

**SIGN ORDINANCE**

**TOWN OF MOUNTAIN CITY**

**ORIGINALLY ADOPTED: 2013**

**AMENDED THROUGH NOVEMBER 2023**

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# SIGN ORDINANCE

## **I. FINDINGS, PURPOSE AND EFFECT**

**A. FINDINGS.** The members of the Board of Mayor and Aldermen hereby find as follow:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. These regulations are meant to regulate the physical characteristics of signs within the town and to have a positive impact on traffic safety and the appearance of the community.

**B. PURPOSE AND INTENT.** It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the town in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the town by preventing visual clutter that is a threat to traffic safety and is harmful to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the town.
5. Simplify and streamline the provisions for signs in the Town of Mountain City, consolidate all code provisions regulating signs into one singular Sign Ordinance.

**C. EFFECT.** A sign may be erected, mounted, displayed or maintained in the town if it is in conformance with provisions of these regulations. The effect of this article, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.

3. Provide for temporary signs in limited circumstances.
4. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
5. Provide for the enforcement of the provisions of this article.

## II. **DEFINITIONS**

The words, terms and phrases set out below, when used in this article, shall have the meanings ascribed to the in this section, except where the context clearly indicates a different meaning.

***Abandoned sign*** means a sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

***Animated sign*** means any sign or permanent structure that uses movement, projection, or change of lighting, LED, or other electrical impulses to depict action, moving pictures, or create a special effect, other than Reader Boards as defined herein.

***Banners, pennants, festoons and balloons*** shall mean any sign of fabric or other flexible material including:

***Banners*** such as cloth, vinyl or plastic material suspended between two poles, a long piece of cloth or other material, often bearing a symbol or slogan, and attached at each end to a pole or hanging from the top of a pole;

***Pennants*** such as a triangular flag, or other shape flag or series of flags such as those displayed on sporting arenas, ball parks, carnivals and special events for identification and signaling or a small flag or series of flags or streamers suspended by poles or other structures, wires, string or rope;

***Festoons*** such as an ornamental chain of flowers, leaves, balloons, inflatable objects, streaming fabric, ribbons or other material hanging or suspended in a loop or curve between two or more points;

***Balloons*** such as a gas-filled bag used as a toy or for advertising purposes and not certified by the Federal Aviation Administration for flight such as: a small or large colored bag made of thin rubber, plastic or other flexible material that is inflated with air, helium or other gas and used as a toy, advertisement or decoration.

Flags shall not be considered as banners or pennants under this article and are defined separately in this section.

***Billboard(s)*** An off-premises outdoor sign which has a flat surface sign space upon which a message, commercial or otherwise, may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

**Building marker** means any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material which is architecturally compatible with the building.

**Canopy sign** means any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

**Commercial message** means any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

**Community facilities** are churches, schools, daycare centers, nursing homes, funeral homes, orphanages, and parks and recreation facilities which may be located in residential zoning districts.

**Construction sign** means a sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

**Development complex sign** is a free-standing sign identifying a multiple-occupancy development which shares common vehicular access to a major roadway, such as a planned industrial, office park, or commercial complex, or high density residential development which is controlled by a single owner or landlord.

**Dilapidated sign** means any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

**Directional sign** means a sign, temporary or permanent, erected for or by a governmental entity for purposes of identification, direction or public safety.

**Directory sign** means a sign providing orientation within a planned residential development, development complex, or shopping center, listing such information as on-site businesses and other tenants and their respective activities.

**Flag** means any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a government, commercial or non-commercial entity.

**Commercial flag** means any flag which displays a commercial name, message, logo or symbol. For this ordinance, the Feather Flag style flag is considered a commercial flag.

**Decorative flag** means any flag which displays any holiday or seasonal insignia, design or the like which does not include any commercial name, message, logo or symbol.

**Non-commercial/government/civic flag** means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

**Freestanding sign** means any sign supported by structures or supports that are anchored in the ground and that are independent of any building or other structure.

**Front facade** means the front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes

the primary entrance shall be considered the front facade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front facade.

