



PLANNING COMMISSION MEETING
Monday, April 10, 2023 – 7:00 p.m.
City Council Chambers
23600 Liberty Street
Farmington, MI 48335

AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Items on the Consent Agenda**
 - A. March 13, 2023 Minutes**
- 4. Discussion and Scheduling of Public Hearing – Proposed City of Farmington Code of Ordinances Text Amendment: Chapter 25, Signs**
- 5. Update - Current Development Projects**
- 6. Public Comment**
- 7. Planning Commission Comment**
- 8. Adjournment**

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
March 13, 2023

Vice Chairperson Perrot called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, March 13, 2023.

ROLL CALL

Present: Crutcher, Kmetzo, Perrot, Westendorf, Waun

Absent: Majoros, Mantey

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Kevin Christiansen; Recording Secretary Bonnie Murphy, Brian Belesky, Director of Media Specialist,

APPROVAL OF AGENDA

MOTION by Crutcher, seconded by Waun, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. February 13, 2023 Minutes

MOTION by Waun, seconded by Crutcher, to approve the items on Consent Agenda.
Motion carried, all ayes.

PUBLIC HEARING – 2024 – 2029 CAPITAL IMPROVEMENT PROGRAM

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated this item is a public hearing for the 2024-2029 Capital Improvement Program. The City has been working on the 2024-2029 Capital Improvement Program. The Capital Improvement Steering Committee and City staff have been working diligently on updating the program to incorporate into the City Master Plan and are requesting the Planning Commission to hold the Public Hearing this evening. At the February 13th Planning Commission meeting you scheduled the Public Hearing for the Capital Improvement Program 2024-2029 for the March 13, 2023 Planning Commission meeting and that's this evening. Public Notice was published and the draft 2024-2029 Capital Improvement Program is attached with this staff report and packets for this evening for your review.

I will go then, Mr. Chairman, to the Draft Plan, the next item in your packet is the Notice of Public Hearing, so this Notice was published as is required in accordance with the State Planning and Zoning Enabling Act that the Public Hearing for the Capital Improvement

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Program which is to be required by the Planning Commission was scheduled and this is Notice reflective of that, so the Notice then was published and you can see the Notice in the published state in the Oakland Press.

If we scroll down we will then go ahead and orient the Draft 2024-2029 Capital Improvement Program for the City of Farmington. And as you've done in preceding years, you have appointed a Steering Committee member from the Planning Commission, your appointment was Mr. Majoros who then worked with the Committee over a number of months putting together this draft. The draft has a number of elements which are required here in the Table of Contents you'll see the various sections of the Draft plan, you'll see that there is a reference to the Committee, there is a resolution which you are required to approve, there is a transmittal letter then of that resolution, the document itself has an introduction, an executive summary. The Capital Improvement Program is broken into categories, buildings and grounds, drain systems, land acquisition and redevelopment, parking lots, recreation and culture, roads, sidewalks and streetscapes, vehicles and equipment, water and sewer systems. There's also then an appendix which is a schedule of the identified Capital Improvement projects.

If we continue into the document as I mentioned, Planning Commission is reflected here, this is your document by State Statute, part of the City Master Plan, the Steering Committee is reflected here as well as well as City staff. This is a copy of the resolution which is the same as the resolution that you have considered and acted on and approved for the Capital Improvement Program in previous years. This is a transmittal letter that then will be published if you are supportive of this draft and approve this draft it will move forward to City Council and it becomes an official document for the City.

Just quickly, Mr. Chairman, if I might. What is a Capital Improvement Program and this is for your edification and for those that are interested. A Capital Improvement Program is a short term plan for identifying and categorizing large and/or very expensive projects. Like a household's budget plan for big ticket items, a CIP is a City's plan to find funding for projects that cannot be accomplished in one year. A Capital Improvement for the City's purposes here, is an improvement that is at least one of the following: a purchase or an improvement of a facility system, infrastructure or piece of equipment that costs \$10,000 or more with an expected service life of more than one year. It's a nonrecurring expenditure, there's a study that leads to such purchases. So that's pretty much the basics, the overview. It is not a budget, it does assist City Council and the City Administration by having a comprehensive list of projects that need to be accomplished. This list helps prioritize and plan for the budget year after year. A CIP cannot spend funds on projects, rather its purpose is to examine each one of the projects in detail and determine estimated costs, timelines and funding sources for the project. By creating a CIP as I indicated, state law, the Michigan Planning Enabling Act, Act 33 of 2008, requires that this instrument, this tool, be considered an approved, it's part of the City Master Plan

and the responsibility of the Planning Commission. The benefits of the Capital Improvement Program, there are many benefits in creating a CIP because a CIP is a list of all projects the City has identified and enables proper planning in a logical manner. A well executed CIP Program has many benefits including calling attention to community deficiencies and providing a means to correct them, identifying long term and short term expenditures which greatly improves the budgeting process and efficiency, and enhances the ability to secure grants reducing the taxpayer's burden, increasing the likelihood of departmental/intergovernmental cooperation, improving continuity and reducing costs and encouraging efficient governance.

So, there's an Executive Summary. The Executive Summary is a pie chart here and is quick view identifies those categories that I mentioned earlier that are a part of in this case, part of the 2024-2029 six-year Capital Improvement Program for the City that require and/or need funding. And you'll see in this pie chart those categories. If you'll look at the quick view you'll see that within the Capital Improvement Program for 2024-2029 there are a total of 104 projects that have been identified for a total value of \$47,621,097. The projects by year are broken down in terms of their financial requirements and you can see that here in the Quick View.

So if we were to go in the rest of the document beyond the Executive Summary here, again, bar chart, project costs and you can see this in terms of amounts and projects themselves, you'll see just a breakdown a little bit of significant projects that have been added in this CIP and ones that have been completed as of the last CIP, again, these estimates, completions are estimated through June 30, 2023.

So, the program summary here quickly, again, the different projects, the City has looked at and utilized many of the tools that you as a Commission have helped put together. The City of Farmington Master Plan 2020, the Recreation Master Plan 2016, Farmington Vision Plan 2013, Downtown Area Plan 2015, the Grand River Corridor Vision Plan 2013, which is now updated to 2022, the Orchard Lake and Ten Mile Roads intersection redesign analysis 2015, the Rouge River Nature Trail Project 2016 and the Downtown Master Plan 2017, so all of these tools are folded into consideration of these projects. The projects here in this document represent the vision of the community as reflected in these tools, in these plans, they all have to work together hand in hand. So, you could consider these plans to be the guides for the direction of the community and you can consider the Capital Improvement Program to really be the implementation tool as part of those plans.

With that, Mr. Chairman, I will turn this back over to you for questions that you or the Commission may have. The action this evening is the Public Hearing that's required and

has been Noticed, to hold that Public Hearing as required and then to consider action on the 2024-2029 Capital Improvement Program and that action can be whatever the

Planning Commission chooses. If you choose to support this draft it would be an action to approve the 2024-2029 Capital Improvement Program for the City of Farmington as presented, this draft, and to forward it on to City Council for their review and their consideration.

Vice Chairperson Perrot thanked Christiansen for his review and opened the floor for questions from the Commissioners.

Hearing none, on a Motion by Waun, supported by Crutcher, to open the Public Hearing. Motion carried, all ayes.

(Public Hearing opened at 7:15 p.m.)

PUBLIC HEARING

No public being present, or comments heard, on a motion by Kmetzo, supported by Crutcher, to move to close the Public hearing. Motion carried, all ayes.

(Public Hearing closed at 7:15 p.m.)

Vice Chairperson opened the floor for a motion from the Commissioners.

MOTION by Kmetzo, supported by Crutcher, to move to approve the 2024-2029 Capital Improvement Program Draft as presented and to forward to Farmington City Council for approval.

Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen gave an update on the continuing development projects in the City. He stated a couple things in process and moving forward are the Farmington Road Streetscape which took a break during the winter period and the road was opened and now was closed again to complete the project which concerns certain construction elements, the west side sidewalk and the relating items with that with the infrastructure of the road and make sure that's completed in accordance with approved plans for the

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project and other finish items needs to be completed, so you have the pedestrian elements, the lighting, and landscaping and streetscape elements. It's anticipated that should take somewhere between 60 and 90 days, so probably March, April, into May. So,

hopefully, as time goes on here, and that is taking place and the weather transitions a little bit and construction season gets back into full swing, we'll see completion of the Streetscape project and then a finished brand new Farmington Road Streetscape. So, we're very excited about that and that is going on right now.

He then gave an update on ongoing projects including the enterprise park in the west lot off of Farmington Road adjacent to SIP entrance, the Castle Dental working with City and Kickstart Farmington now to be Cannelle Bakery, Avalon Studios, Maxfield Training Center, former Burger King/Detroit Eatz to be new Big Boy Restaurant with drive-thru, Legion Square Condominiums on former American Legion site, the Winery, Kyma Grill in former Panera Bread site, as well as the new Sweet Times Bakery in World Wide Center and Savvy Sliders making progress on their redevelopment.

PUBLIC COMMENT

None heard

PLANNING COMMISSION COMMENT

Vice Chairperson Perrot stated his concerns about the CIP and that it should not be considered a budget, that the subject matter of the projects are provided by experts who are full-time employees of the City and that we should rely on their expertise in making such decisions.

ADJOURNMENT

MOTION by Waun, supported by Crutcher, to adjourn the meeting.

Motion carried, all ayes.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Secretary

Farmington Planning Commission Staff Report	Planning Commission Date: April 10, 2023	Reference Number 4
Submitted by: Kevin Christiansen, Planning and Building Department Director		
Description Discussion and Scheduling of Public Hearing – Proposed City of Farmington Code of Ordinances Text Amendment: Chapter 25, Signs		
<p>Background</p> <p>This item is a discussion and scheduling of a public hearing for a proposed City of Farmington Code of Ordinances Text Amendment regarding Signs. The proposed amendment would amend the existing provisions of Chapter 25 of the Code of Ordinances, Signs. A copy of the proposed draft ordinance is attached.</p> <p>Attachment</p>		

Draft for PC Discussion only 4.10.23
Subject to change before public hearing

CITY OF FARMINGTON

Article 25. - SIGNS

Sec. 25-1. - Purpose and Intent

Signs may be erected or maintained in the City of Farmington only as permitted by this article and subject to other restrictions contained in this Code. The sign regulations in this article are intended to balance the public and private interests and to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. The sign regulations of this article are intended to ensure that signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication.

The following municipal interests are considered by the city to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events are intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

- A. **Pedestrian and Vehicular Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the city, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians in the city, even in automobile-oriented commercial areas. The city recognizes that pedestrian traffic in the commercial areas leads to retail sales and it serves a variety of business, entertainment, government, and residential uses in the districts. In addition, the City also accommodates automobile-oriented businesses and other land uses that generate motor vehicle trips.

Since most signage is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions from vigilance for traffic and pedestrian safety, this article is intended to regulate signs such as to reduce such distractions and, in turn, reduce the risk for crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in these districts.

