

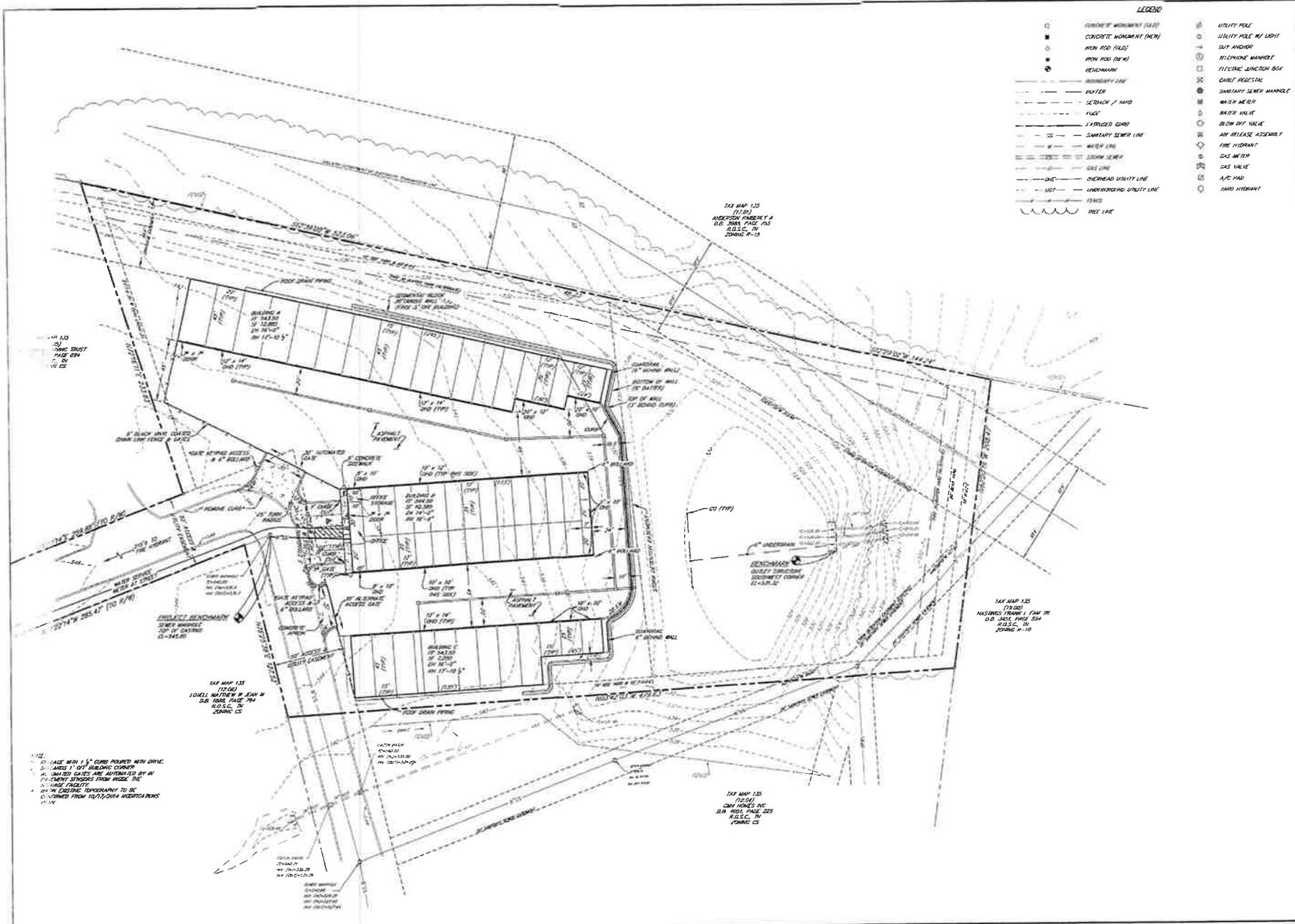


Gallatin Municipal-Regional Planning Commission Work Session Agenda

Monday, November 9, 2015

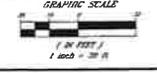
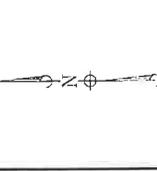
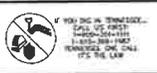
Dr. J. Deotha Malone Council Chambers; 5 p.m.
Gallatin City Hall, 132 West Main Street

1. Discuss proposed site plan approval to construct 30,465 square foot self-storage building for Stormaxx Self Storage on property containing 4.06 (+/-) acres, located at 1771 Airport Road. (8-1273-15)
2. Discuss proposed amended PMDP and FMDP for The Residences at Gallatin to construct 188 multi-family units on 14.11 (+/-) acres. Property is located southeast of the intersection of Long Hollow Pike and SR109. (8-1276-15)
3. Discuss proposed Preliminary Plat subdividing the parcel located southeast of the intersection of Long Hollow Pike and SR109 from one 30.85 (+/-) acre parcel to a 16.74 (+/-) parcel and a 14.11 (+/-) acre parcel to allow for the construction of a 188 unit multi-family development and associated access road. (1-1285-15B)
4. Discuss proposed rezoning with PMDP request for 378, 382, 386 Big Station Camp Boulevard to construct a 12,000 square foot building on property currently zoned MU. (3-1283-15)
5. Discuss proposed amendment to the Gallatin Zoning Ordinance to permit electronic message display signs including replacing off-site signs (billboards) with electronic message displays – Article 13, Section 13.07; Article 2, Section 2.02; Article 14, Section 14.05-14.06. (3-1291-15)
6. Discuss proposed request to rezone property containing 0.386 (+/-) acres from Core Commercial (CC) to Commercial Services (CS) zone district, on property located at 124 West Winchester Street. (3-1261-15)
7. Discuss surety renewals and extensions. (7-171-15)
8. Discuss changes to the Gallatin Zoning Ordinance.
9. Other Business



- LEGEND**
- CONCRETE MONUMENT (EXIST)
 - CONCRETE MONUMENT (NEW)
 - IRON ROD (OLD)
 - IRON ROD (NEW)
 - BENCHMARK
 - BOUNDARY LINE
 - PAVEMENT
 - SETBACK / YARD
 - FENCE
 - INTERLOCK CURB
 - SANITARY SEWER LINE
 - WATER LINE
 - GAS LINE
 - OVERHEAD UTILITY LINE
 - UNDERGROUND UTILITY LINE
 - TREE LINE
 - UTILITY POLE
 - UTILITY POLE W/ LIGHT
 - GUY ANCHOR
 - TELEPHONE MANHOLE
 - FLECTRIC JUNCTION BOX
 - CABLE PEG/STAL
 - SANITARY SEWER MANHOLE
 - WATER MANHOLE
 - WATER VALVE
 - BLOW OFF VALVE
 - AIR RELEASE ASSEMBLY
 - FIRE HYDRANT
 - GAS METER
 - GAS VALVE
 - A/Pc MAN
 - TARD HYDRANT

ROGERS ENGINEERING GROUP
 1148 SWEET HAIN STREET
 MEMPHIS, TN 38103
 (901) 522-3300 FAX (901) 522-7771
 rogers@rogersengineering.com



STORMAXX SELF STORAGE
 1771 AIRPORT ROAD
 CITY OF GALLATIN 3RD CIVIL DISTRICT
 SUMNER COUNTY, TENNESSEE



SHEET NO. C 2.0

PROJECT # 25-209
 DATE 08/02/2015

ITEM 1
(8-1273-15)

ROGERS
ENGINEERING
GROUP
INC.
1000 W. MAIN STREET
COLUMBIA, TENNESSEE 37906
TEL: 615-230-7289 FAX: 615-230-7271
rogers.james@rogerseng.com



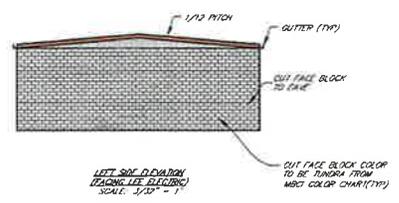
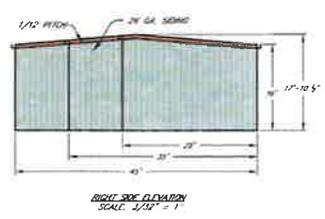
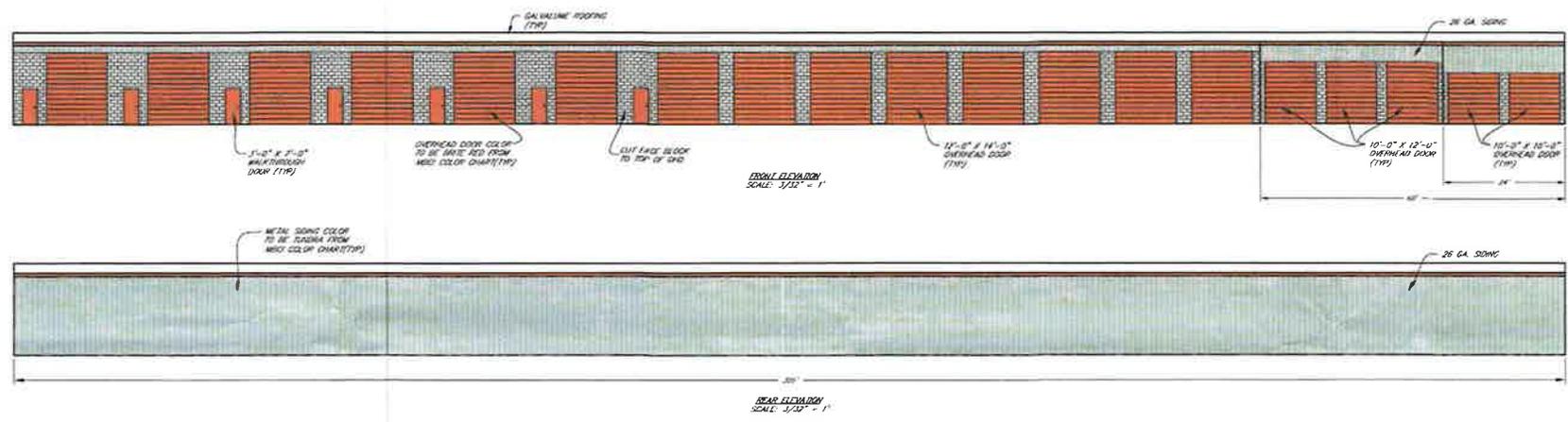
GRAPHIC SCALES
1" = 10'-0"
1/2" = 5'-0"
3/8" = 3'-6"

STORMAX SELF STORAGE
BUILDING ELEVATIONS
3909 GALLATIN SPRING CHURCH DISTRICT
CITY OF GALLATIN SPRING, TENNESSEE
SUMNER COUNTY, TENNESSEE

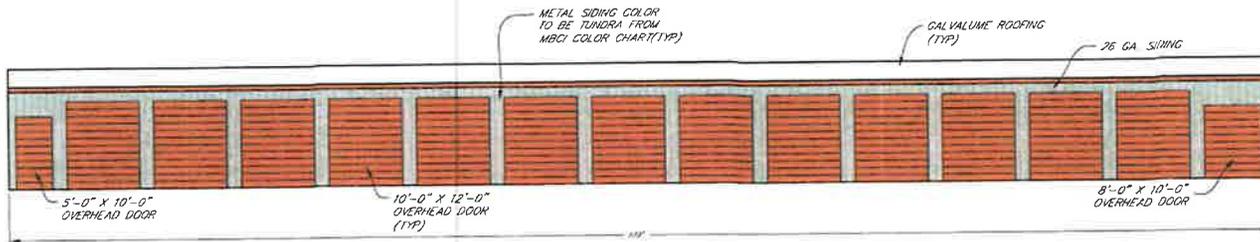


SHEET NO.
A 1.0

PROJECT # 22-039
DATE 28 OCTOBER 2015



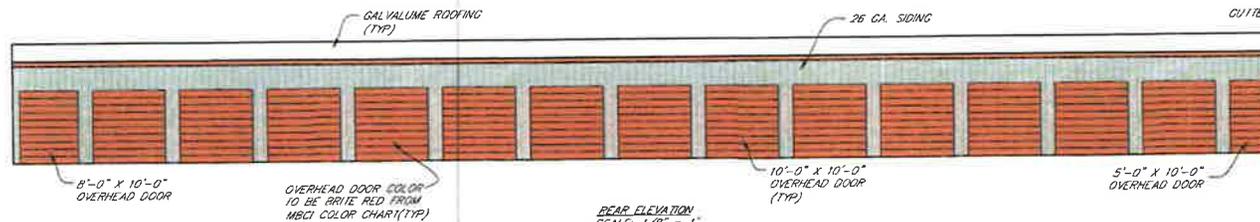
G.1273-15



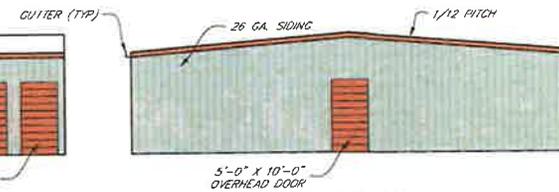
FRONT ELEVATION
SCALE: 1/8" = 1'



RIGHT SIDE ELEVATION (FACING ACCESS DRIVE)
SCALE: 1/8" = 1'

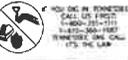


REAR ELEVATION
SCALE: 1/8" = 1'



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'

ROGERS
ENGINEERING
GROUP
1148 WEST MAIN STREET
OKLAHOMA CITY, OKLAHOMA 73101
PHONE: 405.233.0888 FAX: 405.233.0271
WWW.ROGERSENGINEERING.COM



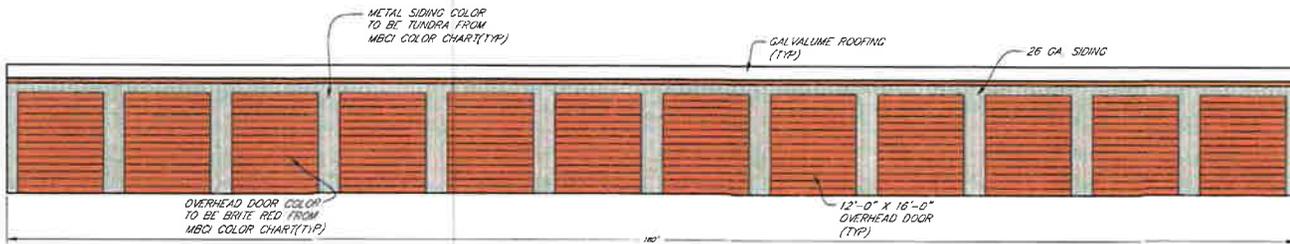
GRAPHIC SCALE
1" = 10'-0"
1/8" = 1'-0"

STORMAXX SELF STORAGE
BUILDING & ELEVATIONS
1771 AIRPORT ROAD
CITY OF GALLATIN, 3RD CIVIL DISTRICT
SUMNER COUNTY, TENNESSEE

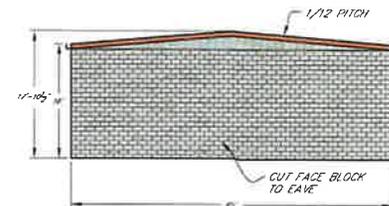


SHEET NO.
A 2.0

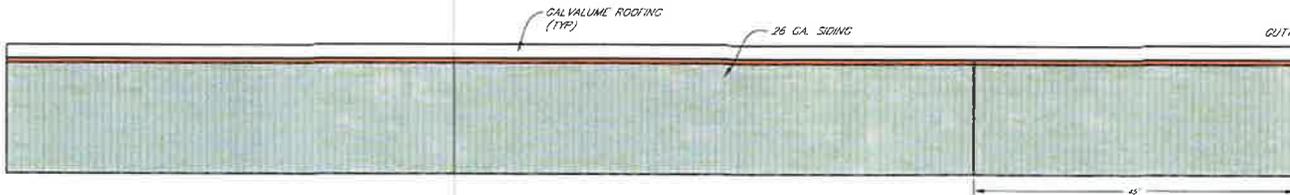
PROJECT # 19-001
DATE 20 OCTOBER 2019



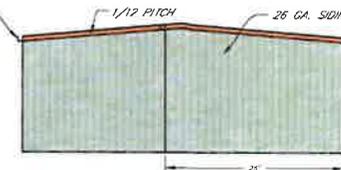
FRONT ELEVATION
SCALE: 1/8" = 1'



RIGHT SIDE ELEVATION
(FACING ACCESS EASEMENT)
SCALE: 1/8" = 1'



REAR ELEVATION
SCALE: 1/8" = 1'



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'

ROGERS
ENGINEERING
GROUP
16 WESTMAN STREET
COLUMBIANA, TN 38668
TEL: 615.290.7550 FAX: 615.290.7271
rjones@rogers-engineering.com

IF YOU DO NOT RECEIVE CALL US FIRST!
1-800-851-1111
865-263-1985
EMERGENCY, WE CALL IT'S THE LAW

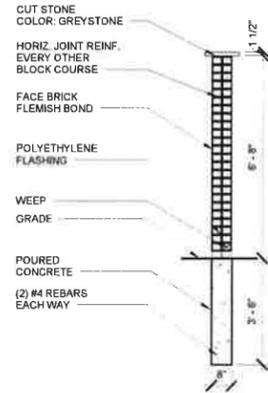
GRAPHIC SCALE
(IN FEET)
1/8" = 0' - 1 ft.

