

MURFREESBORO CITY CODE

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Chapter 25¼

SIGNS

Editor's Note: Ord. No. 84-30, adopted 08-09-84, created a Sign Ordinance, but did not specifically amend the Code. Ord. No. 85-7, adopted 2-14-85, replaced Ord. No. 84-30 in its entirety. Ord. No. 86-19, adopted 06-05-86, amended §5 of Ord. No. 85-7. Ord. No. 89-38, adopted 09-14-89, amended §12 of Ord. No. 85-7. Ordinances prior to the 1990 Sign Ordinance have been omitted from the section histories. Ord. No. 90-36 §§1-17, adopted 08-16-90, has been included as superseding the Sign Ordinance, No. 85-7. Since Ord. No. 90-36 did not specifically amend the Code, inclusion herein as Chapter 25¼ has been at the editor's discretion. Sections 18-21 of this Ordinance providing for the severability of these provisions, the exercise of police powers, the superseding of these provisions, and the effective date, have been omitted.

[Cross references- Ch. 7, buildings; Ch. 14, garbage, weeds, trash and other solid waste; Ch. 21, offenses and miscellaneous provisions; Ch. 22, Planning Commission; Ch. 28, streets and sidewalks; Code §28-15, banners across streets; Ch. 21½, Art. IV, exhibitions and carnivals; Ch. 32, Art. IV, traffic-control devices; Appendix A, zoning.]

ARTICLE I. GENERAL PROVISIONS

SECTION 25¼-1 INTENT AND PURPOSE.

- (A) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this chapter is enacted to establish regulations governing the display of signs which will:
- (1) Promote and protect the public health, safety, comfort, morals and convenience;
 - (2) Promote aesthetics in the City;
 - (3) Protect the environment;
 - (4) Enhance the economy and the business and industry of the City by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;
 - (5) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
 - (6) Reduce conflict among signs and lights and between public and private information systems; and

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- (7) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.
- (B) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:
- (1) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area.
 - (2) The way in which the sign will be read, and whether its size, location, configuration and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.
 - (3) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.
- (C) The underlying intent and structure of the Murfreesboro Sign Ordinance is that only those types, sizes, locations and illuminations of signs that are specifically identified in the subsections of Code §25¼-26 may be constructed, erected, applied or maintained within the City of Murfreesboro, and that all others are prohibited. Notwithstanding this intent and structure, certain types and sizes of signs are specifically prohibited for clarity and emphasis. This underlying intent and structure allows the City to study new techniques and new technologies and then determine whether, and if so to what extent, they should be allowed to be incorporated into signs within the City. It is not possible to specifically prohibit or even to regulate that which has not yet been brought to the attention of City officials or that which has not been invented or even conceived. Accordingly, the Chief Building Official's authority to render interpretations as provided in Code §25¼-3(E) includes the authority to determine whether or not a new, evolved, extended or improved process, technique or technology is sufficiently similar to an allowable type of sign to be allowed under this Sign Ordinance, or whether such a new, evolved, extended or improved process, technique or technology should be deemed prohibited until approved by the City Council.
- (D) Automated or electronic changeable signs are defined in this ordinance as "Changeable sign – automated changeable copy," "Changeable sign - electronic graphic display," "Changeable sign – multi-vision" and "Changeable sign – video display;" these definitions may be amended or superseded from time to time in the future. Because the nature of automated or electronic changeable signs (without regard to the specific method or mechanism of effecting a change), the intensity of use afforded by automated or electronic changeable signage, the potential for inappropriate intrusion into and abuse of the public streets and rights-of-way by automated or electronic changeable signage, and the public welfare and safety concerns raised by automated or electronic changeable signage, all automated or electronic changeable signage is declared to be a "use" that is separate, different and distinct from the "use" of or resulting from a permanent, fixed sign face of print or design on or of paper, plastic, glass, wood, metal, vinyl or any other opaque or translucent material.
- (E) Excepting only as specifically provided in Code §25¼-24(A)(12), nothing in this Chapter

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25 $\frac{1}{4}$ shall be construed to regulate or to authorize the regulation of the content or the message of any sign. Rather, this Chapter 25 $\frac{1}{4}$ addresses the size, height, location, construction, lighting, display technology, and other such aspects of signage.

- (F) Except as may be expressly and specifically stated to the contrary in this Chapter 25 $\frac{1}{4}$, all provisions of this Chapter 25 $\frac{1}{4}$ apply equally to commercial and to non-commercial signs and signage. Nothing in this Chapter 25 $\frac{1}{4}$ shall be construed to prefer commercial message over non-commercial message signage.

[Ord. No. 90-36 §1, 08-16-90; Ord. No. 10-O-32 §1, 09-30-10]

SECTION 25 $\frac{1}{4}$ -2 DEFINITIONS; INTERPRETATION.

- (A) *Definitions.* For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined in the chapter shall have the meaning given in Webster's Eleventh Collegiate Dictionary, as revised, unless the words have a specific definition under the International Building Code, in which case the International Building Code definition shall apply.

Abandoned sign, abandonment: A sign which was erected off-site or on-site in conjunction with a particular use, that use having been subsequently discontinued, regardless of any intent to resume or not to abandon such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign.

Anchor building or anchor tenant: An exterior perimeter building or tenant having direct access to a covered mall building but having all required means of egress independent of the mall. See also: Multi-tenant building with separate outside entrance(s).

Attached sign: An attached sign is a sign that is affixed or painted to a wall, building or canopy having a permanent or changeable copy face. Any measurement of building frontage shall apply only to the frontage owned or leased and occupied by the applicant but shall not include a common area. However, the property owner or the property owner's tenant designee may use the measurement of the common area for the attached sign to the exclusion of all other occupants. An attached sign must be attached to the area occupied by the applicant, except the name of the business, trademark, logo, and/or tradename may be on a sign no larger than two square feet attached at or near the street or sidewalk public entrance when the applicant's space in the subject building does not front on the street or sidewalk used as a public entrance; and, provided further that when two or more such tenants and/or businesses utilize this provision, the design and format for all such signs shall be compatible (size, style and color) so as to appear as a commercial complex sign. An attached sign may not extend beyond any limits of the surface to which it is attached. For purposes of measuring the distance between an

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attached sign and a residential zone, the measurement shall be in a straight line from the sign in all directions.

Banners: A temporary sign made of flexible material designed to attract attention bearing a legend or motto or advertising message.

Building: A structure used or intended for supporting or sheltering any use or occupancy or as designated by the Chief Building Official.

Building ID sign: A Building ID sign contains only the building name or identification.

Building material sign: A building material sign is a sign that is constructed as part of a building wall with a permanent copy face. A building material sign is constructed of the same materials and the same color(s) as the exterior wall on which it is located. A building material sign is not created simply by the application of paint to an exterior wall surface; however, paint may be applied to a constructed building material sign if the paint is of the same color as the exterior wall. A building material sign shall not protrude from the exterior surface of the building more than four inches. A building material sign shall not be internally illuminated; nor shall it be enclosed or accented with outline lighting or string lighting. A building material sign may be externally illuminated, provided that the light source is four or more feet from the sign.

Canopy: A structure constructed of rigid materials which is attached to and supported by a building and/or by columns, poles or braces extended to the ground.

Canopy sign: A sign attached to a vertical side of a canopy. In order for a canopy to qualify for use of a canopy sign, a canopy must: (1) be a free standing canopy; (2) cover a minimum of 500 square feet; (3) the bottom of the canopy must be a minimum of 12 feet above the ground; and, (4) have sides which are substantially vertical to the ground. A canopy sign must be attached to a side of a canopy and cannot be larger than 50 square feet.

Changeable sign – automated changeable copy. A sign or portion thereof that is visible from a public right-of-way and that displays letters, numbers, characters, symbols, graphics or illustrations, (i) which are not themselves any illumination device, and (ii) which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs include devices referred to as “flip matrix,” “segmented,” and “scrolling,” and other devices with substantially similar functionality and appearance.

Changeable sign -- electronic graphic display. A sign or portion thereof that is visible from a right-of-way and that displays electronic, static images, static graphics or static pictures, with or without textual information, which are created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LED's), liquid crystals (LCD's), plasma,

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fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic / three dimensional, or any other device, process, product, application of technology, or by the appearance of any of such, within the display area, either alone or in varying combinations with each other or other elements, where the message change sequence is accomplished immediately or by means of fade, repixelization, dissolve or other such modes devices, processes, products, applications or technologies. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays which may change automatically at predetermined intervals or be changed by an operator from either a proximate or a remote location. Electronic graphic display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise. A governmental traffic control sign shall not be deemed to be an electronic graphic display sign for purposes of this ordinance or Chapter 25 $\frac{1}{4}$.

Changeable sign – manual changeable copy. A sign or portion thereof that is visible from a public right-of-way and

- (a) that has a fixed, permanent display surface on which letters, numbers, characters, symbols, graphics or illustrations which are not themselves any illumination device are manually placed, and which may be changed or re-arranged manually without altering the display surface or the support structure of the sign; or
- (b) that has a fixed, permanent display surface frame in or on which a display surface or sign face or message panel may be changed or re-arranged manually without altering the display surface frame or the support structure of the sign.

Manual Changeable copy signs are signs generally used to display the same message for a relatively limited period of time, and include but are not limited to devices referred to as “reader boards,” “menu boards,” price signs with changeable plastic or metal objects, and off-site billboards.

Changeable sign -- multi-vision. A sign that is visible from a public right-of-way and that is composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one of two or more images on a single sign structure. May also be known as “tri-vision” signs.

Changeable sign - video display. A sign or portion thereof, that is visible from a public right-of-way, with or without textual information, which is created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LED’s), liquid crystals (LCD’s), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic / three dimensional, or any other device, process, product, application or technology, or by the appearance of any of such within the display area, either alone or in varying combinations with each other or other elements, that changes its message or image or background in a manner or method of display (i) which includes the appearance

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of motion, movement or animation, (ii) which depicts action or a special effect to imitate motion, movement or animation, or (iii) which includes the presentation of light or images displayed in a progression of frames or other such so as to give the illusion of motion, movement or animation, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting or otherwise altering shapes. Video display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise.

City: The City of Murfreesboro, Rutherford County, Tennessee.

City Council: The City Council of the City of Murfreesboro, Rutherford County, Tennessee.

Commercial or noncommercial multi-tenant complex: A building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

Commercial or noncommercial multi-tenant complex sign: See Complex sign.

Commercial sign: Expression related solely to the economic interests of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

Common outside entrance: See Multi-tenant building with separate outside entrance(s).

Complex sign: A Ground or Freestanding wall sign, located on a Lot or a Development which contains one or more commercial or non-commercial buildings, or an attached sign on a commercial or non-commercial building, which identifies the building(s), the Development, and/or one or more of its or their tenants. A Complex sign placed at a vehicular entrance shall preclude the placement of a Development ID sign or signs at that entrance.

Convenience sign: A sign not exceeding two and one-half (2½) square feet in surface area.

Covered mall building: A single building enclosing a number of tenants such as, but not limited to retail uses wherein two or more tenants have a main entrance into one or more malls. For the purpose of this chapter, anchor buildings or anchor tenants shall not be considered as part of a covered mall building.

Development: For purposes of this chapter, a Development is a subdivision or other residential or non-residential project, constructed or to be constructed on a single lot or on multiple lots, with multiple buildings constructed or to be constructed under a common plan and (i) with a common or shared identity, or (ii) with a commonality of design or appearance, or (iii) with a commonality of use. A single building shall not be considered

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a “Development” for purposes of this Sign Ordinance.

Development ID sign: A sign placed at a vehicular entry to a Development, or at a vehicular entry to an identifiable building group within a Development, whose only function is to identify the Development or the building group.

Dilapidation: When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty percent (50%) of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

Directional sign: A directional sign is a temporary sign located off-site which indicates the direction to a special event such as a program, auction, open house or sporting event.

Display surface area: The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.

Districts and zone districts: These are synonymous and are identified and defined in Code §25¼-21.

Enter/Exit sign: A sign not exceeding four and one-half (4½) square feet in surface area directing traffic movement onto and from a zone lot.

Entrance flag sign: An entrance flag sign is a flag sign on a flagpole located so as to mark or highlight the entrance from a public street to a property, a subdivision, or a commercial, non-commercial or industrial facility. An entrance flag sign flagpole shall not be placed within 5 linear feet of the public street ROW, and shall not be placed within 5 linear feet of the margin of the driveway surface. Entrance flag sign flagpoles shall be spaced from other entrance flag sign flagpoles so that the flag signs do not make contact with other flag signs or other flagpoles. No entrance flag sign flagpole shall be located more than 20 linear feet from another entrance flag sign flagpole, which is located on the same side of the street or driveway.

Exterior wall: The length of a building elevation or façade which is substantially perpendicular to the floor and which is visible from a public street, road or highway. Note: “Exterior wall” is used only in Sec. 25¼-26(C)(5) signs permitted in PCD, PID and PUD districts and within the BP, GDO-1, GDO-2, GDO-3 and GDO-4 overlay districts.

Fence: A structure functioning as a boundary or barrier, usually made of posts, boards, wire or rails.

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Flag signs: A sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

Flagpole: A flagpole is a pole, which is designed to raise and lower a flag sign by means of a cord, rope or cable through a pulley system or other such mechanical device. For purposes of the Sign Ordinance, a flagpole is deemed to be a sign support structure and subject to all requirements applicable to sign support structures. For purposes of the Zoning Ordinance, a flagpole is deemed to be an accessory structure.

Flagpole, ground: The height of a ground-mounted flagpole is measured from the ground at the base of the flagpole to its highest point.

Flagpole, wall-mounted: Wall-mounted flagpoles may be vertical or outrigger. A vertical wall-mounted flagpole is one that extends vertically from the top of a wall or similar structure. An outrigger wall-mounted flagpole is one that extends outward from a wall at an inclined angle.

Flashing Sign: A sign (i) the illumination of which is intermittently on and off so as to appear to flash, blink, chase, travel or stream; (ii) which resembles zooming, twinkling or sparkling; (iii) which fluctuates in light intensity or uses intermittent, strobe or moving light or lights; (iv) which reflects light so as to appear to flash, blink, chase, sparkle or flutter, such as but not limited to metallic or mylar-type fluttering materials; (v) which changes color; (vi) which displays any movement or simulates movement; or (vii) which displays any form or appearance of animation. A sign which does not change any part of the image within any portion of any display area more often than one time each hour shall not be deemed to be a flashing sign.

Freestanding wall sign: A sign that is incorporated in, affixed, or mounted to, a ground supported masonry wall or masonry pedestal. This type of sign is often referred to in the sign industry as a monument sign.