1. The city encourages signage that will inform pedestrians regarding their desired locations without conflicting with other structures and improvements in these districts, while concurrently allowing effective signage for motorists. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks where relevant, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

2. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on busy thoroughfares.
 3. In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.
 4. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.
- B. **Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the city. This article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the city's character and support neighborhood stability. Signs that promote potential vehicular and pedestrian conflict, hinder sight distance, and distract from the pedestrian experience will be prohibited in efforts to preserve the character and unique experience within the city. Also, the intent of this article is that signs will reflect the character of unique districts as may be established by the city's Master Plan, other adopted plans or the Zoning Ordinance.
- C. **Economic Development and Property Values.** It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visuals, including types of business, landscaping, and architecture, all promoting economic development and property value enhancement.
- D. **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the city, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character and quality of life in the city. Ultimately, these regulations are compelling and important for the protection of all police power values.
1. An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, and establishing

setbacks from property lines are compelling interests that can be directed with minimum regulation.

2. Signs that are too large and not properly spaced can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes and locations can be the subject of clear and effective regulations that address this compelling and important interest.
3. Requiring minimum construction and maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures. These requirements can be enforced with efficient and low discretion application and review.
4. The Sign Ordinance is designed to prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. A framework that enables the selection of proper fixture types and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the City's interests.

- E. **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
- F. **Protection of the Right to Receive and Convey Messages.** The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages, particularly noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.
- G. **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow.
- H. **Consideration of Grand River Avenue Corridor.** Based on the Grand River Corridor Vision Plan, the city has adopted an overlay district intended to accomplish the goals of the Corridor Plan. The goals include: (1) to promote high quality development and redevelopment through the use of high-quality architecture and urban design elements/treatments that create a signature environment along the corridor; (2) creating a safe and enjoyable environment for walking and biking, public transit, and automobiles with minimal conflicts among users; (3) to enhance and support a balance of land uses in a vibrant and integrated development plan; (4) the creation of new public spaces that encourage community gathering and outdoor activity; (5) to create connections with surrounding areas that provide travel choices for people to move

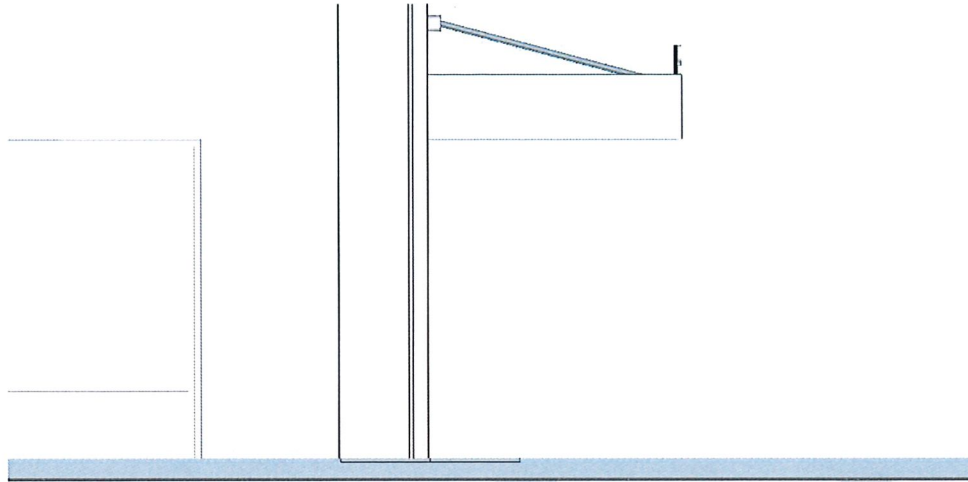
through the corridor, adjoining neighborhoods, centers of commerce and public spaces; and (6) to apply best management practices in environmentally responsible planning and construction. These goals are significant and must be taken into consideration in determining the appropriate placements, type and size of signs. Signs have been limited in this area to ensure that any sign does not hinder visibility to driveways, intersection and streets, and to limit any potential negative impact on aesthetics and property values.

Sec. 25-2. - Definitions

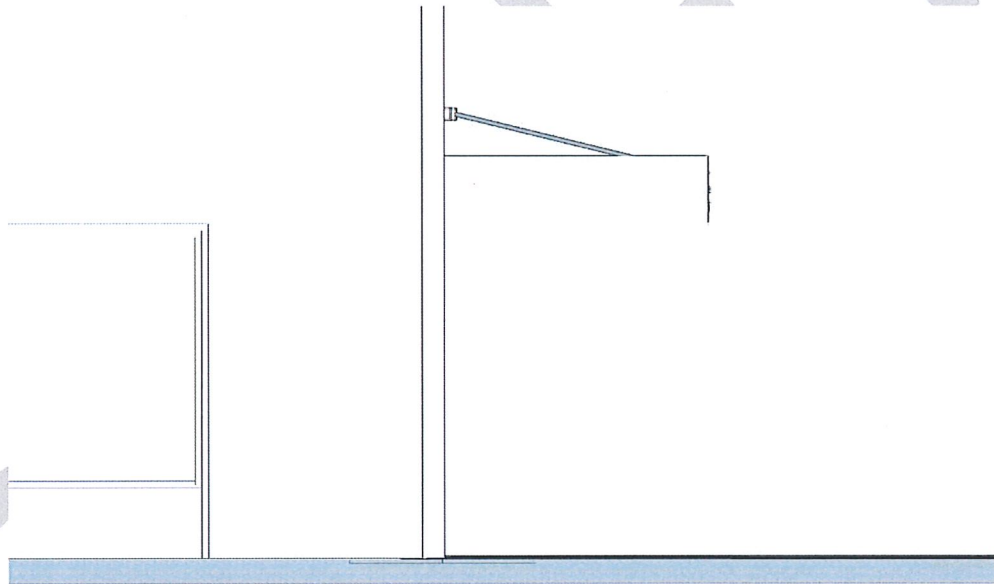
The following words and phrases shall have the meanings set forth in this article when they are used in this article:

- A. **Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:
1. **Air-Activated Signs.** A sign that is inflated by air or uses air flow to induce movement. Inflatable objects used for signs are often made of flexible fabric and are equipped with a motor to blow air into the object. Air-activated signs are typically temporary and are restrained, attached, or held in place by a cord, rope, cable, or similar method, but can be permanent.
 2. **Animated Sign.** A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene.
 3. **Awning.** A non-permanent roof-like structure supported by a frame that projects out from a façade over windows and doors. Awnings shall be made of canvas, glass, or metal and shall have straight sheds that are flat (perpendicular to the façade) or angled down away from the façade.
 4. **Awning or Canopy sign.** Either 1) a sign that is printed or painted on the drip edge of a straight shed awning above a business door or window; or 2) an awning sign is comprised of individual letters that are attached to the top front edge of a flat awning or

canopy above a business door or window.

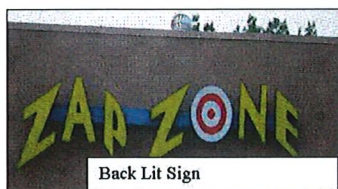


Awning sign (side view) – Text above



Awning sign (side view) – Sign on front edge

5. **Back lit signs.** Signs that are illuminated by an internal light source. An example of a back lit sign is a monument sign that is illuminated by several fluorescent bulbs that are located within the sign cabinet. The background of back lit signs may be any color, provided the background is blacked out at night so that only the lettering and message is illuminated.



6. **Banner Sign.** A temporary sign on paper, cloth, fabric, or other flexible or combustible material of any kind that is attached flat against a permanent sign face or strung between two poles or structures.



Figure 3: Banner Sign

7. **Bench Sign.** A sign applied to or affixed to the seat or back of a bench.
8. **Billboard Sign.** A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A Billboard Sign differs from a Freestanding Sign based on its size.
9. **Changeable Copy Sign.** A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of copy and symbols on a panel mounted in or on a track system.
10. **Corner parcel.** A lot at the intersection of two (2) streets or access drives.
11. **Costume Sign.** Clothing that is integral to the conveyance of a message. Logos and other identification on shirts, hats, and other aspects of personal appearance are not costume signs.
12. **Day.** For the purpose of these regulations, a calendar day rather than a business day.
13. **Display Board.** An accessory sign displayed near a public building entrance either on the building or on a freestanding podium. Display Boards are intended to be viewed at close proximity by pedestrians. Examples include displaying menus, special sales, and descriptions of goods or services provided within the building.

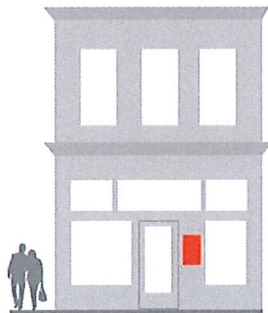


Figure 5: Display Board

14. **Electronic Message Center (EMC) Sign.** An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically

programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.

15. **Festoons.** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

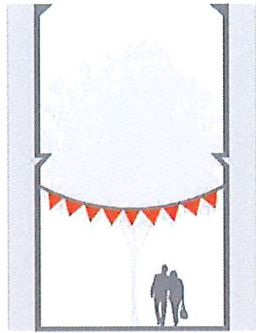


Figure 7: Festoons

16. **Flag.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole. Flags are typically supported on one side of the sign. Flags are not considered air-activated signs for the purposes of this article.

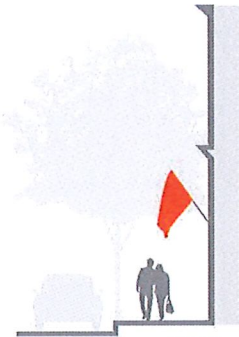


Figure 8: Flag

17. **Freestanding Sign.** A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include Monument Signs, but do not include Billboards.

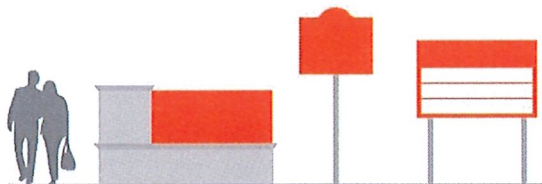
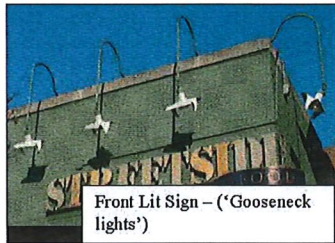


Figure 9: Freestanding Sign

18. **Front lit signs.** Signs that are illuminated by an external light source. An example of a front lit sign is a monument sign that is illuminated by a spotlight that is located several feet in front of the sign. The background of front lit signs may be any color, provided

they are not reflective at night. However, such signs may use light-reflecting lettering and messaging.

19. **Incidental Sign.** A small sign designed and located to be viewed by persons on a property and are generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.



20. **Interior Sign.** A sign placed within a building that is not visible from any public street, sidewalk, alley, park or public property. A Window Sign is not considered an interior sign.
21. **LED Sign.** A sign consisting of light-emitting diodes that are arranged in a pattern that creates the sign's message.



22. **Marquee Sign.** A type of projecting sign typically mounted parallel to the building façade in a vertical manner. Marquee signs often include a changeable copy component in addition to the display of a permanent message but are not required to have changeable copy.



Figure 12: Marquee Sign

23. **Monument Sign.** A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A Monument Sign includes a solid supporting base of and a width equal to or greater than the width of the sign face. Monument signs are constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base.

