be very attractive if we observe them from new, interdisciplinary, suggestive, or creative standpoints. Urban typography creates opportunities for curious interactions, complex synergy and public activity. Environmental communication of typography can play a vital role in determining the use of public space through the design of artifacts that connect users to a physical environment and assign meanings to spaces.

CINCINNATI SOCIAL NARRATIVES

Using urban typography—through its legibility, form, character, and scale—we propose a powerful graphic vocabulary to articulate complex social issues and social narratives of the community in Cincinnati, OH. In this paper, we explore how typographic expression at the urban scale can be applied as a communicative tool in society to express and translate social messages. Our core interest is to investigate how we can deliver urban communication regarding social issues in Cincinnati using urban letterforms as social artifacts. We propose a communication strategy at the urban scale and one at the neighborhood scale. This project is conceived, designed and supported by the Communication in the Urban Environment (CUE) initiative, a research platform in the College of Design, Architecture, Art and Planning (DAAP) at the University of Cincinnati.

THE URBAN DIALOGUE

Researching the social history of Cincinnati, we find that the city has a prolonged history of social issues including racial segregation, poor public health, high child mortality, unemployment and numerous other societal problems (Maloney and Auffrey, 2013). Cincinnati is divided into several diverse communities, where the social characteristics and needs of these communities vary drastically, and often draw stark boundaries between neighborhoods. Yet, there are some common spaces, such as the century old park system or the newly implemented street car route, that the city residents collectively identify with. We use these common spaces, in this case the streetcar transit stops, as the places of urban communication

of pressing social messages. Using demographic information from census, local health data, and other sources, we show how letterforms and types in such collective public spaces have the potential to create a dialogue between people of different neighborhoods and communities. Our project is aimed at creating conditions where neighborhood residents can see and simultaneously be seen through the narration of social issues. At this urban

Figure 5   The *"Sing the Queen City"* 3D Art Sculpture, the signature piece and part of the ArtWorks urban public art project.

Photo courtesy: Muhammad Rahman

scale, the Cincinnati streetcar connects historical Over-the-Rhine (OTR) and Central Business District (CBD)—two significant neighborhoods in Cincinnati. Various numeric data are proposed as contextual social artifacts and as a designed intervention of potentially effective social communication (Figure 6). This invites interaction by recognizing the existence of the problem in a different way. Large dimensional letterforms visualizing infant mortality, child mortality rate, access to food, crime rates, economic segregation, etc. are proposed to provoke urban communication. According to the City of Cincinnati data, 39% of people experiencing homelessness are children (Figure 6). The rising rate of this social statistic can be provocative in an urban

Figure 6   Proposed visualization of urban artifact for social narrative.

Visualization: Muhammad Rahman

scale to ignite obvious curiosity (Figure 8). In another context, 12% people are living on the street as homeless and 74% African-American children are living in poverty in Cincinnati. At an urban scale, we propose an intimate presence of these two quantifiable numbers to provoke reactions. Perhaps some will understand that 12 is lower than 74 and hence, 74 is desirable (Figure 7). This manner of communication pulls the urbanite to engage with the social attributes and explore intersections between the urban condition and social narratives. In this way of social storytelling, the city becomes legible as a social entity and can be viewed through a very different perspective. The design articulates the existing streetcar route, street grids and neighborhood patterns resonating the building patterns, general façade proportions, etc. (Figures 8 and 9).