Front of building: Any portion of the building wall containing the main entrance.

Frontage, building: Building frontage is the length of a building's elevation which is substantially parallel to a public street, road, or highway and from which public ingress and egress to the building is available. A drive-in window for customers shall satisfy the public ingress and egress requirement. If the building is a commercial, noncommercial or a multi-tenant complex, then building frontage is measured from the side of the building affording ingress and egress to the public. *Occupant frontage* or *tenant frontage* is the length of the portion of building frontage occupied by a particular occupant or tenant in a commercial, noncommercial or multi-tenant complex.

Frontage, street: Street frontage is the length of the lot line adjoining a public street, road, or highway.

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Governmental sign: A sign erected and maintained by the federal, state or local government or agency thereof for a governmental purpose. A governmental sign shall not exceed sixty square feet, unless it is a traffic control sign. For the purpose of this chapter, a “traffic control sign” is a sign for the purpose of regulating, warning, or guiding traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

Ground level: The first floor above ground. The ground level floor in a building with two or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in a building with only one story, excluding the basement, extends to the lowest point of the roof on the side to which the sign is attached. When a building is located on a sloping lot and ground level street frontage on two or more streets, then the building may have two ground level floors, but the ground level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

Ground signs: A sign which is supported by uprights or braces and permanently attached to the ground but excluding a temporary pole sign.

Height: See Code §25 $\frac{1}{4}$ -22.

Indirect illumination: A source of light which is not internal.

Inflatable signs: A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

- (1) An inflatable stationary sign is anchored in such a fashion that does not allow it to move.
- (2) An inflatable mobile sign is one which is tethered so that it moves and free floats.

Interstate on-site sign: An on-site ground sign located within a two thousand foot radius of the center of an Interstate 24 interchange. Any other type of sign attached to the interstate on-site sign support which does not exceed the maximum height for its type of sign shall not be considered in calculating the signage of the interstate on-site sign, but it is subject to regulation by this chapter. Should the applicant be entitled to two or more ground signs, the support of the interstate on-site sign may be used in lieu of a separate ground sign support.

Lot: Lot of record.

Lot of record: A tract of land whose existence, location, boundaries and dimensions have been legally recorded in a deed or plat and filed as a legal record and including any that is filed on record in the Register’s Office of Rutherford County, Tennessee. If a building sits on two or more lots, it is considered one lot of record for purposes of this chapter.

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Maintenance: To keep in existing state of repair; preserve from decline; the upkeep of property.

Major tenant space: A tenant space in a building with multiple tenants , which space contains 10,000 or more sq. ft.

Mall: A roofed or covered common pedestrian area within a covered mall building that serves as an access for two or more tenants.

Minor tenant space: A tenant space in a building with multiple tenants, which space contains less than 10,000 sq. ft.

Multi-tenant building with a common outside entrance(s): A building in which the common outside entrance(s) is shared by the tenants. For the purpose of this chapter, a multi-tenant building with a common entrance includes, but is not limited to a covered mall building, and does not include an anchor building of a covered mall.

Multi-tenant building with separate outside entrance(s): A building in which the outside entrance is not shared by the tenants. For the purpose of this chapter, a multi-tenant building with separate outside entrance(s) includes, but is not limited to, an anchor building.

Name plaques, address plaques and home occupation identification sign: An attached sign, not exceeding two square feet of surface area, indicating the name of the occupant, the address of the premises, and identification of any legal single business or operation which may exist at the premises.

Noncommercial sign: Any sign that is not a commercial sign. If a sign could reasonably be construed as either commercial or noncommercial, this chapter shall be liberally construed in favor of free speech and the sign shall be construed as noncommercial.

Nonconforming sign: Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter.)

Occupant: As used herein in conjunction with a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) is for the purpose of distinguishing one business entity from another unrelated business entity. An "occupant" in a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) may not be related to another business entity which is also an "occupant", except for the fact each business entity is in the same commercial or noncommercial multi-tenant complex. A business entity shall not be considered an occupant for purposes of this sign ordinance when the location is classified commercial

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or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) if:

- (1) the business entity has common partners or ownership with another business entity at that location;
- (2) one business entity is a partner with another business entity at that location;
- (3) any officer or director of one business entity is common with any officer or director of another business entity at that location;
- (4) any officer or director of one business entity is a partner in another business entity at that location.

Off-site sign: An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the same lot of record. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate Code §25¼-24.

On-site sign: An on-site sign or portion thereof is a sign which directs attention to a business, profession, commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an on-site sign, provided it does not violate Code §25¼-24.

Overlay district: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

Outline lighting: Attached neon tubing or fiber optic tubing which must be of constant intensity and uniform color placed on the exterior of a building which is not strip lighting.

Parapet: A vertical false front or wall extension above the roofline.

Pennant: A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag or drape, suspended or projecting from a private light pole, perimeter poles or dedicated pole.

Person: Any individual, firm, partnership, corporation, company, association or joint stock association and includes any trustee, receiver, assignee or other similar representative thereof.

Pole sign: A limited use on-site sign which is used for promotional-type advertising temporarily attached to perimeter poles, private light poles, canopy poles or other similar poles, but not including flag poles.

Portable sign: A portable sign shall include any advertising sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily moveable, not

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permanently attached thereto and which is usually a two-sided sign and including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature.

Push-thru style lighting: Internal illumination of a sign such that only the letters or graphics are illuminated. This includes cabinet signs, channel letters and reverse channel letters.

Residential use area: The residential use area of a mixed use Development shall be the area(s) so designated on the applicable Planned Development zoning document(s) or site plan(s) as approved by the Planning Commission.

Right-of-way line: The boundary line or margin of the area adjacent to public streets, roads and highways over which exists an easement or easements or other right to install and maintain public improvements including, but not limited to, overhead and underground power lines, telephone lines, water lines, sewer lines, drainage facilities including open ditches and storm water sewers and culverts, regardless of whether the right to construct those public improvements in the area was acquired by grant, by prescription or by exercise of the power of eminent domain. The right-of-way line will usually be parallel to the margin of the public street, road or highway but exceptions to this general rule may exist for each separate parcel of real property. This chapter does not supersede any right-of-way requirement for the state.

Roof: The exterior upper covering of the top of a building.

Roof sign: An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Routing sign: A Ground or Freestanding wall sign whose function is to direct traffic within a multi-building site to buildings or areas such as, but not limited to, a specific building, parking area, connective drive, or service entrance.

ROW: Right-of-way line.

Separate outside entrance(s): See Multi-tenant building with separate outside entrance(s).

Setback: A line located parallel to and a specified distance from the right-of-way line, curblineline or the edge of the street pavement, such distance being as specified in the applicable section of this chapter and behind which line a sign allowed under this chapter may be constructed, erected or otherwise maintained.

Sight triangle: The sight triangle shall be as defined in Murfreesboro City Code Appendix A, the Zoning Ordinance, Section 27(P), as amended.

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Sign: Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting, outline lighting, and flashing lights are included in this definition of “sign”.

Sign area: The total number of signs and/or display surface areas on any one premises or lot of record or commercial industrial developments and complexes.

Signable area: The total number of signs and/or display surface areas permitted in this chapter on any one premises or lot of record or commercial industrial developments and complexes.

Size: Refers to display surface area.

Streamer: A series of long, narrow banners, flags or pennants attached to a cord.

String lighting: Outdoor lighting of flexible or rigid construction used to outline or decorate any structure, including principal or accessory structures, tents, or parking areas, which is not strip lighting.

Strip lighting: Outdoor lighting of flexible or rigid construction of constant intensity in a uniform clear or white color with a minimum bulb wattage of twenty-five and a maximum bulb wattage of sixty attached to the underside of a building eave of a principal structure for the purpose of providing on-site lighting which may also attract attention for commercial purposes. Should more than one row or tube of strip lighting be utilized, the maximum wattage shall not exceed a cumulative wattage of sixty watts in any foot of strip lighting. However, should the applicant demonstrate a need for greater lighting for purposes of safety and no other practical solution is available, the Board of Zoning Appeals may grant a variance to the sixty watt maximum limitation. For purposes of this definition, an eave exists where a roof overhangs a building wall; not all buildings have eaves.

Temporary sign: Any sign which is by reason of construction or purpose to be used for a limited period of time.

Temporary window sign: A sign in contact with or within three feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday

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sign painted on a window for thirty days or less shall be treated as a temporary window sign.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Theater sign: A ground sign used for the purpose of advertising motion pictures shown in a theater. A theater sign was a type of sign that was allowed prior to a sign ordinance amendment that deleted this type of sign from those that are permissible. Theater signs were no longer allowed after December 14, 2006.

Traffic sign: A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.

Window: An opening in a wall or door of a building for admission of light that is usually closed by casements or sashes containing transparent material (as glass).

(B) *Interpretation*. All words herein in the singular number shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine and neuter.

[Ord. No. 90-36 §§2, 16, 08-16-90; Ord. No. 92-33 §1, 07-23-92; Ord. No. 92-O-09 §§1-4, 12, 12-03-92; Ord. No. 94-O-09 §§2, 4, 5, 7, 9, 11, 16, 12-22-94; Ord. No. 94-O-50 §3, 09-29-94; Ord. No. 95-O-31 §3, 10-12-95; Ord. No. 96-O-31 §§1, 2, 16, 05-09-96; Ord. No. 98-O-42 §§1-6, 10-15-98; Ord. No. 00-O-16 §1, 05-25-00; Ord. No. 04-O-15 §1, 04-22-04; Ord. No. 05-O-24 §§1, 2, 06-02-05; Ord. No. 06-O-46 §1, 12-14-06; Ord. No. 06-O-39 §1, 04-19-07; Ord. No. 07-O-40 §1-2, 11-08-07; Ord. No. 09-O-13 §1, 05-21-09; Ord. No. 09-O-14 §1-3, 05-21-09; Ord. No. 10-O-32 §2, 09-30-10; Ord. No. 10-O-40 §§1-2, 12-09-10]

SECTION 25¹/₄-3 ADMINISTRATION AND ENFORCEMENT.

The Chief Building Official is hereby designated as the enforcement officer for this chapter. In addition to all other authority conferred by statute, ordinance or resolution, the Chief Building Official and/or authorized representative shall have the following duties and powers:

(A) *Review and issue permits*. Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this chapter.

(B) *Conduct inspections*. Conduct location, footing and final construction inspections, and to conduct such other inspections of all permanent and temporary signs displayed in the City as necessary to require compliance with the provisions of this chapter.

(C) *Issue notices of violation*. Issue notices of violation or citation regarding any sign which is found to be in noncompliance with one or more of the provisions of this chapter.

(D) *Cause removal of certain signs*. After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one or more of the provisions of this chapter.

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- (E) *Administrative interpretations.* Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the City.
- (F) *Maintenance of records.* Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variances and appeals.

[Ord. No. 90-36 §13, 08-16-90]

SECTION 25¹/₄-4 VIOLATIONS; PENALTIES.

- (A) *Violation and penalty defined.* Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation and subject to the penalties hereinafter provided, and each day that such violation continues shall constitute a separate and additional violation for each such day. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Code §1-8.
- (B) *Signs placed in right-of-way.* Signs that exist in a nonconforming status placed in the public right-of-way shall be immediately confiscated by the City and the owner or responsible party for the sign shall be fined for each sign in violation for the sign's return, in addition to paragraph (A):
- (1) Signs five and one-half (5¹/₂) square feet and under - \$5.00 return fine.
 - (2) Signs over five and one-half (5¹/₂) square feet - \$25.00 return fine.
- If the sign is not claimed within thirty days, the City may consider it abandoned and destroy same.
- (C) *Persons subject to penalty.* The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided.

[Ord. No. 90-36 §14, 08-16-90]

SECTION 25¹/₄-5 APPEALS.

- (A) *Authority.* An appeal may be taken to the Board of Zoning Appeals by any person aggrieved by an order, requirement, decision, determination or interpretation of the Chief Building Official and/or authorized representative acting within the authority of this chapter.
- (B) *Petition for appeal on decision:*
- (1) *Time limitation.* An appeal shall be filed within fifteen days from the date of the alleged erroneous order, requirement, decision, determination or interpretation. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

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- (2) *Filing to be in writing accompanied by documentation.* Such appeal shall be filed in writing with the Chief Building Official and shall be accompanied by such documents and information as the BZA may by rule require.
- (3) *Fee.* Each appeal for a variance to the BZA shall be accompanied by an application fee established from time to time by the City Council to be paid at the time of filing the appeal. However, the filing fee is waived if the appellant files a pauper's oath. In addition, the filing fee shall be refunded upon the successful appeal by the appellant. There will be no refund when a variance is granted or denied.
- (4) *Transmittal of record.* The Chief Building Official shall, at the time of filing an appeal, forthwith transmit to the BZA all of the documents constituting a record upon which the action appealed from was taken.
- (5) *Information necessary for appeal.* An appeal of alleged erroneous order, requirement, decision, determination or interpretation shall be filed in writing with the Chief Building Official and shall include the following information:
 - (a) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (b) Decision being appealed.
 - (c) Description of the requested appeal.
 - (d) Questions to be raised on appeal.
 - (e) Justification of the requested appeal.
 - (f) The location of the building, structure or zoning lot on which the sign is erected, to be erected or affixed.
 - (g) If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon and showing accurate placement thereon of the sign involved.
 - (h) A blueprint, ink drawing or photograph of the sign involved.
 - (i) Written consent of the owner of the building, structure or property on which the sign is erected or to be erected or affixed.
 - (j) Such other information as the Chief Building Official may require to determine full compliance with the decision.
- (6) *Effect of appeal.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Chief Building Official certifies to the BZA, after the appeal has been filed with the Chief Building Official, that, by reason of the facts stated in the application, a stay would, in the Chief Building Official's opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.
- (7) *Board of Zoning Appeals, public hearing; timing and attendance.* Not more than forty-five days after a notice of appeal is filed, the BZA shall hold a public hearing thereon. Written notice of such hearing shall be given to the person who filed the appeal and to such other persons as the BZA deems advisable. The petitioner and Chief Building Official and/or their authorized representatives shall attend those meetings of the BZA at which an appeal is to be heard.

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- (8) *Board of Zoning Appeals determination.* Following the hearing of any such appeal, the BZA may affirm, reverse or modify the action of the Chief Building Official and/or representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the BZA on any such appeal shall be final and conclusive.
- (9) *Effect of Board of Zoning Appeals denial.* No appeal which has been denied, wholly or in part, by the BZA, in accordance with the provisions established herein, upon which no variance has been granted, may be resubmitted for a period of one year from the date of such denial except on grounds of new evidence or proof of changed conditions found to be valid by the BZA.
- (10) *Maintenance of records.* The Chief Building Official shall maintain complete records of all findings of fact and recommendations of the BZA and all determinations of the BZA relative to an appeal. All such records shall be open to the public for inspection.