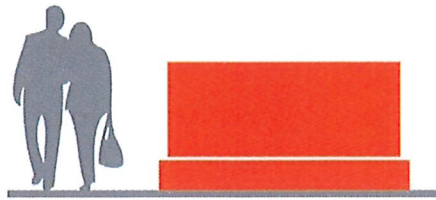


Figure 13: Monument Sign

24. **Nit.** A measure of luminance equal to one candela per square meter.
25. **Nonconforming Sign.** A sign that was lawfully permitted at the time it was erected but is not permitted under current law.
26. **Permanent Sign.** A sign constructed of durable materials intended to withstand prolonged exposure to exterior elements. Permanent signs are affixed to the ground or a structure by means of footings beneath the ground surface, bolts or screws into a structure, or other method intended to ensure the sign is displayed for an extended period of time with minimal maintenance or replacement of parts.
27. **Projecting Sign.** A sign attached to a building or other structure and extending beyond the attachment surface by more than eighteen (18) inches. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building.



Figure 14: Projecting Sign

28. **Roof line.** The top edge of a roof or parapet wall, whichever is higher, but excluding cupolas, chimneys, or other minor projections. The roofline is the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
29. **Roof Sign.** A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard

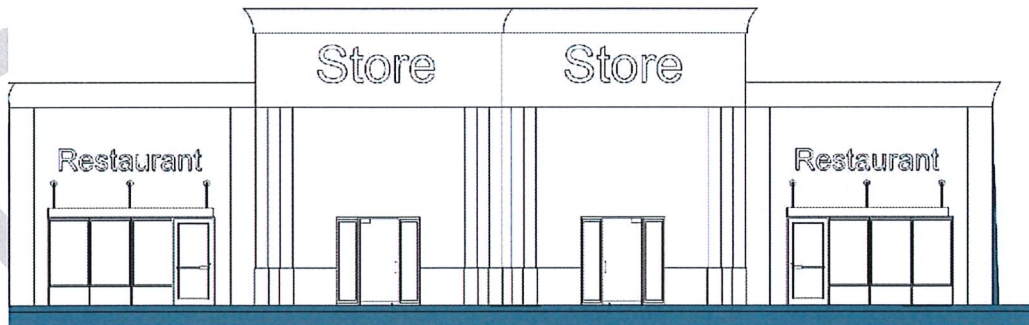
fascia that does not project above the highest point of the roof or parapet is considered a "Wall Sign."

30. **Sandwich Board Sign.** A temporary sign that is not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sidewalk signs" or "sandwich signs," poster panel signs include, but are not limited to, "A" frame, "T" shaped, or inverted "T" shaped stands.



Sandwich board sign

31. **Sign Band.** An integral horizontal part of the building design, as illustrated on an approved site plan, located between the highest point of windows or door openings on the first floor and the bottom of the eave line or cornice on a one-story building, or up to the lowest point of window or door openings of a second floor for a multi-story building.



Sign band

32. **Support Pole Sign.** A temporary sign attached to a light pole, utility pole, street signpost, fire hydrant or tree. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.
33. **Temporary Sign.** A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary materials, with or without a structural frame, or

any other sign intended for a limited period of display that is not permanently anchored to the ground or a building. Holiday displays are not considered temporary signs.

- 34. **Transported Sign.** A sign attached to or pulled by a vehicle that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Sign" does not constitute a "Vehicle Sign."

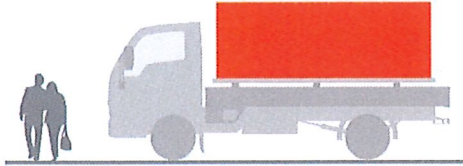


Figure 15: Transported Sign

- 35. **Umbrella Sign.** A sign printed or otherwise attached to an umbrella, including umbrellas used in outdoor seating areas.
- 36. **Unsafe Sign.** Any sign that is structurally unsafe; or constitutes a hazard to safety and health by reason of inadequate maintenance, dilapidation or abandonment; or is capable of causing electric shock to a person who comes in contact with it; or was unlawfully installed, erected or maintained; or is located in a public right-of-way except where expressly permitted; or is not kept in good repair, such that it has broken parts, missing letters or nonoperational lights; or does not meet applicable requirements of the city building code.
- 37. **Vehicle Sign.** A sign, painted or otherwise, attached to an operable vehicle that is regularly used and moved, including signs on a truck trailer. A Vehicle Sign does not constitute a Transported Sign.

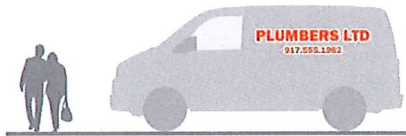


Figure 16: Vehicle Sign

- 38. **Wall Sign.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall and which does not project above the roof or parapet line. A Wall Sign shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof

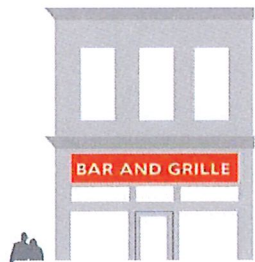


Figure 17: Wall Sign

line building or any portion thereof is defined as a Roof Sign.

39. **Window Sign.** A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.

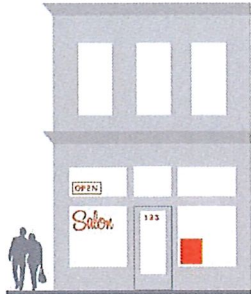


Figure 12: Window Sign

40. **Yard Sign.** A small temporary sign. Yard signs are characterized by a wire frame, non-durable message surface such as cardboard or paper, and are often inserted into a lawn with wire posts. Although variations exist to the materials of the frame and message board, a consistent physical characteristic is its temporary and disposable nature.

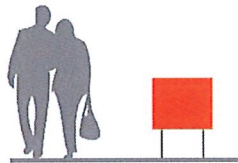


Figure 39: Yard Sign

B. Definitions, General.

1. **Alteration.** Any change in size, shape, height, or type which changes the appearance of a sign or its structure, or a change in position, location, construction, or supporting structure of a sign.
2. **Business Frontage.** The portion of a building operating under single ownership or single tenancy that faces or is visible from the front lot line or an exterior side (street-facing) lot line. For a multi-tenant building, the portion of the building facing or is visible from the front lot line or exterior lot line that is dedicated to a tenant and contains the customer entrance is the business frontage. If a building has more than one (1) business frontage with a customer/visitor entrance, the property owner must designate one (1) of them as the primary business frontage; in this case, the other street-facing frontage is the secondary business frontage.
3. **Glare.** Light emitting from a luminaire with intensity high enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.
4. **Grade.** The average elevation of an area within a radius (of the sign base) equal to two (2) times the height of the sign, based on the highest and lowest measurements.

5. **Height, Maximum.** Shall be measured from grade to the highest edge of the sign surface or its projecting structure. The permitted height of signs shall not be measured from grade that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm). External light sources used to illuminate a sign are not included in the sign's height measurement.
6. **Height, Minimum.** Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.
7. **Lot, Zoning.** A single tract of land, located within a single block, which at the time of filing for a sign permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.
8. **Luminaire.** A luminaire is a complete lighting system, which includes a lamp or lamps and a fixture.
9. **Owner.** A person, firm, partnership, association, company, or corporation, or any other legal entity, and/or its legal successors, heirs, and assigns.
10. **Premises.** The contiguous land in the same ownership or control which is not divided by a public street.
11. **Sign.** Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.
12. **Sign Area.** The entire area within a rectangle or the sum of rectangles enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Any single row of text shall be grouped into one continuous rectangle.
13. **Sign Erector.** Any person engaged in the business of erecting, constructing, altering or removing signs on a contractual or hourly basis.

Sec. 25-3. - Sign Design and Construction Standards in All Zoning Districts

A. Construction Standards.

1. General requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the city's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground. Signs shall be compatible with or upgrade the building and landscaping to promote an overall unified and aesthetic effect in accordance with the standards of this article. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

2. **Framework.** All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached to be totally screened from view.

B. Illumination.

1. **General requirements.** Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, from behind the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this article.
2. **Illumination.** Glare shall be reduced/minimized in such a manner as to maintain an appropriate level of contrast during the day. An automatic dimmer shall be required to control brightness at night, and to reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in foot candles) shall be provided. Lighting intensities for illuminated signs shall not exceed ten (10) footcandles measured at four (4) feet perpendicular to the sign surface. Illumination levels shall not exceed 0.5-foot candles at the property line, measured five (5) feet from the ground. In cases where the property line extends into the right-of-way, illumination shall be measured at the right-of-way line.
3. **Non-glare, shielded lighting.** Use of glaring undiffused lights or bulbs is expressly prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts. Use of exposed neon lighting, including neon banding, is prohibited.
4. **Bare bulb illumination.** Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

C. Changeable Copy Signs and Electronic Message Center Signs. Changeable copy and EMC signs serve as a component of monument signs in nonresidential and appropriately zoned districts up to a maximum of twenty-five (25) percent of the total permanent sign area per sign face. Such signs are subject to the standards of this section and the following regulations:

1. **Frequency of Change.** Signs with the ability to change displays shall not change more frequently than one (1) time per ten (10) seconds. Animated signs are expressly prohibited.
2. **Manner of Change.** Signs with the ability to change displays must be designed to change the display instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are expressly prohibited.
3. **Internal Illumination.** Changeable copy signs and EMC signs shall not emit more than 5,000 nits in full daylight and 100 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All changeable copy and EMC signs shall have functioning ambient light monitors and automatic dimming equipment which shall always be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other

applicable law, the interface that programs an EMC sign shall be made available to city staff for inspection upon request. If the interface is not or cannot be made available upon the city's request, the sign shall cease operation until the city has been provided proof of compliance with City Code.

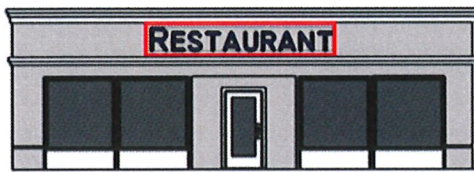
4. **Rendering.** A color rendering of the display shall be provided for consideration by the planning commission during site plan review, and the planner and building official during an administrative review.
 5. **Integration into sign.** The electronic changeable copy or electronic graphic display areas on monument signs shall be part of the same sign face as a monument sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.
 6. **Default.** All changeable copy and EMC signs shall default to an unlit black screen if fifty (50%) percent or more of the light source fails or if the light source otherwise is not displaying properly.
 7. **Prohibition.** Changeable copy signs and EMC signs are prohibited in any residential district and on any property located in the Central Business District or the Grand River Corridor Overlay District.
- D. **Sign Measurement.** The total sign area is to be expressed in square feet and shall be computed as herein set forth.
1. Double-face signs having two (2) faces of equal size arranged and/or positioned back to back and parallel, or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views the area of the sign, shall be computed as one half (1/2) of the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face. When signs have three (3) to four (4) faces of equal size arranged and/or positioned with the faces at an angle of more than thirty (30) degrees in the plain or vertical view, the area of the sign shall be computed as the total area of the largest two (2) faces. The area of three-dimensional signs shall be measured by computing the total area of the largest two (2) faces measured at a two-dimensional view.
 2. When two (2) single-face wall signs are arranged and/or positioned within thirty-six (36) inches of each other, the area of the two (2) signs shall be computed as one (1) single face sign and total area shall include the open space between the two (2) separate faces.
 3. When an internally illuminated sign has a non-reflective, matte black background, the area that is outside the "extreme limits" described in the definition of sign area shall not count towards sign area. Otherwise, the entire illuminated background shall be included in the sign area calculation.
 4. For temporary signs and all projecting, window and hanging signs, the extreme limits of the sign including all background elements, regardless of opacity, are included in the calculation of sign area.
 5. The necessary uprights, backgrounds or structures used to support or serve as a design

feature of a freestanding sign shall be excluded from the calculation of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure / design feature is not more than three times the area of the sign being supported. If the background and support structures are illuminated and are not black in color, the area of background and support structures shall be counted towards the total sign area.