STORMAXX SELF STORAGE
20211 ALBERT ROAD
CITY OF GALLATIN, 3RD CIVIL DISTRICT
SUMNER COUNTY, TENNESSEE

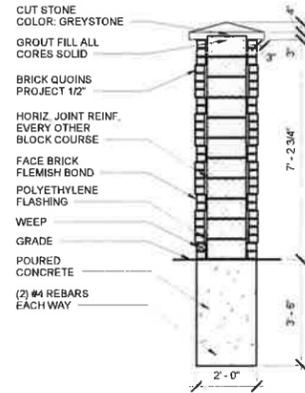


SHEET NO.
A 3.0

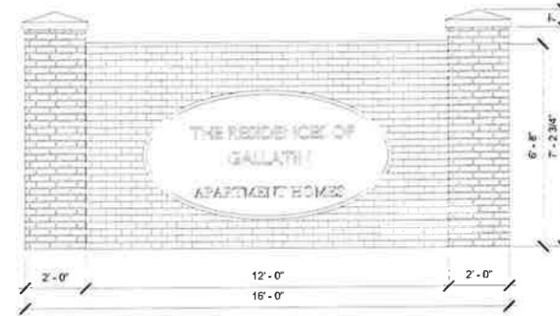
PROJECT # 12-007
DATE 28 OCTOBER 2015



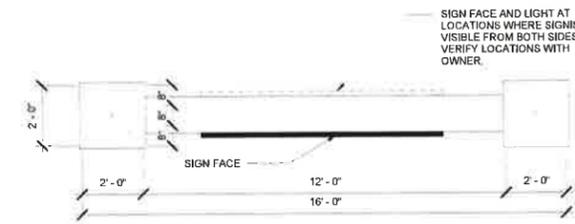
9 WALL SECTION
3/8" = 1'-0"



8 WALL SECTION
3/8" = 1'-0"



7 ENTRY SIGN ELEVATION
3/8" = 1'-0"



6 ENTRY SIGN PLAN
3/8" = 1'-0"

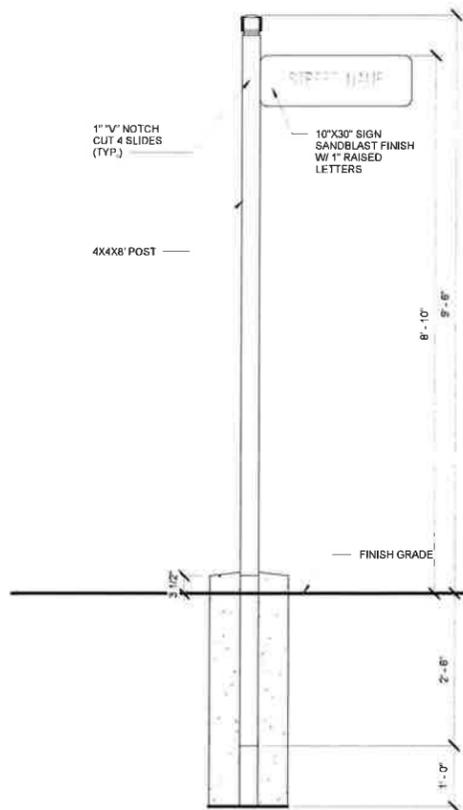
SIGN FACE AND LIGHT AT LOCATIONS WHERE SIGNS VISIBLE FROM BOTH SIDES. VERIFY LOCATIONS WITH OWNER.

THE RESIDENCES OF GALLATIN
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

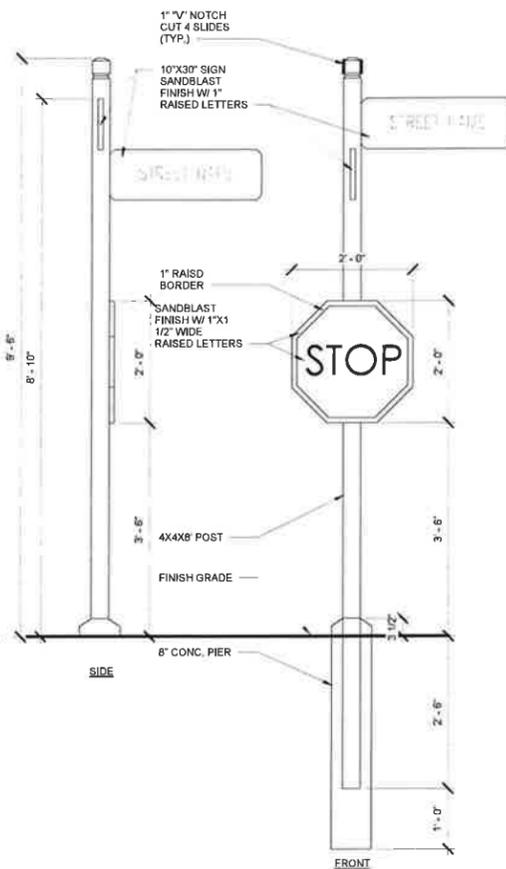
REVISIONS
NO. DATE

PROJ. NO. 15092
DATE 10/27/2015
SHEET NAME SITE DETAILS - SIGNAGE

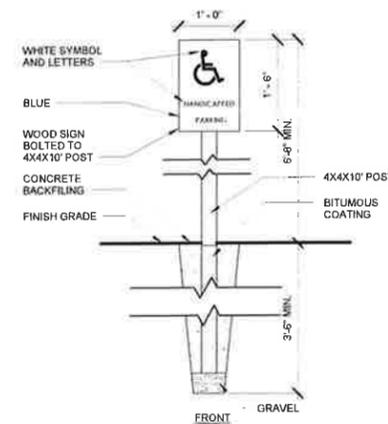
SHEET NO. AS111



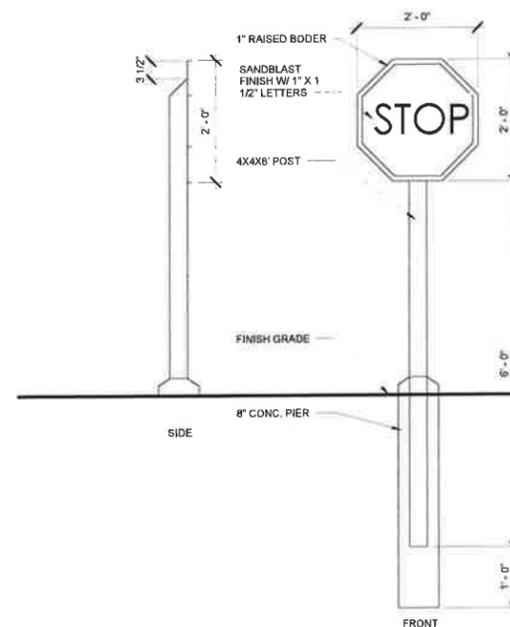
5 AS-STREET SIGN DETAIL
3/4" = 1'-0"



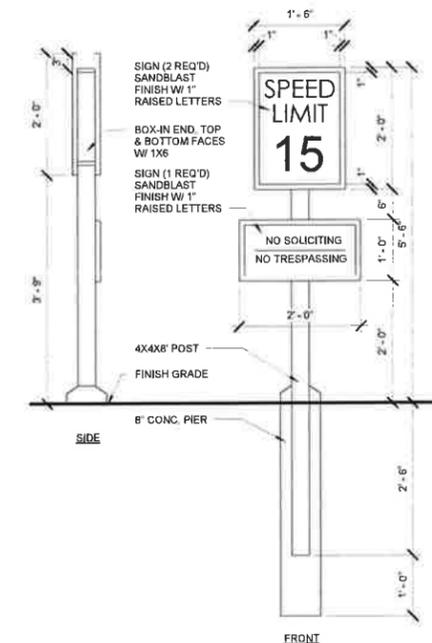
4 AS-STREET/STOP SIGN DETAIL
3/4" = 1'-0"



3 HANDICAP SIGN
3/4" = 1'-0"



2 STOP SIGN
3/4" = 1'-0"



1 SPEED SIGN
3/4" = 1'-0"



4 BUILDING TYPE 12A-6.1 LEFT ELEVATION
1/8" = 1'-0"



3 BUILDING TYPE 12A-6.1 RIGHT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 12A-6.1 REAR ELEVATION
1/8" = 1'-0"



1 BUILDING TYPE 12A-6.1 FRONT ELEVATION
1/8" = 1'-0"

GENERAL NOTES - EXT. ELEVATIONS

- A. PAINT ALL EXPOSED METAL THAT IS NOT SPECIFIED OR INDICATED TO RECEIVE A FACTORY FINISH.
- B. REFER TO PLANS AND SCHEDULES FOR DOOR AND WINDOW TYPES AND SIZES.
- C. ALL EXPOSED FLASHING SHALL BE FACTORY FINISHED BY MANUFACTURER / SUPPLIER OR MATERIAL WHICH IS BEING FLASHED.
- D. ALL WINDOWS TO BE SINGLE HUNG U.N.O., SEE UNIT PLANS FOR WINDOWS SIZES.
- E. ALL BRICK TO BE _____ BOND.
- F. FIBER CEMENT SIDING TO BE PAINTED.
- G. ALL TRIM TO BE SYNTHETIC WOOD TRIM, SEE SECTIONS AND PLAN DETAILS FOR SIZING.
- H. TRIM LOCATED AROUND ALL OPENINGS IN FIBER CEMENT SIDING, AT ALL INSIDE AND OUTSIDE CORNERS OF FIBER CEMENT SIDING, BELOW ALL SOFFITS AT ROOF OVERHANGS AND AT ALL TRANSITIONS BETWEEN BRICK AND FIBER CEMENT SIDING (BOTH HORIZONTAL AND VERTICAL). SEE SECTIONS AND PLAN DETAILS FOR TYPICAL CONDITIONS.
- I. SEE ROOF PLANS FOR ROOF SLOPE, DOWNSPOUT, GUTTER AND ROOF VENT INFORMATION.
- J. BRICK JAMBS AT WINDOW AND DOOR OPENINGS TO BE STACK BOND, SEE PLAN DETAILS.

ELEVATION KEYNOTES

- 1 METER CENTER, SEE ELECTRICAL DRAWINGS.
- 2 ROWLOCK COURSE TO BE FLUSH WITH BRICK ABOVE AND BELOW ALONG WALL AT THIS LOCATION FOR INSTALLATION OF ELECTRICAL EQUIPMENT.
- 3 UNIT ENTRY DOOR ADDRESS SIGNAGE, SEE DOOR SCHEDULE
- 4 BUILDING ADDRESS SIGN WITH SIGNAGE LIGHT ABOVE, SEE ELECTRICAL DRAWINGS
- 5 KING POST TRIM FEATURE, SEE DETAIL _ / A _

PRELIMINARY

FOR INTERIM REVIEW ONLY.
NOT FOR REGULATORY
APPROVAL, PERMITTING,
OR CONSTRUCTION.



**THE RESIDENCES OF
GALLATIN**
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

REVISIONS

NO.	DATE

PROJ. NO. 15092
DATE 10/27/2015
SHEET NAME BUILDING TYPE 12A-6.1 EXTERIOR ELEVATIONS
SHEET NO. **A201**



4 BUILDING TYPE 16A-6.1 LEFT ELEVATION
1/8" = 1'-0"



3 BUILDING TYPE 16A-6.1 RIGHT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 16A-6.1 REAR ELEVATION
1/8" = 1'-0"



1 BUILDING TYPE 16A-6.1 FRONT ELEVATION
1/8" = 1'-0"

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- 5 KING POST TRIM FEATURE, SEE DETAIL, /A_.

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**THE RESIDENCES OF
GALLATIN**
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

REVISIONS

NO.	DATE

PROJ. NO. 15092
DATE 10/27/2015
SHEET NAME BUILDING TYPE 16A-6.1 EXTERIOR ELEVATIONS
SHEET NO. **A202**



4 BUILDING TYPE 16B-6.1 LEFT ELEVATION
1/8" = 1'-0"



3 BUILDING TYPE 16B-6.1 RIGHT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 16B-6.1 REAR ELEVATION
1/8" = 1'-0"



1 BUILDING TYPE 16B-6.1 FRONT ELEVATION
1/8" = 1'-0"

GENERAL NOTES - EXT. ELEVATIONS

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ELEVATION KEYNOTES

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- 4 BUILDING ADDRESS SIGN WITH SIGNAGE LIGHT ABOVE, SEE ELECTRICAL DRAWINGS
- 5 KING POST TRIM FEATURE, SEE DETAIL __ / A__

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**THE RESIDENCES OF
GALLATIN**
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

REVISIONS	
NO.	DATE

PROJ. NO. 15092
DATE 10/27/2015
SHEET NAME BUILDING TYPE 16B-6.1 EXTERIOR ELEVATIONS
SHEET NO. **A203**



4 BUILDING TYPE 16C-6.1 LEFT ELEVATION
1/8" = 1'-0"



3 BUILDING TYPE 16C-6.1 RIGHT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 16C-6.1 REAR ELEVATION
1/8" = 1'-0"



1 BUILDING TYPE 16C-6.1 FRONT ELEVATION
1/8" = 1'-0"

GENERAL NOTES - EXT. ELEVATIONS

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ELEVATION KEYNOTES

- 1 METER CENTER, SEE ELECTRICAL DRAWINGS.
- 2 ROWLOCK COURSE TO BE FLUSH WITH BRICK ABOVE AND BELOW ALONG WALL AT THIS LOCATION FOR INSTALLATION OF ELECTRICAL EQUIPMENT.
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- 4 BUILDING ADDRESS SIGN WITH SIGNAGE LIGHT ABOVE, SEE ELECTRICAL DRAWINGS.
- 5 KING POST TRIM FEATURE, SEE DETAIL ___ / A ___

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**THE RESIDENCES OF
GALLATIN**
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

REVISIONS

NO.	DATE

PROJ. NO. 15092
DATE 10/27/2015
SHEET NAME BUILDING TYPE 16C-6.1 EXTERIOR ELEVATIONS

SHEET NO. **A204**

GENERAL NOTES - EXT. ELEVATIONS

- A. PAINT ALL EXPOSED METAL THAT IS NOT SPECIFIED OR INDICATED TO RECEIVE A FACTORY FINISH.
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- D. ALL WINDOWS TO BE SINGLE HUNG U.N.O., SEE UNIT PLANS FOR WINDOWS' SIZES.
- E. ALL BRICK TO BE _____ BOND.
- F. FIBER CEMENT SIDING TO BE PAINTED.
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- I. SEE ROOF PLANS FOR ROOF SLOPE, DOWNSPOUT, GUTTER AND ROOF VENT INFORMATION.
- J. BRICK JAMBS AT WINDOW AND DOOR OPENINGS TO BE STACK BOND, SEE PLAN DETAILS.

PRELIMINARY

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APPROVAL, PERMITTING,
OR CONSTRUCTION.



5 FIFTH DIMENSION
ARCHITECTURAL & INTERIORS LLC

Kimley»Horn

Silver Creek Engineering, Inc.
7225 Woodland Drive
Suite 200
Indianapolis, Indiana 46278



4 CLUBHOUSE LEFT ELEVATION
1/8" = 1'-0"



3 CLUBHOUSE REAR ELEVATION
1/8" = 1'-0"



2 CLUBHOUSE RIGHT ELEVATION
1/8" = 1'-0"



1 CLUBHOUSE FRONT ELEVATION
1/8" = 1'-0"

**THE RESIDENCES OF
GALLATIN**
Long Hollow Pike, Gallatin, TN 37066
PRELIMINARY DESIGN

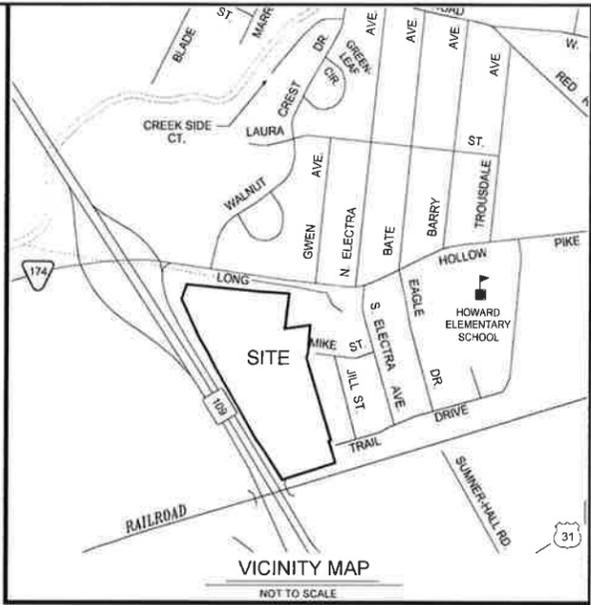
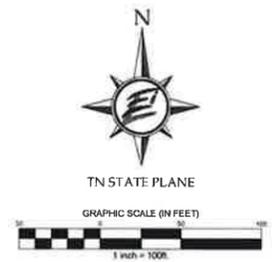
REVISIONS	
NO.	DATE

PROJ. NO.
15092
DATE
10/27/2015
SHEET NAME
CLUB HOUSE EXTERIOR
ELEVATIONS
SHEET NO.
AC201

LEGEND

Utility Pole	
Water Meter	
Storm Inlet	
Water Line	
Sewer Line	
Fire Hydrant	
Overhead Utilities	
Guy Anchor	
Existing Iron Rod	
Manhole	
Fence	
Guard Rail	
Easement	
Property Line	

AREA TABULATION
TOTAL BEFORE SUBDIVISION: 1,343,629 SQ. FT. or 30.845 ACRES
PROPOSED REMAINDER: 729,032 SQ. FT. or 16.736 ACRES
PROPOSED LOT 1: 614,596 SQ. FT. or 14.109 ACRES



ITEM 3

SITE DATA

TITLE OF SUBDIVISION
 LONG HOLLOW MULTI-FAMILY; SUBDIVISION OF THE GREEN AND LITTLE PROPERTY

OWNER
 Green and Little, LP, P.O. Box 6037, Gallatin TN 37066 - Contact: Lee Zeller

MAP REFERENCE
 Being Parcel 1 00 as Shown on Sumner County Property Map 126

PLAT REFERENCE
 All of the property shown on the Boundary Survey of Part of the Green and Little, L.P. Property of record in Plat Book 26, Page 154 in the Register's Office for Sumner County, Tennessee

DEED REFERENCE
 Part of the Property conveyed to Green & Little, LLC of record in Record Book 765, Page 768 in the Register's Office for Sumner County, Tennessee

ZONING
 City of Gallatin - Zoned "MU"