[Ord. No. 90-36 §15-1, 08-16-90; Ord. No. 96-O-52 §1, 10-10-96; Ord. No. 11-O-32 §§1-2, 10-13-11]

SECTION 25¹/₄-6 VARIANCE CONDITION.

- (A) *Authority to grant.* Where, by reason of extraordinary and exceptional situations or conditions of such parcel of real estate, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided:
- (1) such relief may be granted without substantial detriment to the public good;
 - (2) such relief may be granted without substantially impairing the intent and purpose of the sign ordinance, zone plan, and zoning ordinance;
 - (3) all of the conditions set forth in Code §25¹/₄-6(D) “Standards for Variance” are satisfied;
 - (4) the resolution or motion of the BZA shall specifically address each of the conditions set forth in Code §25¹/₄-6(D)(1)—(4), and explain how each condition was met or satisfied by the evidence. (The applicant has the burden of proof as to each condition);
 - (5) the provisions of Code §25¹/₄-6(B) have been substantially and materially satisfied by the applicant; and,
 - (6) the request of the applicant does not violate the limitations set forth in Code §25¹/₄-29(D) or (E).
- (B) *Petition for variance:*
- (1) *Standing.* A petition for a variance from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variance is requested.
 - (2) *Information necessary for variance.* A variance request shall be filed in writing with the Chief Building Official and shall include the following information:

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- (a) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (b) A description of the requested variance.
 - (c) Justification of the requested variance.
 - (d) The location of the building, structure or zoning lot on which the sign is to be erected or affixed.
 - (e) If variance involves a ground sign, a site plan of the property involved, showing dimensions of the lot, improvements thereon, accurate placement thereon of the proposed sign.
 - (f) A blueprint, ink drawing or photograph of the sign involved.
 - (g) The written consent of the owner or lessee of the building, structure or property on which the sign is to be erected or affixed.
 - (h) Such other information as the Chief Building Official may require to determine full compliance with this and other applicable ordinances of the City.
- (3) *Fee.* Each variance request to the BZA shall be accompanied by a non-refundable application fee established from time to time by the City Council to be paid at the time of filing the variance request.
- (C) *Board of Zoning Appeals, public hearing; timing and attendance.* Not more than forty-five days after an application for a variance is filed, the BZA shall hold a public hearing thereon. Written notice of such hearing shall be given to the person who filed the application and to such other persons as the BZA deems advisable. The petitioner and Chief Building Official and/or their authorized representatives shall attend those meetings of the BZA at which a variance is to be heard.
- (D) *Standards for variance.* It is the intent of this chapter to use variances only to modify the application of any of the provisions of this chapter where there are practical difficulties or where unusual hardships may result. The BZA shall not grant a variance unless it makes findings based upon evidence presented it as follows:
- (1) The conditions upon which the petition for a variance is based would not be applicable generally to other property within the same district.
 - (2) If the condition complained of by the appellant is a general or widespread condition, then a variance shall not be permissible. Financial factors alone shall not be considered as a basis for granting a variance.
 - (3) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this chapter.
 - (4) The proposed variance will not increase the danger of fire or endanger the public safety.
- (E) *Board of Zoning Appeals determination.* The BZA may grant, deny, wholly or in part, or modify such variance request as it determines appropriate.
- (F) *Effect of denial.* No requested variance which has been denied wholly or in part by the BZA in accordance with the provisions established herein may be resubmitted for a period of one year from the date of such denial except on ground of new evidence or proof of changed conditions found to be valid by the BZA.
- (G) *Board of Zoning Appeals revocation.* In any case where a variance has been granted, and where no work pertinent thereto has been initiated within six months (one hundred

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eighty days) from the date of the BZA approval of the requested variance, then without further action by either the Chief Building Official or BZA, such variance shall become null and void.

- (H) *Maintenance of records.* The Chief Building Official shall maintain complete records of all findings of fact and recommendations of the BZA and all determinations relative to variance applications. All such records shall be open to the public for inspection.
- (I) Excepting only for variances related to locational issues applicable to all signs such as height limitations, location within an easement and setback requirements, the Board of Zoning Appeals shall have no authority to grant any variance with respect to any prohibition, restriction, limitation or other regulation applicable to changeable signs.

[Ord. No. 90-36 §15-2, 08-16-90; Ord. No. 91-25 §1, 05-09-91; Ord. No. 96-O-31 §3, 05-09-96; Ord. No. 96-O-52 §2, 10-10-96; Ord. No. 98-O-42 §7, 10-15-98; Ord. No. 09-O-14 §4, 05-21-09; Ord. No. 11-O-32 §3, 10-13-11]

SECTION 25¹/₄-7 OTHER REMEDIES.

In addition to all other remedies, the City may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter.

[Ord. No. 90-36 §15-3, 08-16-90]

SECTION 25¹/₄-8 CONFLICTING CODES AND ORDINANCES.

If any provision or requirement of this chapter is found to be in conflict with any other provision or requirement of this chapter or of any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the regulation which establishes the more restrictive rule or higher standard shall govern.

[Ord. No. 90-36 §17, 08-16-90]

SECTIONS 25¹/₄-9 - 25¹/₄-19 RESERVED.

ARTICLE II. SIGN REGULATIONS

SECTION 25¹/₄-20 SIGN PERMITS AND FEES.

- (A) *Permit and fee required.* Except as otherwise specifically provided in this Chapter, it shall be unlawful for any person to prepare, erect, reconstruct, alter, relocate or keep within the City any sign, as defined in this Chapter, on a lot of record, without first obtaining a sign permit from the Building & Codes Department and paying the fee

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required by this section.

(B) *Application for sign permit.* Application for a sign permit shall be made upon application forms provided by the Building & Codes Department and shall include all required information set forth below:

- (1) Name and specified contact information for:
 - (a) the land owner and, if an attached sign, the building owner, if different than the landowner;
 - (b) the sign owner, if different than the landowner or building owner;
 - (c) the sign contractor; and
 - (d) the electrical contractor, if any.
- (2) The proposed type of sign, using the definitions in this Chapter 25¹/₄.
- (3) Location of the building, other structure or lot to which or upon which the sign is to be attached or erected.
- (4) For attached signs, a dimensional sketch showing:
 - (a) the position of the sign in relation to the building or structure to which it will be attached;
 - (b) the linear footage of the building frontage to which the sign will be attached; and
 - (c) the location of all attached, ground, and freestanding wall signs in existence on the same lot of record at the time of the application.
- (5) For on-site ground signs and free standing wall signs, all portions of which do not equal or exceed either of the following limits (i) 20 ft. or more above ground level, or (ii) 15 ft. or more above ground level if the sign has more than 120 sq. ft. in total sign face area:
 - (a) two dimensional sketches showing the height, shape and surface area display of the sign;
 - (b) two dimensional sketches of the foundation for the sign;
 - (c) two dimensional site plans showing the location of the sign on the site;
 - (d) the setbacks from rights-of-way and power lines; and
 - (e) the spacing from other ground or freestanding wall signs in existence on the lot at the time of the application.
- (6) For on-site ground signs and free standing wall signs, any portions of which is (i) 20 ft. or more above ground level, or (ii) is 15 ft. or more above ground level if the sign has more than 120 sq. ft. in total sign face area: the same information as required in subsection (5) above, and all required plans:
 - (a) must be drawn to scale
 - (b) must include the wind load design in accordance with the applicable provisions of the adopted International Building Code, as amended; and
 - (c) must be sealed by a registered Tennessee architect or engineer.
- (7) The Chief Building Official is authorized to require sealed drawings for other on-site structures if, in the opinion of the Chief Building Official, a failure of the structure is likely to cause harm to persons or property.
- (8) For off-site ground signs and free standing wall signs, scaled plans showing the same information as required in subsection (6) above, and:
 - (a) scaled site plans showing the proposed location on the lot; and

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- (b) the spacing of existing off-site ground signs within one thousand feet in both directions on the same side of the street or interstate highway.
- (9) All such additional information or material as is required on the application forms provided by the Building & Codes Department, as such applications may be revised from time to time.
- (10) Before any sign permit can be issued, any required electrical permit for the proposed sign must be issued by the Building & Codes Department.
- (11) Applications shall be delivered in person, by mail, or electronically to the Sign Permit Application designee at the Building & Codes Department. Applications may not be accepted by any individual sign inspector.
- (C) *Review of application.* Upon the delivery of an application for a sign permit to the Building & Codes Department, the Department will examine such application and the accompanying materials for completeness and compliance with this chapter. The Department will approve or deny the application within 10 working days after a complete and compliant application is received.
- (1) If it shall appear that the application is complete and in compliance with all of the requirements of this chapter and all other laws and ordinances of the City, the application will be assigned to a codes inspector for a location inspection. Upon approval of the location, the Department will approve the application and so advise the applicant. Any condition attached to the approval must be complied with in accordance with the stated condition; failure to comply with any stated condition will be grounds for denial or revocation of the sign permit.
- (2) If it shall appear that the application is incomplete or in any manner not in compliance with all of the requirements of this chapter and all other laws and ordinances of the City, or if there is an objection to the location, the Department will deny the application and will advise applicant of the reason(s) for such denial. If the applicant elects to resubmit the application, the 10 working day period to approve or deny the application will start anew upon receipt of the resubmitted application. The failure of staff to note an incompleteness, objection or other deficiency or violation in a response to an applicant shall not preclude staff from raising such incompleteness, objection or other deficiency or violation in a subsequent response.
- (D) *Issuance of permit.* A sign permit shall not be issued until the application has been approved, any conditions stated in the approval have been satisfied, any required electrical permit has been issued, and any required permit fee has been received. Construction shall not begin until after issuance of sign permit.
- (E) *Inspections.* It is the responsibility of the sign contractor to call the Department and request all required site, footing, final and any other inspections required by the sign permit. It is the responsibility of the electrical contractor, if any, to call the Department and request all required electrical inspections. Whenever any work is required to be inspected by this chapter, no additional work can be undertaken until the required inspection is completed and the work approved. If additional work is undertaken prior to an inspection, the sign contractor shall, at the sign contractor's expense, tear out, remove or demolish such additional work as may be necessary in order to conduct the required inspection, provided that the Chief Building Official may, in such Official's sole discretion, accept a letter of indemnity, in form and substance satisfactory to the

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Chief Building Official in lieu of such tear out, removal or demolition. The following inspections are ordinarily required, in appropriate circumstances:

- (1) Location inspection. A location inspection is required for all ground signs and all freestanding wall signs prior to the approval of an application. The location inspection will be initiated by the Department whenever the application is determined to be complete.
 - (2) Footing or foundation inspection. A footing or foundation inspection is required whenever the sign and any support structure is more than 10 ft. in overall height or is larger than 40 sq. ft. This inspection must be completed before the concrete for the footing or foundation is installed.
 - (3) Electrical inspection. Electrical inspections are required in accord with the standards of the currently adopted version of the National Electric Code.
 - (4) Others. The City may require by notation on a sign permit any other or additional inspection that the Chief Building Official determines is reasonably necessary for the protection of health, safety and welfare, or to assure compliance with this Chapter.
 - (5) Final inspection. A final inspection is required at such time as all aspects of the sign structure and/or sign installation are substantially complete with nothing more than "punch list" items remaining. The sign message does not need to be installed on an allowable changeable sign prior to final inspection, but the face or mechanism upon which or by which the message will be displayed must be finally installed and operable. Unless otherwise specifically noted on the sign permit, landscaping required by a Site Plan or other such Planning or Zoning document does not need to be installed prior to final inspection.
- (F) *Expiration of sign permit.* If work authorized under a sign permit has not been completed within one hundred eighty days after the date of issuance, the permit shall expire and immediately become null and void. Any work in process shall immediately stop and no additional work shall be initiated until a new sign permit is issued. The Chief Building Official may extend an existing sign permit under which substantial work has been accomplished before expiration. A new sign permit shall not be issued without a new application and payment of applicable fees.
- (G) *Schedule of sign permits and fees:* No sign permit may be issued until the applicable fee, if any, has been paid. Sign permit fees shall be established and may be amended from time to time by resolution of the City Council.
- (H) *Final Inspection Deposit Agreement.* At the time each sign permit is issued, the applicant shall sign a Final Inspection Deposit Agreement in form established by the Chief Building Official, which shall provide for the following:
- (1) A cash deposit in the amount established by resolution as may be amended from time to time by the City Council.
 - (2) Refund of the deposit within 10 working days after the work has passed final inspection.
 - (3) Refusal of the issuance of any new sign permits to or for the benefit of an applicant who appears to have completed work under an outstanding sign permit but has failed to have requested and passed a final inspection.
- (I) *Building Permit:* A separate building permit shall be required for the support structure

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of a freestanding wall sign whenever required by the currently adopted version of the International Building Code.

- (J) *Exceptions to fee requirement.* The following sign permits shall be issued without a fee, but not without a Final Inspection Deposit Agreement:
- (1) Permits for the demolition of any sign.
 - (2) Permits for replacement of a preexisting, permanent sign face with the same or a substantially similar sign face, provided that the owner or owner's designee delivers a Replacement Certificate in form provided by the Building & Codes Department.
 - (3) Permits for a banner in the Central Business District.
- (K) *Failure to obtain permit.* In the event construction is started prior to the issuance of a sign permit, the permit fee otherwise due for the applicable sign permit shall automatically be doubled.
- (L) *Permit revocation.* Unless it expires pursuant to this section, sign permits are valid for the life of the sign. However, it is the responsibility of the owner to ensure that the owner's architect or engineer and the owner's contractor(s) follow all applicable provisions of this Chapter in the design, construction and installation of a sign. The issuance of a sign permit or the passing of an inspection through inadvertence, mistake or oversight shall in no event be construed as waiving any provisions of this Chapter. Any sign permit may be revoked by the Chief Building Official upon determination that the sign is not in full compliance with the provisions of this Chapter.
- (M) *Special provisions for flag signs and flagpoles.*
- (1) Notwithstanding any provision of this Sign Ordinance to the contrary, the following permit and fee provisions shall apply to flag signs and flagpoles.
 - (a) No permit shall be required for any flag sign.
 - (b) It shall be unlawful for any person, corporation or association to erect, prepare, alter or relocate within the City any flagpole as defined in this chapter on a lot without first obtaining a flagpole permit from the Building and Codes Department, provided, however, that no flagpole permit shall be required for a flagpole to be erected, prepared, altered or relocated on a lot which is lawfully being used for either a single family or two family residential use, regardless of zoning district. No fee shall be required for the filing of an application for a flagpole permit or for the processing or issuance of a flagpole permit.
 - (2) Application for a flagpole permit shall be made upon forms provided by the Building & Codes Department and shall include all required information set forth below:
 - (a) Name, address and phone number of applicant
 - (b) Name, address and phone number of owner
 - (c) Name, address and phone number of contractor
 - (d) Property address and zoning district
 - (e) Lighting, if any
 - (f) Location of any easements crossing or affecting the property

NOTE: IT IS THE RESPONSIBILITY OF THE APPLICANT, OWNER AND CONTRACTOR TO CONTACT TENNESSEE ONE-CALL PRIOR TO ANY DIGGING OR EXCAVATION.