6. The maximum distance between parallel sign faces on a double-faced sign shall be twenty (20) inches.
7. External light sources used to illuminate a sign are not included in the sign's height or area measurement.

Sign Area Calculation

Sign Type Example



Wall Sign

Sign Area
(Measured)

RESTAURANT

VOTE

Temporary Sign


VOTE

The extreme limits of a temporary sign panel are included within the rectangle that delineates sign area

cafe & bakery

Wall Sign

Sign Area Calculation

Sign Type Example	Sign Area (Measured)
 <p style="text-align: center;">Internally Illuminated Sign with Black Background</p>	
 <p style="text-align: center;">Internally Illuminated Sign with Non-Black Background</p>	
 <p style="text-align: center;">Internally Illuminated Sign with Non-Black Background and Additional Sign Elements</p>	
 <p style="text-align: center;">Sign Not Illuminated (No Internal or External Illumination)</p>	

E. Sign Location.

1. **Right-of-Way Prohibited.** No sign, except those established and maintained by the city, county, state or federal governments shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this article. The city council may permit such projection or overhang, after considering the need for the specific location of the proposed sign and public safety factors; provided, however, that no such sign shall project over the actual roadway or exceed 100 square feet.

2. **Distance from Utilities.** No sign shall be erected so that any part, including cables, guys, etc., will be within ten (10) feet of any electrical conductor, electric light pole, streetlamp, traffic light or other public utility pole.
 3. **Fire Escape.** No signs of any kind shall be attached to or placed upon a structure in a manner as to obstruct any fire escape.
 4. **Clear Vision Triangle Area.** No sign shall interfere with sight lines as defined in Section 58-3 of the City Code.
 5. **Projections.** Unless otherwise stated, no sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than one (1) foot and shall not project above or beyond the highest point in the roof or parapet.
 6. **Safety.** No sign shall be permitted at any location that, in the discretion of the building official, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the building official shall cite any relevant building or electrical codes, provisions of this article or other city articles, and/or findings or studies of the public safety department and/or a traffic engineer.
 7. **Liability Insurance.** If any wall, projecting, pole or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a Commercial General Liability Insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the city as an additional insured.
- F. **Landscaping.** The area surrounding signs shall be landscaped to match the design characteristics of the site. The landscaping shall include a combination of low shrubbery and perennial/annual plantings. The landscaping shall be maintained such that the sign remains visible to passing motorists.

Sec. 25-4. - Signs Exempt from Permits

The following signs shall be permitted in all zoning districts according to the regulations of this article and subject to the following provisions. No permit shall be required for signs enumerated below unless otherwise stated. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal.

- A. Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.
- B. Incidental signs, not to exceed two per parcel, up to two (2) square feet each.
- C. Markers and plaques on designated historic structures, up to 6 square feet.
- D. Temporary signage provided they are set back a minimum of ten (10) feet from the public right-

of-way or any lot line, unless otherwise stated in this article.

- E. Any sign required by the city to notice a required public hearing, to be erected, displayed, and removed according to the requirements of the City.
- F. Signs erected on a city, county, state, or federal building or land by the authorized public agency.
- G. Interior signs.
- H. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- I. Flags, provided that there shall be no more than three (3) flags per lot, the maximum size of each sign shall not exceed fifty (50) square feet, and the flag poles shall comply with the height limitations in the district.
- J. Window signs, not to exceed twenty-five (25) percent of the total window area of the façade facing a road. Window signs must be placed in a manner to ensure visibility into the building for public safety.
- K. Signs displaying noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution; provided, however, said signs shall comply with the number and size regulations in the applicable zoning district.

Sec. 25-6. - Prohibited Signs in All Zoning Districts

The following signs are prohibited in all zoning districts, notwithstanding anything to the contrary in this article.

- A. Any sign not expressly permitted.
- B. Billboards.
- C. Animated signs (including revolving signs and rotating signs) and signs that incorporate moving features, except for changeable-copy signs explicitly permitted in this article.
- D. Changeable Message, Moving or Animated Signs, except as otherwise permitted. No sign shall contain any flashing, moving, oscillating, blinking or variable intensity light or intermittent lights so bright as to be blinding or distracting to a vehicle driver.
- E. Festoons, air-activated signs and animated signs, except those approved in conjunction with a temporary use approved by the zoning board of appeals.
- F. Any sign that is deemed structurally or electrically unsafe by the building official.
- G. Support pole signs.
- H. Transported signs unless the vehicle with the transported sign is operating lawfully in a public or private road.

- I. Portable Signs, except where expressly permitted in this article.
- J. Roof signs.
- K. Bench signs, not including permanently mounted plaques, less than one square foot, intended to be read at close proximity.
- L. Signs projected onto buildings or structures.
- M. Costume signs. The basis of prohibiting costume signs is that the movement and proliferation of costume signs would degrade traffic safety through the creation of visual distractions.
- N. Any sign located in a public or private right-of-way that is not otherwise exempt from this ordinance.
- O. LED Signs, except where specifically permitted in this article.
- P. Neon, LED, or other light types permanently outlining windows or doors.
- Q. Signs intended to mimic traffic control or emergency services signage. These signs are considered hazards detrimental to pedestrian and vehicular travel and to the public safety and welfare.
- R. Any sign structure or frame no longer supporting or containing a sign, subject to Sec. 25-11 C 5.
- S. Signs that obstruct free access or egress from a required door, window, or other required exit.
- T. Signs that obstruct view of traffic control signs.
- U. Unsafe Signs.

Sec. 25-7. - Zoning District Regulations

A. Permanent Sign Regulations Applicable to the R-1, R1A, R1B, R1C, R1D, R2, R3, R5 and R6 Districts.

Sign Type	Sign Regulations: Single-family and duplex	Sign Regulations: Residential Developments [e.g., subdivisions, site condominiums, multi-family] and Permitted Non-Residential Uses only
Monument Signs	Not Permitted	<p>Permitted Use: Monument signs shall only be allowed for permitted non-residential uses.</p> <p>Maximum Number: 1 per parcel; 1 per each side of parcel facing a street or parking area; 1 per 300 lineal feet of frontage along a major public thoroughfare.</p> <p>Minimum distance between signs if more than one sign on a parcel: 150 feet.</p>

		<p>Maximum Height: 8 feet.</p> <p>Maximum Area: In Downtown Farmington: 20 square feet per side; 40 square foot total. Outside Downtown Farmington: 30 square feet per side; 60 square feet total.</p> <p>Minimum Setback: 15 feet from right-of-way. Thirty (30) feet from any property line of an adjacent single-family district.</p>
Entranceway Signs	Not Permitted	<p>Permitted Use: Entranceway signs shall only be permitted for residential developments.</p> <p>Maximum Number: 1 per side of an entrance or exit drive.</p> <p>Maximum Height: Sign structure shall not exceed 6 feet.</p> <p>Maximum Area: Message area shall not exceed 25 square feet. Sign structure may exceed this area; entranceway signs are commonly incorporated into walls, gateways, columns, or other design element consistent with the character of the development.</p> <p>Location: No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right-of-way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner's expense if the road is widened to encompass the land on which the sign is located.</p> <p>Residential setback: No sign shall be located closer than 30 feet to any property line of an adjacent single-family district.</p> <p>Boulevard Island Option: An entranceway sign may be located on a landscaped boulevard island, provided that:</p> <p>The nearest edge of the sign must be set back a minimum of 10 feet from the right-of-way of the intersecting street.</p> <p>Such signs shall comply with the requirements related to clear vision area requirements to maintain visibility for drivers.</p>
Wall Signs		<p>Permitted Use: Wall signs may only be used in conjunction with permitted non-residential uses</p>

		<p>(including approved home occupations).</p> <p>Maximum Number: 1 per lot</p> <p>Maximum Area: 2 square feet</p> <p>Internal Illumination: Internal illumination is prohibited.</p>
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B. Temporary Sign Regulations Applicable to the R-1, R1A, R1B, R1C, R1D, R2, R3, R5 and R6 Districts.

Sign Type	Sign Regulations: Single-family and duplex	Sign Regulations: Residential Developments [e.g., subdivisions, site condominiums, multi-family] and Permitted Non-Residential Uses only
Banner Signs	Not Permitted	<p>Maximum Number: 1 banner is permitted per model home in a residential development.</p> <p>Maximum Area: 30 square feet</p> <p>Maximum Duration: 30 days per 6-month period.</p>
Portable Signs	Not Permitted	<p>Maximum Number: For residential developments, up to one (1) portable sign may be placed for each common amenity property maintained by the association.</p> <p>Maximum Height: 3 ft.</p> <p>Maximum Area: 6 square feet</p> <p>Location: For residential developments, signs shall be placed on common amenity property with approval of the recognized association in charge of maintaining the property.</p> <p>Duration of Display: Seven (7) days per month; may be displayed on consecutive days.</p>
Yard Signs		<p>Maximum Number: Unlimited so long as total square footage does not exceed 24 square feet.</p> <p>Maximum Height: 6 feet.</p> <p>Maximum Area: 24 square feet total; 6 square feet per sign.</p> <p>Minimum Setback: 5 ft. from any lot line.</p>

C. Permanent Sign Regulations Applicable to the RIP District and other parking areas.

Sign Type	Sign Regulations: Parking areas	Sign Regulations: RIP District and other parking areas
Wall Signs and Monument Signs	Permitted	<p>Permitted Use: Only in the R1P District or other parking areas.</p> <p>Maximum Number: 1 per entrance to designate each entrance to or exit from a parking area.</p> <p>Maximum Area: 2 square feet.</p> <p>Minimum Setback: Shall be screened from adjoining property.</p> <p>Internal Illumination: Internal illumination is prohibited.</p>

D. Temporary Sign Regulations Applicable to the R1P District and other parking areas.

Sign Type	Sign Regulations: R1P and other parking areas	Sign Regulations: R1P District and other parking areas
Yard Signs		<p>Maximum Number: Unlimited so long as total square footage does not exceed 24 square feet.</p> <p>Maximum Height: 6 feet.</p> <p>Maximum Area: 24 square feet total; 6 square feet per sign.</p> <p>Minimum Setback: 5 ft. from any lot line.</p>

E. Permanent Sign Regulations Applicable to the O, OS, CBS, C2, C3, P, and IND Districts, and Redevelopment Overlay District.

Regulations differ for signs depending on whether the sign is located within the DDA boundaries of Downtown Farmington or are located elsewhere in the city.

Sign Type	Sign Regulations	
Monument Signs	Permitted	Maximum Number: 1 per parcel; 1 per each side of parcel facing a street or parking area; 1 per 300 lineal feet of frontage along a major public thoroughfare.