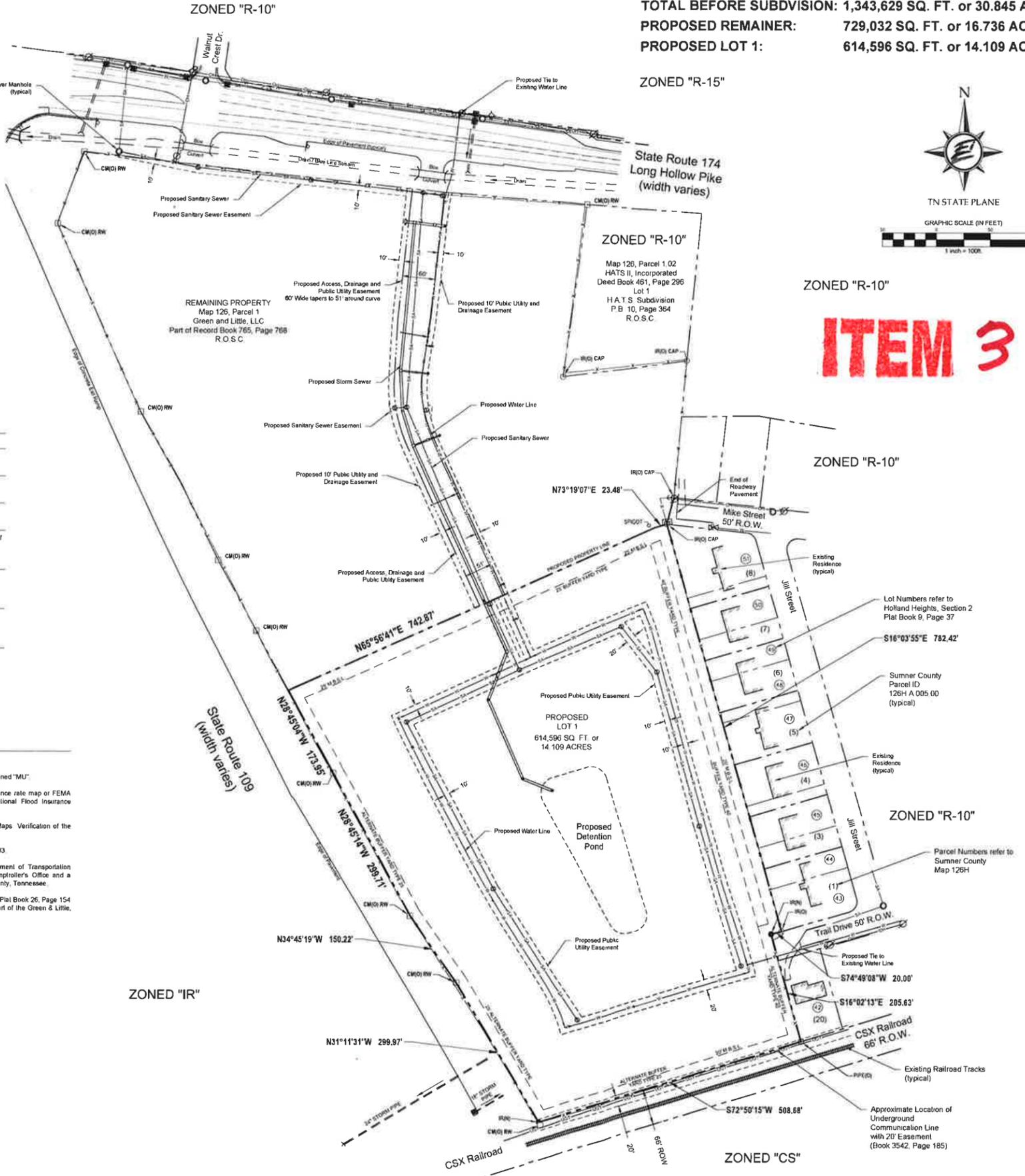
PREPARED BY
 Energy Land and Infrastructure
 1420 Donelson Pike, Suite A12
 Nashville, TN 37217
 Contact: Bernie Bell 615-383-6300

SURVEYOR'S NOTES

- The purpose of this plat is to create a lot and dedicate easements
- The Property is located in the City of Gallatin, Sumner County Tennessee and is currently Zoned "MU"
- The subject property is not affected by a flood hazard area as per the current flood insurance rate map or FEMA Flood Map, Map Number 47185C0313G, revised April 17, 2012, prepared by the National Flood Insurance Program
- Utilities Shown Hereon Were Taken From Visible Structures in the Field and Recorded Maps. Verification of the existence, size, location and depth should be confirmed with the appropriate utility sources.
- Bearings shown hereon are based on the Tennessee State Plane Coordinate System, NAD 83.
- The boundary line shown was determined from adjoining properties, Tennessee Department of Transportation Right-of-Way plans, Railroad Evaluation Maps provided by the State of Tennessee Comptroller's Office and a boundary survey of record in Plat Book 26, Page 154 at the Register's Office for Sumner County, Tennessee.
- The current record description used for the overall boundary line computation is recorded in Plat Book 26, Page 154 at the Register's Office for Sumner County, Tennessee and is titled Boundary Survey of Part of the Green & Little, L.P. Property.

UTILITY DISCLAIMER

ENERGY, LAND AND INFRASTRUCTURE, LLC (ELI, LLC) HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. ELI, LLC MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. ELI, LLC FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 811.



CERTIFICATE OF ACCURACY

I hereby certify to the best of my knowledge and belief this is a true and accurate survey of the property shown hereon. That this is a Category I land survey as defined in Title 62, Chapter 18, Tennessee Code Annotated and that the ratio of precision is greater than or equal to 1:10,000.

Vernon W. Bell, TN RLS # 2198
 Field Work Completed 8-28-15



CERTIFICATE OF PLANNING COMMISSION PRELIMINARY APPROVAL

I hereby certify that the preliminary plat shown hereon has been found to comply with the Gallatin Municipal-Regional Subdivision Regulations.

Date _____ Secretary, Planning Commission _____

PRELIMINARY PLAT
 OF
GREEN & LITTLE PROPERTY
LONG HOLLOW PIKE
GALLATIN, SUMNER COUNTY, TENNESSEE
THIRD CIVIL DISTRICT
DATED: OCTOBER 22, 2015

ENERGY LAND & INFRASTRUCTURE
 1420 DONELSON PIKE, SUITE A12 • NASHVILLE, TN 37217
 OFFICE 615-383-6300 • WWW.ELI-LLC.COM
 ENGINEERS • SURVEYORS • INFRASTRUCTURE • ENVIRONMENTAL

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1-1285-15B

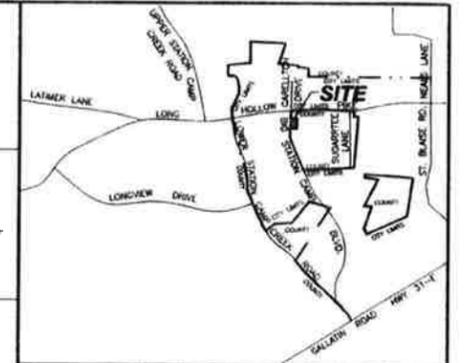


SITE CONTAINS: 1.35 AC.±

OWNER NAME	SITE ZONING	TAX MAP	GROUP	PARCELS	SITE ADDRESS	EXISTING ZONING & USE	PROPOSED ZONING	PROPOSED DEVELOPMENT					
THUAN LAM 705 HARDING PLACE NASHVILLE, TN 37211	MU	124J	B	13.00, 14.00 & 15.00	378, 382 & 386 BIG STATION CAMP BLVD.	MU VACANT	MU	BLDG. S.F. 12,000	LOT COVERAGE 58,992 S.F. TOTAL 41,080 S.F. IMPERVIOUS 69.6% IMPERVIOUS	FLOOR AREA RATIO 0.20	BUILDING HEIGHT 20'	LANDSCAPE/GREEN SPACE: 17,812 S.F. TOTAL	

CARELLTON PH. 1A SUBDIVISION
P.B. 28, PG. 1-6, R.O.S.C., TN
ZONE RB PRD CITY OF GALLATIN
OPEN SPACE
CARELLTON HOMEOWNERS ASSOCIATION, INC.
BK. 4059, PG. 434
Map 124G, GP. 'A', Parcel 1.01

MU SETBACKS & YARD REQUIREMENTS:		LEGEND	
YARDS PER GALLATIN ZONING ORD.:		--- BOUNDARY LINE	
FRONT : 25'		--- EDGE OF PAVEMENT	
SIDE : 10'		--- WATER LINE	
REAR : 20'		--- OVERHEAD UTILITY LINE	
		--- EASEMENT LINE	
		--- MIN. BLDG. SETBACK LINE	
MIN. BLDG. SETBACK LINE	30' M.B.S.I. (ADJACENT TO ARTERIAL ROADS)	--- TOWN LINE	
		--- BUFFERYARD LINE	
		--- UTILITY POLE	
		--- EXISTING CONTOUR	



LOCATION MAP
N.T.S.

SURVEYOR'S NOTES:

- THIS SURVEYOR WAS NOT FURNISHED WITH A TITLE SEARCH OR TITLE POLICY, THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. THERE MAY BE OTHER DOCUMENTS THAT WOULD AFFECT THE SUBJECT PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH.
- DEED REFERENCES: THUAN LAM PARCELS 13.00, 14.00 & 15.00; R.B. 3736, PG. 452, R.O.S.C., TN
- MAP AND PARCEL NUMBERS SHOWN REFER TO THE SUMNER COUNTY TAX ASSESSOR'S MAPS. THE SUBJECT PROPERTY SHOWN ON THIS PLAN CONSISTS OF PARCELS 13.00 (LOT 37), 14.00 (LOT 38) & 15.00 (LOT 36) ON SUMNER COUNTY PROPERTY MAP 124J, GROUP 'B'.
- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM SURFACE IMPROVEMENTS, UTILITY COMPANY RECORDS AND/OR PLANS BY OTHERS. ACTUAL FIELD LOCATIONS AND SIZES OF THESE LINES SHOULD BE OBTAINED PRIOR TO ANY CONSTRUCTION ON THIS SITE. ADDITIONAL BURIED UTILITIES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND/OR STRUCTURES. BEFORE ANY EXCAVATION HAS BEGUN ON THIS SITE, CALL DARE DIG FOR UNDERGROUND UTILITY LOCATIONS.
- SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED FOR THIS SURVEY.
- THIS PROPERTY IS ZONED MU (CITY OF GALLATIN) AS OF THE DATE OF THIS SUBMITTAL.
- NORTH BASED ON THE RECORDED PLAT OF RECORD OF NEWMAN DOWNS PH. 2 OF RECORD IN P.B. 26, PG. 37, R.O.S.C., TN. LOTS 35, 36 & 37 ARE RECORDED ON THIS PLAT.
- TOPOGRAPHY SHOWN HEREON WAS DERIVED FROM FIELD RUN TOPO BY BRUCE RAINEY & ASSOCIATES. CONTOURS SHOWN AT 2' INTERVALS.
- PROPOSED LANDSCAPING AND BUFFERS AS SHOWN.
- SIGNAGE TO BE MONUMENT TYPE NOT TO EXCEED 6' IN HEIGHT. SIGN PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION OF ANY SIGNAGE ON SITE.
- STORMWATER DRAINAGE WILL BE DESIGNED WITH SUBMITTAL OF FINAL MASTER DEVELOPMENT PLAN. DRAINAGE TO BE COLLECTED IN A DETENTION FEATURE AT THE SOUTHERN PORTION OF THE PROPERTY AND RELEASED AS PRESCRIBED BY GALLATIN REGULATIONS.
- PROPOSED BUILDING TO CONTAIN 12,000 S.F.
- FINANCIAL RESPONSIBILITY TO BE RESPONSIBILITY OF THUAN LAM.
- FINAL ARCHITECTURAL BUILDING ELEVATIONS TO BE APPROVED BY PLANNING COMMISSION.
- ACCORDING TO FIRM COMMUNITY PANEL #718502930 DATED 04/17/12, THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA AND LIES IN ZONE "X".
- ANTICIPATED BUILDOUT WITHIN 24 MONTHS OF APPROVAL BY PLANNING COMMISSION.
- MECHANICAL UNITS TO BE ROOF MOUNTED AND MUST BE SCREENED.
- PHOTOMETRIC PLAN LIGHTING FEATURE DETAILS TO BE SUBMITTED WITH FINAL MASTER DEVELOPMENT PLANS.
- ALL CONSTRUCTION AND USE OF PROPOSED FACILITY TO MEET THE APPLICABLE PERFORMANCE STANDARDS AS SET FORTH IN THE CITY OF GALLATIN ZONING ORDINANCE SECTION 13.02.
- 5' PUBLIC UTILITY & DRAINAGE EASEMENT ALONG EACH SIDE OF COMMON SIDE LOT LINES FOR LOTS 35-36 AND 36-37 TO BE ABANDONED.

PARKING SPACES:
TOTAL PARKING SPACES PROVIDED: 57 (54 REG. + 3 HC)
TOTAL PARKING SPACES REQUIRED: 48
PARKING SPACES REQUIRED: 12,000/250 = 48 SPACES
(BASED ON MULTI-TENANT RETAIL CENTER)
PARKING REQUIREMENTS MAY CHANGE DEPENDING ON ACTUAL USES

PROPOSED USES IN MU:
BUSINESS & COMMUNICATION SERVICE
FINANCIAL, CONSULTING & ADMINISTRATION
FOOD SERVICE & FOOD SERVICE DRIVE-IN
GENERAL RETAIL SALES & SERVICE - EXCLUDING MANUFACTURED HOME SALES FACILITIES
LIMITED RETAIL SALES ACTIVITIES
MEDICAL OFFICE/SERVICE
RESEARCH SERVICE
LIMITED CHILD CARE
PROPOSED USES: THOSE SHOWN ABOVE
PERMITTED FLOOR AREA RATIO: 1.00 REQUESTED: 0.20
BUILDING HEIGHT REQUESTED: 20' (MAX. ALLOWED 35')

NOTE:
THE PURPOSE OF THIS PLAN IS TO REAFFIRM THE MU ZONING FOR PARCELS 13.00, 14.00 & 15.00 IN THE CITY OF GALLATIN, TN AND TO AMEND THE PREVIOUSLY APPROVED PMDP.

**378, 382 & 386 BIG STATION CAMP BOULEVARD
AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN
REAFFIRMING ZONING MU**

ITEM 4

PARCELS 13.00, 14.00 & 15.00 ON
SUMNER COUNTY PROPERTY MAP 124J, GROUP 'B'
LOCATED AT 378, 382 & 386 BIG STATION CAMP BLVD. & SOUTH OF LONG HOLLOW PIKE
IN THE CITY OF GALLATIN, 8TH CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

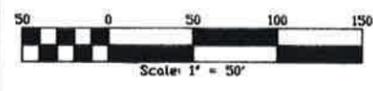
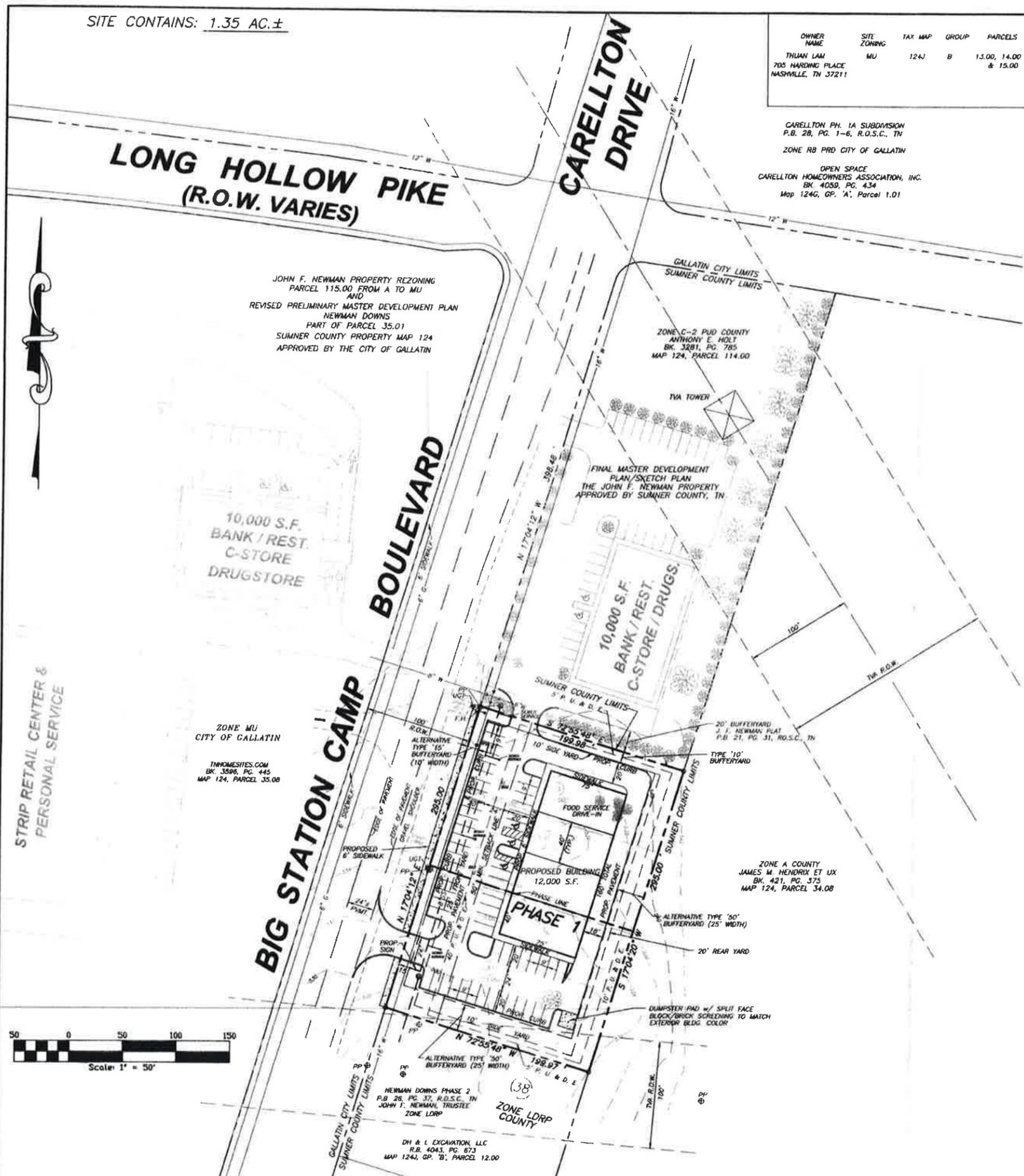
DATE : OCTOBER 26, 2015
SCALE : 1" = 50'
OWNER/DEVELOPER :
THUAN LAM
705 HARDING PLACE
NASHVILLE, TN 37211
PREPARED BY :



LAND DEVELOPMENT CONSULTANTS
116 MAPLE ROW BLVD.
HENDERSONVILLE, TN 37075
Phone 615-822-0012
Fax 615-824-1487



3-1283-15



SITE CONTAINS: 1.35 AC.±

LONG HOLLOW PIKE
(R.O.W. VARIES)

CARELLTON DRIVE

CARELLTON PH. 1A SUBDIVISION
P.B. 28, PG. 1-6, R.O.S.C., TN
ZONE RB PRD CITY OF GALLATIN
OPEN SPACE
CARELLTON HOMEOWNERS ASSOCIATION, INC.
BK. 4059, PG. 434
Map 124G, GP. 'A', Parcel 1.01

JOHN F. NEWMAN PROPERTY REZONING
PARCEL 115.00 FROM A TO MU
AND
REVISED PRELIMINARY MASTER DEVELOPMENT PLAN
NEWMAN DOWNS
PART OF PARCEL 35.01
SUMNER COUNTY PROPERTY MAP 124
APPROVED BY THE CITY OF GALLATIN

ZONE C-2 PUD COUNTY
ANTHONY E. HOLT
BK. 3281, PG. 785
MAP 124, PARCEL 114.00

TVA TOWER

FINAL MASTER DEVELOPMENT
PLAN/SKETCH PLAN
THE JOHN F. NEWMAN PROPERTY
APPROVED BY SUMNER COUNTY, TN

10,000 S.F.
BANK / REST.
C-STORE
DRUGSTORE

10,000 S.F.
BANK / REST.
C-STORE / DRUGS.

