

ORDINANCE NO. 2012-3

AN ORDINANCE TO AMEND THE TOWN OF SIGNAL MOUNTAIN ZONING REGULATIONS BY DELETING ARTICLE XXV, ENTITLED "SIGNS" IN ITS ENTIRETY FROM THE TOWN ZONING ORDINANCE AND INSERTING WITHIN TITLE 14 OF THE TOWN CODE ALL PROVISIONS REGARDING DESIGN REVIEW PRINCIPLES AND STANDARDS IN A NEW CHAPTER 4 AND ALL PROVISIONS REGARDING "SIGNS" IN A NEW CHAPTER 5, ENTITLED "SIGN REGULATIONS" AND AMENDING SECTION 2-606 TO REFERENCE THE APPROPRIATE LOCATION OF SUCH REGULATIONS IN THE CODIFIED VERSION OF THE TOWN CODE.

WHEREAS, Article XXV of the Signal Mountain Zoning Ordinance was amended by Ordinance No. 2007-12 to delete such article in its entirety from the Town Zoning Ordinance and to insert all provisions regarding "Signs" within Title 20 of the Town Code in a new chapter 5 entitled "Signs" which would constitute all regulations for signage within the Town; and,

WHEREAS, when the zoning ordinance was codified by MTAS in 2009 the "Signs" provisions of the Zoning Ordinance were not taken out of Appendix A, but such codification merely renumbered Article XXV of the Zoning Ordinance as 20-501 and left under the Zoning provisions of the Code; and,

WHEREAS, subsequently in June of 2010 because the Sign provisions were not properly codified in Title 20 as a new chapter 5 the Town Council added another Chapter 5 which is entitled Signal Mountain Park Regulations and Guidelines and there is no room in the codified version of the Town Code for the Sign Ordinance in the numbering unless it is adopted as a new chapter 4 under Title 14 - ZONING AND LAND USE CONTROL; and,

WHEREAS, it also appears that the codified version of the Town Code has errors in Appendix C – regarding the DRC Design Principles and Standards which now include PUD

regulations from the Zoning Ordinance which do not belong under the DRC Design Principles and Standards due to a codification error; and,

WHEREAS, the Town Council has determined that all sign provisions previously contained within Article XXV of the Zoning Ordinance and the DRC Design Principles and Standards as amended in Appendix C of the Town Code should be moved under Title 14 of the Town Code, entitled “DRC Design Principles and Standards” as a new chapter 4 and “Sign Regulations” as a new Chapter 5; and,

WHEREAS, an amendment is necessary to Section 2-606 to reference the new location of the DRC Design Principles and Standards and Sign Regulations as are established by this Ordinance in the codified version of the Town Code.

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

Section 1. Article XXV entitled “Signs” of the Signal Mountain Zoning Ordinance is deleted in its entirety from the provisions of the Zoning Ordinance;

Section 2. That a new Chapter 4 entitled “DRC Design Principles and Standards” and a new chapter 5 entitled “Sign Regulations” shall be created within Title 14 of the Signal Mountain Town Code and the following language shall be contained therein:

Title 14:

Signal Mountain Design Review Commission

Chapter 4: Design Principles and Standards.

Sections:

- 14-400 Intent and Purpose
- 14-401 General Information
- 14-402 Projects Subject to Review
- 14-403 Definitions
- 14-404 Appearance Criteria
- 14-405 Building and Design
- 14-406 Scale and Proportion of Elements
- 14-407 Exterior Form and Material
- 14-408 Building or Roof Mounted Equipment
- 14-409 Signage
- 14-410 Submittal Requirements
- 14-411 Appeals Process
- 14-412 Project Development Contract

14-400 Intent and Purpose

1. Intent

To create and maintain a comprehensive program of community beautification and improvement through its commercial buildings and properties by the establishment of guidelines for the development, construction, remodeling, or alteration of all non-single family residential property within the Town of Signal Mountain.