		<p>Minimum distance between signs if more than one sign on a parcel: 150 feet.</p> <p>Maximum Height: 8 feet.</p> <p>Maximum Area: In Downtown Farmington: 20 square feet per side; 40 square foot total. Outside Downtown Farmington: 30 square feet per side; 60 square feet total.</p> <p>Minimum Setback: 15 feet from right-of-way. Thirty (30) feet from any property line of an adjacent single-family district.</p> <p>Illumination: Permitted.</p>
Entranceway Signs	Permitted	<p>Permitted Use: Entranceway signs shall only be permitted in instances where multiple businesses utilize a common entranceway, such as an industrial park, shopping center, or similar multi-user development.</p> <p>Maximum Number: 1 per building; individual business owners are not permitted to have individual signs</p> <p>Maximum Height: In Downtown Farmington: maximum 10 feet; Outside Downtown Farmington: 16 feet.</p> <p>Maximum Area: 40 square feet per side; maximum of 80 square feet.</p> <p>Location: No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right of way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner's expense if the road is widened to encompass the land on which the sign is located.</p> <p>Illumination: Permitted.</p>
Incidental Signs	Permitted	<p>Maximum Number: 1 per vehicular entrance or exit, plus 1 per 100 linear feet of driveway, measured from the right-of-way.</p> <p>Maximum Height: 4 feet.</p> <p>Maximum Area: 6 square feet</p> <p>Location: Must be placed within six (6) feet of a driveway or sidewalk; may not be closer than 15 feet</p>

		from planned right-of-way.										
Window Signs	Permitted	<p>Maximum Area: Not more than 25% of the surface of the window</p> <p>Illumination: Not permitted except for LED sign. An LED sign may be permitted subject to the following: the sign shall be a maximum of 2 square feet in area; not more than 1 LED sign will be permitted per business or storefront; not more than 2 colors shall be used. The sign messaging must be a static display that may be changed up to four (4) times per hour. The LED sign must not include any blinking, flashing, scrolling, animation or any other actual or simulated movement. An LED sign is not permitted if the property is located in a residential district.</p>										
Wall Signs	Permitted	<p>Maximum Number: 1 per parcel; 1 per business for each individual tenant having an individual means of access in a multi-tenant building; 1 per each side of a building facing a street or parking area</p> <p>Maximum Sign Height: Must not exceed building height in the applicable district; must not be higher than the building; must be at least 7 feet above ground level or sidewalk.</p> <p>Maximum Area: In Downtown Farmington: 10% of the wall, up to a maximum of 100 square feet; Outside Downtown Farmington: 10% of the wall, up to a maximum of 10 square feet</p> <p>Illumination: Permitted.</p> <p>Increase of Area: For businesses in Downtown Farmington that face directly onto adjacent public street right-of-way, the maximum allowable wall sign area may be increased, as indicated below, up to a maximum of 140 square feet. For businesses outside Downtown Farmington that face directly onto adjacent street right-of-way, the maximum allowable wall sign area may be increased, as indicated below, up to a maximum of 210 square feet.</p> <table border="0"> <tr> <td>Distance of sign from ROW line:</td> <td>Allowable Increase in sign area</td> </tr> <tr> <td>200-300 feet</td> <td>25%</td> </tr> <tr> <td>301-400 feet</td> <td>30%</td> </tr> <tr> <td>401-500 feet</td> <td>35%</td> </tr> <tr> <td>501+ feet</td> <td>40%</td> </tr> </table> <p>Setback: All wall signs shall be set back at least 50</p>	Distance of sign from ROW line:	Allowable Increase in sign area	200-300 feet	25%	301-400 feet	30%	401-500 feet	35%	501+ feet	40%
Distance of sign from ROW line:	Allowable Increase in sign area											
200-300 feet	25%											
301-400 feet	30%											
401-500 feet	35%											
501+ feet	40%											

		feet from any residential district.
Awnings and canopies	Permitted	<p>Coverage: The total area of the lettering and logo shall not exceed 1/3 of the total area of the awning.</p> <p>Height: Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk.</p> <p>Illumination: Not permitted under awning or canopy except for gas station awnings. Building-mounted lighting may illuminate the area above or below the awning or canopy.</p> <p>Location: Awnings or canopies may project a maximum of 6 feet into the public right-of-way. In no case shall the awning or canopy be less than 3 feet from any street curb line.</p>
Projecting Signs	Permitted	<p>Maximum Number: 1 per business, provided not within 20 feet of another projecting sign.</p> <p>Height and Placement: Projecting signs must be installed at a 90-degree angle from the building wall, at least 8 feet above ground level of the sidewalk and below the second story windowsill or roofline of the building, whichever is lower.</p> <p>Maximum Area: 8 square feet per sign face; 16 square feet total. The area of the sign does not include any bracket or frame located above or below the sign face provided there is no messaging on the bracketing or frame. The area of the sign includes the surface of the sign space and any space located between the sign and the building. Any messaging on a bracket or frame above or below the sign face is included in the area of the sign.</p> <p>Illumination: Permitted.</p>
Poster Signs Panel	Permitted in Downtown Farmington only	<p>Maximum area: 7 square feet per side; total of 14 square feet</p> <p>Maximum height: 3.5 feet</p> <p>Maximum Number: 1 per customer entrance</p> <p>Illumination: Not permitted.</p> <p>Location: The sign shall be located a minimum of 2 feet from the edge of the curb and must be located so that at least a 5-foot wide sidewalk is maintained between the sign and the building wall for pedestrian</p>

		<p>traffic flow and safety.</p> <p>Permitted Hours: The sign is permitted only during operating business hours and must be stored inside when the business is closed.</p> <p>Construction: The sign must be constructed of weatherproof, durable material and kept in good repair.</p>
Marquee Signs	Permitted	<p>Maximum Area: 10% of the wall, up to a maximum of 100 square feet</p> <p>Maximum Height: Must not exceed building eight in district; Must not be higher than building; At least 8 feet above ground level or sidewalk</p> <p>Maximum Number: 1 per parcel</p> <p>Illumination: Permitted.</p>

F. Temporary Sign Regulations Applicable to the O-1, C-1, C-2, I-1, and I-2 Districts, and Planned Technology and Research Development Overlay District

Sign Type	Sign Regulations
Banner Signs	<p>Maximum Number: 1 per business.</p> <p>Maximum Area: 32 square feet or the area of the permanent sign if temporarily covering the permanent sign.</p> <p>Maximum Duration: 2 times per year, for a maximum of 30 days each time.</p> <p>Must be securely anchored to ground, building or structure.</p>
Flag	<p>Maximum Number: 1 per lot.</p> <p>Maximum Area: 45 square feet</p>
Yard Signs	<p>Maximum Number: 24 square feet total; 6 square feet per sign.</p> <p>Maximum Height: 4 feet.</p> <p>Maximum Area (Total): 24 square feet</p> <p>Minimum Setback: 10 feet from any lot line.</p>

Poster Panel Signs		<p>Districts Permitted: O-1, C-1 and C-2</p> <p>Maximum Number: 1 per business with individual access to a sidewalk.</p> <p>Maximum Height: 3 feet</p> <p>Maximum Area: 6 square feet</p> <p>Location: Within 10 feet of the primary building entrance door; location must allow more than five (5) feet of clearance for pedestrian circulation on a sidewalk. Signs shall not be placed in a right-of-way.</p> <p>Duration of Display: Signs may be displayed up to one (1) hour before and after business hours.</p> <p>Manner of Display: A poster panel sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.</p> <p>Parking District: No temporary signs shall be permitted in the Parking District</p>
Umbrella Signs		<p>Maximum Area: Lettering and/or logo may cover maximum of one-third of umbrella</p>

G. Permanent Sign Regulations applicable to Grand River Corridor Overlay District

Sign Type	Sign Regulations	

H. Temporary Sign Regulations applicable to Grand River Corridor Overlay District

Sign Type	Sign Regulations	

Sec. 25-8. - Construction and Maintenance Requirements

- A. **Material and Design.** All signs shall be designed, constructed, and maintained in conformity with the provisions for materials, loads and stresses of the latest adopted edition of Building Code and requirements of this article.
- B. **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- C. **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- D. **Support Location.** No pole, cable, or support of any nature shall be placed on any publicly owned property, street, right-of-way, or proposed street rights-of-way without written authorization from the owner of said right-of-way.
- E. **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables and guys will be within ten (10) feet of any electrical conductor, streetlamp, traffic light or other public utility pole standard, or ten (10) feet of a high voltage wire.
- F. **Sanitation.** Property surrounding any monument sign shall be kept clean, sanitary, and free from obnoxious and offensive and offensive substances, free from weeds, rubbish and inflammable material.
- G. **Traffic Interference.** No sign shall be erected or maintained which simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- H. **Maintenance.** All signs shall be maintained in a condition of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, rusted, or missing material or parts shall be repaired within thirty (30) days of written notification by the Building Official.
- I. **Compliance with Building Code.** The building code adopted by the city shall regulate the construction and maintenance of signs unless the provisions of this article are more stringent.

Sec. 25-9. - Nonconforming Signs

- A. **Intent.** It is the intent of this article to avoid any unreasonable invasion of established private

property. It is further the intent to encourage eventual elimination of signs that:

1. As a result of the adoption of this article, become nonconforming;
 2. Are recognized as illegal nonconforming signs.
- B. **Lawful Existing Signs.** Subject the amortization requirements in Sec. 25-11 below, any sign lawfully existing at the time of adoption of this article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided. Signs on which an enforcement action have been initiated by the City are not considered lawful signs for the purposes of this section.
- C. **Alteration.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction complies with the provisions of this article. For the purpose of this article only, the term "altered" or "reconstructed" shall not include normal maintenance or replacement of sign copy when no changes are made to the frame or structure of the sign. Nonconforming signs and sign structures shall be removed or made to conform within sixty (60) days of the termination of the use to which they are accessory.
- D. **Continuance.** A nonconforming sign shall not be:
1. Relocated, expanded, or structurally altered to prolong the life of the sign or to change the shape, size, type, placement or design of the sign.
 2. Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than fifty (50) percent of the cost of a similar new sign.
- E. **Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign shall be removed or made to conform to this article.
- F. **Portable Signs.** All portable signs existing on the date of adoption of this article, except those specifically permitted herein, shall be removed immediately upon the enactment of this article.

Sec. 25-10. - Amortization of Legal Nonconforming Signs

- A. All legal nonconforming signs are to be removed and replaced by signs that conform to these regulations no later than twelve (12) years from the date this amortization provision was originally enacted. The original enactment date for purposes of determining the period of time is _____ (insert date of first ordinance).
- B. Upon the determination that a sign remains nonconforming after the twelve-year amortization period in A above, the city shall notify the sign owner and/or the owner of the property on which the nonconforming sign is located and such owners shall have ninety (90) days after written notice from the city to remove the sign.
- C. In the event the owner fails to remove the sign, and after written notice from the city to the owner of its failure to remove, the city may enter upon the property and remove the sign, and

assess the cost of removal, including an administrative expense of twenty-five percent (25%) and any attorney fees incurred (collectively "the costs of removal"), to the owner of the property on which the sign is located. The city may require the payment of such monies prior to performing the work. In any event, the cost of removal shall be due and payable upon receipt by the owner of a written invoice for the same from the city with appropriate supporting documentation. Any assessment not paid within thirty (30) days following the delivery of the invoice shall bear interest at the rate of one and one-half (1 1/2%) percent per month until paid. If such costs and expenses have not been paid within thirty (30) days of a billing to the owner all unpaid amounts may be placed on the delinquent tax roll of the city and shall accrue interest at the rate of one and one-half (1 1/2 %) percent per month and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. At the discretion of the city, such costs and expenses may also be collected by suit initiated against the owner, and in the event the city prevails in such suit, the owner shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit. The city shall also have the enforcement rights otherwise provided in applicable city articles.

