

ORDINANCE NO. 2007-12

AN ORDINANCE TO AMEND THE TOWN OF SIGNAL MOUNTAIN ZONING REGULATIONS BY DELETING ARTICLE XXV, ENTITLED "SIGNS" IN ITS ENTIRETY FROM THE TOWN ZONING ORDINANCE AND INSERTING ALL PROVISIONS REGARDING "SIGNS" WITHIN TITLE 20 OF THE TOWN CODE IN A NEW CHAPTER 5, ENTITLED "SIGNS."

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WHEREAS, Article XXV of the Signal Mountain Zoning Ordinance was added on March 13, 2000, to establish some regulations for signage within the Town; and

WHEREAS, the Signal Mountain Planning Commission has recommended that Article XXV, entitled "Signs" be deleted from the Zoning Ordinance and placed within the Town Code to aid in the amendment and enforcement of signage provisions which are generally enforced by the Town Council and/or the Town Manager; and

WHEREAS, the Town Council has determined that all sign provisions previously contained within Article XXV of the Zoning Ordinance should be moved under Title 20 of the Town Code, entitled "Miscellaneous," as a new Chapter 5;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

1. Article XXV entitled "Signs" of the Signal Mountain Zoning Ordinance is deleted in its entirety from the provisions of the Zoning Ordinance;
2. That a new Chapter 5 entitled "Signs" shall be created within Title 20 of the Signal Mountain Town Code and the following language shall be contained therein:

**SIGNS**

20-501. SIGNS – PURPOSE:

The purpose of this Ordinance is to promote and protect aesthetic values as well

as the public health, welfare and safety by regulating the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures within the Town of Signal Mountain Zoning area.

This Ordinance is intended to protect property values and to create a more attractive and economic business climate, while at the same time, preserving and enhancing the scenic and natural beauty of our Town. This Ordinance strives to coordinate the mutual desire of the business and the residential communities of Signal Mountain to maintain, preserve and enhance this unique community.

This Ordinance recognizes the right of the citizenry to identify itself, its products and its services. It is intended that wasteful and unsightly competition in signs be avoided and that the community's economic value be enhanced by the attraction and direction of persons to various activities and enterprises with maximum public convenience consistent with quality and attractiveness of the community.

Provisions for the administration and enforcement to this Ordinance are included, as well as provisions for the elimination of nonconforming signs.

20-502.

DEFINITIONS:

The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

**ABANDONED SIGN** - means an on-premises or off-premises sign, including the sign frame, which no longer correctly directs, exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available at the premises to which the sign refers.

**BILLBOARD** - is a sign designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. This sign is also designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.

**BORDER** - means an edge or line constituting the perimeter of a sign.

**BUSINESS** - means a profit-making, charitable or governmental organization involved in the provisions of goods or services.

**BUSINESS FAÇADE** - means an exterior wall of a place of business, which wall has a doorway for pedestrian access and faces an adjacent public street, public walkway or parking lot. A series of connected walls located in parallel or generally parallel planes shall be deemed a single business façade.

**CONSTRUCTION SIGN** - a sign with a message identifying the person or firm associated with the construction project.

**DEVELOPMENT SIGN** - a sign with a message or information regarding the development of residential real property.

**DIRECTIONAL SIGN** - is a sign, other than a government sign, not more than four (4) square feet which provides directions for traffic flow to places of business. These signs shall be limited to logo and direction.

**DIRECTORY** - is a sign listing individual businesses within a single building.

**ERECT** - means build, construct, hang, place, enlarge, alter, attach, suspend, paint, post or display.

**FREESTANDING SIGN** - means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign.

**GASEOUS ILLUMINATION** - is light created by the excitation of any gas, e.g. neon gas.

**GARAGE SALE SIGN** - is a sign with a message advertising the resale of personal property by a resident on his property.

**GRAPHIC DESIGN** - means any artistic design or portrayal painted on an exterior wall, fence, awning, window or other structure which is visible from any public right-of-way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.

**HEIGHT** - is the distance measured from the road grade to the apex of the sign.

**INDIRECT LIGHTING** - means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign.

**INTERNAL LIGHTING** - means a source of illumination entirely within the sign which makes the signs visible at night by emanating light outward. The source of illumination shall not be visible.

**MARQUEE** - means a permanent roof structure attached to and supported by the building and projecting over public property.

**NAMEPLATE** - means a sign with a message that identifies only the name and/or address of the occupant.

**OFF-SITE SIGN** - means a sign that is not an "On-Site Sign".

**ON-SITE SIGN** - means a sign located on the same parcel of land from which the product, service or activity described by the sign is made available.