2. Purpose

- a. To maintain and enhance the property values and taxable value of property in the Town.
- b. To maintain the Town as a predominantly single-family residential community by protecting the character and integrity of present and future residential areas from encroachment by non-compatible land uses.
- c. To maintain a balance among land uses within the Town by insuring that commercial, industrial and multi-family development do not impair the property values of single-family detached residential development within the Town.

14-401 General Information

In the case of any ambiguity or apparent conflict between the requirements of the Signal Mountain Design Principles and Standards, the Zoning Ordinance or other codes, ordinances or regulations, the more restrictive requirement shall govern.

14-402 **Projects Subject to Review**

1. The following types of projects are subject to review by the Design Review Commission for all categories of construction except single-family residential detached structures regardless of the dollar value of the project:
 - a. New construction including site improvements and signage.
 - b. Moving a structure.
 - b. Demolition or change in use for land, buildings or buildings and land.
 - d. Planned Unit Developments.
2. The following types of improvements or repairs are subject to review by the Design Review Commission for all categories of construction except single-family residential detached structures where the gross area of the improvements or repairs exceeds twenty-five (25%) of the area of those same original improvements.
 - a. Alteration of Exterior Appearance not to include painting or re-roofing unless colors change.
 - (1) Example: If the area of exterior building repair or replacement exceeds 25% of the total surface area of the building (excluding flat roofs) then the project is subject to the Commission's review based on compliance with these Principles and Standards.
 - b. Paving:
 - (1) Example: If the area of paving repair in a parking lot exceeds 25% of the original area of site improvements (i.e. paving, sidewalks, landscaping, curb work, etc.) then the project would be subject to the Commission's review based on compliance with these Principles and Standards.
 - c. Landscaping.

14-403 **Definitions**

Appearance. The outward aspect visible to the public.

Applicant. The party whose has been assigned the rights by the Owner to seek

Approval from the Commission.

Appropriate. Sympathetic-fitting the context of the site and the whole community.

Attractive. Having qualities that arouse interest and pleasure in the observer.

Berm. A raised form of earth to provide screening or to improve the aesthetic character.

Compatibility. Harmony in the appearance of two or more external design features in the same vicinity.

Commission. The Signal Mountain Design Review Commission.

Council. The Signal Mountain Town Council.

Harmony. A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Landscaping. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Owner. The term Owner shall refer to the party, which by rights and responsibilities conveyed through title, lease or rental agreement is charged with the responsibility of providing the improvements described in these Principles and Standards. In the absence of any agreement the Owner shall be defined as the person or entity that holds title to the land.

Proportion. The balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Public Amenity. An element, either natural or built, which is attractive and accessible to the public.

Scale. Proportional relationship of the size of parts to one another and to the human figure.

Siting. The process of placing a building and its related elements on a piece of property.

Sign.: Any device, fixture, placard or structure affixed to, supported by or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind or to attract the attention of the public.

Shall. The term "shall" as used in the Design Manual indicates a requirement for adherence to the noted guidelines.

Should. The term "should" as used in the Design Manual indicates a strong desire by the Commission to have the Owner incorporate the noted ideas into the project. While not a mandatory requirement the user is strongly encouraged to follow the guidelines and the Commission will look at the overall cooperation of the Owner in final approval of plans where latitude is granted.

Streetscape. The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Town. The Town of Signal Mountain.

14-404 **Appearance Criteria**

1. **Site Design and Layout:** The relationship of a building to a site and the adjoining areas.
 - a. Site planning with setbacks and yards in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings. Setbacks established as part of a Planned Unit Development (PUD) are also encouraged.
 - b. Parking areas shall be treated with decorative elements, such as building wall extensions, plantings, berms or other innovative means to enhance the appearance of parking areas.
 - c. Buildings and improvements on the site should be organized to minimize changes to existing topography and the loss of existing mature vegetation.
 - d. Smooth topographic transitions should be provided at the edges of properties. Slope of 1:3 (rise to run) or shallower are encouraged but in no case shall slopes be steeper than allowed by ordinance or regulation.
 - e. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks or similar materials.
 - f. Attractive landscape transition to, or buffers from, adjoining properties shall be provided.
2. **Landscaping and Site Treatment:** The overall landscape design should complement and contribute to beauty and utility of the development.
 - a. Plant material shall be selected for its structure, texture, color, and its ultimate growth. Plants shall be hardy and harmonious to the design.
 - b. Where healthy plant material exists on a site prior to its development, the

Commission may allow credit for such plant material if such an adjustment is in keeping with the intent of these Standards and Principles and provided that the existing plant material remains protected and ecologically healthy after the construction process.