Sec. 25-11. - Administration, Permits, Inspections and Enforcement

A. Permits and Applications

1. **Permit Required.** It shall be unlawful for any person to erect, re-erect, alter or relocate any sign without first obtaining a permit in accordance with the provisions set forth in this article. However, a permit will not be required to change a message on a previously approved sign, on a marquee, or any other sign approved for use of replaceable copy, or to perform routine maintenance where not structural changes are being made. A permit shall require the payment of a fee in accordance with the schedule adopted by resolution of the city council. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
2. **Applications.** Applications for sign permits shall be made upon forms provided by the building department for this purpose and shall contain the following information:
 - a. Name, address, and phone number of applicants.
 - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. Position of the sign on the building, structure, or lot on which the sign is to be attached or erected.
 - d. Position of the sign in relation to nearby buildings, structures, property lines, and right-of- ways, existing or proposed.
 - e. Two (2) copies of the plans and specifications and method of construction and attachment to the building or the ground.
 - f. Copies of sheets and calculations, if deemed necessary, which show the structure is designed for dead load and wind pressure in accordance with the regulations adopted by the city.

- g. Name and address of the sign erector.
- h. Insurance policy and/or performance guarantee as required in the Code.
- i. Such other information as the building official may be required to show full compliance with this and all other applicable laws of the city and the state of Michigan.
- j. When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
- k. Indicate the zoning district in which the sign is to be located.
- l. A landscaping plan for the area surrounding the sign base, if applicable.
- m. The location of the sign shall be staked by the property owner. The building department will use the stake to determine compliance with required setbacks.

3. **Review of application; issuance of permit.**

- a. Planning commission review. Sign permit applications submitted in conjunction with the proposed construction of a new development, building or addition to an existing building shall be reviewed by the planning commission as a part of the required site plan review. Proposed signs must be shown on the site plan.
- b. Building official review. The building official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
- c. Issuance of a permit. Following review and approval of a sign application by the planning commission or building official, as appropriate, and payment of all applicable fees and the approval of required building and electrical permits, the building official shall issue a sign permit for signs that meet all the requirements of this article.

4. **Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

5. **Sign Maintenance and Message Change.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, such as a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

B. **Inspection and Maintenance**

- 1. **Inspection of new signs.** All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Article and building code standards and has obtained approval of the planning commission

where required.

2. **Inspection of existing signs.** The building official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the building official shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
3. **Correction of defects.** If the building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.

C. **Certificate of Compliance Required**

1. **Certification of Compliance.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions this article, shall be issued a Certificate of Compliance.
2. **Inspections.** The building official may cause existing signs to be inspected on a periodic basis, at least once every two (2) years to determine continuation of compliance with the provisions of this article.
3. **Inspection Fee.** An inspection fee may be established by the city council. Such fee shall be charged to the owner of each sign inspected, at the time of inspection, provided that such fee shall not be imposed more than once in any year.
4. **Concealed Work.** In cases where fastenings are to be installed and enclosed in such a manner that the building official cannot easily remove material to see the fastenings and material used, the building department may advise the sign erector so that the inspection may be made before concealment, if such inspection is deemed necessary by the building official.
5. **Removal of Signs.** Should any sign be found unsafe, insecure, improperly maintained, or constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make any such sign safe, secure, and otherwise in compliance with the requirements of this article within thirty (30) days of written notice.
 - a. A temporary sign shall be removed within three (3) days' notice. Failure to comply shall result in an order to immediately removal by the city at the cost of the owner of the premises.
 - b. Upon failure to comply with a notice provided for removal, the city may enter upon the property and remove the sign and its supporting structure. A sign and its supporting structure may also be removed immediately and without notice if, in the opinion of the city, the sign or structure presents an immediate threat to the safety of the public. The city shall be assess the cost of removal, including an administrative expense of twenty-five percent (25%) and any attorney fees incurred (collectively "the costs of removal"), to the owner of the property on which the sign is located. The city may require the payment of such monies prior

to performing the work. In any event, the cost of removal shall be due and payable upon receipt by the owner of a written invoice for the same from the city with appropriate supporting documentation. Any assessment not paid within thirty (30) days following the delivery of the invoice shall bear interest at the rate of one and one-half (1 1/2%) percent per month until paid. If such costs and expenses have not been paid within thirty (30) days of a billing to the owner all unpaid amounts may be placed on the delinquent tax roll of the city and shall accrue interest at the rate of one and one-half (1 1/2 %) percent per month and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. At the discretion of the city, such costs and expenses may also be collected by suit initiated against the owner, and in the event the city prevails in such suit, the owner shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit. The city shall also have the enforcement rights otherwise provided in this article.

- c. Signs within a public right-of-way or on city property may be removed by the city without notice and may be disposed of.
- d. An obsolete sign and supporting structure shall be removed by the owner of the sign or the owner or lessee of the building, structure or premises within ten (10) days written notice from the building department.
- e. A sign which is in conformity with the other provisions of this article may remain in place for a period of one hundred twenty (120) days if such sign is obscured by the use of a blank panel attached within the frame of the sign.
- f. Where a successor to an inactive business agrees to maintain the sign in accordance with this article within thirty (30) days of the written notice from the building department to remove, the sign need not be removed provided that the existing sign and structure conform to all requirements of this article.

6. **Exception.** Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed, repaired, or secured within twenty-four (24) hours of notification.

7. **Exemptions.** Signs exempt from obtaining permits as provided in Sec. 25-4 shall not be required to obtain a Certificate of Compliance.

8. **Responsibility of Compliance.** The owner of any property on which a sign is placed, and the owner of the sign are declared to be equally responsible for the erection, safety, and condition of the sign and the area in the vicinity thereof subject to provisions of this article.

D. **Sign Erector Requirements.** Permits may be issued only to licensed persons in compliance with the following provisions.

1. **License application.** Any person before engaging or continuing in the business of erecting or repairing signs in the city shall apply for a sign erector's license.

2. **Insurance Certificates.** To obtain said license he shall first furnish the city a

Commercial General Liability insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the city as an additional insured. Said license shall automatically terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the city clerk. All persons erecting, installing, repairing, replacing or otherwise engaging in such activities with respect to an electric sign or outline lighting must also be appropriately licensed as required by the Michigan Electrical Administrative Act 217 of 1956, as amended.

3. **Lapsing of Insurance.** If at any time, the insurance of any sign erector is permitted to lapse, his/her/its license and right to obtain permits shall automatically be revoked until a current certificate of insurance is filed with the building department.
4. **Notification of Change.** A sign erector shall notify the building department of any change in address and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance.
5. **Rehanging.** In case of rehanging or re-erection of any sign, the new sign erector shall place its identification, address and the date on the sign.
6. **Revocation.** The license of a sign erector may be suspended or revoked as otherwise provided in this Code.

Sec. 25-12. - Appeals

Any party who has been refused a sign permit for a proposed sign may file an appeal with the zoning board of appeals, in accordance with Article 18 of the zoning ordinance. In addition to applying the standards for a variance in Sec. 35-215, the zoning board of appeals shall study the sign proposal, considering any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be enough to justify granting a variance. However, the zoning board of appeals may decline to grant a variance even if some circumstances are present.

- A. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- B. Permitted signage could not be seen by passing motorists in enough time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic and speed limits.
- C. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- D. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

- E. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
- F. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
- G. A sign which exceeds the permitted height or area standards of the article would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by article.
- H. The variance would permit a sign with historic significance to be retained.
- I. A variance would significantly improve the conformity of an existing sign.

Sec. 25-13. - Violations; removal of signs

- A. A violation of any provision or requirement of this article is a municipal civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in the City of Farmington Code of Articles, in addition to the penalties set forth herein.
- B. In addition to the remedies set forth in paragraph A, above, the enforcement officer or his/her designee shall have the right to revoke any permit issued hereunder for a violation of this article. Any of the grounds upon which the initial permit application may be denied shall also constitute grounds for such revocation. In addition, the failure of the sign erector and property owner to comply with the provisions of this article or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The sign erector and property owner shall be notified in writing by the enforcement officer or his/her/its designee of the specific grounds for a revocation and demand for correction and abatement. Such notice may be served personally or by registered mail, return receipt requested. The notice shall allow a maximum of ten (10) business days after service of the notice to correct or abate the violation. Additional time may be granted by the enforcement officer or his/her designee when bona fide efforts to remove or eliminate the offending condition are in progress. The notice shall provide that the sign erector and property owner may request a hearing on the notice and permit revocation by filing an appeal with the zoning board of appeals.
- C. If a violation is neither remedied nor appealed within the given time period set forth by the written notice, the enforcement officer or his/her designee shall have the right to revoke the sign permit. Upon revocation of a permit issued pursuant to this article, the sign erector or property owner of the parcel on which the sign has been placed shall remove the sign from the property within ten (10) calendar days from the date of the notice and, if not so removed within the time period, the city or city's contractor may initiate removal of the sign. All costs associated with the removal of the sign and correction of the offense incurred by the city, or the city's contractor, shall be the joint and several responsibilities of the permittee and property owner. If such obligation is not paid within thirty (30) days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises

on the next assessment roll and collected thereunder.

Sec. 25-14. - Severability

If any section, clause or provision of this article shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the article as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this article, but the remainder of this article shall stand and be in full force and effect.

Sec. 25-15. - Substitution Clause

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this article.

Secs. 25-15 through 25-18. – Reserved.

DRAFT

KeyCite Yellow Flag - Negative Treatment
Declined to Extend by Wagner v. Federal Election Commission,
D.C.Cir., July 7, 2015

135 S.Ct. 2218
Supreme Court of the United States

Clyde REED, et al., Petitioners
v.
TOWN OF GILBERT, ARIZONA, et al.

No. 13-502.
|
Argued Jan. 12, 2015.
|
Decided June 18, 2015.

Synopsis

Background: Church and pastor seeking to place temporary signs announcing services filed suit claiming that town's sign ordinance, restricting size, duration, and location of temporary directional signs violated the right to free speech. The United States District Court for the District of Arizona, Susan R. Bolton, J., denied church's motion for preliminary injunction barring enforcement of ordinance. Church appealed. The United States Court of Appeals for the Ninth Circuit, M. Margaret McKeown, Circuit Judge, 587 F.3d 966, affirmed in part and remanded in part. On remand, the District Court, Bolton, J., 832 F.Supp.2d 1070, granted town summary judgment. Church and pastor appealed. The Court of Appeals, Callahan, Circuit Judge, 707 F.3d 1057, affirmed. Certiorari was granted.

Holdings: The Supreme Court, Justice Thomas, held that:

[1] sign code was subject to strict scrutiny, and

[2] sign code violated free speech guarantees.

Reversed and remanded.

Justice Alito filed concurring opinion in which Justices Kennedy and Sotomayor joined.

Justice Breyer filed opinion concurring in the judgment.

Justice Kagan filed opinion concurring in the judgment, in which Justices Ginsburg and Breyer joined.

West Headnotes (21)

- [1] **Constitutional Law**
⇨ Viewpoint or idea discrimination
Constitutional Law
⇨ Content-Based Regulations or Restrictions

Under the First Amendment, a government, including a municipal government vested with state authority, has no power to restrict expression because of its message, its ideas, its subject matter, or its content. U.S.C.A. Const.Amend. 1.