**PERMANENT SIGN** - means any sign for which a sign permit is issued with no time limit in accordance with the provisions of this chapter. Any mention of signs in this chapter shall be considered to mean permanent signs unless this chapter specifies a time limit or references to "temporary signs".

**PLACE OF BUSINESS** - shall mean either:

- (a) A building or portion thereof occupied by one business having exclusive entry and exit (e.g., none of its doorways and hallways used by another business) to and from the exterior of the building; or
- (b) A building or portion thereof occupied by two or more businesses having any entrance and exit to and from the exterior of the building shared by the businesses (e.g., doorways or hallways used in common).

**POLITICAL SIGN** - is a sign with a message advocating a particular candidate, party or proposition.

**PROJECTING SIGN** - means a sign erected upon a building wall or canopy and projecting more than twelve inches (12") outward from the plane of the business façade.

**PUBLIC SIGN** - is a sign posted by a government officer (e.g., traffic signs and legal notices) and signs indicating utility locations.

**READERBOARD** - means a sign constructed to display an advertising message that may be changed by the manual, electronic or other manipulation of letters or numbers on its face(s).

**REAL ESTATE SIGN** - means a temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

**SHOPPING CENTER** - means six or more businesses located on one or more parcels of land sharing common vehicular access from the street and/or common parking facilities. A single shopping center shall be deemed to include all businesses to which the common access and parking are available.

**SIGN** - means any medium for visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction or informational purposes and is viewable from a public right-of-way.

**SPECIAL EVENT SIGN** - is a banner or sign with a message identifying a civic or public event or holiday.

**TEMPORARY SIGN** - means any sign for which a sign permit is approved and issued with a time limit or which is described in this chapter as having a time limit. All regulations of signs shall apply to temporary signs as well as to permanent signs, except as otherwise specified herein.

**WALL SIGN** - means a sign erected upon a building, fence or other structure, at no point projecting more than twelve inches (12") horizontally to the back of the sign from the surface upon which it is erected.

**WINDOW SIGN** - is any sign erected inside or outside of a window. Merchandise displayed for sale is excluded.

20-503.

**SIGN REQUIREMENT AND APPROVAL.**

- (1) It is unlawful to erect any new sign or modify the appearance of an existing sign without first securing a sign permit. Normal maintenance of a sign in conformance with original appearance shall not be deemed modification and shall not require a sign permit.
- (2) Permits for signs shall be submitted to the Signal Mountain Building Inspector for review and action. The Building Inspector shall determine and require conformity with standards for mode of display, size, height, illumination and design based upon the standards stated in this chapter for similar signs. Permits shall be approved promptly and approved only when found in compliance with the provisions of this chapter and, following approval; permits shall be issued by the Building Inspector.
- (3) Any interpretation of the Building Inspector of the requirements of this chapter not subject to variance may be appealed to the Town Council for final determination.

20-504.

**APPLICATION FOR SIGN PERMIT:**

Application for a sign permit shall be made to the Building Inspector and shall be accompanied by the following:

- (1) An application fee in an amount set by resolution of the Town Council.
- (2) A scale drawing or a grid of the sign showing all faces and supporting structures and, for signs to be erected upon a building, a drawing of the building face, which drawing includes all existing and proposed signs.
- (3) A site plan of the property showing width of business façade(s) and the locations and sizes of al existing and proposed signs.
- (4) Samples of proposed colors and materials.

- (5) A description of the type and amount of illumination.

20-505.

EXEMPT SIGNS:

When not containing a characteristic of a prohibited sign and when non-illuminated and containing no reflective paint, and when complying with the height limitations specified in this Ordinance, the following signs may be erected without a sign permit:

- (1) Directional signs on-site.
- (2) Flags of all nations, states and political jurisdictions.
- (3) One garage sale sign for each residence, not to exceed six square feet (6'), temporarily erected on site for not more than one (1) week during any consecutive ninety (90) day period.
- (4) Nameplates.
- (5) Political signs, each not exceeding four and 3/10 (4.3) square feet, located on private real property with the owner's permission. (Amended 10 - 2004)
- (6) Public signs.
- (7) One (1) on-site real estate sign not to exceed nine (9) square feet.
- (8) One off-site real estate sign when the location of the dwelling is not viewable from the intersection of the public street and the access way to the parcel, and provided the sign is located within twenty-five feet (25') of the public street intersection, and that written permission of the property owner is secured.
- (9) Special event signs erected for not more than twenty-one (21) days, provided prior permission of the property owner is secured. These signs shall be removed not more than one (1) week after the event to which the sign pertains. After one week, the Town will remove such signs and charge the owner for removal.
- (10) Memorial plaques, corner stones, historical tablets and the like.
- (11) Barber poles.
- (12) Any signs required by law.
- (13) Signs located on private property which are not visible from any public right-of-way.
- (14) Gasoline service stations allowed up to two price signs that do not exceed ten (10) square feet each and the total of two signs not to exceed twenty (20) square feet.