**Governmental entity** includes those federal, state, municipal, and county offices which provide purely governmental services to the public. A governmental entity does not include schools or entities which receive governmental funds to provide non-governmental or quasi-governmental services.

**Illegal sign** means any sign which is a prohibited sign or does not comply with the requirements established herein, is not a lawful non-conforming sign and is not exempted by law from the requirements established herein.

**Illuminated sign** (internally) means any sign that transmits light through its face or any part thereof.

**Incidental sign** means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “exit”, “loading only”, “no trespassing”, “no hunting”, “phone”, “ATM”, etc.

**Inflatable sign** means any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**Marquee sign** means any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

**Menu board** means a structure primarily designed for the display of menu items and process for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**Monument sign** means a freestanding permanent sign, no higher than 6 feet, attached flush to the ground without poles or visible supports, and which incorporates a design and materials complementary to the architectural theme of the buildings on the same property.

**Non-commercial** means not naming, advertising or calling attention to a business or commercial product, service or activity.

**Non-conforming sign or sign structure** means any existing permanent sign or sign structure which does not conform to the provisions of this article but which was lawfully erected and complied with the sign regulations in effect at the time it was erected.

**Off-Premise Sign(s)** means any sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Painted wall sign** means any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

**Pennant.** See definition of “banners, pennants, festoons, and balloons”.

**Permanent sign** means any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction

materials, a foundation or anchoring indicative of any intent to display the sign for more than limited period.

**Planned residential development sign** is a sign located at the primary entrance to a residential development as identified on a final site development plan approved by the planning commission which for the purpose of this article, shall contain the construction of one or more public or private right-of-way.

**Political preference sign** means any temporary sign erected on private property for the purpose of supporting a political candidate, stating a position regarding a political issue or similar purpose.

**Portable sign** means any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a sidewalk sign; A-frame sign other than sandwich board sign as defined herein; or any sign attached to or painted on a vehicle or trailer parked and visible from the public right-of-way for more than 2 consecutive hours or more than 4 total hours between sunrise and sunset. For the purposes of this article, portable signs shall not be considered permanent signs. Real estate signs and other temporary signs which are otherwise provided for in this article shall not be considered portable signs for purposes of this article.

**Projecting sign** means any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

**Public right-of-way/public way** means a strip of ground dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this article, such rights-of-way shall be considered to extend a minimum of 10 feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

**Reader board** means any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology. Any reader board which changes the display more frequently than once every 8 seconds with a maximum change time of 2 seconds or that allowed under Tennessee Code Annotated §21-122 as may hereafter be amended or which includes illuminated moving pictures or television type signs shall be considered an animated sign.

**Real estate sign** means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or sale.

**Residential personal identification sign** means any sign that displays the name(s) of persons living at a residence.

**Roof line** means the highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

**Roof sign** means any sign erected wholly or partially above the roof line.



**Scoreboard** means a structure located within an athletic field, displaying changing scores and related information; provided, however, the scoreboard may also display additional content, including but not limited to the names and logos of any sponsors.

**Sandwich board sign** is a double faced temporary sign constructed of 2 sign faces which are hinged at the top, and open at the base, which the base is placed onto a sidewalk.

**Shopping center** means 2 or more tenants occupying 1 or more structures on a single parcel of land or a group of adjoining parcels all of which share common vehicular access to a major roadway. The building or the combination of buildings within the shopping center shall have a minimum combined area of 50,000 square feet of ground coverage area. For parcels with less than 50,000 square feet of ground coverage area, see Development Complex Sign.

**Sign** means any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind which is visible beyond the boundaries of the lot or parcel of property on which the sign is posted.

**Sign administrator** means the person designated by the Board of Mayor and Aldermen as the staff member assigned to oversee the enforcement and interpretation of this article.

**Sign area** means square foot area enclosed by the perimeter of the sign face. With respect to signs that are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any “cutouts” or extensions. The sign area shall not include any supporting structure or bracing.