 - (g) Attach consent of adjoining landowner if flag sign will extend over property line.

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(h) Attach drawing showing flagpole location, height or length, and flag size, together with the following, as applicable:

[1] For ground-mounted flagpoles less than 16 feet in height, two dimensional sketches showing the location of the flagpole on the site, the height of the flagpole and the shape and extended dimensions of the flag sign. The setbacks from rights of way and power lines shall be included, as well as the location of any underground or surface easements.

[2] For ground-mounted flagpoles 16 feet in height or more but less than 35 feet in height, two dimensional sketches showing the location of the flagpole on the site, the height of the flagpole and the shape and extended dimensions of the flag sign, and two dimensional sketches of the foundation of the flagpole. The setbacks from rights of way and power lines shall be included, as well as the location of any underground or surface easements.

[3] For ground-mounted flagpoles 35 feet in height or more, the same as subsection [2] above, except that all plans required must be drawn to scale and must be sealed by a registered Tennessee engineer (or pre-engineered by a flagpole manufacturing company) with wind loads specified in accordance with the applicable provisions of the adopted International Building Code, as amended.

[4] For wall-mounted vertical or outrigger flag poles, two dimensional plans showing the location and position of the flagpole with respect to the building or structure to which it will be attached, the height or length and angle of the flagpole, the shape and extended dimension of the flag sign, and the distance from the lowest point of the flag sign to the ground or other surface directly beneath such lowest point. Such plans must be drawn to scale and must be sealed by a registered Tennessee engineer (or pre-engineered by a flagpole manufacturing company) with wind loads specified in accordance with the applicable provisions of the adopted International Building Code, as amended.

(i) Before a flagpole permit can be issued, a copy of the application requesting an electrical permit for any proposed lighting must be obtained and filed with the flagpole permit application. A separate electrical permit will not be required if the lighting is included in any other electrical permit.

(3) Before any flagpole permit can be issued, the proposed location shall be marked by stake or other similar manner for a location inspection.

(4) All flagpoles must be erected, installed or attached in compliance with the applicable provisions of the adopted International Building Code, as amended.

(5) It shall be the duty of the codes inspector, upon the filing of an application for a flagpole permit, to examine such plans and specifications and other data regarding the proposal to erect the flagpole, and if it shall appear that the proposed flagpole is in compliance with all of the requirements of this chapter and of other applicable laws and ordinances of the City, the codes inspector shall make a location inspection.

If it shall appear that the proposed flagpole is in compliance with all of the requirements of this Chapter and all other laws and ordinances of the City, the

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flagpole permit shall be issued within the next five working days after the location inspection. If the application is not in compliance with this chapter, then within the next five working days after the location inspection the building inspector shall advise the applicant of the refusal and the reason(s) therefore.

After the issuance of a flagpole permit, the codes inspector will examine the premises for a footing inspection, provided that the flagpole is 16 feet or greater in height. It is the responsibility of the applicant or the applicant's contractor to call the Building and Codes Department to schedule a footing inspection if required by this Chapter, and construction shall not proceed until such inspection is made and the footing approved.

Final inspections are required to be done by the codes inspector upon installation of the proposed flagpole. It is the responsibility of the applicant or the applicant's contractor to call the Building and Codes Department to schedule a final inspection if required by this Chapter, and an electrical inspection, if required.

- (6) Upon approval of a final inspection of a flagpole, the Building and Codes Department may apply, or may provide for application by the applicant, a label bearing the number of the flagpole permit. Any such label shall be affixed to the flagpole in such a manner that the permit number will be readily visible for inspection purposes.
- (7) The Chief Building Official may order that any flagpole erected or constructed without a permit after the effective date of this provision be removed.

[Ord. No. 90--36 §3, 08-16-90; Ord. No. 92-33 §5, 07-23-92; Ord. No. 01-O-26 §6, 06-07-01; Ord. No. 07-O-40 §3, 11-08-07; Ord. No. 09-O-01 §1, 02-26-09; Ord. No. 10-O-40 §3, 12-09-10]

SECTION 25¹/₄-21 DISTRICTS AND ZONED DISTRICTS DEFINED; SIGN MAP ADOPTED.

All signs permitted to be constructed, erected and maintained under this chapter shall be permitted only in the designated districts. "District" or "zone district," when used herein, shall be and mean those areas which are zoned as and identified as such in the Comprehensive Zoning Ordinance adopted January 19, 1984, as amended, and as may be amended hereafter. For further reference and for further identification of the "districts" and "zoned districts," the official zoning map of the City, as amended, and as may be amended hereafter, and which is a part of the Comprehensive Zoning Ordinance, is incorporated and adopted herein by reference, as if set forth verbatim. The map or a copy of the same shall be on file for reference for the administration of this chapter in the building inspector's office.

[Ord. No. 90-36 §4, 08-16-90]

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SECTION 25¹/₄-22 COMPUTATION OF SIGN AREA, NUMBER, HEIGHT, POWER LINE SETBACK AND OTHER SETBACKS.

(A) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

- (1) When two signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one such face shall be included in computing the total display surface area of the sign. When two signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, each such face shall be included in computing the total display surface area of the sign.
- (2) The display surface area of an attached sign consisting of word(s), image(s), logo(s) or trademark(s) not enclosed by a box or outline, shall be the sum of the area(s) within an imaginary rectangular box around each word, image, logo or trademark, with the size of the box being the area within same, calculated by multiplying the height by the width. The height of the box shall be the vertical distance between the tallest and lowest letter or image in the word; or the distance between the top and bottom of an image, logo, or trademark which is not part of a word. The width shall be the horizontal distance between the outermost distant letter(s), image(s), logo(s), trademark(s) or combination thereof within a word; or the horizontal distance between the outermost edge of any image, logo or trademark not a part of a word.
- (3) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline of any kind shall be the total area of the sign including the background, box or outline.

Example:

SIGN

- (4) The display surface area of a multifaced sign shall be one-half ($\frac{1}{2}$) of the sum of all surface area forming a part of the display.
- (B) In computing the number of attached signs permitted under this chapter:
- (1) When more than one word, image, logo, or trademark is attached to one elevation of a building and they are not enclosed by a box or outline EITHER:
 - (a) each word, image, logo or trademark may be considered as a separate attached sign, with the display surface area of each such sign being calculated as specified in subsection (A)(2) herein; OR
 - (b) two or more of the words, images, logos, or trademarks may be considered as one attached sign, with the display surface area of the sign being calculated as the area within an imaginary rectangular box around the combination of the two or more words, images, logos, or trademarks, calculated by multiplying its height by its width.

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Examples:

- (i) $3' \uparrow \begin{array}{|c|} \hline \text{Words} \\ \hline \end{array} \begin{array}{|c|} \hline \text{Logo} \\ \hline \end{array} 4' \uparrow$ = 2 attached signs with display surface areas of 15 square feet and 16 square feet respectively for a total of 31 square feet
 $\leftarrow 5' \rightarrow \quad \leftarrow 4' \rightarrow$
- (ii) $4' \uparrow \begin{array}{|c|} \hline \text{Words} \\ \hline \end{array} \begin{array}{|c|} \hline \text{Logo} \\ \hline \end{array}$ = 1 attached sign with a total display surface area of 48 square feet
 $\leftarrow \leftarrow \leftarrow 12' \rightarrow \rightarrow \rightarrow$

The applicant may choose the method of computation.

- (2) When more than one word, image, logo or trademark is attached to one elevation of a building and they are enclosed by a box or outline of any kind, each area so enclosed or outlined shall constitute one attached sign, with the display surface area of each such sign calculated as described in subsection (A)(3) herein.
- (C) *Height measurement.* Sign height shall be measured from the ground at the center of the sign to the highest point of the highest element of the sign, excluding any incidental structural element. However, when calculating the minimum height of a sign, the measurement is to the lowest part of the sign face; and, when calculating the minimum height of a canopy, the measurement is to the lowest part of the canopy that is not part of a support.
- (D) *Clearance from electrical power lines.* The closest part of a sign shall not be any closer than eight feet horizontally from a vertical line above and below the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight feet horizontally from a conductor not attached to the sign. As an exception to the foregoing, when the measurement is from the sign to an insulated secondary conductor not exceeding six hundred volts, no portion of the sign may be within eight feet of the insulated secondary conductor measured horizontally, vertically or diagonally. A convenience sign under three feet in height may be placed under a power line.
- (E) When (i) a zone lot is adjacent to a frontage road satisfying the conditions herein, has a minimum of one hundred feet frontage on the frontage road, and the principal entrance to the building faces the major thoroughfare; (ii) the permissible square footage of the signage varies based upon the distance from the street right-of-way such as in Code §25¼-26(C)(4)(b)(1); (iii) there is a frontage road substantially parallel to a major thoroughfare, which major thoroughfare is a minimum of four lanes; and, (iv) the frontage road right-of-way is adjacent to the major thoroughfare right-of-way, then for the purpose of measuring the distance from the street right-of-way in order to determine the maximum number of square feet of attached signage, the right-of-way of the major thoroughfare shall be used rather than the right-of-way of the frontage road. When the right-of-way between the frontage road and major thoroughfare is indistinguishable, then the frontage road shall be assumed to have a fifty foot right-of-way and the centerline of the frontage road is presumed to be the center of the frontage road right-of-way for purposes of measurement.

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(F) For purposes of measuring the distance between any sign and a residential zone as may be required by this ordinance, the entirety of a PUD district shall be deemed to be a non-residential zone.

[Ord. No. 90-36 §5, 08-16-90; Ord. No. 95-O-31 §1, 10-12-95; Ord. No. 96-O-31 §§4, 5, 05-09-96; Ord. No. 98-O-42 §§8, 9, 10-15-98; Ord. No. 06-O-46 §2, 12-14-06; Ord. No. 09-O-13, §§2, 3, 05-21-09]

SECTION 25¹/₄-23 EXEMPTIONS.

(A) *Compliance with applicable provisions.* Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. All signs within the City must comply with right-of-way or curblineline setbacks, electrical setbacks, maintenance provisions and electrical permits and inspections as required in Code §25¹/₄-20, except for governmental signs which may be in the right-of-way and convenience signs which may be zero setback.

(B) *Signs exempt from sign permit or permit fees requirements:*

- (1) Any flag sign of 24 square feet or less which is not mounted on or displayed from a flagpole as defined herein.
- (2) Enter/Exit signs;
- (3) Banners, except a permit without a fee is required for banners in the Central Business District;
- (4) Convenience signs;
- (5) Traffic sign;
- (6) Pennants;
- (7) Noncommercial permanent signs not exceeding four and one-half (4½) square feet in surface area;
- (8) Signs on the inside of windows, except as provided in Code §§25¹/₄-24(A)(25) and (26);
- (9) Streamers;
- (10) Temporary signs, except inflatable and portable signs;
- (11) Vehicle signs, except as prohibited in Code §25¹/₄-24;
- (12) Signs painted on the outside glass surface of windows or doors and indicating name, address and hours of lawful business conducted therein, provided such signs do not cover fifteen percent (15%) of the total window area to which it is applied. (See also Code §25¹/₄-24 for prohibited window signs.)
- (13) No flagpole permit shall be required for a flagpole to be erected, prepared, altered or relocated on a lot which is lawfully being used for either a single family or two family residential use, regardless of zoning district.

(C) Nothing in this section shall favor a commercial sign over a noncommercial sign. A noncommercial message may be displayed on any of the signs or types of signs set forth in subsection (B) herein.

[Ord. No. 90-36 §6, 08-16-90; Ord. No. 92-33 §4, 07-23-92; Ord. No. 92-O-09 §§6, 7, 18, 12-03-92; Ord. No. 94-O-09 §§1, 3, 6, 8, 12-15, 12-22-94; Ord. No. 00-O-16 §2, 05-25-00; Ord. No. 07-O-40 §4, 11-08-07; Ord. No. 09-O-01 §2, 02-26-09]

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SECTION 25¹/₄-24 PROHIBITED SIGNS AND OTHER REGULATIONS.

(A) *Prohibitions and restrictions pertaining to signs, fixtures and supporting features.* It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

- (1) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic-control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.
- (2) A sign or illumination that causes any direct glare into any building other than the building to which the sign may be accessory.
- (3) Flashing signs in commercial, industrial, and multifamily zones and or/uses. Flashing signs which are visible at any public street or sidewalk in the Central Business District or Historic District are prohibited.
- (4) Roof signs and signs painted on a roof.
- (5) Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or a trailer sign as a sign in circumvention of this chapter.
- (6) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.
- (7) A sign placed in a right-of-way, except as required by appropriate federal, state, city or county governmental authorities.
- (8) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving or fluttering devices, except on-site balloons no larger than two feet in diameter and no higher than ten feet from the ground are permitted, except in residential zones. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty days following the opening or start up of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold, or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.
- (9) Signs which revolve or rotate.
- (10) Signs incorporating any noisy mechanical device.

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(11) String lighting in a commercial or industrial zone except used as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.

(12) Signs displaying obscene matter.

Obscene:

- (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- (b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and,
- (c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Community: Rutherford County, Tennessee.

Matter: Any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

Patently offensive: That which goes substantially beyond customary limits of candor in describing or representing such matters.

Prurient interest: A shameful or morbid interest in sex.

Sexual conduct:

- (a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. Ultimate sexual acts means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or
 - (b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.
- (13) Temporary signs which violate Code §25¼-25.
- (14) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.
- (15) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electrical Code, as amended.
- (16) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, or sidewalk.
- (17) No advertising signs shall be allowed on trash receptacles or benches.
- (18) No attached sign shall extend more than eighteen inches beyond the surface to which it is attached.
- (19) The placing of banners across the street is prohibited (See Code §28-15).
- (20) Signs applied to the exterior of the window which are larger than fifteen percent (15%) of the outside area of that particular window are prohibited.
- (21) Signs which contain false, misleading or deceptive information.