- c. In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, river gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible. The Owner also has the option to use any of the above materials in combination with planting to achieve a good visual image where planting alone is noted in this section.
- d. The perimeter of parking areas, or other vehicular use areas, bordering public streets or adjacent property should consist of a planting area at least ten feet (10') in depth. Exceptions may be made if such areas are screened visually from an abutting right-of-way or adjacent property. Landscaping in these areas is to include one tree with a minimum caliper of 2 to 2 1/2 inches every twenty-five (25) linear feet or fraction thereof in combination with shrubbery.
- e. Off-street parking areas shall have at least five (5) square feet of interior landscaping for each parking space excluding those spaces abutting a landscaped perimeter or spaces that are directly served by an aisle abutting and running parallel to such a perimeter.
- f. As a general standard, there should be at least one tree, of at least 2-1/2" caliper, planted for each 300 sq. ft. of parking area islands. The total number of trees shall not be less than one tree every 50 linear feet or fraction thereof of required interior landscaped area.
- g. Shrubby should be used as a design element to transition from the vertical nature of trees or building elements to the horizontal portions of the site such as grass, paving and ground cover. Except for plants listed as "prostrate" type, the minimum spread of any shrubby shall be 18".
- h. Grass areas may be seeded, sprigged, plugged or sodded in all areas except solid sod shall be used in swales, slopes greater than 1:3 or other areas subject to erosion.
- i. Shrubby and ground covers shall be sized and spaced in a manner that will present a finished appearance with reasonably complete coverage, under normal growing conditions within one (1) year after planting.
- j. Where bark chips, mulch, pine needles or other non-living materials are used as a ground cover they shall be contained by use of perimeter curbing and properly sloped to prevent erosion.

3. Plant Installation, Maintenance and Irrigation:

- a. Continued maintenance of landscaped area is the responsibility of the property owner. Planting plans must be maintained as originally designed and approved. Any diseased, dying or dead plants should be treated or replaced by the property owner.
- b. Irrigation is strongly encouraged to ensure adequate moisture in planting areas. Irrigation systems must be installed below-ground, with spray heads flush with the ground surface where they might pose a safety hazard. Exposed heads may be used in planting areas or other areas remote from normal pedestrian access. Irrigation is not required where the Owner can demonstrate the proper use of vegetation found naturally in the native woods of Signal Mountain.
- c. When plant materials are installed, they shall be healthy plants installed according to accepted commercial planting procedures and maintained in a healthy condition.
- d. In locations where plants will be susceptible to injury by pedestrian or motor traffic, appropriate curbs, guards, barriers, or other devices shall protect them.
- e. Where planting cannot reasonably be accomplished before building occupancy the Owner shall furnish a bond or other acceptable guaranty equal to the cost of all site landscaping to the Town of Signal Mountain guaranteeing the installation at the first season when installation can reasonably be expected to produce healthy plants.

4. Screening: Screening may be accomplished by using fences and/or planting.

- a. Service yards, garbage collection areas, utility meters, heating and air-conditioning equipment, outside equipment storage, vending machines and other places that tend to be unsightly shall be screened by use of walls, fencing, planting, or combinations of these.
- b. Screening shall be equally effective in winter and summer.
- c. Opaque screening at least 6 feet in height shall enclose garbage collection areas. In the event that the collection areas enclose dumpsters or other equipment, the screening should be at least 2 feet taller than the equipment, and not less than 6 feet in height.
- d. The maximum heights of fences should generally be 6 feet, except for tennis court fences, which may be 10 feet and fencing at garbage collection areas. The use of chain link, plastic or wire fencing is not permitted for fences in yards abutting streets.