**Sign face** means the entire area of a sign upon, against or through which sign copy is placed.

**Sign structure** means any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

**Snipe sign** means any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant to Section V. herein.

**Social/special event**, for purposes of this article, is an event which occurs on a specific date or over a specified time period, but does not include political campaigns.

**Subdivision temporary development sign** means any temporary sign for the purpose of advertising the sale of lots and the development of a Planned Residential Development or a Development Complex Sign. The names of participation builders may be included on such signs. For purposes of this article, such signs shall not be classified as the same as a construction sign.

**Swinging sign** means any sign installed on an arm, mast or similar appendage that is not, in addition, permanently fastened to an adjacent wall or upright pole.

**Temporary sign** means any sign that is intended for temporary use and a limited period, as allowed by this article. For purposes of this article, banners are considered to be temporary signs.

**Two sign faces** means any sign constructed on a single set of supports, with messages visible on either side, or a “V” type sign with a common support in the center of the “V”.

**Wall sign** means any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning or canopy and projects from the plane of the wall, canopy or awning less than 12 inches. This definition shall not include freestanding wall or multiple sign surfaces.

**Window sign** means any sign, graphic, or interior design element placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this article, window signs may be permanent or temporary and are subject to applicable provisions herein.

### III. **GENERAL PROVISIONS**

**A. NON-CONFORMING SIGNS.** The following regulations related to non-conforming signs are hereby established to the extent allowable under State Law.

1. The utilization of a non-conforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business(es)), the signs on that property must be brought into compliance with the provisions of this article.

2. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a non-conforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a non-conforming sign is not allowed (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) and therefore shall be deemed an abandonment of the non-conforming status and shall result in the reclassification of such sign as an illegal sign.

3. Unless contrary to law, if a non-conforming sign is reconstructed as the result of damage for any cause or to correct deterioration/dilapidation to the extent of fifty percent (50%) of its fair market value, said sign shall be permitted to exist in non-conforming locations only to the extent that the surface area for message display be reconstructed in conformity with the provisions of this article.

4. Billboards and Off-Premise signs that are erected before the passing of this amendment may be maintained, sold, and replaced with sign of the same dimensions. Existing billboards must continue to pay the annual fee to the City. However, no new billboard/off-premise signs may be erected.

**B. CALCULATIONS MEASUREMENT STANDARDS.** The following principals shall control the computation of sign area and sign height.

1. Computation of the area of individual signs. The sign area shall be determined by computing the area of the smallest square, rectangle; circle and/or triangle that will

encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, sign area).

2. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where otherwise provided herein for temporary signs in residential districts.

3. Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berm, filling, or excavation solely for the purpose of locating the sign, shall be computed as part of the sign height.

4. Computation of wall signs. Unless specifically stated elsewhere within this article, the maximum amount of sign area for wall signs shall be one-third (1/3) of the square footage of the front facade of the building as defined herein.

**C. DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS.** All signs shall be designed, constructed and maintained in accordance with the following standards.

1. General provisions. All signs shall comply with applicable provisions of the adopted building codes and the state electrical code. Except for banners, flags, pennants, temporary signs and window signs allowed hereunder, all signs shall be constructed of permanent materials that are permanently attached to the ground or a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes.

2. Spacing. All permanent freestanding signs on any premises shall be spaced at minimum 200-foot intervals along each public way that views the premises, unless otherwise provided for by this section.

3. Sight distance triangle. All entrance signs and freestanding signs located near the corners of any intersection shall be located outside of the sight distance triangle. Such triangle shall be measured at a distance of 25 feet or meet American Association of State Highway and Transportation Official (AASHTO) standards, whichever is greater, running parallel along each leg of the road or driveway pavement surfaces and connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.

4. Sign illumination. Unless otherwise provided herein, sign illumination shall only be achieved through the following standards:

a) A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.

b) Internal illumination shall provide steady, stationary light through translucent materials.

c) If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.

d) All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.