20-506.

PROHIBITED SIGNING CHARACTERISTICS:

The following characteristics shall be prohibited in all signs:

- (1) Hazards to exits and entrances: No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with the free use of any fire escape, entrance, exit or standpipe. No sign

- shall be erected which will obstruct any required stairway, door ventilator or window.
- (2) Hazards to traffic: No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic. All signs shall conform to the height limitation of this Ordinance.
  - (3) Motion: Except for exempt flags, any sign constructed to incorporate wind-blown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices shall be prohibited except that time/temperature signs shall be permitted where specifically referred to.
  - (4) Roof locations: Signs mounted on top of a roof or false roof structure shall be prohibited.
  - (5) Portable signs: Signs erected upon trailers or portable rigs with intent to promote the business of the respective establishment shall be prohibited.
  - (6) Illumination: Signs with flashing lights or changing colors shall be prohibited.
  - (7) Visible gaseous illumination: Exposed gaseous tube illumination shall be prohibited unless such signs say "OPEN", are behind an exterior store window, and do not cause, or contribute to a violation of the twenty-five percent (25%) rule mentioned in item number five (5) of the "General Allowable Sign Characteristics" (sections below).
  - (8) Readerboard signs: Readerboard signs shall be prohibited.
  - (9) Banners, streamers and similar signs shall be prohibited.
  - (10) Billboards shall be prohibited.
  - (11) Abandoned signs shall be prohibited.

20-507.

GENERAL ALLOWABLE SIGN CHARACTERISTICS:

All zoning districts will have allowable signs in addition to the exempt signs listed in this Ordinance.

(a) Size:

- (1) Wall or façade signs-A maximum total sign area of fifty (50) square feet, or one-half (1/2) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area. Any building not in a Planned Commerce Center or a Shopping Center may have a sign up to twenty-five (25) square feet regardless of the formula. Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.
- (2) Freestanding signs in lieu of or in combination with wall signs shall conform to paragraph (1) above. Freestanding signs shall not exceed twenty-five (25) square feet per face and total sign area shall not exceed fifty (50) square feet total of all faces.
- (3) Projecting signs in lieu of or in combination with wall signs or

- freestanding signs shall conform to paragraphs (1) and (2) above.
- (4) Directories shall not exceed twenty-five (25) square feet per face and total directory area shall not exceed fifty (50) square feet.
  - (5) Window signs may occupy no more than 25% of the area of the window to which they are erected. A window sign exceeding 25% of the window area shall be allowed temporarily for a period not to exceed seven (7) days within any thirty (30) day period. Exposed gaseous tube illumination, or neon signs which say "OPEN" are allowed only for the word "OPEN" and only if they are located behind an exterior store window and do not contribute to violating the above twenty-five percent (25%) rule.

(b) Height:

- (1) Freestanding signs: The maximum height of freestanding signs shall be fifteen (15) feet.
- (2) All signs: A minimum ground clearance of seven (7) feet shall be required for any sign projecting over pedestrian walkway.

(c) Set Back:

- (1) Freestanding signs shall be no less than 25 feet from street right-of-way.

(d) Illumination:

Sign illumination shall be subject to the following limitations:

- (1) External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- (2) Illumination intensity shall be less than that which causes glare to be reflected upon any adjacent property or public street.
- (3) Internal light sources shall not be of such intensity as to create traffic hazards.

(e) Design:

The Building Inspector shall submit to the Town Council for approval any signs of questionable characteristics.

(f) Coordinated Signing Program:

The preceding limitations of this Section shall apply to each place of business located within a Shopping Center. All signs of a Shopping Center visible from the public right-of-way shall be coordinate as to number, mode of display, location, colors, finish materials and illumination of each sign with all the other signs and with the architecture

of the center. An application for approval of a coordinated sign program shall be made to the Town Council and shall include the information described in the application for sign permit except that when the design of an individual sign message is unknown, the required application drawings shall depict only the sign location and maximum size upon the building face. No freestanding signs shall be allowed to the individual business in the Shopping Center.