Figure 7   Proposed visualization of urban artifact for social narrative

Visualization: Muhammad Rahman

THE NEIGHBORHOOD STORY

In the second phase of the project, we plan to engage the residents of individual neighborhoods and conduct workshops to generate and collect social narratives. The process is intended to make residents think critically about their issues and ownership. We expect that individual and community voices would interfere, even criticize and most importantly, evoke realization and reinterpretation of the image of Cincinnati — which might also educate and promulgate values to mitigate segregation and social issues in the city. The yearning wishes of a neighborhood would be collected through interviews

Figure 8   Proposed designed typeface for the project derived from the context.
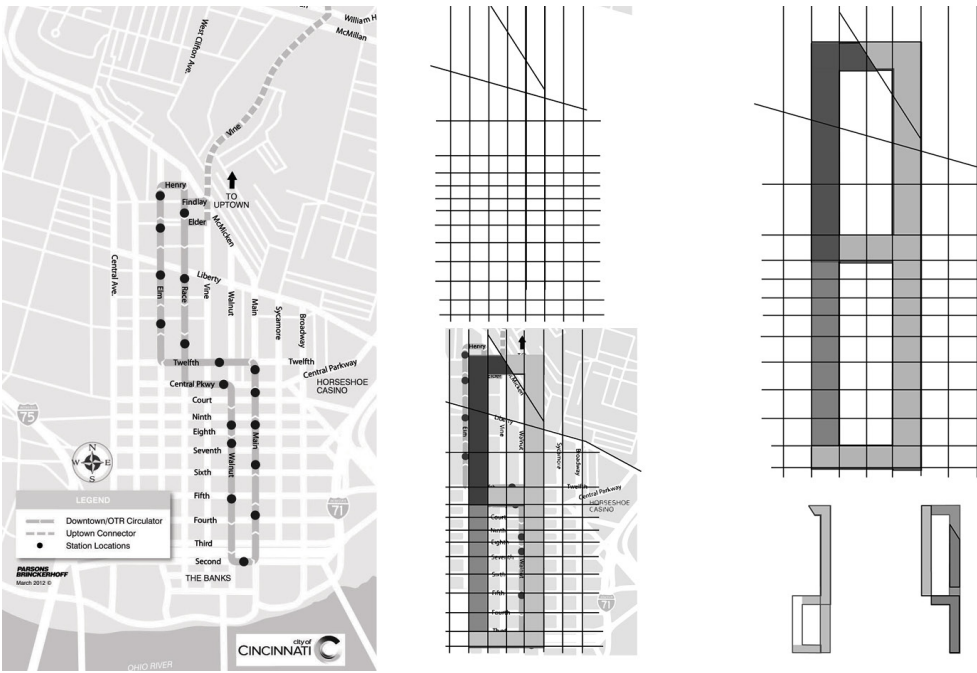
Figure 9   Design process of the proposed designed typeface for the project.

while simultaneously expressing three things: their free desire, their present state of mind and anything they miss. As a volume of narratives collected from the community in the neighborhood, we will start to look at patterns of participations and their wishes. Following that, we will project these expressions of words, choice of desires, or grains of neighborhood identity. The process will include several iterations of various options such as, fabrication of dimensional letterforms, and projecting on a dimensional scale on urban walls in a neighborhood. To define the scope of design, context and limits, codes and permits will be taken into consideration for implementation. The letterform design considers the visual taxonomy of motifs, urban plans, buildings and historical images of neighborhoods in Cincinnati.

IMPLICATIONS FOR CINCINNATI AND OTHER PLACES

Aside from other physical and social attributes, ubiquitous assemblage and diverse range of type, signage, public art, storefront displays, street-signs, and other signage helps in creating a neighborhood identity. The large letterforms in urban environments interact with the patrimonial fabric of the city. Interpretation of various community and urban context in public space has the ability to become design tools of communication, and celebrate the diverse richness and exquisite values of a neighborhood. This project has several implications for planning. With environmental

communication, as 'social capital' (Cue, 2014), urban typography can play an important role in fostering urban regeneration and signifying educational value (Huerta, 2011), and act as a direct and interactive mode of social communication. Apart from traditional mediums, urban typography has been popularly used as a hybrid tool to influence the visual narrative, and as a vehicle for impact of social voice in the urban milieu (Heller and Ilic, 2013). To address and comprehend diversity, difference and unique identities between neighborhoods, urban typography can communicate a neighborhood's societal aptitude and trigger an urban discourse.

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