5. Setback. All permanent signs shall be set back at least 5 feet from the street right-of-way, unless in a sight distance triangle or otherwise specified by this article. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. Temporary signs shall be located at least 10 feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

6. Design. The various parts of a sign shall be compatible in design quality. The following materials are considered to be appropriate (but not mandatory) for sign backgrounds, frames, supports, and ornamentation: brick, natural stone, stained split face block, wood and metal panels or a combination thereof.

7. Landscaping. Landscaping islands or landscaping strips shall be used in conjunction with all freestanding permanent signs, and may utilize shrubs and plants or decorative features such as concrete bases or planter boxes that do not contain copy. Landscaping shall be located to prevent automobiles from hitting the sign structure and to improve the overall visual appearance of the structure. Landscaping shall be maintained throughout the life of the sign.

8. Sign Permit. A sign permit is required for any sign that is an electronic exterior sign, any sign that is 40 square feet and above, any sign over 6 feet tall, any grandfathered billboards that are to be replaced with a billboard of the same dimensions, and/or any sign monument that is to be replaced.

#### **IV. PROHIBITED SIGNS**

**A. ALL ZONING DISTRICTS.** Except signs that may be authorized by this article, the following signs shall be prohibited in all zoning districts and may not be erected.

1. Abandoned or dilapidated signs.

2. Projecting signs extending more than 12 inches from the surface of the structure, including the roof line, or extending beyond the property line, unless specifically permitted by provisions herein.

3. Roof signs.
4. Portable signs.
5. Any internally illuminated sign, unless allowed within a commercial district with the exception of religious organizations.
6. Any commercial sign located in a residential district not otherwise provided for in this article.
7. Any sign that obstruct free ingress or egress through a required door, window, fire escape or other required exit way.
8. Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority. To those ends, no sign shall use the words, "slow", "stop", "caution", "yield", "danger", "warning" or "go" in a manner that misleads, confuses or distracts a vehicle driver.
9. Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
10. Any sign that exhibits statements, words, pictures or representation of an obscene nature, as defined by the United States Supreme Court.
11. Any other sign not specified in this article which is not a lawful non-conforming sign.
12. Reader board display signs as defined herein, except as provided for in the B-3, Arterial Business District; B-4, Urban Corridor District; M-1, Restricted Manufacturing Warehouse District and M-2, Manufacturing Warehouse District.
13. Marquee signs.
14. Off-Premise Signs.
15. Billboards

## **V. ALLOWABLE SIGNS BY ZONING DISTRICT**

All signs designated in this section shall conform to the standards established herein, in addition to those applicable standards set forth elsewhere in this article.

**A. SIGNS ALLOWED IN ALL ZONING DISTRICTS.** The signs listed below are allowed in all zoning districts, provided that such signs are on private property unless otherwise provided; that such signs are maintained in a manner that does not create a safety hazard; and that the specific restrictions set forth for each type of sign listed below shall apply wherever such a sign is erected, displayed or maintained.

1. An official sign or notice issued or required to be displayed on private property by any court, governmental entity, or public office, whether permanent or temporary.