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- (22) No sign of any type or any foundation or vertical support thereof shall be placed in or over a public utility or drainage easement unless the holder of the easement consents in writing to such placement and the owner requests and receives a variance from the Board of Zoning Appeals. Prior to consideration by the BZA, the Planning Director or designee shall review the application and submit a recommendation to the BZA.
- (23) Reserved.
- (24) Nothing herein shall prohibit noncommercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.
- (25) Permanent window signs applied to the interior of window in the Central Business District which are larger than fifteen percent (15%) of the area of the particular window, subject to subsection (A)(26) herein; and, temporary window signs applied to the interior of a window in the Central Business District which are larger than fifty percent (50%) of the area of the particular window, subject to subsection (A)(26) herein.
- (26) Signs in contact with or within three feet of the inside of the window which are visible from the outside and do not meet the requirements of this chapter.
- (27) Signs above the second floor level in the Central Business District and Historic District.
- (28) Except as specifically allowed by Code §25¼-26(C)(8), all changing and changeable signs are prohibited. Notwithstanding this general prohibition, the following changeable signs are specifically prohibited:
- (a) Multi-vision signs are prohibited in all zoning districts.
 - (b) Electronic graphic display signs are prohibited in all zoning districts.
 - (c) Video display signs are prohibited in all zoning districts.
 - (d) Any type of changeable sign that flashes (as defined in Code §25¼-2), other than as specifically allowed by Code §25¼-26(C)(8), is prohibited in all zoning districts; provided however, that this prohibition shall not apply to governmental traffic control signs.
- (B) *Owner's consent.* Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public rights-of-way without the written consent of the public authority having jurisdiction over the property is prohibited.
- (C) *Obstructions.* No signs, nor any means of supporting or staying such signs, shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.
- (D) *Terminated activity.* Signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one hundred twenty days from the date the vacancy began.

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- (E) *Unlawful cutting of trees and shrubs.* No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:
- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City or state, whichever is appropriate.
 - (2) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by the site plan without first obtaining approval of an amendment to the site plan by the Planning Commission.
 - (3) In any area where such trees or shrubs are required to remain under a permit issued under this chapter.
- (F) Notwithstanding any other provision of this sign ordinance, non-commercial signs may be displayed on utility poles in the R.O.W. of West Main Street and East Main Street, between Broad Street and Tennessee Boulevard, and within the Central Business District, with the advance written consent of the pole owner and the City Council.

[Ord. No. 90-36 §7, 08-16-90; Ord. No. 92-33 §§2, 3, 07-23-92; Ord. No. 92-O-09 §§8-11, 17, 19, 12-03-92; Ord. No. 94-O-09 §§10, 17, 12-22-94; Ord. No. 96-O-31 §17, 05-09-96; Ord. No. 98-O-28 §§1, 2, 07-30-98; Ord. No. 98-O-42 §10, 10-15-98; Ord. No. 00-O-16 §§3-5, 05-25-00; Ord. No. 06-O-39 §§2, 3, 04-19-07; Ord. No. 07-O-40 §5, 11-08-07; Ord. No. 09-O-13 §4, 05-21-09; Ord. No. 09-O-14 §5, 05-21-09; Ord. No. 10-O-32 §§3-5, 09-30-10; Ord. No. 11-O-06 §1, 03-10-11]

SECTION 25¹/₄-25 TEMPORARY SIGNS.

The total combined use of the following temporary signs shall not exceed three signs per lot at any one given time. The maximum signable area shall not exceed the size set forth below herein. It shall be unlawful to erect or maintain temporary signs in violation of the following:

- (A) Banners:
- (1) Number - Two per lot maximum on-site, except only one is permitted in the Central Business District.
 - (2) Size - 120 sq. ft. combined maximum area display.
 - (3) Setback - 1' ROW, 8' power lines minimum.
 - (4) Height - N/A.
 - (5) Timing - N/A, except in the Central Business District. In the Central Business District there shall be no banner attached to a building for more than ninety days in any calendar year.
 - (6) Permit fee - N/A, except a permit is required for a banner in the Central Business District, without any fee.
 - (7) Method of display - Attached to building or canopy only.

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- (8) Zone – All zones, except residential zones, the BP and GDO overlay districts, and the residential portion of PUD districts.
- (B) Directional signs:
- (1) Number - 4 per event off-site, 2 per lot.
 - (2) Size - 16 sq. ft. maximum; except in GDO overlay district–8 sq. ft. maximum.
 - (3) Setback - 1' ROW.
 - (4) Height - 4.5' maximum.
 - (5) Timing:
 - (a) Erection: 10 days before the event.
 - (b) Removal: 2 days after the event.
 - (6) Permit fee - None.
 - (7) Zone - All.
- (C) Inflatable signs - stationary:
- (1) Number - 1 per lot maximum on-site.
 - (2) Size - 100 sq. ft. maximum.
 - (3) Setback - 5' ROW, 8' minimum from power lines, plus the distance to its inflated height minimum.
 - (4) Height - N/A.
 - (5) Timing – 7 consecutive days per year maximum in those portions of a CH, H-I and L-I zone which are outside the BP and GDO Overlay zones;
-- 3 consecutive days per year maximum in PCD, PID, non-residential use areas of PUD, and non-residential zoned areas within the BP and GDO Overlay zones, PROVIDED that 2 of the 3 days must be a consecutive Saturday and Sunday.
 - (6) Permit/fee - Permit fee, and refundable deposit of \$50.00 required.
 - (7) Zone - Only zones listed in (C)(5) above.
- (D) Inflatable signs - mobile:
- (1) Number - 1 per lot maximum on-site.
 - (2) Size - 100 sq. ft. maximum.
 - (3) Setback - 5' ROW, 8' minimum from power lines, plus the distance to its inflatable height minimum.
 - (4) Height - 120 feet maximum.
 - (5) Timing – 7 consecutive days per year maximum in those portions of a CH, H-I and L-I zone which are outside the BP and GDO Overlay zones;
-- 3 consecutive days per year maximum in PCD, PID, non-residential use areas of PUD, and non-residential zoned areas within the BP and GDO Overlay zones, PROVIDED that 2 of the 3 days must be a consecutive Saturday and Sunday
 - (6) Permit/fee - Permit fee, and refundable deposit of \$50.00 required.
 - (7) Zone - Those portions of CH, H-I and L-I which are outside the BP and GDO Overlay zones.
- (E) Pennants:
- (1) Number - One every 50 feet of street frontage.
 - (2) Size - 9 sq. ft. maximum.
 - (3) Setback - 1' ROW, 8' power lines minimum.

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- (4) Height - 35' maximum.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.
- (7) Zone - CH, H-I, and L-I, but not permitted in the BP overlay district or GDO overlay district.

(F) Pole signs:

- (1) Number - 3 per lot maximum on-site.
- (2) Size - 21 sq. ft. maximum.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - N/A.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.
- (7) Zone - Those portions of a CL, CF, CH, H-I, L-I, PCD, PID, and the non-resident use areas of a PUD which are outside the BP and GDO Overlay zones.

(G) Portable sign:

- (1) Number - 1 per lot maximum on-site only.
- (2) Spacing - 150' from another temporary sign.
- (3) Size - 32 sq. ft. maximum.
- (4) Setback - 5' ROW, 8' power lines minimum.
- (5) Height - Minimum 18", maximum 7'.
- (6) Timing - Two months per zone lot except for commercial multi-tenant lots which are allowed three periods of sixty consecutive days per year to separate tenants/businesses.
- (7) Permit fee - Permit fee required, plus a refundable deposit of \$50.00.
- (8) Zone - Those portions of a CH, H-I and L-I which are outside the BP and GDO Overlay zones.
- (9) Anchoring - Sign shall be secured to the ground at four points by means of 1/2" diameter spike or bolt driven 18" into the ground.
- (10) Electrical safety - Sign shall be UL approved. If not UL approved, plug must be removed or housed within sign casing prior to placement. Where an electrical cord is being extended, it shall be in rigid conduit that is either underground or along the ground surface, which will not be crossed by traffic, and secured to the ground surface, except that a maximum of 18" of flexible conduit is permitted at each end. The connecting plugs shall be of a weatherhead type. The electrical installation shall meet all code requirements. Flasher must be removed or bypassed prior to electrical connection.
- (11) Eligibility - New business, occupation, or activity at new location during first six months of occupancy for a maximum period of sixty days.
- (12) A portable sign may consist in whole or in part of a manual changeable copy sign subject to the following additional requirements:
 - (a) The background of each changeable copy portions of a sign must be of a single, constant color.
 - (b) The copy or other message displayed may not be changed more often than once every 1 hour.
 - (c) Lighting and size are subject to the provisions of Chapter 25¼ which are

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applicable to other signs in the zoning district where the sign is located.

- (d) All other provisions and limitations of Chapter 25¼ which are applicable to other signs in the zoning district where the sign is located apply to these signs.

(H) Streamers:

- (1) Number - On-site, three linear feet of streamers for every one foot of street frontage maximum.
- (2) Size - N/A.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - 35' maximum.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.
- (7) Zone - Those portions of a CL, CF, CH, H-I and L-I which are outside the BP and GDO Overlay zones.

(I) Temporary flag signs:

- (1) Category - Non-commercial only.
- (2) Number - 1 per lot.
- (3) Size - N/A
- (4) Setback - 5' ROW, 8' power lines minimum.
- (5) Height - N/A
- (6) Display time - Not more than 10 consecutive days; not more than 50 total calendar days per year. "Display time" does not apply to flag signs of 24 sq. ft. total or less.
- (7) Permit fee - N/A
- (8) Zone - RS, RD, RZ, PRD and residential uses of PUD only.
- (9) Illumination - Indirect only. Must not direct glare into any building on any other property.

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

(J) Temporary flag signs as part of a temporary event which has received a special use permit from the Board of Zoning Appeals pursuant to the Zoning Ordinance:

- (1) Category - Non-commercial only.
- (2) Size - Individual flags shall not exceed 24 sq. ft. in area.
- (3) Number - Unlimited.
- (4) Timing - Flags shall not be displayed for more than 7 consecutive days.
- (5) Frequency - Flags shall not be displayed at the same site more than 2 times in a 12 month period.
- (6) Permit/fee; temporary flags - No sign permit or fee shall be required for the temporary, non-commercial flag display.
- (7) Permit/fee; other signage - Appropriate and usual sign permits pursuant to Chapter 25¼ are required for all other signage at or in connection with the event.

(K) Other temporary signs:

- (1) Number - 3 per Lot maximum.

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- (2) Size-
 - (a) Those portions of a CH, H-I and L-I which are outside the BP and GDO Overlay zones – 64 sq. ft. maximum.
 - (b) PCD, PID, PUD, all areas within the BP or GDO Overlay zone, and all other zones – 32 sq. ft. maximum.
- (3) Height-
 - (a) CH, H-I and L-I which are wholly outside the BP and GDO Overlay zones – 16 ft. maximum.
 - (b) PCD, PID, PUD, all areas within the BP or GDO Overlay zone, and all other zones – 10 ft. maximum.
- (4) Setback – 1 ft. ROW.
- (5) Timing – Until 10 days after conclusion of temporary purpose.
- (6) Permit / Fee – N/A.
- (7) Zone – All.

(L) Changeable sign: A temporary sign other than a portable sign under subsection (G) hereof shall not consist, in whole or in part, of any form of changeable sign as defined in Section 25¹/₄-2 as amended by the Ordinance. [Editor's Note: Subsection (L) was added to Code with Ord. No. 09-O-14 as subsection (K), however (K) already existed, so editor changed to (L)]

[Ord. No. 90-36 §8, 08-16-90; Ord. No. 92-11 §§1, 2, 01-30-92; Ord. No. 92-33 §§6, 10, 07-23-92; Ord. No. 92-O-09 §5, 12-03-92; Ord. No. 93-O-18 §§1, 2, 07-01-93; Ord. No. 94-O-50 §§4-11, 09-29-94; Ord. No. 94-O-62 §§1, 2, 12-15-94; Ord. No. 95-O-48 §§12-19, 09-14-95; Ord. No. 95-O-59 §§9, 10, 11-09-95; Ord. No. 98-O-42 §§11-14, 10-15-98; Ord. No. 03-O-53 §6-14, 01-08-04; Ord. No. 06-O-46 §3, 12-12-06; Ord. No. 07-O-40 §6, 11-08-07; Ord. No. 09-O-01 §3, 02-26-09; Ord. No. 09-O-14 §§6, 7, 05-21-09; Ord. No. 10-O-40 §§4-15, 12-09-10; Ord. No. 11-O-06 §2, 03-10-11]

SECTION 25¹/₄-26 ON-SITE PERMANENT SIGN REQUIREMENTS.

(A) *Number, signable area of signs and construction.*

- (1) Except as authorized by this section, it shall be unlawful to have more than one ground sign on a lot of record or in violation of the regulations set forth herein.
- (2) If the lot of record has at least one hundred feet of frontage on each of two or more public streets, then there shall be no more than one ground sign along each side of the lot of record bordered by such streets.
- (3) An interstate on-site sign is a special type of ground sign defined in Code §25¹/₄-2(A). Should the applicant be entitled to two or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two or more signs provided: (i) each sign is no larger than permitted, (ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign; (iii) no more than two of the signs are above the minimum height for an interstate on-site sign; and, (iv) no more than one ground sign may be located below the maximum height for a ground sign.

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- (4) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.
- (5) When the number of signs listed is greater than one, the size set forth shall be for each sign unless otherwise indicated.
- (B) *Spacing.* There shall be a minimum of 50 feet between Ground Signs and/or Freestanding wall signs on the same lot of record, provided that (1) ground-mounted flagpoles and ground-mounted flag signs and (2) Development ID signs on opposite sides of a vehicular entry to a Development shall be exempt from this requirement.
- (C) *Permitted signs.* The following signs shall be permitted in the districts hereafter set forth:
- (1) SIGNS PERMITTED IN RS, RD, RM-12, RM-16, RM-22, R-MO, RZ, AND PRD ZONING DISTRICTS:
- (a) Commercial (except home occupation), noncommercial:
- [1] Type - Attached:
Number - 1 per lot maximum.
Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.
Setback - N/A.
Height - Ground level floor.
Illumination - Not permitted.
- [2] Type - Ground:
Number - 1 per lot maximum.
Size - 40 sq. ft. maximum.
Setback - 5' ROW, 8' power lines minimum.
Height - 16' maximum.
Illumination - Not permitted.
- OR**
- Type - Freestanding wall sign:
Number - 1 per entrance.
Size - Letters shall not exceed 24" in height. Display surface shall not exceed 40 sq. ft.
Setback - 5' ROW, 8' power lines minimum.
Height - 8' maximum.
Illumination - Indirect only.
- (b) Home occupation:
Type - Attached:
Number - 1 per lot maximum.
Size - 3 sq. ft. maximum.
Setback - N/A.
Height - Ground level floor.
Illumination - Not permitted.
- (c) Bed and breakfast homestay and bed and breakfast inn:
[1] Type -Attached:

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Number - 1 per lot maximum.