(g) Calculation of Sign Area:

For the purpose of applying sign size regulations, the following criteria shall be used to calculate sign area:

- (1) For single-faced signs, area shall be that within the outermost perimeter of the sign. A single-faced sign is a sign constructed so its message is displayed in a single plan and is viewable from only one side of the plan.
- (2) For double-faced signs, area shall be that within the outermost perimeter of one face of the sign. A double-faced sign is a sign constructed to display its message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes, provided the planes are not more than four (4) feet apart.
- (3) For multiple-faced signs, area shall be the sum of the areas within the outermost perimeter of each face. A multiple-faced sign is a sign constructed to display its message either on a curved surface or on two or more planar surfaces, excepting signs that qualify as double-faced signs.

20-508. Churches and Schools:

Signs identifying churches and schools shall comply with the provisions of this Ordinance, except that the size shall not exceed fifty (50) square feet regardless of street frontage.

20-509. Subdivisions:

Signs identifying subdivisions shall comply with the provisions of this Ordinance, except that the size shall not exceed fifty (50) square feet regardless of street frontage.

20-510. Condominiums and Apartments:

Signs identifying condominiums and apartments shall comply with the provisions of this Ordinance, except that the size shall not exceed twenty-five (25) square feet regardless of street frontage.

20-511.

Development and Construction Signs:

Signs for developments and construction sites shall be allowed as follows:

- (1) One construction sign for each construction project when erected temporarily on site after issuance of building permits and removed prior to occupancy. Construction signs for single-family residences shall not exceed six (6) square feet in size. Construction signs for projects other than single-family residences shall not exceed twenty-five (25) square feet in size.
- (2) Signs identifying a development are allowed and shall not exceed twenty-five (25) square feet in size. A development sign can be indirectly illuminated.
- (3) The above signs are also subject to all other limitations of this Ordinance unless exempted above. Development and construction signs shall be removed within three (3) years after their erection or after two-thirds (2/3) of the project has been sold, whichever occurs first.

20-512.

Administration and Variances:

The Town Council is authorized to permit variances in the administration of this Ordinance when good taste and unusual circumstances and/or practicality justify the granting of a variance. Part of the intent of this Ordinance is to promote creativity in signs. To apply for a variance, a person must file a petition with the Council setting forth what variance is requested and the reasons for the request. All applications and all petitions for new sign variances of a permanent nature shall be administered by the Town Council. The Town Council can hold a hearing on such petition if it desires to do so.

The Town Manager is authorized to permit temporary variances for non-profit organizations only in the administration of this Ordinance and may hold a public hearing on such if he so desires. The Town Manager is authorized to permit temporary variances of not more than fourteen (14) consecutive days and/or thirty (30) days during any twelve (12) month period. The maximum number of temporary locations shall be eight (8) at any one time.

20-513.

Nonconforming Uses:

- (1) All signs deemed nonconforming by this Section shall be made to comply with the requirements of this Ordinance according to the following schedule :
  - (a) Signs twenty (20) years or older shall have five (5) years to comply;
  - (b) Signs twelve (12) years to twenty (20) years old shall have seven (7) years to comply;
  - (c) Signs five (5) years to twelve (12) years old shall have ten (10)

- years to comply;
- (d) Signs zero (0) years to five (5) years old shall have fifteen (15) years to comply.
- (2) Regardless of the above schedule, a nonconforming sign shall be made conforming if one of the following situations occur:
- (a) Any modification of sign appearance, other than normal maintenance necessary to retain the original appearance of the sign; or,
- (b) Removal of the sign, except when removal is done for maintenance and the sign is re-erected within fourteen (14) days; or,
- (c) Change of use or business, or termination of the business which existed: (also) a business will have one year to comply when ownership changes but type of business remains the same; or,
- (d) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign which duplicates the old; or,
- (e) Any sign prohibited by the adoption of this Ordinance shall be removed within 90 days from written notification.

20-514. Maintenance:

All signs shall be continuously maintained in conformance with the standards of appearance extant at the time of original erection. Deteriorated or damaged paint and construction materials shall be immediately renewed.

20-515. Abandoned Signs:

The Town Council may, at their discretion, order the removal of an abandoned sign if thirty (30) days have elapsed since the owner of the property on which the sign is located was notified in writing.

20-516. Penalties:

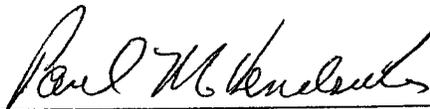
Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50). Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where anything in this violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this Zoning Amendment with at least fifteen (15) days notice of the

time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after it's Final passage as provided by law.

Passed First Reading 8-13, 2007.

Passed Second Reading 9-10, 2007.

  
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PAUL M. HENDRICKS, Mayor

  
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SHERRY MORRISON, Recorder