2. Traffic and directional, warning or information signs authorized by a governmental entity, whether permanent or temporary.
3. A private street or road name sign located at an intersection that does not exceed 2 square feet per face and does not advertise any commercial name, message or logo.
4. Incidental signs not exceeding 2 square feet in area per face. Such signs proclaiming, “no trespassing”, “no hunting”, “no parking”, “entrance”, “exit”, “loading only”, “phone”, “ATM” and the like shall be considered incidental to the use of property.
5. Temporary window signs that do not exceed 25% of the area of the window or glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes.
6. Permanent window signs that do not exceed 10% of the area of the window or glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes.
7. Signs denoting a property as historic. Such signs shall be authorized by a recognized historical agency and shall not exceed 3 square feet per face nor exceed 6 feet in height. Such signs are not permitted in public rights-of-way.
8. Non-commercial flags/government flags/civic flags, limited to 60 square feet per face, displayed in a non-commercial manner; provided that planning commission approval shall be required for supporting flag poles erected on property zoned for commercial or service-institution uses and for flag poles exceeding 30 feet in height in any zoning district.
9. Decorative flags (non-commercial). One decorative flag, whether temporary or permanent, may be displayed on any lot provided that it does not contain any commercial message, logo or symbol. No flag pole shall exceed 30 feet in height.
10. Building marker. Any permanent building marker, limited to 4 square feet of sign face and composed of materials compatible to the identified building.
11. Holiday/seasonal. Temporary signs or displays of a seasonal or holiday occasion may be displayed on any lot for a period of up to 60 days, provided that they do not contain any commercial message or logo and do not create a sight visibility hazard.
12. Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message, logo, statements, words, pictures or representation of an obscene nature, as defined by the United States Supreme Court and does not create a sight visibility hazard. Where such outdoor art is part of a site that is subject to the planning commission’s jurisdiction, the outdoor art shall be considered part of the development plan that is subject to the planning commission’s review and approval.
13. Real estate signs. Freestanding real estate signs may be erected for any property that is offered for sale, rent or lease. The area for such signs shall count toward the total allowable area for temporary signs on the property and shall comply with other applicable size and height restrictions for temporary signs. Open house notification may be

incorporated within the maximum sign area of the real estate sign or on a separate sign, provided that if such notification is on a separate sign, it shall also count toward the allowable area for temporary signs on the property. The signs shall not be located within a public right-of-way and shall not create any sight visibility hazard.

14. Athletic field signs (temporary). Such signs shall be limited to 60 square feet each; shall not be visible from a public road; shall be mounted to the interior athletic field fence in a safe and secure manner; and shall be erected at the beginning of the athletic season and removed within 7 days of the final season game.

15. Scoreboards associated with athletic fields.

16. Banners, pennants, festoons and balloons, provided the height of these objects does not exceed the maximum height of 10 feet, as measured from the ground surface to the highest extent of the balloon. Each individual balloon shall be singularly affixed to a string, rope, ribbon or other source of anchoring that is securely affixed to an object firmly to the ground.

**B. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS (R-1, R-1A, R-2, R-3, R-4 and M-R)**

1. Signs listed in Section V.(A) herein.

2. Permanent Multi-Family or Planned Residential Development Signs. Such signs shall be located at the primary entrance(s) to a development as identified on a final site development plan approved by the planning commission. Such signs shall be maintained by an established home owners' association (HOA).

*Specifications:* Sign area shall be maximum 80 square feet per sign per entrance, which may be divided among not more than 2 freestanding sign faces (no single sign face shall exceed 40 square feet); with a maximum placement at three entrances per development; sign height shall be 6 feet maximum; setback shall be 10 feet, minimum.

3. Subdivision Temporary Development Sign. 1 such sign may be erected on-site for the purpose of advertising the development of a subdivision or planned residential development, and the sale of included lots. The sign may remain until sale of 80% of the subdivision lots is completed. No other temporary development signs shall be allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign.

*Specifications:* Sign area shall be 32 square feet per sign maximum, one sign face maximum; sign height shall be 6 feet maximum.

4. Permanent planned residential development informational sign. 1 such sign may be erected by the homeowners' association for the purpose of displaying information regarding the association. The sign shall be located on dedicated common open space or private property only and maintained by a private homeowners' association.

*Specifications:* Sign area shall be 20 square feet maximum, which may be divided by two sign faces; sign height shall be 6 feet maximum.

5. Bed and breakfast sign. 1 permanent identification sign may be erected at the entrance to a permitted bed and breakfast lodge for the purpose of identifying the use. The sign shall be compatible in design with the historic elements of the site and shall not be internally or externally illuminated.

*Specifications:* Sign area shall be 8 square feet total, to be contained on a maximum of 2 sign faces, no 1 sign face containing more than 4 square feet; sign height shall be 6 feet maximum.

6. Residential personal identification signs. 1 personal identification sign per residence to be located near the front entrance of the residence for the purpose of identifying persons living at residence.

*Specifications:* Sign area shall be 2 square feet maximum and contain no commercial advertisement.