Size - 3 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor.

Illumination - Not permitted.

[2] Type -Ground:

Number - 1 per lot maximum.

Size - 4.5 sq. ft. maximum.

Setback - 5' from ROW, 8' from power lines minimum.

Height - 4 feet maximum.

Illumination - Not permitted.

OR

Type -Freestanding wall sign:

Number - 1 per entrance.

Size - Letters shall not exceed 6" in height. Display surface - 4.5 sq. ft. maximum.

Setback - 5' from ROW, 8' from power lines.

Height - 4' maximum.

Illumination - Not permitted.

(d) Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

(e) Entrance flag signs:

Type - Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 35' maximum.

Illumination - Indirect only.

Zone - RM-12, RM-16, RM-22, RMO only.

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

(f) Permanent flag signs:

Category - Non-commercial only.

Type – Ground-mounted or wall mounted.

Number – 3 per lot.

Size – 40 sq. ft. maximum any one flag sign

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98 sq. ft. maximum total flag signage

Setback – 5' ROW, 8' power lines minimum.

Height – 35' maximum if ground-mounted.

-- 20' maximum if wall-mounted vertical

-- 16' maximum if wall-mounted outrigger

Illumination – Indirect only. Must not direct glare into any building on any other property.

Zone – RS, RD, RZ and PRD only.

either the flag sign, flagpole or other support structure may extend over a public ROW.

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.

(g) Temporary flag signs:

Category - Non-commercial only.

Number – 1 per lot.

Setback – 5' ROW, 8' power lines minimum.

Illumination – Indirect only. Must not direct glare into any building on any other property.

Zone – RS, RD, RZ and PRD only.

Display time – Not more than 10 consecutive days; not more than 50 total calendar days per year. "Display time" does not apply to flag signs of 24 sq. ft. total or less.

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

(2) SIGNS PERMITTED IN OG, CM, CL, CU, P, CM-R, CM-RS-8 and PND:

(a) Commercial and noncommercial uses - single occupant:

[1] Type - Attached:

Number - 3 per lot maximum.

Size - 3 sq. ft. for each linear foot of building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 24', whichever is higher.

[2] Type - Ground:

Number - 1 per lot maximum.

Size - 60 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16'.

OR

Type - Freestanding wall sign:

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

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Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

- [3] Entrance flag signs:

Type - Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 35' maximum.

Permitted for all uses this section, except (4) below.

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

- [4] Type - Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 35' maximum.

- (b) Commercial or noncommercial multi-tenant complex:

- [1] Type - Ground:

Number - 1 per lot maximum.

Size - 75 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

- [2] Each occupant of a commercial or noncommercial multi-tenant complex:

Type - Attached:

Number - 1 per tenant, except that (i) 2 are allowed if the tenant has two or more exterior walls, each of which afford public ingress and egress, and (ii) 2 are allowed if the tenant has a corner or end location regardless of whether there is public ingress and egress.

Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 24', whichever is higher.

- [3] Entrance flag signs:

Type - Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 35' maximum.

Permitted for all uses this section except (4) below.

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Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

[4] Type - Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 35' maximum.

(c) Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

(3) SIGNS PERMITTED IN CBD DISTRICT:

(a) Commercial or noncommercial - single occupant:

[1] Type - Attached:

Number - 1 per street frontage maximum.

Size - 3 sq. ft. per foot of linear building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16 feet, whichever is higher.

[2] Type - Ground.

Number - 1 per lot maximum.

Size - 60 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Freestanding wall sign:

Number - 1 per entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

[3] Flag signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per lot.

Size – 150 sq. ft. maximum any one flag sign
230 sq. ft. maximum total flag signage

Setback – 8' power lines minimum.

Height – 50' maximum if ground-mounted.

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- 20' maximum if wall-mounted vertical
- 16' maximum if wall-mounted outrigger

A flag sign, flag pole or other support structure may extend over a public ROW, provided that such flag sign, flag pole or other support structure does not interfere with pedestrian or vehicular traffic or movement or otherwise constitute a hazard to the health, safety and welfare of the public. 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.

(b) Commercial or noncommercial multi-tenant complex:

[1] Type - Ground:

Number - 1 per occupant maximum.

Size - 75 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Freestanding wall sign.

Number - 2 per entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

[2] Flag signs:

Type - Ground-mounted or wall-mounted.

Number - 3 per lot.

Size - 150 sq. ft. maximum any one flag sign
230 sq. ft. maximum total flag signage

Setback - 8' power lines minimum.

Height - 50' maximum if ground-mounted.

-- 20' maximum if wall-mounted vertical

-- 16' maximum if wall-mounted outrigger

A flag sign, flag pole or other support structure may extend over a public ROW, provided that such flag sign, flag pole or other support structure does not interfere with pedestrian or vehicular traffic or movement or otherwise constitute a hazard to the health, safety and welfare of the public. 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.

(c) Each occupant of commercial or noncommercial multi-tenant complex:

Type - Attached:

Number - 1 per occupant maximum, except that (i) 2 are allowed if the tenant has two or more exterior walls, each of which afford public ingress and egress, and (ii) 2 are allowed if the tenant has a corner or end location regardless of whether there is public ingress and egress.

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Size - 3 sq. ft. per linear tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16' whichever is higher.

(4) SIGNS PERMITTED IN CH, H-I, L-I, AND CF DISTRICTS:

(a) Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

(b) Commercial or noncommercial - single tenant:

[1] Type - Ground:

Number - 1 per lot maximum.

Size - 75 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100', not to exceed 150 sq. ft. maximum.

Setback - 5' ROW, 8' minimum from power lines.

Height - 16' maximum when located within 200' of a residential zone, otherwise 25' maximum.

OR

Type - Freestanding wall sign:

Number - 2 per lot maximum.

Size - Letters shall not exceed 24" in height.

Display surface area - Shall not exceed 75 sq. ft.

Setback - 5' ROW, 8' minimum from power lines.

Height - 16' maximum.

[2] Type - Attached:

Number - 3 per building maximum.

Size - No single attached sign shall exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage or 150 sq. ft. whichever is less, unless the sign is located within 42' of the street ROW in which case the maximum allowable area is 100 sq. ft. The total aggregate of all attached signs shall be:

[aa] 100 sq. ft. if the building face, to which the largest sign is attached, is located less than 42' of the street ROW;

[bb] 150 sq. ft. if the building face, to which the largest sign is attached, is located 42' or more but less than 200' of the street ROW;

[cc] 200 sq. ft. if the building face, to which the largest sign is attached, is located 200' or more but less than 400' of the street ROW;

[dd] 250 sq. ft. if the building face, to which the largest sign is attached, is located 400' or more but less than 600' of the street ROW;

[ee] 300 sq. ft. if the building face, to which the largest sign is attached, is located 600' or more of the street ROW;

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Exception: The total aggregate of all (not to exceed 3) attached signs may equal up to 450 sq. ft., provided all of the following conditions are met:

- (i) Each sign is located more than 42' from the ROW; and
- (ii) All signs are non-illuminated or has push-thru style lighting or indirect lighting; and
- (iii) Each sign does not exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage; and,
- (iv) Each sign does not exceed 150 sq. ft.

Setback - N/A.

Height – 24' maximum when located within 200' of a residential zone, otherwise N/A.

[3] Outline lighting:

Type - Attached:

Size - 3 linear feet of outline lighting per 1 linear foot of building frontage.

Setback - N/A.

Height - 24' maximum when within 200' of a residential zone, otherwise N/A.

[4] Strip lighting:

Type - Attached:

Size - 1 linear foot of strip lighting per 1 linear foot of building eave to which it is attached.

Method of display - Strip lighting bulbs must be placed at a uniform vertical distance below the underside of the building eave to which they are attached; this distance shall not exceed 6". Strip lighting bulbs must also be placed at a uniform horizontal distance from one another; this distance shall not be less than 4'.

Setback - N/A.

Height - 24' maximum when located within 200' of a residential zone, otherwise N/A.

Specifications - Required UL approval or equivalent.

[5] Flag signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per lot maximum.

Size – 150 sq. ft. maximum any one flag sign

230 sq. ft. maximum total flag signage

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground-mounted.

-- 20' maximum if wall-mounted vertical

-- 16' maximum if wall-mounted outrigger

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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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.

[6] Canopy sign:

Type - Attached:

Number - 1 per side, 3 maximum.

Size - 50 sq. ft. each, maximum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 25' maximum.

[7] Building material sign:

Type - Constructed as part of a building wall:

Number - 1 per lot.

Size - The total square footage shall not exceed the greater of: 350 sq. ft. or 15% of the surface of the exterior wall on which it is located. For this purpose, an exterior wall surface shall have an unbroken horizontal and vertical elevation.

[8] Interstate on-site sign:

In order to qualify for an interstate on-site ground sign all of the following conditions shall exist:

[aa] Sign shall be located within 2,000' radius of the center of the Interstate 24 interchange;

[bb] Sign is not located within 300' of a residential zone;

[cc] Lot on which the sign is located has a minimum road frontage of 200';

[dd] No attached building signs on the lot exceed 55' in height;

[ee] All signs located on the lot are non-illuminated, push-through or indirectly illuminated;

[ff] The applicant provides a landscape screening plan for the base of the interstate on-site sign; and,

[gg] The applicant provides an as built survey by a Tennessee registered engineer verifying the size and height of the signs.

Type - Ground:

Size - 200 sq. ft. maximum.

Setback - 10' ROW, 10' minimum from power lines.

Height - 50' maximum.

(c) Commercial or noncommercial multi-tenant complex—separate outside entrance(s):

[1] Complex sign:

Type – Ground:

Number - 1 per lot maximum.

Size - 125 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100', not to exceed 200 sq. ft. maximum.

Setback - 5' ROW, 8' minimum from power lines.

Height - 16' maximum if located within 200' of a residential zone, otherwise 25' maximum.

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OR

Type - Freestanding wall sign:

Number - 1 per lot maximum.

Size - Letters shall not exceed 24" in height maximum.

Display area - 200 sq. ft. maximum.

Setback - 5' ROW, 8' minimum from power lines.

Height - 16' maximum.

OR

Type – Attached:

Number - 1 per lot maximum.

Size - 100 sq. ft.

Setback - N/A.

Height - 24' maximum when located within 200' of a residential zone, otherwise N/A.

[2] Tenant sign(s):

Type – Attached:

Number – 1 per tenant, except that (i) 2 are allowed if the tenant has two or more exterior walls, each of which afford public ingress and egress, and (ii) 2 are allowed if the tenant has a corner or end location regardless of whether there is public ingress and egress.

Size - No single attached sign shall exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage or 150 sq. ft., whichever is less, unless the sign is located within 42' of the street ROW in which case the maximum allowable area is 100 sq. ft. The total aggregate of all attached signs shall be:

[aa] 100 sq. ft. if the building face, to which the largest sign is attached, is located less than 42' of the street ROW;

[bb] 150 sq. ft. if the building face, to which the largest sign is attached, is located 42' or more but less than 200' of the street ROW;

[cc] 200 sq. ft. if the building face, to which the largest sign is attached, is located 200' or more but less than 400' of the street ROW;

[dd] 250 sq. ft. if the building face, to which the largest sign is attached, is located 400' or more but less than 600' of the street ROW;

[ee] 300 sq. ft. if the building face, to which the largest sign is attached, is located 600' or more of the street ROW;

Exception: The total aggregate of all (not to exceed 2) attached signs may equal up to 300 sq. ft., provided all of the following conditions are met:

(i) Each sign is located more than 42' from the ROW; and

(ii) All signs are non-illuminated or has push-thru style lighting or indirect lighting; and

(iii) Each sign does not exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage; and

(iv) Each sign does not exceed 150 sq. ft.

Setback - N/A.

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Height – 24' maximum if located within 200' of a residential zone, otherwise N/A.

[3] Flag signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per lot maximum.

Size – 150 sq. ft. maximum any one flag sign
230 sq. ft. maximum total flag signage

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground-mounted.

-- 20' maximum if wall-mounted vertical

-- 16' maximum if wall-mounted outrigger

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

[4] Canopy sign:

Type – Attached:

Number - 1 per side, 3 maximum.

Size - 50 sq. ft. each, maximum.

Height - 24' maximum if located within 200' of a residential zone, otherwise 25' maximum.

[5] Interstate on-site sign:

In order to qualify for an interstate on-site ground sign all of the following conditions shall exist:

[aa] Sign shall be located within 2,000' radius of the center of the Interstate 24 interchange;

[bb] Sign is not located within 300' of a residential zone;

[cc] Lot on which the sign is located has a minimum road frontage of 200';

[dd] No attached building signs on the lot exceed 55' in height;

[ee] All signs located on the lot are non-illuminated, push-through or indirectly illuminated;

[ff] The applicant provides a landscape screening plan for the base of the interstate on-site sign; and,

[gg] The applicant provides an as built survey by a Tennessee registered engineer verifying the size and height of the signs.

Type - Ground:

Size - 200 sq. ft. maximum.

Setback - 10' ROW, 10' minimum from power lines.

Height - 50' maximum.

(d) Commercial or noncommercial multi-tenant complex—common outside entrance(s):

[1] Complex sign:

Type – Ground:

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Number - 1 per lot maximum.

Size - 125 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100', not to exceed 200 sq. ft. maximum.

Setback - 5' ROW, 8' minimum from power lines.

Height - 24' maximum if located within 200' of a residential zone, otherwise 25' maximum.

OR

Type - Freestanding wall sign:

Number - 1 per lot maximum.

Size - Letters shall not exceed 24" in height maximum.

Display area - 200 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Attached:

Number - 1 per lot maximum.

Size - 100 sq. ft. maximum.

Setback - N/A.

Height - 24' maximum when located within 200' of a residential zone, otherwise N/A.

AND

If there are no tenant signs, then one attached complex sign in addition to the other complex sign may be installed.

[2] Tenant sign(s):

Type - Attached:

Number - 2 per building provided the property owner or the property owner's designee gives written approval for any tenant sign(s).