- e. Fences designed to create privacy or separations should be made of materials compatible with the designs of the building.
- f. Solid fences should not create a stockade appearance. The use of offsets and adjacent planting is encouraged. Fences facing streets shall have no more than forty (40) feet in a straight line unless appropriate landscaping treatment and/or design elements create unusual breaks to eliminate the straight-line appearance.
- g. Screening by plantings requires the use of evergreen plants to provide effective year round screening. Evergreen screening may be enriched with plants having seasonal color variation.
- h. When a berm is used to form a visual screen in lieu of, or in conjunction with other screening elements; such berm shall be completely covered with shrubs, grass or other living ground cover.
- i. Changes in elevation or earth berms may be used along the perimeter of parking areas to reinforce planting screens. The slope of earth should not exceed 1:3 rise to run, and should be densely planted with ground cover or shrubs to prevent erosion.

5. Miscellaneous Landscaping Requirements:

- a. All required landscaping, except planting covered by a bond or other acceptable guaranty, shall be in place prior to final inspection and approval by the Building Inspector. On site areas adjacent to streets and the front lawn areas must be established or be sodded prior to occupancy of the project.
- b. No landscaping element or similar item shall be installed or maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of way that, in the opinion of the Commission or Building Inspector is an obstruction to visibility or is a traffic hazard.
- c. Where site run-off requires detention areas, the areas should be attractively designed.

6. Site Lighting: Exterior lighting and building fixtures shall be of a design and size comparable with the building and adjacent areas.

Lighting shall be restrained to avoid excessive brightness. Site lighting in excess of 20-foot candles shall not be allowed except under canopies where motor fuels are dispensed, under covered walkways, for automated bank tellers or other similar uses that require a higher light level by a regulatory agency.

7. Parking and Paved Areas: The visual impact of parking areas should be subdued.

- a. Parking areas should be organized as a series of small parking bays with planted islands separating them. As a general guideline, no more than ten contiguous parking spaces are recommended.
- b. If, in the opinion of the Commission, bicycle traffic is anticipated parking facilities should be provided within commercial or retail areas. These facilities should not interfere with pedestrian movement.
- c. The bumper overhang of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half (3-1 1/2) feet in depth per abutting parking space and protected by wheel stops or curbing. Two (2) feet of said landscaping area may be part of the required depth of each abutting parking space.
- d. Preservation of existing healthy trees in parking areas is encouraged.
- e. Parking areas shall be paved with asphalt, concrete, or masonry materials. Asphalt shall not be used for paving sidewalks.

14-405 Building Design

1. While a diversity of architectural styles is encouraged, structures generally should be domestic in scale and be compatible with the character of the single-family community.
2. Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be fifty (50) feet in residential districts, and seventy-five (75) feet in commercial and office districts. Facade offsets should be sufficient to create a strong shadow line.
3. Roofs should project beyond the facade. Flat roofs are discouraged, but if flat roofs are used a quality cornice line shall be used.

14-406 Scale and Proportion of Building Elements

1. Buildings and structures shall be designed based on accepted architectural principles for scale, mass, rhythm and proportion.
2. The height, width and proportions of a building should create a pleasing visual experience with the other buildings and open spaces in the immediate vicinity.
3. The height and width of roofs should project beyond the facade. Flat roofs are discouraged, but if flat roofs are used a quality cornice line shall be used. Building elements such as doors, windows and other openings shall have scale and proportions that are in harmony with the building yet create a strong human scale.