Cases that cite this headnote

- [2] **Constitutional Law**
⇨ Content-Based Regulations or Restrictions
Constitutional Law
⇨ Strict or exacting scrutiny; compelling interest test

Content-based laws, that is, those that target speech based on its communicative content, are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. U.S.C.A. Const.Amend. 1.

17 Cases that cite this headnote

- [3] **Constitutional Law**
⇨ Content-Based Regulations or Restrictions

Government regulation of speech is "content based," and thus presumptively unconstitutional, if a law applies to particular speech because of the topic discussed or the idea or message expressed, and this commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech on its face draws distinctions based on the message a

speaker conveys. U.S.C.A. Const.Amend. 1.

41 Cases that cite this headnote

- ¹⁴¹ **Constitutional Law**
 ⇨Strict or exacting scrutiny; compelling interest test
- Constitutional Law**
 ⇨Strict or exacting scrutiny; compelling interest test

Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose, but both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny. U.S.C.A. Const.Amend. 1.

7 Cases that cite this headnote

- ¹⁵¹ **Constitutional Law**
 ⇨Governmental disagreement with message conveyed
- Constitutional Law**
 ⇨Strict or exacting scrutiny; compelling interest test

Laws that, though facially content neutral, cannot be justified without reference to the content of the regulated speech, or that were adopted by the government because of disagreement with the message the speech conveys, like those laws that are content based on their face, must satisfy strict scrutiny. U.S.C.A. Const.Amend. 1.

20 Cases that cite this headnote

- ¹⁶¹ **Constitutional Law**
 ⇨Temporary signs

Town's sign code, which subjected ideological

signs to certain restrictions, subjected political signs to greater restrictions, and subjected temporary directional signs relating to events to even greater restrictions, was content based on its face, and thus was subject to strict scrutiny in free speech challenge by church seeking to place temporary signs announcing its services; any innocent motives on part of town did not eliminate danger of censorship, sign code singled out specific subject matter for differential treatment even if it did not target viewpoints within that subject matter, and sign code singled out signs bearing a particular message, i.e., the time and location of a particular event. U.S.C.A. Const.Amend. 1.

7 Cases that cite this headnote

- ¹⁷¹ **Constitutional Law**
 ⇨Content-Neutral Regulations or Restrictions

The crucial first step in the content-neutrality analysis in a free speech challenge is determining whether the law is content neutral on its face. U.S.C.A. Const.Amend. 1.

1 Cases that cite this headnote

- ¹⁸¹ **Constitutional Law**
 ⇨Strict or exacting scrutiny; compelling interest test

A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech. U.S.C.A. Const.Amend. 1.

8 Cases that cite this headnote

- ¹⁹¹ **Constitutional Law**
 ⇨Freedom of Speech, Expression, and Press
- Constitutional Law**
 ⇨Censorship

Illicit legislative intent is not the sine qua non of a violation of the First Amendment's free speech guarantee, and a party opposing the government need adduce no evidence of an improper censorial motive. U.S.C.A. Const.Amend. 1.

Cases that cite this headnote

^[10] **Constitutional Law**
⇌Strict or exacting scrutiny; compelling interest test

Although a content-based purpose may be sufficient in certain circumstances to show that a regulation of speech is content based and thus subject to strict scrutiny, it is not necessary. U.S.C.A. Const.Amend. 1.

10 Cases that cite this headnote

^[11] **Constitutional Law**
⇌Strict or exacting scrutiny; compelling interest test

An innocuous justification cannot transform a facially content-based law regulating speech into one that is content neutral and thus subject to a lower level of scrutiny than strict scrutiny. U.S.C.A. Const.Amend. 1.

29 Cases that cite this headnote

^[12] **Constitutional Law**
⇌Content-Neutral Regulations or Restrictions
Constitutional Law
⇌Strict or exacting scrutiny; compelling interest test

Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and

thus subject to a lower level of scrutiny in a free speech challenge. U.S.C.A. Const.Amend. 1.

9 Cases that cite this headnote

^[13] **Constitutional Law**
⇌Content-Based Regulations or Restrictions

Government discrimination among viewpoints, or the regulation of speech based on the specific motivating ideology or the opinion or perspective of the speaker, is a more blatant and egregious form of content discrimination, but the First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic. U.S.C.A. Const.Amend. 1.

8 Cases that cite this headnote

^[14] **Constitutional Law**
⇌Strict or exacting scrutiny; compelling interest test

A speech regulation targeted at specific subject matter is content based, and thus subject to strict scrutiny, even if it does not discriminate among viewpoints within that subject matter. U.S.C.A. Const.Amend. 1.

7 Cases that cite this headnote

^[15] **Constitutional Law**
⇌Content-Neutral Regulations or Restrictions

The fact that a speech-related distinction is speaker based does not automatically render the distinction content neutral and thus subject to a lower level of scrutiny than strict scrutiny. U.S.C.A. Const.Amend. 1.

Cases that cite this headnote

[16] **Constitutional Law**

☞Strict or exacting scrutiny; compelling interest test

Because speech restrictions based on the identity of the speaker are all too often simply a means to control content, laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference. U.S.C.A. Const.Amend. 1.

2 Cases that cite this headnote

[17] **Constitutional Law**

☞Content-Neutral Regulations or Restrictions

The fact that a speech-related distinction is event based does not render it content neutral and thus subject to a lower level of scrutiny than strict scrutiny. U.S.C.A. Const.Amend. 1.

1 Cases that cite this headnote

[18] **Constitutional Law**

☞Strict or exacting scrutiny; compelling interest test

Strict scrutiny requires the Government to prove that a restriction on speech furthers a compelling interest and is narrowly tailored to achieve that interest. U.S.C.A. Const.Amend. 1.

10 Cases that cite this headnote

[19] **Constitutional Law**

☞Temporary signs

Municipal Corporations

☞Billboards, signs, and other structures or devices for advertising purposes

Town's content-based sign code, which subjected ideological signs to certain restrictions, subjected political signs to greater restrictions, and subjected temporary directional signs relating to events to even greater restrictions, did not survive strict scrutiny, and thus violated free speech guarantees; even if town had compelling government interests in preserving town's aesthetic appeal and traffic safety, sign code's distinctions were underinclusive, and thus were not narrowly tailored to achieve that end, in that temporary directional signs were no greater an eyesore than ideological or political ones, and there was no reason to believe that directional signs posed a greater threat to safety than ideological or political signs. U.S.C.A. Const.Amend. 1.

4 Cases that cite this headnote

[20] **Constitutional Law**

☞Freedom of Speech, Expression, and Press

A law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited. U.S.C.A. Const.Amend. 1.

1 Cases that cite this headnote

[21] **Constitutional Law**

☞Strict or exacting scrutiny; compelling interest test

Constitutional Law

☞Content-Neutral Regulations or Restrictions

Constitutional Law

☞Strict or exacting scrutiny; compelling interest test

Not all speech-related distinctions are subject to strict scrutiny, only content-based ones are; laws that are content neutral are instead subject to lesser scrutiny. U.S.C.A. Const.Amend. 1.

10 Cases that cite this headnote

2221 Syllabus

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around *2222 midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held : The Sign Code’s provisions are content-based regulations of speech that do not survive strict scrutiny. Pp. 2226 – 2233.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R.A.V. v. St. Paul*, 505 U.S. 377, 395, 112 S.Ct. 2538, 120 L.Ed.2d 305. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U.S. —, —, —, 131 S.Ct. 2653, 2663–2664, 180 L.Ed.2d 544. And courts are required to

consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at —, 131 S.Ct., at 2664. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “ ‘justified without reference to the content of the regulated speech,’ ” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S.Ct. 2746, 105 L.Ed.2d 661. Pp. 2226 – 2227.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. P. 2227.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 429, 113 S.Ct. 1505, 123 L.Ed.2d 99. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government *2223 regulation of speech. Government discrimination among viewpoints is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829, 115 S.Ct. 2510, 132 L.Ed.2d 700, but “[t]he First Amendment’s hostility to content-based regulation [also] extends ... to prohibition of public discussion of an entire topic,” *Consolidated*

Edison Co. of N.Y. v. Public Serv. Comm'n of N. Y., 447 U.S. 530, 537, 100 S.Ct. 2326, 65 L.Ed.2d 319. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code's categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 658, 114 S.Ct. 2445, 129 L.Ed.2d 497. This same analysis applies to event-based distinctions. Pp. 2227 – 2231.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U.S. —, —, 131 S.Ct. 2806, 2817, 180 L.Ed.2d 664. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425, 113 S.Ct. 1505. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 2231 – 2232.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 817, 104 S.Ct. 2118, 80 L.Ed.2d 772. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 2232 –

2233.

707 F.3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C.J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined.

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Opinion

Justice THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, § 4.402 (2005).¹ The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. § 4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is "Ideological Sign[s]." This category includes any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency." Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all "zoning districts" without time limits. § 4.402(J).

The second category is "Political Sign[s]." This includes any "temporary sign designed to influence the outcome of an election called by a public body." Glossary 23.² The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and "rights-of-way." *2225 § 4.402(I).³ These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

The third category is "Temporary Directional Signs Relating to a Qualifying Event." This includes any "Temporary Sign intended to direct pedestrians, motorists, and other passersby to a 'qualifying event.'" Glossary 25 (emphasis deleted). A "qualifying event" is defined as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." *Ibid.* The Code treats temporary directional signs even less favorably than political signs.⁴ Temporary directional signs may be no larger than six square feet. § 4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the "qualifying event" and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different locations, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there *2226 would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement officer would have to read the sign to determine what provisions of the Sign Code applied to it, the " 'kind of cursory examination' " that would be

necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs ... are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F.3d 1057, 1069 (C.A.9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U.S. 703, 120 S.Ct. 2480, 147 L.Ed.2d 597 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F.3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U.S. —, 134 S.Ct. 2900, 189 L.Ed.2d 854 (2014), and now reverse.

II

A

[1] [2] The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U.S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95, 92 S.Ct. 2286, 33 L.Ed.2d 212 (1972). Content-based laws—those that target speech based on its

communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R.A.V. v. St. Paul*, 505 U.S. 377, 395, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992); *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115, 118, 112 S.Ct. 501, 116 L.Ed.2d 476 (1991).

*2227 [3] [4] Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U.S. —, —, —, 131 S.Ct. 2653, 2663–2664, 180 L.Ed.2d 544 (2011); *Carey v. Brown*, 447 U.S. 455, 462, 100 S.Ct. 2286, 65 L.Ed.2d 263 (1980); *Mosley, supra*, at 95, 92 S.Ct. 2286. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell, supra*, at —, 131 S.Ct., at 2664. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

[5] Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “‘justified without reference to the content of the regulated speech,’ ” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

[6] The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] disagree [ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F.3d, at 1071-1072. *2228 In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be " 'justified without reference to the content of the regulated speech.' " Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward*, *supra*, at 791, 109 S.Ct. 2746; emphasis deleted).

[7] [8] [9] [10] [11] But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati v.*

Discovery Network, Inc., 507 U.S. 410, 429, 113 S.Ct. 1505, 123 L.Ed.2d 99 (1993). We have thus made clear that " '[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,' " and a party opposing the government "need adduce 'no evidence of an improper censorial motive.' " *Simon & Schuster*, *supra*, at 117, 112 S.Ct. 501. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary." *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 642, 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994). In other words, an innocuous justification cannot transform a facially content-based law into one that is content neutral.