ZONE MU
CITY OF GALLATIN
TWOHOMESITES.COM
BK. 3586, PG. 445
MAP 124, PARCEL 35.08

STRIP RETAIL CENTER &
PERSONAL SERVICE

BIG STATION CAMP BOULEVARD

BIG STATION CAMP

ALTERNATIVE TYPE '15' BUFFERYARD (10' WIDTH)

20' BUFFERYARD
J.F. NEWMAN P&A1
P.B. 21, PG. 31, R.O.S.C., TN

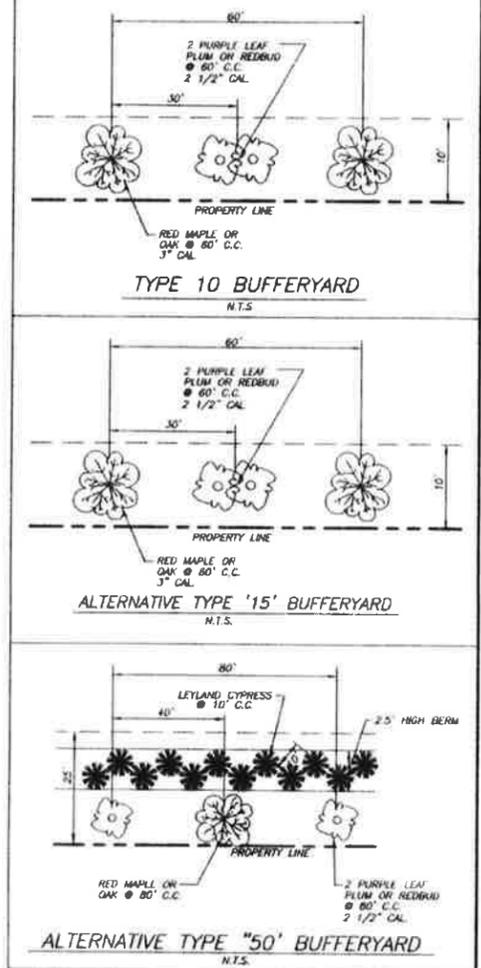
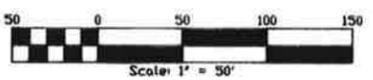
ZONE A COUNTY
JAMES W. HENDRIX ET UX
BK. 421, PG. 375
MAP 124, PARCEL 34.08

PHASE 1
12,000 S.F.

ALTERNATIVE TYPE '30' BUFFERYARD (25' WIDTH)

NEWMAN DOWNS PHASE 2
P.B. 26, PG. 37, R.O.S.C., TN
JOHN F. NEWMAN TRUSTEE
ZONE LDRP

BH & I EXCAVATION, LLC
R.B. 4043, PG. 673
MAP 124J, GP. 'B', PARCEL 12.00



PARKING LOT LANDSCAPING
PARKING AREAS ABUTTING PUBLIC RIGHT-OF-WAYS:
REQUIRED: 285/50 = 6 CANOPY TREES (3" CAL.) + CONTINUOUS ROW OF EVERGREEN SHRUBS
PROVIDED: 6 CANOPY TREES (3" CAL.) + CONTINUOUS ROW OF EVERGREEN SHRUBS
INTERIOR TREES IN PARKING LOT REQUIRED: 57/10 = 6 CANOPY TREES (2 1/2" CAL.)
INTERIOR TREES IN PARKING LOT PROVIDED: 6 CANOPY TREES (2 1/2" CAL.)

LANDSCAPE PLAN
FOR
378, 382 & 386 BIG STATION CAMP BOULEVARD
AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN
REAFFIRMING ZONING MU
PARCELS 13.00, 14.00 & 15.00 ON
SUMNER COUNTY PROPERTY MAP 124J, GROUP 'B'
LOCATED AT 378, 382 & 386 BIG STATION CAMP BLVD. & SOUTH OF LONG HOLLOW PIKE
IN THE CITY OF GALLATIN, 8TH CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

DATE : OCTOBER 26, 2015
SCALE : 1" = 50'
OWNER/DEVELOPER :
THUAN LAM
705 HARDING PLACE
NASHVILLE, TN 37211
PREPARED BY :



LAND DEVELOPMENT CONSULTANTS
116 MAPLE ROW BLVD
HENDERSONVILLE, TN 37075
Phone 615-822-0012
Fax 615-824-1857

3-1283-15

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STATE CODES AND STATUTES

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STATE CODES AND STATUTES

Statutes > Tennessee > Title-54 > Chapter-21 > 54-21-102

54-21-102. Chapter definitions.

As used in the chapter:

- (1) Adjacent area means that area within six hundred sixty feet (660) of the nearest edge of the right-of-way of interstate and primary highways and visible from the main traveled way of the interstate or primary highways;
- (2) Changeable message sign means an off-premise advertising device that displays a series of messages at intervals by means of digital display or mechanical rotating panels;
- (3) Commissioner means the commissioner of transportation;
- (4) Customary maintenance means maintenance of a nonconforming outdoor advertising device, which may include, but shall not exceed, the replacement of the sign face and stringers in like materials, and the replacement in like materials of up to fifty percent (50%) of the device's poles, posts or other support structures; provided, that the replacement of any poles, posts or other support structures is limited to one (1) time within a twenty-four-month period;
- (5) Destroyed means, with respect to a nonconforming outdoor advertising device, that more than fifty percent (50%) of the device's poles, posts or other support structures are damaged to the extent that they will no longer support the sign face;
- (6) Digital display means a type of changeable message sign that displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;
- (7) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but does not apply to changes of copy treatment on existing outdoor advertising;
- (8) Information center means an area or site established and maintained at a safety rest area for the purpose of informing the public of places of interest within this state and providing other information the commissioner may consider desirable;

ITEM 5

(9) Interstate system means that portion of the national system of interstate and defense highways, located within this state, as officially designated, or as may hereafter be designated, by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(10) Main traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. Main traveled way does not include such facilities as frontage roads, turning roadways, or parking areas;

(11) Nonconforming means an outdoor advertising device that does not conform to the zoning, size, lighting or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-116. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-116 shall not be considered nonconforming;

(12) Outdoor advertising means any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster, billboard or other thing that is used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main traveled way of the state, interstate, or primary highway systems;

(13) Person means and includes an individual, a partnership, an association, a corporation, or other entity;

(14) Primary system means that portion of connected main highways, located within this state, as officially designated, or as may hereafter be designated by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(15) Safety rest area means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public;

(16) State system means that portion of highways located within this state, as officially designated, or as may hereafter be designated by the commissioner; and

(17) Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

[Acts 1972, ch. 655, § 2; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2602; Acts 1980, ch. 470, §§ 1, 2; 2007, ch. 76, § 1; 2007, ch. 427, §§ 1, 2; 2008, ch. 1155, § 1.]



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STATE CODES AND STATUTES

Statutes > Tennessee > Title-54 > Chapter-21 > 54-21-103

54-21-103. Restrictions on outdoor advertising on interstate and primary highways.

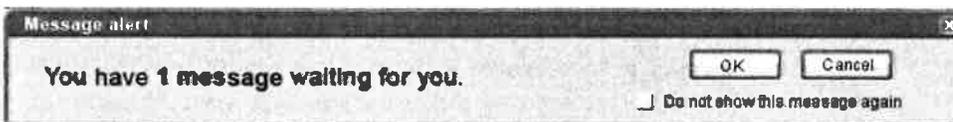
No outdoor advertising shall be erected or maintained within six hundred sixty feet (660 ϕ) of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems in this state except the following:

- (1) Directional or other official signs and notices including, but not limited to, signs and notices pertaining to natural wonders, scenic and historical attractions that are authorized or required by law;
- (2) Signs, displays and devices advertising the sale or lease of property on which they are located;
- (3) Signs, displays and devices advertising activities conducted on the property on which they are located;
- (4) Signs, displays and devices located in areas that are zoned industrial or commercial under authority of law and whose size, lighting and spacing are consistent with customary use as determined by agreement between the state and the secretary of transportation of the United States; and
- (5) Signs, displays and devices located in unzoned commercial or industrial areas as may be determined by agreement between the state and the secretary of transportation of the United States and subject to regulations promulgated by the commissioner.

[Acts 1972, ch. 655, § 3; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2603; Acts 1980, ch. 470, § 2.]

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LAWYERS

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STATE CODES AND STATUTES

Statutes > Tennessee > Title-54 > Chapter-21 > 54-21-105

54-21-105. Failure to comply with § 54-21-104 Effect.

(a) (1) Any person, either owner or lessee, of any outdoor advertising who has failed to act in accordance with § 54-21-104 shall remove the outdoor advertising immediately.

(2) Failure to remove the outdoor advertising shall render the outdoor advertising a public nuisance and subject to immediate disposal, removal or destruction.

(3) In addition, the failure constitutes a Class C misdemeanor. Each separate day of violation constitutes a separate offense.

(4) In addition, or in lieu of subdivisions (a)(1)(3), the commissioner may enter upon any property on which outdoor advertising is located and dispose of, remove, or destroy the outdoor advertising, all without incurring any liability for those actions.

(b) Prior to invoking the provisions of this section, the commissioner shall give notice either by certified mail or by personal service to the owner of the sign, or occupant of the land on which the advertising structure is located. The notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action that is required to correct the unlawfulness and shall advise that a failure to take the remedial action within thirty (30) days shall result in the sign being removed. For good cause shown, the commissioner may extend the thirty-day period for remedial action for up to an additional one hundred fifty (150) days, so long as all advertising content is removed from the unlawful device within the thirty-day period. If advertising content is placed on the device during any extended period, the device may be immediately removed by the commissioner without further notice. The owner of the structures shall be liable to the state for damages equal to three (3) times the cost of removal, in addition to any other applicable fees, costs or damages, but the owner of the land on which the sign is located shall not be presumed to be the owner of the sign simply because it is on the owner's property.

(c) (1) In addition to any other action authorized in this section, the commissioner shall not issue or transfer any outdoor advertising permits or tags, or issue annual renewal permits for any existing outdoor advertising devices, subject to the limitations set forth in subdivision (c)(5), to any person who has erected a new outdoor advertising device at a new location without first

obtaining a permit and tag as required under § 54-21-104, or issue any permits or tags to any other person acting in affiliation with that person, until either:

(A) The person has removed the unlawful outdoor advertising device within the time period established in the notice given by the department, or any extension of that time period, as provided in subsection (b); or

(B) In the event the department has removed the device, the person has made full payment to the department in the amount of three (3) times the cost of removal, as well as payment of any other fees, costs or damages, as provided in subsection (b).

(2) Solely for the purpose of applying and enforcing the sanctions established in this subsection (c):

(A) Acting in affiliation with means any person who, with respect to any violation or request for a permit or tag, or both, as described in subdivision (c)(1), acts in concert with or under the direct or indirect control of, or who has the power to control, any person who has erected an outdoor advertising device in violation of this subsection (c);

(B) New outdoor advertising device means any outdoor advertising device erected on or after April 1, 2009; and

(C) New location means any location adjacent to a highway on the interstate system or primary system and subject to regulation by the department as provided in this chapter for which the person erecting an outdoor advertising device does not then possess a current permit issued by the department for each sign face of the device; provided, however, that the sanctions established in this subsection (c) shall not apply if the person erecting a new outdoor advertising device then possesses a current permit from the department for each sign face of the device at a different location on the same side and at the same log mile of the highway where the new device is erected, but the person either has failed to erect the device at the actual permitted location or has removed a device from the permitted location.

(3) This subsection (c) shall not apply to any existing outdoor advertising device that, at the time it was erected, did not require a permit from the department under this chapter, even though the device may subsequently require a permit from the department due to changed conditions at the location or within the vicinity of the device.

(4) The additional sanctions provided in this subsection (c) shall not apply to a person who purchases an unlawful outdoor advertising device subsequent to its erection, so long as the person purchasing the device did not erect the device or act in affiliation with the person who erected the device.

(5) (A) The commissioner shall not apply this subsection (c) as cause for refusing to issue an annual renewal permit to any person prior to the expiration of one hundred eighty (180) days from the date of initial notice of violation given to the person pursuant to subsection (b).

(B) Under this subsection (c), nonrenewal of any person's existing permits for outdoor advertising devices shall be applied on a graduated basis based on the number of violations as provided in this subdivision (c)(5)(B). Each separate outdoor advertising structure erected without a permit shall be considered a separate violation. The department shall choose, in its absolute discretion, which existing permits shall be subject to nonrenewal and voiding.

(i) For the first violation of erecting an outdoor advertising device without a permit, the person shall forfeit the same number of permits as the number of unlawful sign faces on the unpermitted device; i.e., one (1) permit for one (1) unlawful sign face, two (2) permits for two (2) unlawful sign faces, etc.;

(ii) For the second violation, the person shall forfeit twice the number of permits as the number of unlawful sign faces on the unpermitted device; and

(iii) For the third and any subsequent violation, the person shall forfeit four (4) times the number of permits as the number of unlawful sign faces on the unpermitted device.

(6) In the event that an existing outdoor advertising device is not issued an annual renewal permit in accordance with this subsection (c), after notice has been given in accordance with subsection (b), the permit for the existing device shall be voided, subject to the opportunity for a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the device shall be subject to removal as an unlawful outdoor advertising device by any means authorized in § 54-21-105.

(7) All gross revenues received or payable from the operation of any outdoor advertising device erected without first obtaining a permit as required under § 54-21-104 are subject to being forfeited to the state and placed in the highway fund for the administration of this chapter or any other purpose authorized under § 54-21-106. For the enforcement of this subdivision (c) (7), the department may file a petition in the chancery court for the county in which the unlawful outdoor advertising device is or was located or in the county where the person erecting the device resides. In such case, the jurisdiction of the chancery court shall be limited solely to the authority to issue appropriate orders for the enforcement of this subdivision (c)(7), including, without limitation, the authority to establish a constructive trust for an accounting and receipt of revenues obtained from the operation of the unlawful outdoor advertising device.

(8) This subsection (c) shall be construed to accomplish the purposes of this section both to deter unlawful conduct and to prevent any person from benefitting from unlawful conduct or evading the sanctions authorized in this subsection (c). The sanctions authorized in subsection (c) shall not be construed to apply in any circumstance other than as expressly authorized by the general assembly in this subsection (c).

(d) Notwithstanding any other law to the contrary, in any case or controversy arising from any regulatory or enforcement action taken by the commissioner or department under § 54-21-105 or this chapter, wherein any cause of action, claim, counterclaim, cross-claim or any other claim or request for remedy whatsoever is asserted against the state, the commissioner, the department or any official or employee thereof, jurisdiction shall be vested exclusively in the chancery court for Davidson County; provided, that any contested case hearing with respect to the issuance, denial, nonrenewal or voiding of any outdoor advertising permit shall remain under the jurisdiction of the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(e) It shall be no defense to any enforcement action taken under § 54-21-105 that the person who erects or operates an outdoor advertising device without first obtaining a permit and tag as required under § 54-21-104 may then have a pending contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in which the person's entitlement to a permit for the outdoor advertising device is at issue.

[Acts 1972, ch. 655, § 5; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2605; Acts 1980, ch. 470, § 2; 1990, ch. 936, § 1; 2009, ch. 451, §§ 2, 3.]

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LAWS

Message Report Card

**THIS IS NOT A JOKE!
YOU ARE THE 100,000th VISITOR!****CONGRATULATIONS!**[LAWS](#) [LAWYERS](#) [FIND LAWS](#) [LEGAL FORMS](#) [STATE LAWS](#)

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STATE CODES AND STATUTES

[Statutes](#) > [Tennessee](#) > [Title-54](#) > [Chapter-21](#) > [54-21-109](#)**54-21-109. Restrictions on advertising adjacent to state highways.**

(a) Control of outdoor advertising signs, displays and devices is extended to signs, displays and devices located beyond six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of the systems. The signs, displays or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed under existing law within six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the systems outside of commercial or industrial areas.

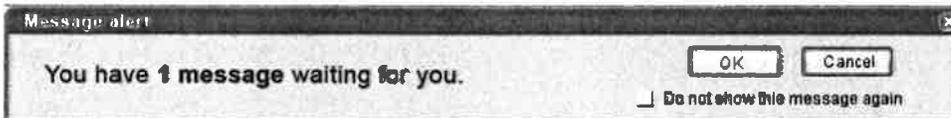
(b) Those outdoor advertising signs, displays or devices lawfully erected prior to July 1, 1976, but prohibited as of July 1, 1976, by subsection (a) shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the federal-aid interstate and primary systems outside of commercial and industrial areas.

(c) Signs lawfully in existence on October 22, 1965, determined by the commissioner, subject to the concurrence of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

[Acts 1976, ch. 740, § 1; T.C.A., § 54-2609; Acts 1980, ch. 470, § 2.]