14-407 Exterior Forms and Materials

1. The Commission requires building materials that are lasting in quality, residential in scale, have good architectural character and appearance.
2. Durable grades of materials such as stone, brick, wood and stucco are preferred. Synthetic and imitation materials are generally considered inappropriate but may be approved on a case-by-case basis. EIFS Systems (proprietary names of "Sto" or "Drivit") are acceptable equals to stucco.
3. The use of windows and doors similar in appearance to those used in residential structures is encouraged. Large expanses of glass are discouraged unless it is broken up into smaller components by the use of window mullions.
4. Painted or factory finished metal should be used with great care and is normally only acceptable for windows, doors, roofs and trim preferably in non-metallic colors. Metal siding is generally considered unacceptable.
5. Plywood and hardboard siding should be avoided unless it is broken up into smaller components by the use of reveals, battens or other design features.
6. Large expanses of concrete shall be avoided unless the scale of the material is reduced through the use of offsets and texture.
7. The use of standard three-tab shingles are normally not acceptable but will be considered on a case-by-case basis. Dimensional asphalt/fiberglass shingles, cedar shakes, slate, or metal shingle or seam roofs are acceptable.

14-408 **Building or Mounted Equipment**

1. All roof and building-mounted equipment such as air-conditioning units, exhaust fans, vents, satellite dishes, and other similar devices be fully screened from public view. Screening materials shall be of the same general character and compatible with the materials used for walls and roofs.
2. Building Lighting Requirements noted under Site Lighting shall also apply to building lighting.
3. The use of custom hardware, which is in character with the building development, is encouraged over the use of standard, prefab hardware. The use of custom enclosures is also encouraged.
 - a. Customized Hardware. Miscellaneous structures and hardware such as mailboxes, trash receptacles, benches, and grocery cart racks, bicycle racks, planting pots, etc. shall be designed to be part of the design concept for the building development.
 - b. Standard Hardware. It is recognized that some hardware such as newspaper

vending machines, ice machines and soft drink vending machines cannot be easily customized. However, unless properly screened or enclosed these types of devices shall be factory or field-painted with muted colors and have all backlighting covered or removed.

- c. Exceptions. Utility buildings used for the storage of equipment or supplies where the equipment or supply storage is not the primary function of the business may use metal building components and discard other paragraphs of the section of Building Design providing that the building is completely screened with berms or permanent evergreen vegetation and is not visible from any public access or private residence.

14-409

Signage

Applicants are urged to study the Sign Regulations for specific requirements on sizes and dimensions, types, siting restrictions and other requirements. Signs in Signal Mountain are controlled in order to preserve and not detract from the natural surroundings of the community. For submittal requirements for signage see SM Code, Title 14, Chapter 5.

1. Sign Types

- a. Ground-mounted signs are to be integrated into the landscaping plan.
- b. Building directory signs should not be apparent from the street, but should be designed to direct people to individual tenants once they have reached the building.
- c. Signs mounted on buildings should be integrated with the architecture of the building, and generally should not project above or beyond the drip line of sloped roof buildings. They should be placed on the building background or other neutral surface and be located either above windows, adjacent to entry doors, or on surfaces such as fascias specifically designed for signage.
- d. Traffic directional signs should incorporate conventional instruction and symbols but should be integrated in form and character with other signage or landscape elements on the site. Standard painted steel "hat channel" posts are not acceptable. *Research to see if meets FED Standards.*
- e. Signs identifying miscellaneous structures and hardware as defined in Section 206 shall be displayed on the surface of the device in such a manner that they do not "shout" for attention. Where several similar devices are used such as newspaper vending machines the signage shall be consistent and uniform.

2. Design Criteria

- a. Signage should be consistent in size, material and location within each development. Signs should be designed as an architectural element of the building

and should reflect or compliment the architectural style of the building.

- b. Signs can consist of individual letters and numbers. The use of logos or some graphic elements may be permitted. Generally such graphic elements are restricted to no more than ten (10) percent of the sign area. Small signs (less than 12 square feet) may be monolithic particularly where the size and style of the framing adds richness to the final appearance.
- c. Illumination of signs, where permitted, should be shaded, shielded, subdued or directed so that the light intensity will not create glare or be objectionable to surrounding areas. Exposed bulbs are not allowed.
- d. Signs should not attract attention excessively. Specifically precluded are signs that are an imitation of traffic signals or may be confused with them; have moving parts; are changing, blinking, flashing or fluttering; have reflective materials, pulsating light or strobe lights or are beacons.
- e. Signs shall be self-supporting without the use of guy wires or unsightly bracing.