Size - No single attached sign shall exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage or 150 sq. ft., whichever is less, unless the sign is located within 42' of the street ROW in which case the maximum allowable area is 100 sq. ft. The total aggregate of all attached signs shall be:

[aa] 100 sq. ft. if the building face, to which the largest sign is attached, is located less than 42' of the street ROW;

[bb] 150 sq. ft. if the building face, to which the largest sign is attached, is located 42' or more but less than 200' of the street ROW;

[cc] 200 sq. ft. if the building face, to which the largest sign is attached, is located 200' or more but less than 400' of the street ROW;

[dd] 250 sq. ft. if the building face, to which the largest sign is attached, is located 400' or more but less than 600' of the street ROW;

[ee] 300 sq. ft. if the building face, to which the largest sign is attached, is located 600' or more of the street ROW;

Exception: The total aggregate of all (not to exceed 2) attached signs may equal up to 300 sq. ft., provided all of the following conditions are met:

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- (i) Each sign is located more than 42' from the ROW; and
- (ii) All signs are non-illuminated or has push-thru style lighting or indirect lighting; and
- (iii) Each sign does not exceed 2 sq. ft. per linear foot of building frontage, not to exceed 75% of said building frontage; and
- (iv) Each sign does not exceed 150 sq. ft.

Setback – N/A.

Height – 24' maximum if located within 200' of a residential zone, otherwise N/A.

[3] Flag signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per lot maximum.

Size – 150 sq. ft. maximum any one flag sign
230 sq. ft. maximum total flag signage

Setback – 20' ROW, 8' power lines minimum

Height – 50' maximum if ground-mounted.

-- 20' maximum if wall-mounted vertical

-- 16' maximum if wall-mounted outrigger

Neither the flag sign, flagpole or other support structure may extend over a public ROW.

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.

[4] Canopy sign:

Type – Attached:

Number – 1 per side, 3 maximum.

Size – 50 sq. ft. each, maximum.

Height – 24' maximum if located within 200' of a residential zone, otherwise 25' maximum.

[5] Interstate on-site sign:

In order to qualify for an interstate on-site ground sign all of the following conditions shall exist:

[aa] Sign shall be located within 2,000' radius of the center of the Interstate 24 interchange;

[bb] Sign is not located within 300' of a residential zone;

[cc] Lot on which the sign is located has a minimum road frontage of 200';

[dd] No attached building signs on the lot exceed 55' in height;

[ee] All signs located on the lot are non-illuminated, push-through or indirectly illuminated;

[ff] The applicant provides a landscape screening plan for the base of the interstate on-site sign; and,

[gg] The applicant provides an as built survey by a Tennessee registered engineer verifying the size and height of the signs.

Type – Ground:

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Size - 200 sq. ft. maximum.

Setback – 10' ROW, 10' power lines minimum.

Height - 50' maximum.

(5) PERMANENT SIGNS ALLOWABLE IN PCD, PID and PUD DISTRICTS, AND WITHIN THE BP, GDO-1, GDO-2, GDO-3 AND GDO-4 OVERLAY DISTRICTS:

(a) General.

[1] The provisions of this subsection shall apply equally without regard to whether a use is “commercial” or “non-commercial.”

[2] A building, buildings or Development on a single Lot, which Lot has less than 100 linear feet of street frontage, shall not have a Complex sign.

[3] A building, buildings or Development on multiple Lots, which Lots together have less than 100 linear feet of street frontage, shall not have a Complex sign.

[4] Notwithstanding (b) below, Ground signs are not allowed at any location.

(b) Permanent signs allowable in residential use areas of a PUD shall be allowed as provided in §25¼ -26(C)(1) as though each such residential use area were separately zoned for the corresponding residential use described in §25¼ 26(C)(1). Permanent signs allowable in residential zoned areas within the BP, GDO-1, GDO-2, GDO-3 AND GDO-4 Overlay Districts shall be allowed as provided in §25¼ -26(C)(1).

(c) Permanent signs allowable in PCDs, PIDs, the non-residential use area(s) of PUDs, and the non-residential zoned areas within the BP, GDO-1, GDO-2, GDO-3 AND GDO-4 Overlay Districts:

[1] A single building on a single Lot with a single tenant:

[i] Building ID Sign: Not Allowed.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

[iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[vi] Complex sign:

Type – Freestanding wall.

Number – 1 per street frontage which has at least 100 linear feet.

Display surface area – 60 sq. ft. maximum each.

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Setback – 5' ROW, 8' power lines minimum.

Height – 16' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[vii] Development ID Sign: Not allowed.

[viii] Entrance Flag Signs: Not allowed.

[ix] Flag Signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per Lot maximum.

Display surface area – 150 sq. ft. maximum any one flag sign.
230 sq. ft. maximum total flag signage.

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground mounted.

-- 20' maximum if wall-mounted vertical.

-- 16' maximum if wall-mounted outrigger.

Illumination – Indirect only.

Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.

[x] Interstate On-site Sign: Not allowed.

[xi] Off-site Sign: Not allowed.

[xii] Outline Lighting: Not allowed.

[xiii] Routing Sign: Not allowed.

[xiv] Tenant Sign:

Type – Attached.

Number – 3 per exterior wall; 4 per building maximum.

Display surface area – No single attached sign shall be wider than 75% of the width of the exterior wall to which it is attached; and

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 150 sq. ft.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 175 sq. ft.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 200 sq. ft.

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[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 250 sq. ft.

Setback – N/A.

Height – 24 ft maximum if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – None.

[xv] Tenant Sign – Major tenant space: N/A.

[xvi] Tenant Sign – Minor tenant space: N/A.

[2] A single building on a single Lot with multiple tenants, and all tenants have separate outside entrances:

[i] Building ID Sign:

IF THE BUILDING HAS 2 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area –

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 75 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

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IF THE BUILDING HAS 6 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area—

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

[iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[vi] Complex sign:

Type – Freestanding wall.

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Number – 1 per street frontage provided that each street frontage has at least 100 linear feet.

Display surface area – 100 sq. ft. maximum.

Setback – 5' ROW, 8' power lines minimum.

Height – 16' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[vii] Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

[viii] Entrance Flag Signs: Not allowed.

[ix] Flag Signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per Lot maximum.

Display surface area – 150 sq. ft. maximum any one flag sign.
230 sq. ft. maximum total flag signage.

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground mounted.

-- 20' maximum if wall-mounted vertical.

-- 16' maximum if wall-mounted outrigger.

Illumination – Indirect only.

Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.

[x] Interstate On-site Sign: Not allowed.

[xi] Off-site Sign: Not allowed

[xii] Outline Lighting: Not allowed.

[xiii] Routing Sign: Not allowed.

[xiv] Tenant signage – N/A.

[xv] Tenant signage – Major tenant spaces:

Type – Attached.

Number – 3 per tenant exterior wall; 4 per tenant maximum.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the tenant exterior wall to which it is attached; and

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever

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is less, and the aggregate of all signage attached to that exterior wall shall not exceed 150 sq. ft.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 175 sq. ft.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 200 sq. ft.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 250 sq. ft.

Setback – N/A.

Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – None.

[xvi] Tenant signage – Minor tenant spaces:

Type – Attached.

Number – 1 per tenant, except that (i) 2 are allowed if the tenant has two or more exterior walls, each of which afford public ingress and egress, and (ii) 2 are allowed if the tenant has a corner or end location regardless of whether there is public ingress and egress.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the exterior wall to which it is attached; and no single attached sign shall exceed 1.5 sq. ft per linear foot of exterior wall to which it is attached, or 75 sq. ft, whichever is less, and the aggregate of all attached signage to all tenant exterior walls shall not exceed 100 sq. ft.

Setback – N/A.

Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – None.

[3] A single building on a single Lot with multiple tenants, and all tenants share one or more common outside entrances:

[i] Building ID Sign:

IF THE BUILDING HAS 2 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

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Display surface area –

- [aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 75 sq. ft., whichever is less.
- [bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.
- [cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.
- [dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

IF THE BUILDING HAS 6 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area—

- [aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.
- [bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.
- [cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.
- [dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per

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linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

[iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[vi] Complex sign:

Type – Freestanding wall.

Number – 1 per street frontage provided that each street frontage has at least 100 linear feet.

Display surface area – 100 sq. ft. maximum.

Setback – 5' ROW, 8' power lines minimum.

Height – 16' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[vii] Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

[viii] Entrance Flag Signs: Not allowed.

[ix] Flag Signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per Lot maximum.

Display surface area – 150 sq. ft. maximum any one flag sign.

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230 sq. ft. maximum total flag signage.

- Setback – 20' ROW, 8' power lines minimum.
Height – 50' maximum if ground mounted.
-- 20' maximum if wall-mounted vertical.
-- 16 ' maximum if wall-mounted outrigger.

Illumination – Indirect only.

Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.

[x] Interstate On-site Sign: Not allowed.

[xi] Off-site Sign: Not allowed.

[xii] Outline Lighting: Not allowed.

[xiii] Routing Sign: Not allowed.

[xiv] Tenant signage:

Type – Attached.

Number – 3 signs total per exterior wall; 4 signs total per building maximum; provided the property or building owner or the property or building owner's designee gives written approval for all Tenant signage.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the tenant exterior wall to which it is attached; and

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 150 sq. ft.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 175 sq. ft.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 200 sq. ft.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 250 sq. ft.

Setback – N/A.

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Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – None.

[xv] Tenant signage – Major tenant spaces: N/A.

[xvi] Tenant signage – Minor tenant spaces: N/A.

[4] When a single building on a single Lot includes a combination of tenant(s) with separate outside entrances and tenants that share one or more common outside entrances:

[i] Building ID Sign:

IF THE BUILDING HAS 2 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area –

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 75 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

IF THE BUILDING HAS 6 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area—

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[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

[iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[vi] Complex sign:

Type – Freestanding wall.

Number – 1 per street frontage provided that each street frontage has at least 100 linear feet.

Display surface area – 100 sq. ft. maximum.

Setback – 5' ROW, 8' power lines minimum.

Height – 16' maximum.

Illumination – Push-thru or indirect only.

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Other limitations – None.

[vii] Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

[viii] Entrance Flag Signs: Not allowed.

[ix] Flag Signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per Lot maximum.

Display surface area – 150 sq. ft. maximum any one flag sign.

230 sq. ft. maximum total flag signage.

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground mounted.

-- 20' maximum if wall-mounted vertical.

-- 16' maximum if wall-mounted outrigger.

Illumination – Indirect only.

Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.

[x] Interstate On-site Sign: Not allowed.

[xi] Off-site Sign: Not allowed.

[xii] Outline Lighting: Not allowed.

[xiii] Routing Sign: Not allowed.

[xiv] Tenant signage – N/A.

[xv] Tenant signage – Major tenant space with separate outside entrance:

Type – Attached.

Number – 3 per tenant exterior wall; 4 per tenant maximum.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the tenant exterior wall to which it is attached; and

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 150 sq. ft.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is

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attached or 125 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 175 sq. ft.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 200 sq. ft.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 250 sq. ft.

Setback – N/A.

Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – A multi-story building shall have tenant attached signage only for ground floor level tenants.

[xvi] Tenant signage – Minor tenant space with separate outside entrance:

Type – Attached.

Number – 1 per tenant, except that (i) 2 are allowed if the tenant has two or more exterior walls, each of which afford public ingress and egress, and (ii) 2 are allowed if the tenant has a corner or end location regardless of whether there is public ingress and egress.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the exterior wall to which it is attached; and no single attached sign shall exceed 1.5 sq. ft per linear foot of exterior wall to which it is attached, or 75 sq. ft, whichever is less, and the aggregate of all attached signage to all tenant exterior walls shall not exceed 100 sq. ft.

Setback – N/A.

Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push-thru or indirect only.

Other limitations – A multi-story building shall have tenant attached signage only for ground floor level tenants.

[xvii] Tenant signage – all tenants sharing common outside entrance(s):

Type – Attached.

Number – 3 signs total per exterior wall; 4 signs total per building maximum; provided the property or building owner or the property or building owner's designee gives written approval for all Tenant signage.

Display surface area – No single attached sign shall be wider than 75% of the linear footage of the exterior wall to which it is attached; and

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[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 150 sq. ft.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but less than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 175 sq. ft.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but less than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 200 sq. ft.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less, and the aggregate of all signage attached to that exterior wall shall not exceed 250 sq. ft.

Setback – N/A.

Height – 24 ft if located within 200 ft of a residential zone.

Illumination – Push through or indirect only.

Other limitations – A multi-story building shall have tenant attached signage only for ground floor level tenants.

[5] When there are multiple non residential use buildings on a single Lot:

[i] Building ID Sign:

IF THE BUILDING HAS 2 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area –

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 75 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

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[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

IF THE BUILDING HAS 6 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area—

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

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Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

[iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.

[vi] Complex sign:

Type – Freestanding wall.

Number – 1 per street frontage provided that each street frontage has at least 100 linear feet.

Display surface area – 100 sq. ft. maximum.

Setback – 5' ROW, 8' power lines minimum.

Height – 16' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[vii] Development ID sign:

Type – Freestanding Wall.

Number – 2 per Development entrance.

Display Surface Area – 40 sq. ft. maximum.

Setback – N/A.

Height – 8 ft. maximum.

Illumination – Push-thru or indirect only.

Other limitations – Shall not obstruct sight triangle.

[viii] Entrance Flag Signs: Not allowed.

[ix] Flag Signs:

Type – Ground-mounted or wall-mounted.

Number – 3 per Lot maximum.

Display surface area – 150 sq. ft. maximum any one flag sign
230 sq. ft. maximum total flag signage

Setback – 20' ROW, 8' power lines minimum.

Height – 50' maximum if ground mounted.

-- 20' maximum if wall-mounted vertical.

-- 16' maximum if wall-mounted outrigger.

Illumination – Indirect only.

Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.

[x] Interstate On-site Sign: Not allowed.

[xi] Off-site Sign: Not allowed.

[xii] Outline Lighting: Not allowed.

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[xiii] Routing Sign:

Type – Freestanding wall.

Number – 1 per change in direction.

Display surface area – 10 sq. ft. maximum each.

Setback – 5' from ROW, 8' from power lines minimum.

Height – 8' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[xiv] Tenant signage:

Attached Tenant signage shall be allowed in each building in accord with the building types (single tenant, multi tenant with separate outside entrances, multi tenant with common outside entrances, or combination of separate and common outside entrances as described in [1], [2], [3] and [4] above; PROVIDED, HOWEVER, that a multi-story building shall have Tenant Attached signage only for ground level floor tenants.

[xv] Tenant signage – Major tenant: See above.

[xvi] Tenant signage – Minor tenant: See above.

[6] When the uses within a building or buildings on a single Lot are mixed vertically:

[i] Building ID Sign:

IF THE BUILDING HAS 2 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area –

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 75 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

Setback – N/A.