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54-21-121. Restrictions on new outdoor advertising devices.

(a) After July 1, 2001, no permits shall be issued pursuant to this chapter for any new outdoor advertising device in which two (2) or more displays are stacked one (1) above the other. Outdoor advertising devices with two (2) or more displays stacked one (1) above the other that were legally erected on or before July 1, 2001, shall be unaffected by this subsection (a).

(b) The holder of a legal permit under subsection (a) may move the device to a new location, if that location is otherwise eligible for a permit.

[Acts 2001, ch. 357, § 1; 2007, ch. 427, § 9.]

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STATE CODES AND STATUTES

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54-21-122. Changeable message signs.

- (a) Changeable message signs may be double faced, back to back or V- type signs.
- (b) Changeable message signs with a digital display that meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:
- (1) The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
 - (2) Video, continuous scrolling messages and animation are prohibited; and
 - (3) The minimum spacing of the changeable message signs with a digital display on the interstate system or controlled access highways is two thousand feet (2,000 ϕ); provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred square feet (100 sq. ft.) in total area, to give public information, such as time, date, temperature or weather, or to provide the price of a product, the amount of a lottery prize or similar numerical information supplementing the content of a message otherwise displayed on the sign face shall not be subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d), or to any fee for a permit addendum as established in § 54-21-104(b).
- (c) No person shall erect, operate, use or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the permit and tag, as provided in § 54-21-104. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required to obtain any additional permit under this subsection (c).
- (d) No person shall erect, operate, use or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. No outdoor

advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required to obtain any addendum under this subsection (d).

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising device or in any nonconforming location.

(f) Notwithstanding any other state law or regulation to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) shall have up to, but no more than, one hundred eighty (180) calendar days after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within this required time, the permit or addendum to the permit shall be revoked and the changeable message sign with the digital display shall be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

(g) Any application for a permit or addendum for a digital display as described in this section may be made using the form for an application for permit for an outdoor advertising device existing on June 1, 2008, until a separate form is available.

[Acts 2007, ch. 76, § 2; 2008, ch. 1155, §§ 3, 4.]

STATE LEGAL FORMS

Alabama Forms
Alaska Forms
Arizona Forms
Arkansas Forms
California Forms
Colorado Forms
Connecticut Forms
District Of Columbia Forms
Delaware Forms
Florida Forms
Georgia Forms
Idaho Forms
Hawaii Forms
Illinois Forms
Indiana Forms
Iowa Forms
Kansas Forms
Kentucky Forms
Louisiana Forms
Maine Forms
Maryland Forms
Massachusetts Forms
Michigan Forms
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STATE CODES AND STATUTES

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54-21-109. Restrictions on advertising adjacent to state highways.

(a) Control of outdoor advertising signs, displays and devices is extended to signs, displays and devices located beyond six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of the systems. The signs, displays or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed under existing law within six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the systems outside of commercial or industrial areas.

(b) Those outdoor advertising signs, displays or devices lawfully erected prior to July 1, 1976, but prohibited as of July 1, 1976, by subsection (a) shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within six hundred sixty feet (660 ϕ) of the edge of the right-of-way of the federal-aid interstate and primary systems outside of commercial and industrial areas.

(c) Signs lawfully in existence on October 22, 1965, determined by the commissioner, subject to the concurrence of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

[Acts 1976, ch. 740, § 1; T.C.A., § 54-2609; Acts 1980, ch. 470, § 2.]

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(D) Whenever any ordinance enacted under authority of this chapter establishes stricter terms regarding the amount of partial damage that may be allowed without forfeiture of these protections, then the provisions of any such ordinance shall govern.

(E) New facilities shall comply with all architectural design standards required under current zoning regulations and be consistent with the architectural context of the immediate and adjacent block faces.

(e) Subsections (b)-(d) apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.

(f) Subsections (b)-(e) do not apply to any municipality defined as a premiere type tourist resort according to § 67-6-103(a)(3)(B).

(g) Except as provided in subsection (l), subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located. Anytime after the thirty-month cessation, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations. For the purposes of this subsection (g), the thirty-month period of continuous ceased operation shall be tolled by:

(1) The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

(2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within thirty (30) months of cessation of continuous use;

(3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial or other business use operates or is located; or

(4) The reactivation of the non-conforming use any time prior to the end of the thirty-month period; provided, however, that the restrictions of this subsection (g) and subsection (i) shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

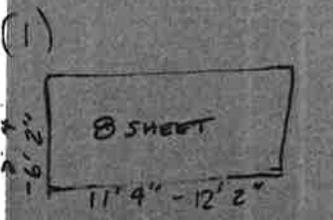
(h) Subsections (b)-(d) shall apply to an off-site sign which, for the purposes of this subsection (h), means any sign that advertises or gives direction to any business, product, service, attraction, or any other purpose or interest, other than the industrial, commercial or other business establishment located on the site where the sign is located; provided, however, that any expansion shall be limited as follows:

(1) Any off-site sign smaller than a standard 8-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of at least five feet four inches (5' 4") to six feet two inches (6' 2") in height and eleven feet four inches (11' 4") to twelve feet two inches (12' 2") in width shall not be expanded to a size greater than a standard 8-sheet poster;

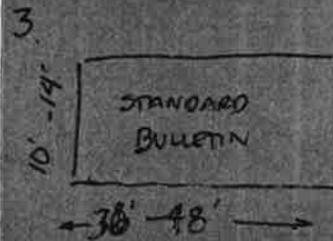
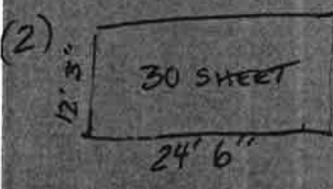
(2) Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of twelve feet three inches (12' 3") in height and twenty-four feet six inches (24' 6") in width;

(3) Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of ten feet (10') to fourteen feet (14') in height and thirty-six feet (36') to forty-eight feet (48') in width;

NON-CONFORMING PROVISIONS
BILLBOARDS



5' 4" x 6' 2" HEIGHT
11' 4" x 12' 2" WIDTH



Att. Gen. Opn. No. 06-125 8/3/06

§ 13-7-208

PUBLIC PLANNING & HOUSING

ZONING

(4) Any standard bulletin shall not be expanded to a size greater than any super bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of sixteen feet (16') to twenty feet (20') in height and sixty feet (60') in width;

(5) Any super bulletin shall not be expanded; or

(6) Any off-site sign with a height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than one hundred percent (100%) of its surface area.

(i) Notwithstanding subsection (d), any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site, provided that this subsection (i) shall not apply to off-site signs.

(j) Subsections (g), (h) and (i) do not apply to any home rule municipality; provided, however, that subject to the approval of the local legislative body, a home rule municipality may opt into these subsections.

(k) Notwithstanding subsections (a)-(i), subsection (g) shall not apply to any industrial establishment location where twenty-five percent (25%) or more of the gross annual sales from such location are derived from sales to or contracts with Local, state or federal governments or as a subcontractor to contracts with local, state or federal governments, or to any industrial establishment location where seventy-five percent (75%) or more of the gross annual sales from the location are made to agriculture or construction businesses.

(l) As used in this subsection (l):

(A) "Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development; and

(B) "Motor vehicle business establishment" means a business establishment that sells operable motor vehicles and all the motor vehicles have been previously titled, excluding any franchised retail motor vehicle dealership located on property that is principally used for the marketing and display of new motor vehicles, whether by sale, rental, lease or other commercial or financial means that is primarily housed in a structure and characterized by a mixture of the following secondary supporting uses:

(i) An inventory of new or used motor vehicles in operating condition for sale or lease either on the same parcel or at a location affiliated with a franchised retail motor vehicle dealership; and

(ii) On-site facilities for the repair and service of motor vehicles previously sold, rented or leased by the retail motor vehicle dealership.

(2) In any municipality having a metropolitan form of government and a population of over five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census, any nonconforming motor vehicle business establishment may be terminated after notice and a hearing before the board of zoning appeals upon a finding that all of the following have been established in the record before the board of zoning appeals:

(A) Another motor vehicle business establishment is located within the one thousand feet (1,000') of the nonconforming motor vehicle business establishment, in the same block as the nonconforming motor vehicle business establishment, or in the block across a public street or road from the block in which the nonconforming motor vehicle business establishment is located;

(B) The parcel on which the nonconforming motor vehicle business establishment is located has less than two hundred fifty feet (250') of frontage on any public street or road, excluding any portion of the frontage not owned or leased by the licensed operator of the nonconforming motor vehicle business establishment; and

(C) At least ten percent (10%) of the inventory of the nonconforming motor vehicle business establishment at any point in time consists of motor vehicles titled pursuant to title 55, chapter 3, part 2, including, but not limited to, vehicles with salvage titles, flood titles, rebuilt titles, or nonrepairable vehicle certificates. The operator of the nonconforming motor vehicle business establishment shall make the titles for all of the vehicles located on the premises of the nonconforming motor vehicle business establishment immediately

SUPER BULLETIN
←60'→
up to 100% expansion

BILLBOARDS

NASHVILLE ONLY
NON-CONFIRMING PROVISIONS

available upon request of a lot owner to the office of the local zoning inspector by the local zoning inspection business establishment to maintain a nonconforming motor vehicle business establishment in accordance with this section, provided that the establishment consists of the

(3) All other industrial, commercial or service establishments with a gross annual sales of less than \$500,000, according to the 2000 federal census, entitled to operate pursuant to sections 1935 Pub. Acts, c. 44, § 6; 1973 Pub. Acts, c. 113, § 1; 2004 Pub. Acts, c. 730, § 1, e; 1986 Pub. Acts, c. 141, §§ 1, 2, eff. July 1, 1986, § 1, eff. May 26, 2010. Formerly 1950 Code Supp., § 3407.6

ALR Library

- 8 ALR 4th 1087, Standing of Civic Owners' Association to Challenge Board Decision (As Aggrieved Party)
- 56 ALR 3rd 14, Zoning: Right to conforming Use of Premises After Break in the Continuity of Use Caused by Difficulties Unrelated to Environmental Activity.
- 57 ALR 3rd 279, Zoning: Right to conforming Use of Premises After Unexplained Break in the Nonconforming Use.

Burden of proof 15.7
Compensation, nonconforming use Grandfather clause 8.5
Nonconforming uses 9-15.5
Compensation 15.3
Summary judgment 15.5

1. Construction and application
To comply with statute stating nonconforming property uses cannot be expanded unless property on which will occur has sufficient space to avoid adjoining landowners, a board of zoning must initially determine that the site is large enough to accommodate the expansion, but its determination that site is large enough is not a guarantee that property owner will not create a nuisance through the construction of the proposed property. Moore v Bd. of Zoning Appeals, 2006, 205 appeal denied. Zoning And Planning Board of zoning appeals complicated stating that existing nonconforming

DIGITAL SIGN AND BILLBOARD ORDINANCE

ORDINANCE NO. 829
RESOLUTION NO. 10-20

CHAPTER 8, ARTICLE VI, SECTIONS 8-130 THROUGH 8-132

The Charter Township of Plainfield ordains:

Section 1. Amendment of Chapter 8 to Add a New Article VI, Section 8-130 through 8-132 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan. Chapter 8, Article VI, Sections 8-130 through 8-132 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan, is hereby created to read as follows:

Section 8-130. Digital Standard

(a) Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this article is to establish operating standards and regulations for signs which utilize these newer technologies, other than billboards which are regulated separately by the Township, in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(b) Definitions. For purposes of this section, the words "wall sign", "digital sign", and "freestanding sign" and "sign" shall have the same definitions as contained in the Township's adopted Zoning Ordinance, as amended from time to time.

(c) Display.

(1) A digital sign, other than a digital billboard, may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less.

(2) A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.

(3) The maximum brightness levels for digital signs, other than a digital billboard, shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital signs shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(d) Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations and ordinances of the Township.

Section 8-131. Billboards

(a) Purpose and Intent. The Township recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the Township. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold, or generated on the

lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the Township and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more businesses desire to utilize advancements in technology which permit signs (including billboards) to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish size, location and operating standards and regulations for billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the Township, and reduce traffic and similar hazards caused by undue distractions.

(b) General requirements.

(1) For purposes of this section, the words "billboard", "digital sign" and "sign" shall have the same meaning as provided in the Township's Zoning Ordinance, as amended from time to time. "Digital billboard" shall mean a billboard which incorporates, in whole or in part, a digital sign.

(2) Any double-faced billboard having back to back surface display areas, no part of which is more than two feet apart, is considered to be a single billboard.

(3) Billboard structures having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.

(4) The installation or use of a billboard is permitted only to the extent authorized by, and subject to, the provisions of the Township Zoning Ordinance as amended from time to time.

(5) No billboard may be installed or erected at any time when there are 20 or more existing billboards located in the Township.

(c) Spacing.

(1) No more than three billboards may be located within any linear mile along a street, notwithstanding the fact that such billboards may be located on different sides of the street. This distance requirement shall include in its calculation any billboards located outside of the boundaries of the Township.

(2) No billboard may be located within a radius of 1,000 feet of another billboard regardless of geographic jurisdiction or within 200 feet of existing or future residential uses.

(3) If a billboard is illuminated, the minimum distance from an existing or future residential use shall be 300 feet.

(4) No billboard may be located within 75 feet of a property line adjoining a street or 30 feet of any other boundary lines of the property on which the billboard is located.

(5) All distances as provided for in this section shall be measured radially from where the surface display area is visible.

(6) No billboard may be located on top of, cantilevered over or otherwise suspended above any building or structure.

(d) Billboard surface display area; Measurement.

(1) The maximum allowable surface display area for a digital billboard is 672 square feet if the sign is within 100 feet of U.S. 131. The maximum allowable surface display area for all other billboards at any location is 300 square feet.

(2) The surface display area of a billboard shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the billboard, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface display area. In the case of a sphere, spheroid, or similarly shaped billboard (e.g. a ball), the total surface display area shall be divided by two for determining the maximum surface display area permitted.

(e) Height of Billboards. The height of a billboard may not exceed 35 feet above the natural grade of the ground on which the billboard is located.

(f) Illumination. A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(g) Appearance. Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

(h) Construction and Maintenance. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(i) Display.

(1) The display or message on a digital billboard, of any type, may change no more frequently than once every eight seconds, with a transition period of one second or less.

(2) The display or message must otherwise comply with subsection (g) and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Ordinance.

(3) Maximum brightness levels for digital billboards shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital billboards shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(j). Other Applicable Laws. A billboard must comply with all applicable provisions of federal and state law.

(k) Permitting. Every billboard requires a Township sign permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the Township including, without limitation, the Township Zoning Ordinance as amended from time to time. Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the Township so long as the billboard or billboards are in existence. The certificate shall provide that the Township shall receive ten days written notice in case of cancellation of the policy. Any billboard in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the billboard.

(l) Other Requirements. Billboards must otherwise comply with all other relevant regulations and ordinances of the Township.

Section 8-132. Violations; Penalties

(a) Unless a section of this article specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates a provision of this article shall be responsible for a municipal civil infraction and shall be fined not less than \$2,500.00 for each violation and further subject to costs and orders as provided by law.

(b) Each day a violation occurs or continues shall constitute a separate offense; and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.

(c) The owner, co-owner and occupant(s) of any lot which is in violation of a provision of this article shall each be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided herein.

(d) Any structure which is erected, altered or converted in violation of any provision of this article is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(e) Any person or entity who, after having been determined to be responsible for a violation of a provision of this article, commits or is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

(f) The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.

(g) Nothing herein shall be interpreted to limit the authority of the Township to revoke an approval previously granted due to any violations of this article, which right is expressly reserved.

Section 2. Effective Date. This Ordinance shall take effect 30 days following its publication or a synopsis of the same as permitted by law.

ORDINANCE NO. 2015 -01
CITY OF FAYETTEVILLE, TENNESSEE

AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 14-508, OTHERWISE KNOWN AS THE SIGN ORDINANCE TO ALLOW AND REGULATE DIGITAL BILLBOARDS IN THE CORPORATE LIMITS AS REPLACEMENTS FOR TRADITIONAL BILLBOARDS THAT ARE GRANDFATHERED UNDER CURRENT REGULATIONS

WHEREAS, the City of Fayetteville has a sign ordinance in effect regulating signs in the City of Fayetteville, Tennessee: and,

WHEREAS, the current sign ordinance prohibits the installation of any new billboard type of signage and further regulates any existing billboard under the provisions of T.C.A § 13-7-208 commonly known as the "grandfather" clause; and,

WHEREAS, digital billboards are now technologically possible allowing billboard companies to use LCD, LED, and similar electronic technology to efficiently replace copy on billboards instead of using standard paper or vinyl; and,

WHEREAS, the Tennessee Department of Transportation has adopted regulations for the use of digital billboards along state routes but cities are authorized to adopt more restrictive provisions in local zoning regulations if digital billboards are to be permitted; and,

WHEREAS, the City of Fayetteville desires, under restricted circumstances, to allow digital billboards within its corporate limits as replacements to existing traditional billboards at existing locations, but requires certain regulations related to such use; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE as follows:

SECTION 1. That the City sign ordinance set forth in City Code 14-218 be amended as follows:

(a) Definition- Add a new definition in sub-section (2) for digital billboard as follows:

Digital Billboard- A Digital Billboard is an off premises billboard sign in excess of 80 square feet that is digital in nature and uses exclusively LCD (liquid crystal display),LED (light emitting diode), or similar electronic technology for providing content to the billboard.

- (b) Under sub-section 14(1), this section shall be amended by adding the following language to the existing language:

However, existing billboards that are grandfathered under State law as pre-existing, non-conforming uses may be replaced with Digital Billboards of the same or lesser size.