7. A home occupation shall be limited to 1 wall mounted sign, mounted flat against the structure.

*Specifications:* Sign area shall be 2 square feet maximum with no illumination, flash, glimmer, flutter, or movement by electronic, wind or other means on said sign.

8. Temporary signs. In addition to the other signs identified in the subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time. This category includes but is not limited to: real estate signs; political preference signs; garage sale signs; non-commercial baby announcements; lost pet signs; social/special event announcements; or any other non-commercial message. Any such signs announcing a social/special event shall be removed within 48 hours after the event.

*Specifications:* Signs are for lots of 5 acres or less and shall be 20 square feet, maximum, which may be divided into a maximum of 5 signs, provided that no single sign may exceed 8 square feet in area. Sign area for lots exceeding 5 acres shall be 32 square feet maximum, which may be contained on 1 sign or multiple signs not to exceed 10; sign height for all lots shall be 6 feet maximum. Where a temporary sign contains 2 back-to-back sign faces, the sign area shall be computed using only 1 of the sign faces.

#### **C. SIGNS ALLOWED IN B-1:**

1. Signs listed in Section V.(A)

2. Signs listed in Section V.(B)2,3,4,5,6 and 7

3. In addition to those listed above, all professional offices, medical and/or commercial uses are allowed 1 permanent freestanding monument sign.

*Specifications:* sign area shall be 40 square feet maximum for each sign face with a maximum of 2 sign faces; freestanding sign height shall be 6 feet maximum.

4. All residential property in these districts may post temporary signs in the size and number as is provided in Section V.(B)8.



5. All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right-of-way, as follows: Temporary freestanding signs shall be limited to 2 per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, real estate signs, and social/special event announcements. 1 construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

*Specifications:* Sign area shall be 32 square feet maximum, which may be divided by a maximum of 2 sign faces; sign height shall be 6 feet maximum. When a temporary sign contains 2 back-to-back sign faces, the sign area shall be computed using only 1 of the sign faces.

6. Wall signs. All professional offices, medical and/or commercial uses may post wall signs, mounted in a flat faction, which are limited to 10% of the building elevation at which they are installed, and may be illuminated but may not be animated or include a reader board.

*Specifications:* Sign area shall be 40 square feet maximum, using a maximum of 3 wall signs. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

7. Gasoline trade signs.

a) Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

*Specifications:* Sign area shall be 80 square feet maximum, which may be divided by a maximum of 2 sign faces (no single sign face shall exceed 40 square feet); sign height shall be 6 feet maximum.

b) Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

*Specifications:* Sign area shall be 30 square feet maximum divided between not more than 3 canopy signs (no single sign shall exceed 10% per facade).

8. Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curbside service, provided that:

- a) Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
- b) Restaurants providing drive-through but not curb-side service may have no more than 2 boards, not to exceed 30 square feet in total size and 6 feet in height.
- c) Restaurants providing curb-side service may have no more than 1 menu board per bay, not to exceed 6 square feet per sign face for each menu board.

**D. SIGNS ALLOWED IN B-2:**

- 1. Signs listed in Section V.(A)
- 2. Signs listed in Section V.(B)2,3,4,5,6 and 7
- 3. Signs listed in Section V.(C)3,4,5,6,7 and 8
- 4. In lieu of a permanent freestanding monument sign, a property in the Central Business District may display 1 projecting sign, per front facade, not to project more than 3 feet, 6 inches from the building.
- 5. In Central Business District, 1 Sandwich Board sign per front facade.

*Specifications:* Sign area of 6 square feet per sign face maximum with 2 faces maximum, and a maximum width of 30 inches, height of 40 Inches maximum. There shall be a minimum distance of 5 feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.