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Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

IF THE BUILDING HAS 6 OR MORE STORIES IT MAY HAVE ATTACHED BUILDING ID SIGNS AS FOLLOWS:

Type – Attached.

Number – 1 per exterior wall, 4 maximum.

Display surface area—

[aa] If the exterior wall to which the signage is attached is within 100 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 100 sq. ft., whichever is less.

[bb] If the exterior wall to which the signage is attached is more than 100 ft. but not more than 200 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 125 sq. ft., whichever is less.

[cc] If the exterior wall to which the signage is attached is more than 200 ft. but not more than 400 ft. of the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 150 sq. ft., whichever is less.

[dd] If the exterior wall to which the signage is attached is more than 400 ft. from the ROW, no single sign shall exceed 1.5 sq. ft. per linear foot of exterior wall to which it is attached or 200 sq. ft., whichever is less.

Setback – N/A.

Height – At or near the top of the exterior wall to which it is attached.

Illumination – Push-thru or indirect only, PROVIDED, HOWEVER, that no illumination is allowed for an attached Building ID sign above 24 ft. in height if the sign is within 200 ft. of a residential zone.

Other Limitations – None.

[ii] Building Materials Sign: Allowable to the same extent, with the same limitations, and as a portion of the allowable Attached signs.

[iii] Canopy Sign:

Type – Attached.

Number – 1 per side, 4 maximum.

Display surface area – 50 sq. ft. maximum each.

Setback – N/A.

Height – 24' maximum.

Illumination – Push-thru or canopy-mounted indirect only.

Other limitations – None.

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- [iv] Changeable Sign – automated: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.
- [v] Changeable Sign – manual: Allowable in accord with Sec. 25¼ - 26(C)(8) as a portion of the allowable signs.
- [vi] Complex sign:
Type – Freestanding wall.
Number – 1 per street frontage provided that each street frontage has at least 100 linear feet.
Display surface area – 100 sq. ft. maximum.
Setback – 5' ROW, 8' power lines minimum.
Height – 16' maximum.
Illumination – Push-thru or indirect only.
Other limitations – None.
- [vii] Development ID sign:
Type – Freestanding Wall.
Number – 2 per Development entrance.
Display Surface Area – 40 sq. ft. maximum.
Setback – N/A.
Height – 8 ft. maximum.
Illumination – Push-thru or indirect only.
Other limitations – Shall not obstruct sight triangle.
- [viii] Entrance Flag Signs: Not allowed.
- [ix] Flag Signs:
Type – Ground-mounted or wall-mounted.
Number – 3 per Lot maximum.
Display surface area – 150 sq. ft. maximum any one flag sign.
230 sq. ft. maximum total flag signage.
Setback – 20' ROW, 8' power lines minimum.
Height – 50' maximum if ground mounted.
-- 20' maximum if wall-mounted vertical.
-- 16' maximum if wall-mounted outrigger.
Illumination – Indirect only.
Other limitations -- Neither the flag sign, flagpole or other support structure may extend over a public ROW. 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.
- [x] Interstate On-site Sign: Not allowed.
- [xi] Off-site Sign: Not allowed.
- [xii] Outline Lighting: Not allowed.
- [xiii] Routing Sign:
Type – Freestanding wall.
Number – 1 per change in direction.
Display surface area – 10 sq. ft. maximum each.
Setback – 5' from ROW, 8' from power lines minimum.

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Height – 8' maximum.

Illumination – Push-thru or indirect only.

Other limitations – None.

[xiv] Tenant signage:

Non-residential Attached Tenant signage shall be allowed in each building in accord with the building types (single tenant, multi tenant with separate outside entrances, multi tenant with common outside entrances, or combination of separate and common outside entrances as described in [1], [2], [3] and [4] above; PROVIDED, HOWEVER, that a multi-story building shall have Tenant Attached signage only for ground level floor tenants.

[xv] Tenant signage – Major tenant: See above.

[xvi] Tenant signage – Minor tenant: See above.

(6) SIGNS PERMITTED IN PS DISTRICT:

Any sign which is authorized under the Master Signage Plan approved by the Planning Commission and City Council for a specific PS District is permitted in said PS District notwithstanding any other provision of this chapter provided that all terms and conditions of such approval are met.

(7) WALL MOUNTED FLAGPOLES:

A wall-mounted vertical or wall-mounted outrigger flag pole may be attached to a building in any district where a ground-mounted flagpole may be installed in lieu of a ground-mounted flagpole subject to the following, which are in addition to all other locational, spacing and setback requirements of this Ordinance:

- (a) No wall-mounted vertical flagpole shall exceed 20 feet in height or length from its base.
- (b) No wall-mounted outrigger flagpole shall exceed 16 feet in height or length from its base.
- (c) No wall-mounted flagpole shall be erected, installed or constructed unless the Flagpole Permit pursuant to which it is erected, installed or constructed includes pre-engineered plans from a flagpole manufacturing company, or detailed plans, drawn to scale, and sealed by a registered Tennessee engineer, who shall also specify the wind load design in accordance with the applicable provisions of the adopted International Building Code, as amended.
- (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.

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(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.

[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-

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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 25¼ which are applicable to other signs in that zoning district, upon application for and issuance of a sign permit pursuant to Chapter 25¼.

- (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 25¼, 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 25¼.
 - [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.

[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]

SECTION 25¼-27 OFF-SITE PERMANENT SIGN REQUIREMENTS.

- (A) Except as authorized by this chapter, no off-site permanent sign may be erected on any lot of record. The requirements for permanent off-site signs are set forth below. Off-site permanent signs are permitted as follows:
- (1) Location - CH, H-I and L-I zoning districts. Lot on which sign is to be erected must be contiguous with the interstate.
 - (2) Height - 50' maximum.
 - (3) Size - 775 sq. ft. maximum.

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- (4) Setback - 5' minimum from street or interstate right-of-way and 200' maximum from interstate right-of-way.
 - (5) Spacing -1000' minimum to any other off-site permanent sign in both directions on the same side of interstate or street. 1000' minimum of an interchange or intersection at grade, measured along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main-traveled way.
- (B) Nothing in this section shall be construed to limit or curtail noncommercial speech in favor of commercial speech. A person may erect a sign in conformity with this section that is used in whole or part for noncommercial speech.
- (C) For the purpose of this chapter, a sign shall not be considered as off-site signage in the following circumstances:
- (1) The parcel where the sign is proposed to be located ("accessory parcel") is separated only by a public right-of-way from the parcel on which the business or development that is advertised on the sign is located ("dominant parcel");
 - (2) The accessory parcel is shown on the approved subdivision plat as part of the same zone lot as the dominant parcel and is to be improved only by the sign and/or a parking lot and/or landscaping;
 - (3) That for the purposes of this chapter in calculating entitlement to signage, (i) the accessory parcel is considered as a portion of the dominant parcel, (ii) the two shall be treated as one zone lot, and (iii) the business or development is not entitled to any additional number of signs or amount of signage because the accessory parcel is a part of the dominant parcel. The eligible signage will be based only on the conditions of the dominant parcel; and,
 - (4) Should the owner/occupant ever wish to treat the accessory parcel and dominant parcel as two zone lots, or to build a structure (other than a sign) on the accessory parcel, the sign must be removed from the accessory parcel; and same shall be a condition of approval of the subdivision of the accessory parcel and dominant parcel into two zone lots.
- (D) A Development ID sign shall not be considered as an "Off-site Permanent Sign" if the lot upon which it is located is a part of the Development (as identified in this Chapter 25 $\frac{1}{4}$) which the sign identifies, regardless of the ownership of such lot.

[Ord. No. 90-36 §10, 08-16-90; Ord. No. 92-33 §10, 07-23-92; Ord. No. 97-O-76 §1, 04-30-98; Ord. No. 10-O-40 §22, 12-09-10]

SECTION 25 $\frac{1}{4}$ -28 SIGN MAINTENANCE AND OTHER SPECIFICATIONS FOR ERECTION AND MAINTENANCE OF SIGNS.

- (A) *Premises maintenance.* All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

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- (B) *Structure maintenance.* Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, shall be kept in good, safe repair and, unless plastic, shall be galvanized or noncorroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The Chief Building Official and/or representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.
- (C) *Display surface or other advertising surface maintenance.* The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the Chief Building Official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the Chief Building Official. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety days.
- (D) *Banners, flags, pennants, streamers.* Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty days of receipt of notice.

[Ord. No. 90-36 §11, 08-16-90]

SECTION 25 $\frac{1}{4}$ -29 NONCONFORMING SIGNS AND OTHER PROVISIONS.

- (A) *Purpose.* For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the City, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting a positive community appearance as part of a concerted citywide effort to protect and enhance the aesthetics of the City for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the overconcentration, improper placement and excessive height, bulk, enlargement, number and area of signs. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein signs are located and to conserve property values in these areas.

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- (B) *Extension or expansion.* A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this chapter. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height or change in the face panel enclosing members. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.
- (C) *Replacement or relocation.* No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign conforms to all applicable provisions of this chapter. Any sign violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this chapter.
- (D) *Area and height.* No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and areas indicated:
- (1) Commercial highway or industrial zones where the sign is more than two hundred feet from residential zones:
 - (a) Interstate Highway:
 - [1] Interstate on-site:
Nuisance if: > 345 sq. ft.
> 138' in height.
 - [2] Off-site:
Nuisance if: > 891 sq. ft.
> 58' in height.
 - [3] On-site ground sign:
Nuisance if: > 345 sq. ft.
> 40' in height.
 - (b) 4-lane federal aid primary highway:
 - [1] Off-site:
Nuisance if: > 480 sq. ft.
> 58' in height.
 - [2] On-site:
Nuisance if: > 345 sq. ft.
> 40' in height.
 - (c) Other highways and streets:
Nuisance if: > 345 sq. ft.
> 40' in height.
 - (2) Commercial highway or industrial zones where sign is within two hundred feet from residential zone:
 - (a) Interstate highway:
 - [1] Interstate on-site:

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- Nuisance if: > 345 sq. ft.
> 19' in height.
- [2] Off-site:
 - Nuisance if: > 891 sq. ft.
> 19' in height.
- [3] On-site ground sign:
 - Nuisance if: > 345 sq. ft.
> 19' in height.
- (b) 4-lane federal aid primary highway:
 - [1] Off-site:
 - Nuisance if: > 460 sq. ft.
> 19' in height.
 - [2] On-site:
 - Nuisance if: > 345 sq. ft.
> 19' in height.
- (c) Other highways and streets:
 - Nuisance if: > 345 sq. ft.
> 19' in height.
- (3) All other zones other than residential zones:
 - Nuisance if: > 115 sq. ft.
> 19' in height unless flag which may be 35' in height.
- (4) Residential zones:
 - Nuisance if: > 69 sq. ft.
> 19' in height unless flag which may be 35' in height.

NOTE: The symbol ">" means "greater than".

- (E) *Attached signs.* Attached signs in all zones shall be considered a nuisance if they exceed the signable area and height as provided in Code §25¼-26 by fifteen percent (15%) or more.
- (F) *Due process hearing.* Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (D) unduly restrict the ability to replace or reconstruct a nonconforming sign and that the sign is not a nuisance shall be entitled to a public hearing before the City Council. Notice of the public hearing will be published in the newspaper at least ten days prior to the meeting of Council. All interested persons shall be entitled to be heard at the public hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign. Nothing herein limits the right of the sign owner to a hearing before the Board of Zoning Appeals as provided by law.
- (G) *Abandoned nonconforming signs.* Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of an intent not to abandon or of an intent to reserve the right to use the sign:
 - (1) An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of one year or more if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise.

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Copy on the sign indicating the sign is for lease or sale shall not be construed as the display of an advertising message for the purpose of this chapter.

- (2) Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of one year or more if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise.

[Ord. No. 90-36 §12-1, 08-16-90; Ord. No. 91-46 §1, 09-12-91; Ord. No. 98-O-42 §19, 10-15-98]

SECTION 25¹/₄-30 REMOVAL OF CERTAIN SIGNS.

- (A) *Permit requirements.* Demolition of any permanent sign or sign structures requires a permit and fee (see Code §25¹/₄-20) except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.
- (B) *Notice to remove illegal nonconforming signs.* If the Chief Building Official shall find that any sign does not conform to the provisions of this chapter, except for legal nonconforming signs, the Chief Building Official shall give written notice to the owner(s), agent or person(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety days after receipt of the notice from the Chief Building Official. Removal of temporary signs shall be effected within two days after posting of notice on the sign or personal contact with owner or lessee. No notice will be given for temporary signs in the ROW. If such sign is not removed after the conclusion of such period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.

For the purpose of this subsection, the word “remove” shall mean:

- (1) The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.
 - (2) The sign face and supporting structures of “projecting”, “roof” or “attached” signs shall be taken down and removed from the property.
 - (3) The sign face of “painted attached signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.
- (C) *Notice to remove abandoned signs.* If the Chief Building Official shall find that any such permanent sign has not been removed within one year if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise of cessation of a particular use, the Chief Building Official shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten days after receipt of notice from the Chief Building Official. If such sign is not removed after the conclusion of such ten-day period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the

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building or premises on which such sign is located. For the purpose of this paragraph, "removal" shall mean total removal of the sign structure if the sign is nonconforming and only removal of the sign face if the sign is otherwise conforming.

- (D) *Notice to remove unsafe signs.* If the Chief Building Official shall find that any sign is unsafe or insecure, or is a menace to the public, the Chief Building Official shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the Chief Building Official to give such notice shall be effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Chief Building Official is authorized to cause any sign to be removed upon giving reasonable notice under the circumstances at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building or premises on which the sign is located, whenever the Chief Building Official determines an emergency exists and that such sign is an immediate peril to person or property of others.
- (E) *Appeal.* The owner of a nonconforming or abandoned sign which has been the subject of a notice of violation may appeal by filing a notice of appeal pursuant to Code §25¼-5 no later than ten days after receipt of notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal to the Board of Zoning Appeals. Failure to request a due process hearing within ten days of the notice will constitute waiver of the right to an appeal when there is a right to a due process hearing.
- (F) *Annexation.* Nonconforming signs located in areas annexed into the City shall be subject to the same provisions as nonconforming signs in existence when this chapter was initially passed. The following signs are required to be brought into compliance with these regulations within forty-five days of the annexation: temporary signs, flashing, chasing and blinking lights. Signs of this type that exist in a nonconforming status after the time specified shall cause the sign to be removed at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building.

[Ord. No. 90-36 §12-2, 08-16-90]

END OF CHAPTER 25¼.