- (c) A new section shall also be added to City Code 14-218 with the following content:

Digital Billboards: Billboards that are existing in the City of Fayetteville which are grandfathered under State law as pre-existing, non-conforming uses may be replaced at the same location with Digital Billboards of the same or lesser size. Digital Billboards are otherwise prohibited in the City of Fayetteville. Such replacement Digital Billboards shall only be permitted if found to be in accordance with the following rules and regulations:

- (1) The message display shall remain static and fixed for a minimum of eight (8) seconds with a maximum transition time of one (1) second to the next message. Transitions shall not be scrolling, but shall be instantaneous.
- (2) Video, continuous scrolling messages and animation are prohibited.
- (3) The minimum spacing of the Digital Billboards shall be 2,000 feet between Digital Billboards measured billboard to billboard.
- (4) No person shall erect, operate, use or maintain a Digital Billboard without first obtaining and annually renewing a sign permit from the City of Fayetteville.
- (5) Digital Billboards must be single-faced with one display area.
- (6) Digital Billboards must be located at least one hundred (100) feet from any residentially zoned property measured from the closest point of any structural element of the billboard to the residential property line.
- (7) Displays on Digital Billboards are prohibited where they have varying light illumination and/or intensity (except as provided for in item 9 below), blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, traveling, tracing, twinkling or simulated movement or convey the illusion of movement other than the change of the entire copy of the sign message at one time.
- (8) No smoke, steam, or noise shall emanate from the Digital Billboard.

- (9) The light intensity of a Digital Billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions. Using industry standards, daytime brightness levels shall be no more than 90% maximum intensity. At night the brightness shall be reduced to no more than 20% of maximum light intensity for an LED (light emitting diode) sign.
- (10) Owners of Digital Billboards shall coordinate with the City of Fayetteville to convey real time emergency information such as Amber Alerts or National Disaster Directives.
- (11) A Digital Billboard shall be at the same or lesser height as the billboard it replaces.
- (12) A Digital Billboard shall be stationary and not contain any visible moving parts.
- (13) Digital Billboards shall conform to all applicable building standards and specifications adopted by the City of Fayetteville.
- (14) Digital Billboards shall not be lit externally, but instead only lit internally.
- (d) Section 14-508.7, Nonconforming and Non-complying Sign Provisions, shall be amended and the following language shall be added to the existing language as Section 14-508.7(3):

This section shall not apply to Digital Billboards which are regulated separately.

- (e) Section 14-508.3(4) shall be amended by adding the following language as sub-section (k):

This sub-section shall not apply to Digital Billboards which are regulated separately.

SECTION 2. This Ordinance shall become effective from and after its final passage of public welfare requiring it.

ADOPTED THIS 10th DAY OF March, 2015.



Scott Collins, City Clerk



Jon Law, Mayor

William McCord (Planning)

From: Bill Rush [brush@lamar.com]
Sent: Monday, July 27, 2015 1:02 PM
To: William McCord (Planning); Rosemary Bates (Mayor's Office)
Cc: Denise Shewmake
Subject: TCA-re Digital Illumination

Tenn. Code Ann. § 54-21-122

TENNESSEE CODE ANNOTATED
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*** Current through the 2014 Regular Session and amendments approved at the November 4, 2014
General Election ***

Title 54 Highways, Bridges And Ferries
Chapter 21 Billboard Regulation and Control Act of 1972

Tenn. Code Ann. § 54-21-122 (2014)

54-21-122. Changeable message signs.

- (a)** Changeable message signs may be double faced, back to back or V- type signs.
- (b)** Changeable message signs with a digital display that meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:
- (1)** The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
- (2)** Video, continuous scrolling messages and animation are prohibited; and
- (3)** The minimum spacing of the changeable message signs with a digital display on the interstate system or controlled access highways is two thousand feet (2,000'); provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred square feet (100 sq. ft.) in total area, to give public information, such as time, date, temperature or weather, or to provide the price of a product, the amount of a lottery prize or similar numerical information supplementing the content of a message otherwise displayed on the sign face shall not be subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d), or to any fee for a permit addendum as established in § 54-21-104(b).
- (c)** No person shall erect, operate, use or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the permit and tag, as provided in § 54-21-104. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required to obtain any additional permit under this subsection (c).
- (d)** No person shall erect, operate, use or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required

to obtain any addendum under this subsection (d).

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising device or in any nonconforming location.

(f) Notwithstanding any other state law or regulation to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) shall have up to, but no more than, one hundred eighty (180) calendar days after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within this required time, the permit or addendum to the permit shall be revoked and the changeable message sign with the digital display shall be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

(g) Any application for a permit or addendum for a digital display as described in this section may be made using the form for an application for permit for an outdoor advertising device existing on June 1, 2008, until a separate form is available.

(h) (1) All changeable message signs installed on or after July 1, 2014, shall come equipped with a light sensing device that automatically adjusts the brightness in direct correlation with ambient light conditions.

(2) The brightness of light emitted from a changeable message sign shall not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') for those sign faces less than or equal to three hundred square feet (300 sq. ft.), measured at a distance of two hundred feet (200') for those sign faces greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.), measured at a distance of two hundred fifty feet (250') for those sign faces greater than three hundred eighty-five square feet (385 sq. ft.) and less than or equal to six hundred eighty square feet (680 sq. ft.), measured at a distance of three hundred fifty feet (350') for those sign faces greater than six hundred eighty square feet (680 sq. ft.), or subject to the measuring criteria in the applicable table set forth in subdivision (h)(4).

(3) Any measurements required pursuant to this subsection (h) shall be taken from a point within the highway right-of-way at a safe distance from the edge of the traveled way, at a height above the roadway that approximates a motorist's line of sight, and as close to perpendicular to the face of the changeable message sign as practical. If perpendicular measurement is not practical, valid measurements may be taken at an angle up to forty-five degrees (45 degrees) from the center point of the sign face. If measurement shows a level above that prescribed in subdivision (h)(4), the exact calculations shall be provided to the sign permit holder.

(4) In the event it is found not to be practical to measure a changeable message sign at the distances prescribed in subdivision (h)(2) a measurer may opt to measure the sign at any of the alternative measuring distances described in the applicable table set forth in this subdivision (h)(4). In the event the sign measurer chooses to measure the sign using an alternative measuring distance, the prescribed foot candle level above ambient light shall not exceed the prescribed level, to be determined based on the alternative measuring distances set forth in the tables in subdivisions (h)(4)(A), (B), (C), and (D), as applicable. For any measuring distance between the alternative measuring distances set forth in the following tables, the prescribed foot candle level above ambient light shall not exceed the interpolated level derived from the following formula: [Click here to view image](#). Where I_1 = the prescribed foot candle level above ambient light for the measuring distance listed in the tables, I_2 = the derived foot candle level above ambient light for the desired measuring distance, D_1 = the desired measuring distance in feet, and D_2 = the alternative measuring distance in feet listed in the tables, as follows:

(A) For changeable message signs less than or equal to three hundred square feet (300 sq. ft.):

Click here to view image.

(B) For changeable message signs greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.): Click here to view image.

(C) For changeable message signs greater than three hundred eighty-five square feet (385 sq. ft.) but less than or equal to six hundred eighty square feet (680 sq. ft.): Click here to view image.

(D) For changeable message signs greater than six hundred eighty square feet (680 sq. ft.): Click here to view image.

(5) This subsection (h) shall apply to all changeable message signs located in this state operated pursuant to a permit issued by the commissioner.

HISTORY: Acts 2007, ch. 76, § 2; 2008, ch. 1155, §§ 3, 4; 2013, ch. 401, § 1; 2014, ch. 823, §§ 1-3.

Bill Rush

Lamar TN, LLC-Nashville
Real Estate Manager
OAAT Executive Director
BSA Troop 76-Chair
off: 615-228-5500
800-647-1578
cell: 615-513-3870
fax: 615-228-5997

MURFREESBORO CITY CODE

- (d) All aspects of the installation of a wall-mounted flagpole must comply with the applicable provisions of the adopted International Building Code, as amended.
 - (e) No wall-mounted flagpole shall display a flag sign greater than 40 sf in size.
 - (f) The lowest portion of a flag sign which is displayed on a wall-mounted flagpole must not extend to closer than 10 ft. above any surface (whether at grade or elevated) which is available for public passage.
 - (g) Neither the flag sign, flagpole or other support structure may extend over a public ROW.
 - (h) Neither the flag sign, flagpole or other support structure may extend over an adjoining property line without the written consent of the adjoining property owner.
- (8) ALLOWABLE CHANGEABLE SIGNS.

Except as provided in subsection (d) of this subsection (8):

- (a) Non-commercial manual changeable copy signs are allowed in any zoning district subject to the following:
 - [1] The background of each changeable copy portion of a sign must be of a single, constant color.
 - [2] The copy or other message displayed may not be changed more often than once every 1 hour.
 - [3] Lighting and size are subject to the provisions of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located.
 - [4] All other provisions and limitations of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located apply to these signs.
- (b) Commercial manual changeable copy signs are allowed in any non-residential zoning district (including the non-residential portion of a PUD District) subject to the following:
 - [1] The background of each changeable copy portion of a sign must be of a single, constant color.
 - [2] The copy or other message displayed may not be changed more often than once every 1 hour.
 - [3] Lighting and size are subject to the provisions of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located.
 - [4] All other provisions and limitations of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located apply to these signs.
- (c) Non-commercial and commercial automated changeable copy signs are allowed in any non-residential zoning district (including the non-residential portion of a PUD district) subject to the following:
 - [1] The background of each changeable copy portion of the sign must be of a single, constant color.
 - [2] The copy or other message displayed may not be changed more often than once every 1 hour.

MURFREESBORO CITY CODE

- [3] Lighting and size are subject to the provisions of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located.
- [4] All other provisions and limitations of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in the zoning district where the sign is located apply to these signs.

(d) No Building ID sign or Development ID sign in any zoning district shall consist, in whole or in any part, of any manual or automated changeable copy sign.

(e) Any manual changeable copy sign which legally exists (including legal non-conforming signs) on the effective date of this ordinance in any non-residential zoning district (including the non-residential portion of a PUD district) may be converted to an automated changeable copy sign, subject to all other provisions and limitations of Chapter 25 $\frac{1}{4}$ which are applicable to other signs in that zoning district, upon application for and issuance of a sign permit pursuant to Chapter 25 $\frac{1}{4}$.

(f) An automated changeable copy sign may be incorporated into an off-site permanent sign which legally exists (including legal non-conforming signs) on the effective date of this ordinance upon application and issuance of a sign permit pursuant to Chapter 25 $\frac{1}{4}$, subject to the following:

[1] The background of each changeable copy portion of the sign must be of a single, constant color.

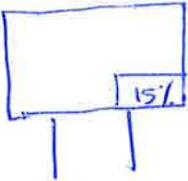
[2] The copy or other message displayed may not be changed more often than once every 1 hour.

[3] The automated changeable copy portion of the off-site permanent sign may not exceed 15% of the total off-site permanent sign display surface area.

[4] The condition of all other portions of the off-site permanent sign must satisfy all requirements of this Chapter 25 $\frac{1}{4}$.

[5] The application must include drawings and calculations stamped by a registered Tennessee engineer, which are acceptable to the City, to demonstrate that the sign structure, as previously existing or as to be modified in connection with the incorporation of an automated changeable copy sign, is structurally sufficient to safely support the automated changeable copy sign.

Billboard



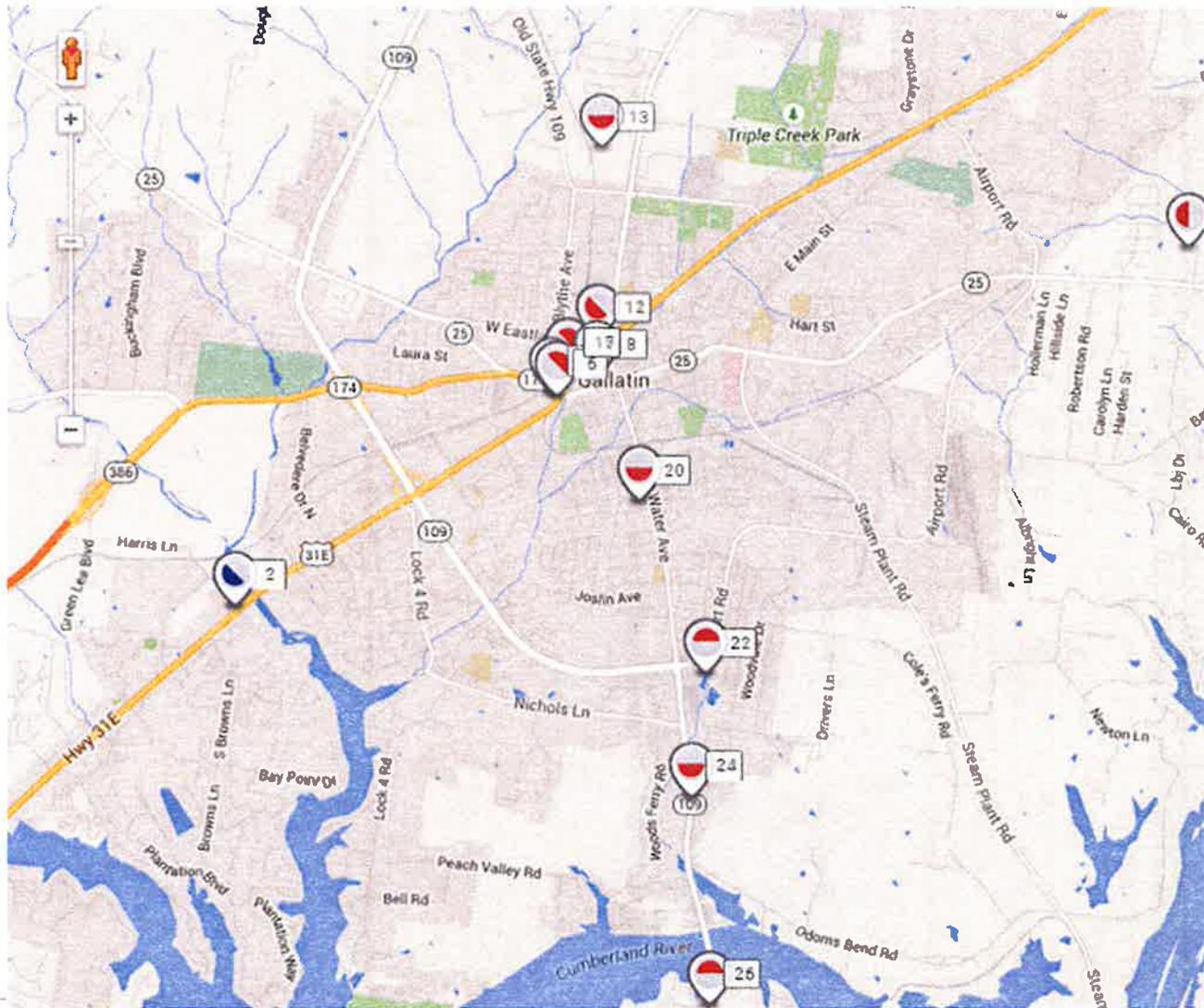
[Ord. No. 90-36 §9, 08-16-90; Ord. No. 92-7 §1, 01-23-92; Ord. No. 92-11 §3, 01-30-92; Ord. No. 92-33 §§6-10, 07-23-92; Ord. No. 92-O-09 §§13-16, 12-03-92; Ord. No. 92-O-12 §8, 01-14-93; Ord. No. 93-O-18 §3, 07-01-93; Ord. No. 94-O-50 §12, 09-29-94; Ord. No. 95-O-48 §§20, 21, 09-14-95; Ord. No. 95-O-31 §2, 10-12-95; Ord. No. 95-O-59 §11, 11-09-95; Ord. No. 96-O-07 §6, 03-07-96; Ord. No. 96-O-31 §§6-16, 05-09-96; Ord. No. 98-O-05 §§1, 2, 02-19-98; Ord. No. 98-O-42 §§15-18, 10-15-98; Ord. No. 99-O-37 §7, 08-12-99; Ord. No. 00-O-16 §6, 05-25-00; Ord. No. 00-O-63 §1, 11-16-00; Ord. No. 00-O-80, §2, 01-25-01; Ord. No. 02-O-59, §§1-4, 10-10-02; Ord. No. 03-O-53 §15, 16, 01-08-04; Ord. No. 04-O-15 §2-4, 04-22-04; Ord. No. 05-O-24 §§3, 4, 06-02-05; Ord. No. 05-O-26 §1, 06-02-05; Ord. No. 06-O-21 §3, 06-22-06; Ord. No. 06-O-42 §§1-3, 08-24-06; Ord. No. 06-O-46 §§4-6, 12-14-06; Ord. No. 07-O-40 §§7-21, 11-08-07; Ord. No. 09-O-13 §5, 05-21-09; Ord. No. 09-O-14 §8, 05-21-09; Ord. No. 10-O-40 §§16-21, 12-09-10; Ord. No. 11-O-06 §3, 03-10-11; Ord. No. 11-O-32 §§4-6, 10-13-11; Ord. No. 14-O-43 §2, 09-11-14]



Gallatin Billboards

Lamar Advertising of Nashville

Lamar Locations in Gallatin



Before and After – Static to Digital



Location List

	1	40835	30554540	Permanent Bulletin / Regular	South		8	71392	230088	Poster / Retro	East
Location: US HWY 31 E @ 8401 BLUE JAY WAY Current Advertiser: MIRACLE CHRYSLER-PLYMOUTH-DODGE						Location: MAIN STREET @ FIRESTONE OB P2 S/CR Current Advertiser: SONIC CO-OP FRANCHISES					
	2	40834	30554539	Permanent Bulletin / Regular	North East		9	71401	230089	Poster / Retro	East
Location: US HWY 31 E @ 8401 BLUE JAY WAY Current Advertiser: FLO COMFORT						Location: US 31-E N/255 BROADWAY OB P-1 S/C(R)U Current Advertiser: GRANVILLE MUSEUM- HISTORIC GRANVILLE					
	3	91993	7408448	Poster / Retro	South		10	71402	230090	Poster / Retro	South
Location: WS HWY 31E .8 MI S/O HWY 31/25 INTERSECT Current Advertiser: FIRST STATE BANK						Location: US 31-E N / 255 BROADWAY IB P-2 S/C(R)U Current Advertiser: VIC JENKINS AUTOMOTIVE CO					
	4	91994	7408449	Poster / Retro	North		11	461	230032	Poster / Retro	North East
Location: WS HWY 31E .8 MI S/O HWY 31/25 INTERSECT Current Advertiser: SUMNER REGIONAL MEDICAL CENTER						Location: W BROADWAY @ W EASTLAND Current Advertiser: POPEYES					
	5	40841	621883	Poster / Retro	North	 Gallatin, Tn					
Location: 425 W MAIN STREET Current Advertiser: MIRACLE FORD											
	6	40842	621884	Poster / Retro	South	Map Icon	Label	Panel#	TAB ID	Media/Style	Facing
Location: 425 W MAIN STREET Current Advertiser: CITIZENS BANK OF GALLATIN							12	462	230033	Poster / Retro	North East
	7	71391	230087	Poster / Retro	West	Location: W BROADWAY @ W EASTLAND R Current Advertiser: COMMERCE UNION BANK					
Location: MAIN STREET @ FIRESTONE IB P1 S/CR Current Advertiser: PERKINS DRUG AND GIFT SHOPPE											