**E. SIGNS ALLOWED IN B-3, B-4, M-1 and M-2:**

- 1. Signs listed in Section V.(A)
- 2. Signs listed in Section V.(B)2,3,4,5,6 and 7
- 3. Signs listed in Section V.(C)3,4,5,6,7, and 8
- 4. In addition to those listed above, the following freestanding signs are allowed in these zoning districts:
  - a) 1 permanent freestanding development complex sign at each primary entrance to a development complex (maximum of 3 entrances), and shall be located upon private property or within the common open space. Each sign face shall be 40 square feet maximum with a maximum of 3 sign faces. The height for the freestanding sign shall be 6 feet maximum. The sign shall be maintained by a private owner or entity.  
No permanent freestanding development complex sign is allowed if a “shopping center sign” as provided below exists and is approved by the Building Inspector.
  - b) Professional offices, medical, commercial (other than shopping centers) and industrial uses are allowed 1 freestanding sign on each parcel.

*Specifications:* The sign face is not to exceed 1 square foot per linear street frontage for the first 100 linear feet of street frontage, plus 1 square foot of sign area for each 10 linear feet over 100 feet of frontage, not to exceed 200 square feet in area per sign face, with a maximum of 2 sign faces, back-to-back maximum height no greater than 25 feet.

c) Shopping Centers as defined herein are allowed to erect 1 of the following freestanding permanent sign arrangements (provided that no development complex sign exists or is approved by the Building Inspector):

(1) 1 permanent freestanding sign within the development which must be identified on the site development plan or subdivision plat. The sign shall be located on private property or within the common open space as approved by the planning commission. The size of the shopping center sign per sign face shall not exceed 1 square foot of area per linear street frontage; and no such sign shall exceed 300 square feet per sign face. The maximum height of the sign, above grade, shall not exceed 25 feet. The minimum height clearance, from ground level to the bottom edge of the sign face, for the sign is 10 feet; and

(2) Each parcel, out-parcel, leased property, or lot which is created as part of the shopping center, as shown on the subdivision plat or site development plan, shall be allowed 1 monument sign. The maximum height of the sign shall be 6 feet high. The maximum sign area per sign face is 50 square feet. A reader board, as defined in this Article, may be used on the out parcel monument sign, but it must be included in the 50 square foot maximum area sign face;

OR

(3) A monument sign at each main entrance which must be identified on the site development plan or subdivision plat. The total sign area per sign face for each monument sign at each main entrance is 50 square feet. The maximum height for any monument sign is 6 feet; and

(4) Each parcel, out-parcel, leased property, or lot that is created as a part of the shopping center, as shown on a site development plan and/or subdivision plat, shall be allowed 1 monument sign. The maximum height for the monument sign is 6 feet. The maximum sign area per sign face is 50 square feet. A reader board, as defined in this Article, may be used on the out-parcel monument sign, but it must be included in the 50 square foot maximum area sign face.

(5) A reader board must meet the following requirements for display in these zoning districts:

(a) They shall be permissible only in monument signs which are permissible in these zoning districts.

- (b) The electronically activated message section shall be located within the lower 1/3 of the sign area.
- (c) The electronically activated message section shall not exceed 30% of the permitted sign area.
- (d) Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute 1 message. Each electronically activated message:
  - (i) Shall not change more frequently than once every 8 seconds with a maximum change time of 2 seconds;
  - (ii) Video, continuous scrolling messages and animation are prohibited; in correlation and pursuant to Tennessee Code Annotated §54-21-122 as it may hereafter be amended.
- (e) The area surrounding the sign base shall be landscaped with appropriate planting materials.
- (f) Reader board luminance levels shall not exceed the following standards:
  - (i) For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5,000 units (setting the sign's intensity so that an area on it displaying full-brightness while has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass onto adjoining property similarly zoned for commercial purposes.
  - (ii) All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 units will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 units will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the

sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).

(a) If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 units for this method of calibration and testing is suitable.

(b) Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or the Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.

(iii) Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

(iv) Outdoor signage shall obey light trespass regulations.

(a) Into areas zoned for any type of residential occupation, a trespass limit of 0.1 foot-candles shall be enforced at the property line.

(b) Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 foot candles or less at the property line.