[12] That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law's justification or purpose. See, e.g., *Sorrell*, *supra*, at — — —, 131 S.Ct., at 2663-2664 (statute was content based "on its face," and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U.S. 310, 315, 110 S.Ct. 2404, 110 L.Ed.2d 287 (1990) ("Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government's asserted *interest* is related to the suppression of free expression" (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984) ("The text of the ordinance is neutral," and "there is not even a hint of bias or censorship in the City's enactment or enforcement of this ordinance"); *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 3065, 82 L.Ed.2d 221 (1984) (requiring that a facially content-neutral ban on camping must be "justified without reference to the content of the regulated speech"); *United States v. O'Brien*, 391 U.S. 367, 375, 377, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968) (noting that the statute "on its face deals with conduct having no connection with speech," but examining whether the "the governmental interest is unrelated to the suppression of free expression"). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government's purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-neutral ban on the

use, in a city-owned music venue, of sound amplification systems not provided by the city. 491 U.S., at 787, and n. 2, 109 S.Ct. 2746. In that context, we looked to *2229 governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “‘justified without reference to the content of the speech.’” *Id.*, at 791, 109 S.Ct. 2746. But *Ward*’s framework “applies only if a statute is content neutral.” *Hill*, 530 U.S., at 766, 120 S.Ct. 2480 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765, 120 S.Ct. 2480.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U.S. Const., Amdt. 1. “‘The vice of content-based legislation ... is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.’” *Hill, supra*, at 743, 120 S.Ct. 2480 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405 (1963), the Court encountered a State’s attempt to use a statute prohibiting “‘improper solicitation’” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438, 83 S.Ct. 328. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer ... to say ... that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439, 83 S.Ct. 328. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory ... treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U.S., at 429, 113 S.Ct. 1505. We do so again today.

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F.3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F.3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

¹¹³ This analysis conflates two distinct but related limitations that the First *2230 Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N.Y. v. Public Serv. Comm’n of N. Y.*, 447 U.S. 530, 537, 100 S.Ct. 2326, 65 L.Ed.2d 319 (1980).

¹¹⁴ Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428, 113 S.Ct. 1505. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages

announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code's distinctions as turning on "the content-neutral elements of who is speaking through the sign and whether and when an event is occurring." 707 F.3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code's distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

^[15] ^[16] In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because "[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content," *Citizens United v. Federal Election Comm'n*, 558 U.S. 310, 340, 130 S.Ct. 876, 175 L.Ed.2d 753 (2010), we have insisted that "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference," *Turner*, 512 U.S., at 658, 114 S.Ct. 2445. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341, 130 S.Ct. 876. Characterizing a distinction *2231 as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on "whether and when an event is occurring." The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to

determine whether a sign is "designed to influence the outcome of an election" (and thus "political") or merely "communicating a message or ideas for noncommercial purposes" (and thus "ideological"). Glossary 24. That obvious content-based inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

^[17] And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 2226 – 2227. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem "entirely reasonable" will sometimes be "struck down because of their content-based nature." *City of Ladue v. Gilleo*, 512 U.S. 43, 60, 114 S.Ct. 2038, 129 L.Ed.2d 36 (1994) (O'Connor, J., concurring).

III

^[18] ^[19] Because the Town's Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, "which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest," *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U.S. —, —, 131 S.Ct. 2806, 2817, 180 L.Ed.2d 664 (2011) (quoting *Citizens United*, 558 U.S., at 340, 130 S.Ct. 876). Thus, it is the Town's burden to demonstrate that the Code's differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tailored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that

those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U.S., at 425, 113 S.Ct. 1505, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

*2232 The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

[20] In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited," *Republican Party of Minn. v. White*, 536 U.S. 765, 780, 122 S.Ct. 2528, 153 L.Ed.2d 694 (2002), the Sign Code fails strict scrutiny.

IV

[21] Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an "absolutist" content-neutrality rule would render "virtually all distinctions in sign laws ... subject to strict scrutiny," Brief for Respondents 34–35, but that is not the case. Not "all distinctions" are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny. See *Clark*, 468 U.S., at 295, 104 S.Ct. 3065.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign's message: size, building

materials, lighting, moving parts, and portability. See, e.g., § 4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U.S., at 817, 104 S.Ct. 2118 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (C.A.11 2005) (sign categories similar to the town of Gilbert's were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (C.A.1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs "take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *City of Ladue*, 512 U.S., at 48, 114 S.Ct. 2038. At the same time, the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

*2233 We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

Justice ALITO, with whom Justice KENNEDY and Justice SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of further explanation.

As the Court holds, what we have termed “content-based” laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its “topic” or “subject” favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth. See *Consolidated Edison Co. of N.Y. v. Public Serv. Comm’n of N. Y.*, 447 U.S. 530, 537, 100 S.Ct. 2326, 65 L.Ed.2d 319 (1980).

As the Court shows, the regulations at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U.S.

460, 467–469, 129 S.Ct. 1125, 172 L.Ed.2d 853 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

Justice BREYER, concurring in the judgment.

I join Justice KAGAN’s separate opinion. Like Justice KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828–829, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995); see also *Boos v. Barry*, 485 U.S. 312, 318–319, 108 S.Ct. 1157, 99 L.Ed.2d 333 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all speakers. *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 96, 92 S.Ct. 2286, 33 L.Ed.2d 212 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not always trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the

government's rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 113 S.Ct. 1505, 123 L.Ed.2d 99 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual's ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve *2235 content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, e.g., 15 U.S.C. § 78f (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, e.g., 42 U.S.C. § 6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, e.g., 21 U.S.C. § 353(b)(4)(A) (requiring a prescription drug label to bear the symbol "Rx only"); of doctor-patient confidentiality, e.g., 38 U.S.C. § 7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient's spouse or sexual partner); of income tax statements, e.g., 26 U.S.C. § 6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, e.g., 14 CFR § 136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, e.g., N.Y. Gen. Bus. Law Ann. § 399-ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit " 'strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area' "); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court's many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to "commercial speech." *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n of N. Y.*, 447 U.S. 557, 562-563, 100 S.Ct. 2343, 65 L.Ed.2d 341 (1980). But I have great concern that many justifiable instances of "content-based" regulation are noncommercial. And, worse than that, the Court has applied the heightened "strict scrutiny" standard even in cases where the less stringent "commercial speech" standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U.S. —, —, 131 S.Ct. 2653, 2664, 180 L.Ed.2d 544 (2011) (BREYER, J., dissenting). The Court has also said that "government speech" escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U.S. 173, 193-194, 111 S.Ct. 1759, 114 L.Ed.2d 233 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." *R.A.V. v. St. Paul*, 505 U.S. 377, 388, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that "strict scrutiny" normally carries with it. But, in my view, doing so will weaken the First Amendment's protection in instances where "strict scrutiny" should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of *2236 the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives, and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U.S. —, —, —, 132 S.Ct. 2537,

2551–2553, 183 L.Ed.2d 574 (2012) (BREYER, J., concurring in judgment); *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377, 400–403, 120 S.Ct. 897, 145 L.Ed.2d 886 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that Justice KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

Justice KAGAN, with whom Justice GINSBURG and Justice BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, e.g., *City of Truth or Consequences, N. M., Code of Ordinances*, ch. 16, Art. XIII, §§ 11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, e.g., *Code of Athens–Clarke County, Ga., Pt. III, § 7–4–7(1)* (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, e.g., *Dover, Del., Code of Ordinances*, Pt. II, App. B, Art. 5, § 4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U.S.C. §§ 131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 2231 (acknowledging that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based,

they are automatically subject to strict scrutiny. *Ante*, at 2230, 2232 – 2233. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 2232 – 2233, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams–Yulee v. Florida Bar*, 575 U.S. —, —, 135 S.Ct. 1656, 1666, —L.Ed.2d — (2015). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U.S. 221, 231, 107 S.Ct. 1722, 95 L.Ed.2d 209 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.’

Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 2231, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U.S. —, — —, 134 S.Ct. 2518, 2529, 189 L.Ed.2d 502 (2014) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R.A.V. v. St. Paul*, 505 U.S. 377, 386, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just

described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U.S. 177, 189, 127 S.Ct. 2372, 168 L.Ed.2d 71 (2007) (quoting *R.A.V.*, 505 U.S., at 390, 112 S.Ct. 2538). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated Edison Co. of N.Y. v. Public Serv. Comm’n of N. Y.*, 447 U.S. 530, 537, 539–540, 100 S.Ct. 2326, 65 L.Ed.2d 319 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538, 100 S.Ct. 2326 (quoting *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 96, 92 S.Ct. 2286, 33 L.Ed.2d 212 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U.S. 765, 785, 98 S.Ct. 1407, 55 L.Ed.2d 707 (1978); accord, *ante*, at 2233 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R.A.V.*, 505 U.S., at 387, 112 S.Ct. 2538 (quoting *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116, 112 S.Ct. 501, 116 L.Ed.2d 476 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 2231. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, ... strict scrutiny is unwarranted.” *Davenport*, 551 U.S., at 188, 127 S.Ct. 2372; see *R.A.V.*, 505 U.S., at 388, 112 S.Ct. 2538 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing

that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U.S., at 188, 127 S.Ct. 2372 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1, 104 S.Ct. 2118 (listing exemptions); see *id.*, at 804–810, 104 S.Ct. 2118 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804, 104 S.Ct. 2118; see also *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 48, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values ..., not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U.S. 43, 114 S.Ct. 2038, 129 L.Ed.2d 36 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address *2239 signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6, 114 S.Ct. 2038 (listing exemptions); *id.*, at 53, 114 S.Ct. 2038 (noting this assumption). We did not need to, and so did not, decide the level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 2231 – 2232 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§ 4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional

signs to 6 square feet while allowing other signs to reach 20 square feet. See §§ 4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs "need to be smaller because they need to guide travelers along a route." Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town's ordinance under even the intermediate scrutiny that the Court typically applies to "time, place, or manner" speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority's insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them "entirely reasonable." *Ante*, at 2231. And as the

challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

All Citations

135 S.Ct. 2218, 192 L.Ed.2d 236, 83 USLW 4444, 15 Cal. Daily Op. Serv. 6239, 2015 Daily Journal D.A.R. 6831, 25 Fla. L. Weekly Fed. S 383

Footnotes

- * The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.
- 1 The Town's Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court's case file).
- 2 A "Temporary Sign" is a "sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display." Glossary 25.
- 3 The Code defines "Right-of-Way" as a "strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." *Id.*, at 18.
- 4 The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as "Religious Assembly Temporary Direction Signs." App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as "Temporary Directional Signs Related to a Qualifying Event," and it expanded the time limit to 12 hours before and 1 hour after the "qualifying event." *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.
- * Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." *Ward v. Rock Against Racism*, 491 U.S. 781, 798, 109 S.Ct. 2746, 105 L.Ed.2d 661 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.
- * Even in trying (commendably) to limit today's decision, Justice ALITO's concurrence highlights its far-reaching effects. According to Justice ALITO, the majority does not subject to strict scrutiny regulations of "signs advertising a one-time event." *Ante*, at 2233 (ALITO, J., concurring). But of course it does. On the majority's view, a law with an exception for such signs "singles out specific subject matter for differential treatment" and "defin[es] regulated speech by particular subject matter." *Ante*, at 2227, 2230 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that "the Code singles out signs bearing a particular message: the time and location of a specific event." *Ante*, at 2231.

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