Location List

 13 2931 229945 Poster / Retro North

Location: ST 109 NORTH LOC 1/P1 IB
Current Advertiser: KRYSTAL COMPANY

 14 71401 230089 Poster / Retro East

Location: US 31-E N/255 BROADWAY OB P-1 S/C(R)U
Current Advertiser: GRANVILLE MUSEUM- HISTORIC GRANVILLE

 15 71402 230090 Poster / Retro South

Location: US 31-E N / 255 BROADWAY IB P-2 S/C(R)U
Current Advertiser: VIC JENKINS AUTOMOTIVE CO

 16 71451 230093 Poster / Retro South

Location: 428 SOUTH WATER S/CU
Current Advertiser: STATE FARM

 17 71452 230094 Poster / Retro North

Location: 428 SOUTH WATER S/CU
Current Advertiser: STATE FARM

 18 71441 230091 Poster / Retro North

Location: 1315 HWY 109 S
Current Advertiser: TWELVE CORNERS NURSERY

 19 71442 230092 Poster / Retro South

Location: 1315 HWY 109 S
Current Advertiser: BAYMONT INN AND SUITES

 20 51201 30493358 Poster / Retro North

Location: 8120 HIGHWAY 109
Current Advertiser: CIRRUS OUTDOOR POWER EQUIPMENT

 21 51200 30493357 Poster / Retro South

Location: 8120 HIGHWAY 109
Current Advertiser: MIRACLE CHRYSLER-PLYMOUTH-DODGE

 22 40744 569845 Poster / Retro North

Location: 7738 HWY 109
Current Advertiser: MCDONALD'S



Gallatin, Tn

Map Icon **Label** **Panel#** **TAB ID** **Media/Style** **Facing**

 23 40743 569844 Poster / Retro South

Location: 7738 HWY 109
Current Advertiser: MCDONALD'S



Before and After – Static to Digital



Current, Past and Waiting Advertisers

- ▶ Sumner Regional
 - ▶ Krystals
 - ▶ De-Sta-Co Factory
 - ▶ Coke
 - ▶ Lipscomb University
 - ▶ Mid American Fireworks
 - ▶ Pain MD
 - ▶ Window World
 - ▶ Gallatin Animal Hospital
 - ▶ Wilson County Bank
 - ▶ Commerce Union Bank
 - ▶ Cole and Garrett funeral
 - ▶ Durham Farms
 - ▶ Sumner Health Department
 - ▶ Citizens Bank of Gallatin
 - ▶ GF Puhl Company
 - ▶ Holder's Family Center
 - ▶ America's Home Place
 - ▶ 1st Franklin Financial
 - ▶ IHOP in Gallatin
 - ▶ Sumner Bank and Trust
 - ▶ Chick Fil A
 - ▶ Wilks Publications
 - ▶ Bubble Up agency
-





ADVERTISING COMPANY

Thank You

A small blue triangle graphic is located at the bottom left corner of the page, below the dashed line.

User Name: Susan High-McAuley

Date and Time: Nov 05, 2015 4:05 p.m. EST

Job Number: 25892440

Document(1)

1. *Reed v. Town of Gilbert, 135 S. Ct. 2218*

Client/Matter: -None-

Narrowed by:

Content Type
Cases

Narrowed by
-None-

Reed v. Town of Gilbert

Supreme Court of the United States

January 12, 2015, Argued; June 18, 2015, Decided

No. 13-502

Reporter

135 S. Ct. 2218; 192 L. Ed. 2d 236; 2015 U.S. LEXIS 4061; 83 U.S.L.W. 4444; 25 Fla. L. Weekly Fed. S 383

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

town while at the same time allowing unlimited numbers of other types of signs that created the same problem, and had not shown that limiting temporary directional signs was necessary to eliminate threats to traffic safety, but that limiting other types of signs was not.

Notice: The LEXIS pagination of this document is subject to change pending release of the final published version.

Prior History: [***1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Reed v. Town of Gilbert, 707 F.3d 1057, 2013 U.S. App. LEXIS 2715 (9th Cir. Ariz., 2013)

Outcome

Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

Disposition: Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

LexisNexis® Headnotes

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > Scope

Core Terms

signs, regulation, strict scrutiny, content-based, temporary, message, content based, viewpoint, Church, restrictions, ideological, ordinance, content neutral, categories, exemptions, facially, content-neutral, conveys, election, requires, limits, subject to strict scrutiny, subject matter, suppression, qualifying, display, courts, trigger, motive, municipal

HN1 The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws abridging the freedom of speech. U.S. Const. amend. I. 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. 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.

Case Summary

Overview

HOLDINGS: [1]-Provisions in a town’s sign code, Gilbert, Ariz., Land Development Code, ch. 1, § 4.402 (2005), which imposed more stringent restrictions on signs directing the public to a meeting of a nonprofit group than it did on signs conveying other messages, were content-based regulations of speech because the restrictions in the sign code that applied to any given sign depended entirely on the communicative content of the sign; [2]-The provisions could not survive First Amendment strict scrutiny because the town could not claim that placing strict limits on temporary directional signs was necessary to beautify the

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN2 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. 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. 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. Supreme Court 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. Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN3 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. Illicit 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. Although a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary. In other words, an innocuous justification cannot transform a facially content-based law into one that is content neutral.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN4 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN5 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 abridgement of speech—rather than merely the motives of those who enacted them. *U.S. Const. amend. I*. 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN6 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 it is well established that 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. Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN7 The fact that a distinction is speaker based does not automatically render the distinction content neutral. Because speech restrictions based on the identity of the speaker are all too often simply a means to control content, the Supreme Court has insisted that laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference. 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. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN8 A speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN9 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN10 Where a law 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN11 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.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > General Overview

HN12 Not all distinctions are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny.

Lawyers' Edition Display

Decision

[**236] Town's outdoor-signs code provisions treating ideological signs, political signs, and signs directing public to church or other "qualifying event" differently from each other held to be content-based regulations that violated First Amendment.

Summary

Overview: HOLDINGS: [1]-Provisions in a town's sign code, Gilbert, Ariz., Land Development Code, ch. 1, § 4.402 (2005), which imposed more stringent restrictions on signs directing the public to a meeting of a nonprofit group than it did on signs conveying other messages, were content-based regulations of speech because the restrictions in the sign code that applied to any given sign depended entirely on the communicative content of the sign; [2]-The provisions could not survive First Amendment strict scrutiny because the town could not claim that placing strict limits on temporary directional signs was necessary to beautify the town while at the same time allowing unlimited numbers of other types of signs that created the same problem, and had not shown that limiting temporary directional signs was necessary to eliminate threats to traffic safety, but that limiting other types of signs was not.

Outcome: Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

Headnotes

CONSTITUTIONAL LAW §36.3 CONSTITUTIONAL LAW §930 CONSTITUTIONAL LAW §935 > SPEECH -- STATE RESTRICTION -- CONTENT > Headnote:

LEdHN[1] [1]

The First Amendment, applicable to the states through the Fourteenth Amendment, prohibits the enactment of laws abridging the freedom of speech. U.S. Const. Amend. I. 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. 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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH -- CONTENT-BASED REGULATION -- SCRUTINY > Headnote:

LEdHN[2] [2]

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. 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. 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. Supreme Court 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. Those laws, like those that are content based on their face, must also satisfy strict scrutiny. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION -- CONTENT BASIS -- SCRUTINY > Headnote:

LEdHN[3] [3]

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. Illicit 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. Although a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary. In other words, an innocuous justification cannot transform a facially content-based law into one that is content neutral. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION
-- CONTENT BASIS -- SCRUTINY > Headnote:

LEdHN[4] [4]

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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION
-- MOTIVES -- CONTENT BASIS > Headnote:

LEdHN[5] [5]

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 abridgement of speech--rather than merely the motives of those who enacted them. U.S. Const. Amend. I. 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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION
-- CONTENT BASIS -- VIEWPOINT -- TOPIC > Headnote:

LEdHN[6] [6]

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 it is well established that 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. Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 CONSTITUTIONAL LAW §951
CONSTITUTIONAL LAW §971 > SPEAKER -- CONTENT NEUTRALITY -- CORPORATE POLITICAL SPEECH -- NEWSPAPERS > Headnote:

LEdHN[7] [7]

The fact that a distinction is speaker based does not automatically render the distinction content neutral. Because speech restrictions based on the identity of the speaker are all too often simply a means to control content, the Supreme Court has insisted that laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference. 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. Characterizing a distinction as speaker based is only the beginning--not the end--of the inquiry. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION
-- CONTENT BASIS > Headnote:

LEdHN[8] [8]

A speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. 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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH REGULATION
-- CONTENT BASIS > Headnote:

LEdHN[9] [9]

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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §935 > SPEECH RESTRICTIONS
-- CONTENT BASIS -- SCRUTINY > Headnote:

LEdHN[10] [10]

Where a law 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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §930 > SPEECH RESTRICTION
-- DAMAGE > Headnote:

LEdHN[11] [11]

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. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936 > SPEECH
--CONTENT-BASED DISTINCTIONS -- SCRUTINY
> Headnote:

LEdHN[12] [12]

Not all distinctions are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

Syllabus

[*2221] [**240] 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 [***2] 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.* _____, 192 L. Ed. 2d, at 245-251.

(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, 555-556.* And courts are required [***3] to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id., at _____, 131 S. Ct. 2653, 180 L. Ed. 2d 544.* 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. _____, 192 L. Ed. 2d, at 245.

(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 [**241] 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. _____, 192 L. Ed. 2d, at 245.

(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 [***4] 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 Amendments hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic," [***5] Consolidated Edison Co. of N. Y. v. Public Service Comm'n, 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. _____, 192 L. Ed. 2d, at 246-250.

(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. [**242] See [***6] Arizona Free Enterprise Club's Freedom Club PAC v. Bennett, 564 U. S. _____, 131 S. Ct. 2806, 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, 123 L. Ed. 2d 99 507 U.S. 410, 113 S. Ct. 1505, 123 L. Ed. 2d 99. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. _____, 192 L. Ed. 2d, at 250-251.

(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. _____, 192 L. Ed. 2d, at 251.

707 F. 3d 1057, reversed and remanded.

Counsel: David A. Cortman argued the cause for petitioners.

Eric J. Feigin argued the cause for the United States, as amicus curiae, by special leave of court.

Philip W. Savrin argued the cause for respondents.

Judges: Thomas, J., delivered the [***7] 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

Opinion by: Thomas

Opinion

[*2224] 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 [**243] 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. [***9] 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. [***10]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.*

¹ The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> [***8] (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,”

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday [***11] church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at [**244] 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 [***12] 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 [**226] 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 [***13] 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 (CA9 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 [**245] 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 [***14] 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

HNI LE dHN[1] [1] 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 Dep't 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

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.

135 S. Ct. 2218, *2226; 192 L. Ed. 2d 236, **245; 2015 U.S. LEXIS 4061, ***14

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] **HN2 LE_{HN}[2]** [2] 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 544 555-556 (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, 33 L. Ed. 2d 212. 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. 2653, 2663, 180 L. Ed. 2d 544 555. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, [***15] 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.

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

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 [**246] 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 [***16] 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.

I

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] [***17] 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, 105 L. Ed. 2d 661; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. **HN3 LE_{HN}[3]** [3] 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, 116 L. Ed. 2d 476. Although “a content-based purpose may be sufficient in certain circumstances to show

that a regulation [***18] 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 [***247] cannot transform a facially content-based law into one that is content neutral.

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. 2653, 2663-2664, 180 L. Ed. 2d 544 555-556 (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. 1973, 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”). [***19] **HN4 LE_dHN[4]** [4] 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, 109 S. Ct. 2746, 105 L. Ed. 2d 661, and n. 2. In that context, we looked to [***229] 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, 105 L. Ed. 2d 661. But *Ward*’s framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (Kennedy, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765, 120 S. Ct. 2480, 147 L. Ed. 2d 597.

The *First Amendment* requires no less. **HN5 LE_dHN[5]** [5] Innocent motives do not eliminate the danger of censorship [***20] 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, [***248] but that it lends itself to use for those purposes.” *Hill*, *supra*, at 743, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (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, 9 L. Ed. 2d 405. 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, 9 L. Ed. 2d 405. Likewise, one could easily imagine a Sign Code compliance manager who [***21] 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, 123 L. Ed. 2d 99. We do so again today.

2

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 [***22] 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.

This analysis conflates two distinct but related limitations that the First Amendment [*2230] places on government regulation of speech. HN6 LEdHN[6] [6] 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. v. Public Service Comm’n, 447 U.S. 530, 537, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (1980).

[**249] 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. [***23] See Discovery Network, supra, at 428, 113 S. Ct. 1505, 123 L. Ed. 2d 99. 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 [***24] 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.

Should we have different sign sizes depending on zoning designation.

In any case, HN7 LEdHN[7] [7] 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, 129 L. Ed. 2d 497. 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, 175 L. Ed. 2d 753. Characterizing a distinction [***231] as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code’s distinctions hinge on “whether [***25] 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 [***250] 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.

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, *HN8 LEdHN[8]* [8] 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 ___, 192 L. Ed. 2d, at 245. 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 [***26] 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 *HN9 LEdHN[9]* [9] 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

HN10 LEdHN[10] [10] 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, 675 (2011) (quoting *Citizens United*, 558 U. S., at 340, 130 S. Ct. 876, 175 L. Ed. 2d 753). 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 [***27] 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, 123 L. Ed. 2d 99, 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 [***251] 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.

In light of this underinclusiveness, the Town has not met its [***28] burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because *HN11 LEdHN[11]* [11] 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

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. *HN12 LEdHN[12]* [12] 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, 82 L. Ed. 2d 221.

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, [***29] 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, 80 L. Ed. 2d 772 (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

135 S. Ct. 2218, *2232; 192 L. Ed. 2d 236, **251; 2015 U.S. LEXIS 4061, ***29

1250, 1264-1269 (CA11 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 (CA1 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, 129 L. Ed. 2d 36. 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 [***30] 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 [**252] 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.

Concur by: Alito; Breyer; Kagan

Concur

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. v. Public Service Comm'n*, 447 U.S. 530, 537, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (1980).

As the Court shows, the regulations [***31] 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. [***32] [**253] 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

* 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.

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 [*2234] 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 [***33] 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 Dep't 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 [***34] 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 [**254] 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 [***35] 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. §78l (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 [***36] 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, 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 [***37] appropriate. See Sorrell v. IMS Health Inc., [**255] 564 U.S. , , 131 S. Ct. 2653, 2667, 180 L. Ed. 2d 544, 559 (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 [***38] 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, 2541-2544, 183 L. Ed. 2d 574, 584-587 (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." [***39] 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 [**256] 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 [***40] 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 , 192 L. Ed. 2d, at 250 (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 , 192 L. Ed. 2d, at 249, 251-252. And although the

majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at _____, 192 L. Ed. 2d, at 251, 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, 191 L. Ed. 2d 570, 584 (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.” [*2237] *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 [***41] 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 [**257] ordinances is “essential” to protecting *First Amendment* freedoms, *ante*, at _____, 192 L. Ed. 2d, at 250, 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, 514 (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 [***43] with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Wash. Educ. Ass’n*, 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, 120 L. Ed. 2d 305). 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. v. Public Service Comm’n*, 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, 65 L. Ed. 2d 319 (quoting [**2238] *Police Dep’t 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 _____, 192 L. Ed. 2d, at 252 (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 [***44] 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, 120 L. Ed. 2d 305 (quoting *Simon & Schuster, Inc. v. Members of N. Y. [**258] 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

* 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 _____, 192 L. Ed. 2d, at 252 (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 _____, 192 L. Ed. 2d, at 245, 249 (majority opinion). Indeed, the precise reason the majority [***42] 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 _____, 192 L. Ed. 2d, at 250.

imperiled by strict scrutiny can survive. *Ante*, at , 192 L. Ed. 2d, at 250. 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, 168 L. Ed. 2d 71; see *R. A. V.*, 505 U. S., at 388, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (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 [***45] 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, 168 L. Ed. 2d 71 (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, 80 L. Ed. 2d 772 (listing exemptions); see *id.*, at 804-810, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (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, 80 L. Ed. 2d 772; 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, [***46] safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46-47, 114 S. Ct. 2038, 129 L. Ed. 2d 36, and n. 6 (listing exemptions); *id.*, at

53, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (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.

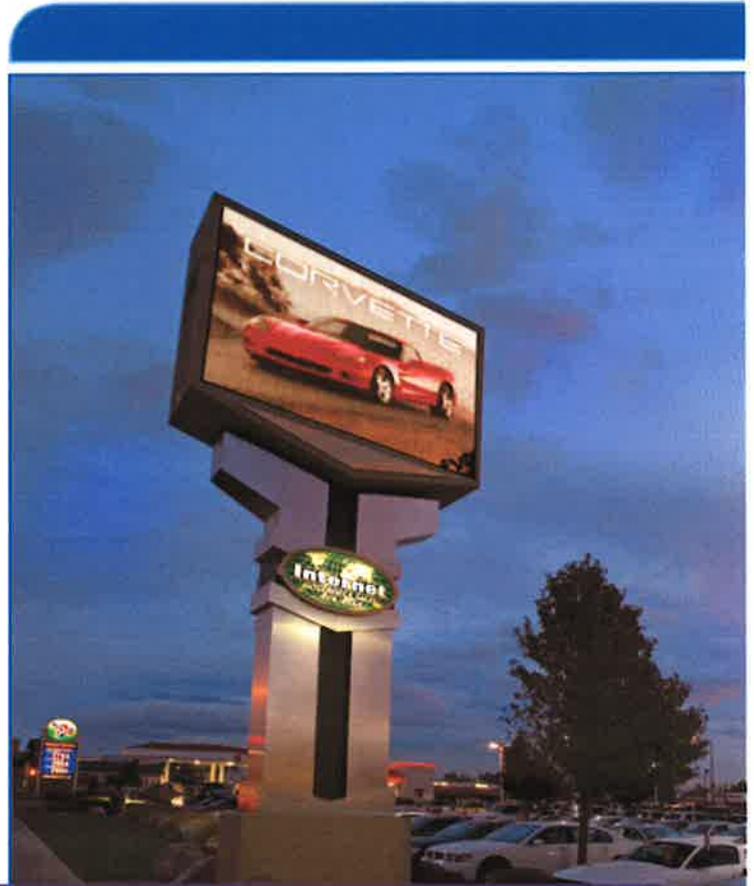
The majority could easily have taken *Ladue*’s tack here. The *Town of Gilbert*’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, [***259] or intermediate scrutiny, or even the laugh test. See *ante*, at , 192 L. Ed. 2d, at 250 (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. [***47] 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 , 192 L. Ed. 2d, at 250. 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 [***48] regulations quite unlike the law before us, I concur only in the judgment.