(c) The above light trespass limits are based on considerations of "light trespass", as developed in a report (IESNA TM-11-00 Light Trespass: Research, Results and Recommendations), wherein a recommended "brightness" limit and measurement technique is presented.

(d) The technique uses an illuminance meter ("foot candle" meter) held at a height of 5

feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.

(e) The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less it is at an acceptable level.

(f) This method effectively limits the luminance of signage to 300-350 units.

(v) Reader boards shall not be located any closer than 50 feet from any intersecting right-of-way.

(vi) All monument sign structures including reader boards must be reviewed by the Building Official and the applicant advised of conformance prior to construction.

(d) Directory signs. Such signs shall be located at driveway intersections within a development, and shall be limited to one freestanding sign per driveway entrance from a public street. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the planning commission prior to construction.

*Specifications:* Sign area shall be 16 square feet maximum; sign height shall be 6 feet maximum.

(e) Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to 5 per lot at any given time. Such signs including but are not limited to real estate signs, construction signs, political preference signs, notices such as “now hiring” or “grand opening” and social/special event announcements. 1 real estate sign may be maintained while the property is available for sale or while 10% or more of the rentable space is available for lease. 1 construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

*Specifications:* Sign area shall be 32 square feet maximum, which may be divided by a maximum of 2 sign faces; sign height shall be 6 feet maximum. When a temporary sign contains 2 back-to-back sign faces, the sign area shall be computed using only 1 of the

sign faces. If commercial flags are being displayed, there may only be 3 temporary signs.

(f) Wall signs. Wall signs shall be mounted in a flat fashion and shall be limited to 10% of the building elevation at which they are installed. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

(i) One-story non-residential building or multi-story non-residential building with single tenant. The primary entrance to the enclosed space shall be considered the front facade.

*Specifications:* Sign area shall be 1 square foot of signage per linear foot of front facade space used in the building, maximum, provided that no single sign shall exceed 60 square feet with a total signage limitation of 3 signs and 180 square feet per business.

(ii) Multi-story non-residential building with multiple tenants.

*Specifications:* Sign area shall be 40 square feet maximum and 3 wall signs maximum.

(iii) Retail or service use/individual principal entrance. The primary entrance to the occupied space shall be considered the front facade.

*Specifications:* Sign area shall be 1 square foot of signage per linear foot of front facade space for the building maximum, provided that no single sign shall exceed 90 square feet with a total signage limitation of 3 signs and 270 square feet per business.

(iv) Retail or service use/common principal entrance. Each business, of a retail or service nature, sharing a common entrance shall be allowed to have at least 1 wall sign.

*Specifications:* Sign area shall be 20 square feet per sign maximum.

(g) Commercial flags/non-governmental flags.

*Specifications:* Flag area shall be 36 square feet per face maximum and may only have 2 commercial flags per business.

## **I. ADMINISTRATION AND ENFORCEMENT**

**A. REGULATORY ENFORCEMENT.** The Building Official and/or designee are hereby authorized and directed to enforce all of the provisions of this article. This authority empowers such individuals to perform any necessary inspections, including entering upon private property, and to issue related citations for the enforcement of this article.

1. Violation notice. The Building Official shall order the removal of any sign erected or maintained in violation of this article upon private property, providing 10 days written notice to the owner of the premises upon which the offending permanent sign is located to achieve compliance with provisions of this article. If, after 10 days, the property owner has failed to achieve compliance with this article, a citation to municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within 10 days of notice of violation, the Building Official may extend the time period for compliance with this article to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on 2 or more occasions, a citation may be issued without prior written notice.
2. Impoundment/disposal of signs without warning. The Building Official shall have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features. Such signs shall be considered litter and shall be subjected to disposal.
3. Duration of violation. Each day that a violation of this ordinance remains shall constitute a separate violation of this ordinance for purposes of the Court's assessment of fines or penalties.

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the Town, the provision that establishes the higher standard shall prevail.

If any section, subsection, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this ordinance. It is the specific intention of the Town that each provision in this ordinance stand or fall on its own, and not rely upon the effectiveness of other provisions in the ordinance.