References

(Matthew Bender 2d ed.) (Matthew Bender 3d ed.)L Ed Digest, Constitutional Law §§936, 971L Ed Index, Freedom of Speech and Press..The Supreme Court.

Recommended
Night-time
Brightness Levels
for On-Premise
Electronic Message
Centers (EMC's)



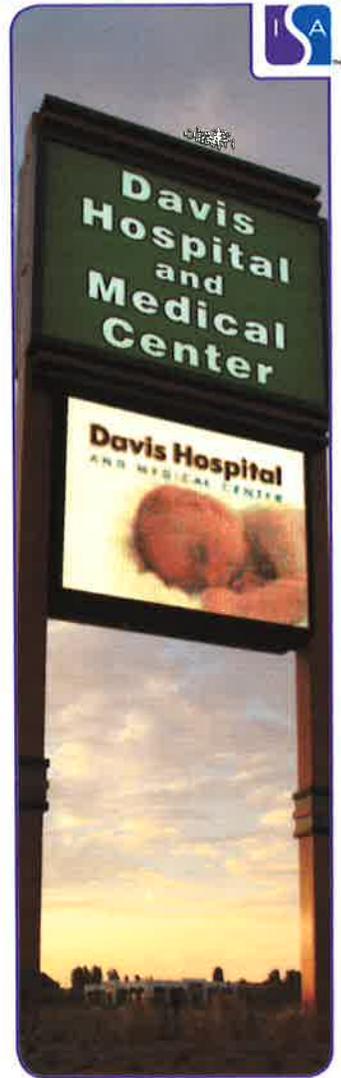
INTERNATIONAL
SIGN ASSOCIATION

A COMPILATION SUMMARY WITH EXTRACTS FROM INDUSTRY REPORTS

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Introduction



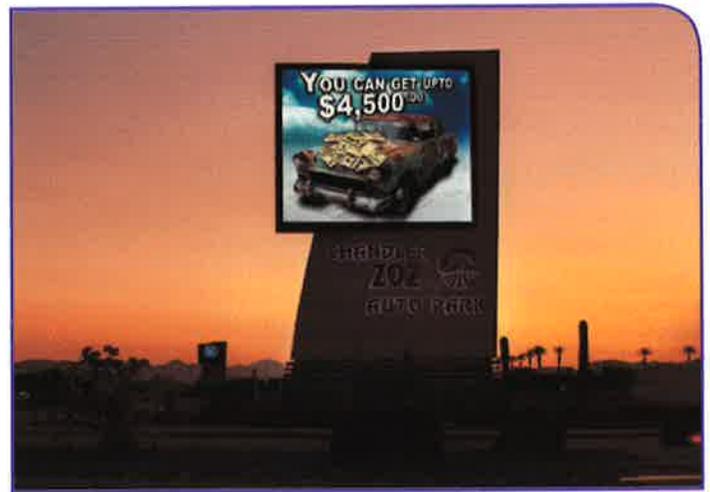
Electronic Message Centers (EMC's)

One of the more interesting types of signage that is becoming increasingly popular is on-premise **electronic message centers**, or EMCs. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.



Digital billboard/off-premise sign advertising an automobile business away from where the sign is located



Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.



That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC's use a different lighting technology than most of these types of signs, and as such the scientific approach differs.



You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary

ISA Electronic Message Display Brightness Recommendations



This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

- 1) *an overview of the importance of ensuring appropriate brightness,*
- 2) *technology utilized to ensure appropriate brightness,*
- 3) *recommended brightness standards, and*
- 4) *brightness measurement methodology.*

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring than an electronic display is not overly bright. These advantages include:

- » Conservation of energy
- » Increased life expectancy of the electronic display components
- » Building goodwill with the community
- » Ensuring the legibility of the display

It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. *Manual Dimming.* Using this method, the sign operator dims the display in response to changing ambient light conditions.
2. *Scheduled Dimming.* Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.
3. *Photocell Technology.* An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.



Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.

3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive (\$100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~\$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.



Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*





1001 N. FAIRFAX STREET, SUITE 301
ALEXANDRIA, VA 22314
703.836.4012 PH
703.836.8353 FAX
WWW.SIGNS.ORG



RECOMMENDED NIGHT-TIME BRIGHTNESS LEVELS FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS

Six STEPS: EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)

STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

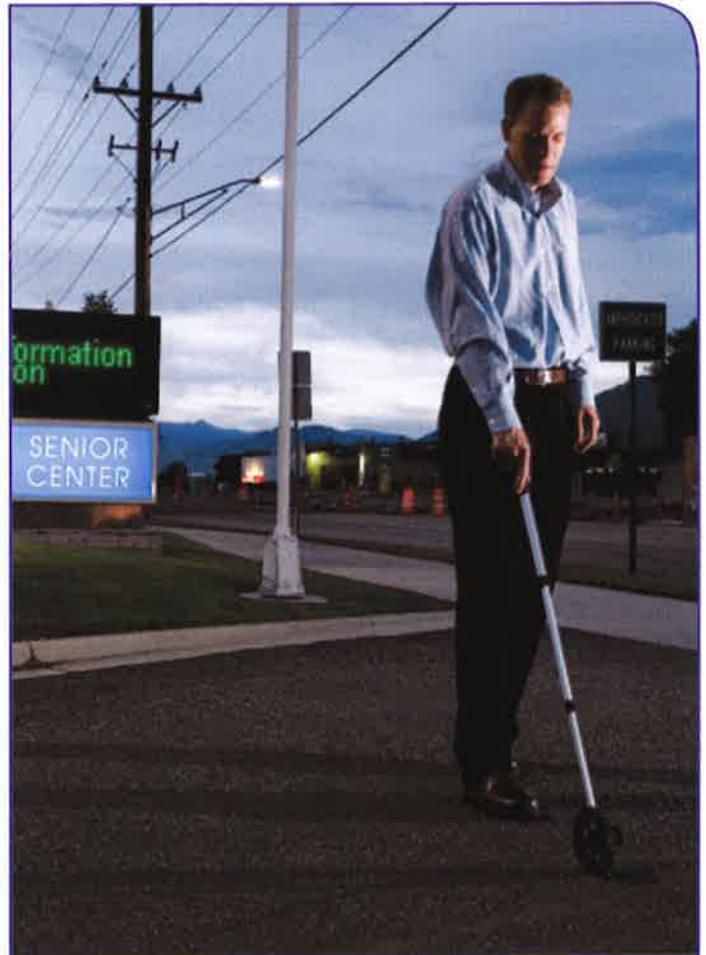
Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



How to Measure the Brightness of an Electronic Message Center

STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

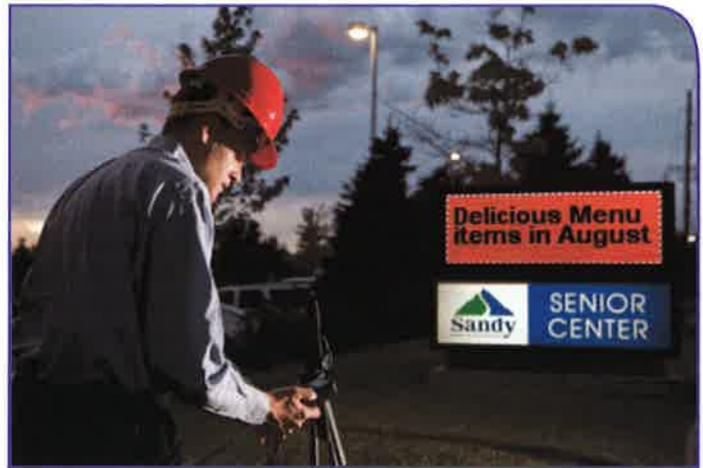
USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 (CONTINUED)

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



STEP 6

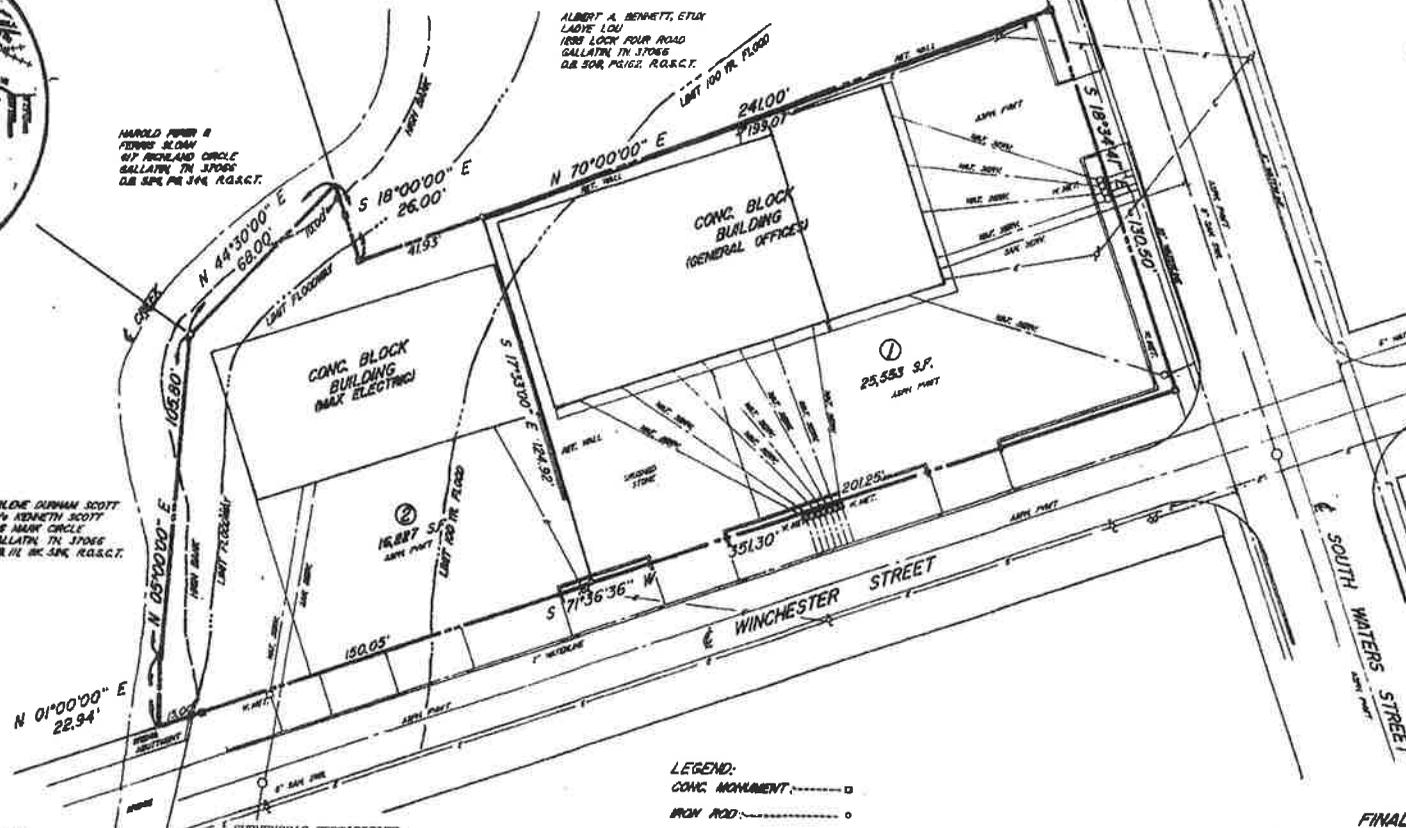
ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.



LOCATION MAP
A7.2



INDEXED

PLAT NO. 13
JUL 2 9 1991

JUL 2 9 1991

REGISTERED SURVEYOR, Registrar of Deeds



I, HEREBY CERTIFY THAT THIS IS A CLASS "A" SURVEY, AND THAT THE PRECISION RATIO OF THE UNADJUSTED SURVEY IS AT LEAST 1:7,500 AS SHOWN HEREON.

SIGNED: *Carroll Carman*

CARROLL CARMAN, SURVEYING
RT. 1, BOX 35-A
HARTISVILLE, TENN. 37074
TEL. 615-374-3693

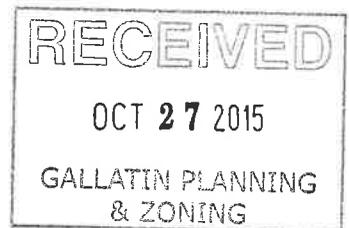
LEGEND:
CONG. MONUMENT
IRON ROD

OWNER:
HAYNE'S SLOAN
122 PRINCE STREET
GALLATIN, TN. 37066
615-482-8353

FINAL
HAYNE'S SLOAN

LOCATED IN THE J.A.
OF SUMMER 6

SCALE:
DATE:
SIZE:
DEED:
MAP:
ZONED:



ITEM 6

3-1261-15

<p>CERTIFICATE OF OWNERSHIP AND DEDICATION</p> <p>I (we) hereby certify that I am (we are) the owner(s) of the property shown and described herein as evidenced in book number <u>136</u>, page <u>480</u> County Registrar's Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers or irrevocable dedication for all public roads, utilities, and other facilities have been filed as required by Gallatin Municipal-Regional Subdivision Regulations.</p> <p>Date: <u>6-27-91</u> <i>Hayne Sloan</i> Owner</p> <p>Title _____</p>	<p>CERTIFICATE OF ACCURACY</p> <p>I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Gallatin Municipal-Regional Planning Commission and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.</p> <p>Date: <u>6-27-91</u></p> <p><i>Carroll Carman</i> Registered Surveyor</p>	<p>CERTIFICATE OF APPROVAL OF SEWER SYSTEMS</p> <p>I hereby certify that the sewer systems outlined or indicated on the final subdivision plat entitled <u>HAYNE'S SLOAN</u> have been installed in accordance with current local and state government requirements or a sufficient bond or cash has been filed which will guarantee said installation.</p> <p>Date: <u>6-24-91</u></p> <p><i>David H. Surrency</i> Superintendent of Public Utilities Gallatin, Tennessee</p> <p>2692</p>	<p>CERTIFICATE OF APPROVAL OF WATER SYSTEMS</p> <p>I hereby certify that the water systems outlined or indicated on the final subdivision plat entitled <u>HAYNE'S SLOAN</u> have been installed in accordance with current local and state government requirements or a sufficient bond or cash has been filed which will guarantee said installation.</p> <p>Date: <u>6-24-91</u></p> <p><i>David H. Surrency</i> Superintendent of Public Utilities Gallatin, Tennessee</p>	<p>CERTIFICATE OF THE APPROVAL OF BONDING OF ROADS</p> <p>I hereby certify: (1.) that all designated roads on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Gallatin Municipal-Regional Subdivision Regulations, or (2.) that a surety bond has been posted with the planning commission to assure completion of all required improvements in case of default.</p> <p>Date: <u>6-27-91</u></p> <p><i>David H. Surrency</i> Superintendent of Public Utilities Gallatin, Tennessee</p>
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I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Gallatin Municipal-Regional Planning Commission and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.

11/23/15 PC Work Session Meeting

PC #	Project	Exp. Date	Current Amount	New Amount	PC Meeting	Start Date	Status
1-66-04C/1-9-04C	Far Away Hills	11/26/2015	\$71,000		11/23/2015	2008	Rutting occurring; no sidewalks
1-55-11C/PC0855-11	Foxland Ph. 9, Sec. 1	11/29/2015	\$24,000	\$16,000	11/23/2015	2011	Accepted -Maintenance-New Eng Calculation
1-91-05C/1-87-05C	Wrenwood Ph 3	12/7/2015	\$59,000		11/23/2015	2009	Binder down coming apart; no top and sidewalk
1-65-05C/1-53-05C	Albion Downs Ph 3	12/9/2015	\$77,000	\$78,000	11/23/2015	2004	Road repairs, install sidewalk
1-53-11/PC9912-11	Kennesaw Farms Ph 5, Sec 1	12/20/2015	\$56,000		11/23/2015	2013	New Eng Calculations and Inspection Update
1-51-12C/PC0029-12	Foxland Ph 7, Sec 1	12/11/2015	\$73,000		11/23/2015	2012	New Eng Calculation and Inspection Update
2-17-14/PC0273-14	ABC Group Minor Plat & ROW	12/31/2015	\$19,000	\$13,000	11/23/2015	2014	Maintenance
1-21-07C/1-22-07C	Elk Acres Sec 2 Final Plat	11/28/2015	\$6,000		11/23/2015		
8-34-13/PC0115-13	Bakers Crossing Lot 7 Site Plan	12/6/2015	\$258,625		11/23/2015		Loden Vision Center
8-550-15	Beretta Revised Site Plan	12/8/2015	\$1,029,000		11/23/2015		
8-827-14/PC0310-14	Hunt Club Ph 2, Sec 4 Lots 2A 2 B	12/18/2015	\$263,770		11/23/2015		
8 24 12	Foxland Ph 9, Sec 2 - 5 (Green Trails)	12/17/2015	\$8,500		11/23/2015	2012	
8-35-13/PC0152-13	Foxland Ph. 7, Sec 1-4 (Green Trails)	12/17/2015	\$4,500		11/23/2015	2012	Site
1-12-13C/PC0197-13	Lenox Place Ph 6, Final Plat	12/10/2015	\$41,000		11/23/2015		

ITEM 7

1-171-15