14-410

Submittal Requirements

- 1. Applicants are encouraged to submit preliminary information at the schematic design phase of a project to allow preliminary review before a large investment has been made in construction documents. Failure of the applicant to submit preliminary plans will not relieve him/her of compliance with requirements of the Design Standards. While the Commission will endeavor to make appropriate comments and recommendations at the preliminary phase, this early review will not eliminate the requirement for a final review and approval by the Commission prior to any construction.
- 2. Minimum final submission documentation. All illustrations shall be drawn scale.
- 3. New Construction, Remodeling and Renovation. Two sets of the following information shall be submitted to the Building Official at least eleven days prior to a regularly scheduled meeting of the Commission. The information shall be complete enough to illustrate all design information, dimensional data, and quality of materials, colors, and textures. Where remodeling or renovation is planned the unaffected items may be deleted from the submission if color photographs are provided indicating all present conditions:
 - a. Site Plan including topographic elevations and property improvements.
 - b. Site Landscaping Plan indicating all planting, screening, and fencing, etc.
 - c. Site Utility Plan indicating drainage, exterior lighting, and all utility services.
 - d. Exterior elevation drawings of all sides of the building.
 - e. Sample boards indicating materials, colors and textures of the exterior.
 - f. Garbage collection point and proposed screening.
 - g. Parking layout.

- h. Master Signage Plan. If the structure is a multi-tenant facility, a master sign plan shall be submitted indicating all proposed signs with locations, sizes, styles, and types of messages. The approved master sign plan will be the basis for approval of all subsequent tenant signs. Single-tenant buildings shall meet the signage submittal requirements of the Sign Regulations (Title 14, Chapter 5, 14-502).
- i. Floor plans (or similar drawings of exterior walls) in sufficient detail to indicate all perimeter offsets.
- j. Construction manuals or specifications where detailed information is not indicated in other documents.
- k. Vicinity plan indicating buildings in adjacent lots with photographs of those structures.

NOTE: It is the intent of the Commission to review the applicant's information promptly. However, the Commission review and approval is only one step in the construction process. In no case may construction start without all required regulatory agency permits and approvals including a building permit from the Town of Signal Mountain.

14-411 **Appeals Process**

Applicants whose plans are conditionally approved or are disapproved by the Commission may appeal the Commission's action to the Town Council. Appeals to the Council shall be filed with the Town Manager ten (10) days prior to the next regular meeting of the Council not more than sixty (60) days after the date of the Commission's action. The members of the Commission will be notified of the appeals request and will be given the opportunity to address the Council. The Council, after hearing all parties who desire to be heard, shall approve, approve with conditions, or not approve the application by a written statement setting forth the reasons for its action. If the Council approves or conditionally approves the application, the Building Official may issue the building permit forthwith provided that the applicant has complied with the terms of approval or conditional approval; with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits.

14-412 **Project Development Contract**

A project development contract incorporating, among other elements, any conditions or requirements imposed on the applicant pursuant to this chapter, must be executed by and between the Commission and the applicant or, when appealed and approved, between the Council and the applicant before a building permit can be issued for any development outlining the requirements in writing, in addition to any drawings or sketches.

Copies of the Project Development Contract to be executed after Commission or Council approval of the project are available from the Town office.

TITLE 14: ZONING AND LAND USE CONTROL

CHAPTER 5 SIGN REGULATIONS

Sections:

- 14-500 Intent and Purpose
- 14-501 Definitions
- 14-502 Application Procedure
- 14-503 Review Process
- 14-504 Exempt Signs
- 14-505 Prohibited Signs
- 14-506 Banners
- 14-507 Design Principles and Guidelines
- 14-508 Allowable Signage
- 14-509 Types of Signs
- 14-510 Determining Sign Area
- 14-511 Sign Height and Clearance
- 14-512 Sign Illumination
- 14-513 Non-Conforming Signs
- 14-514 Appeals
- 14-515 Variances
- 14-516 Sign Maintenance
- 14-517 Enforcement
- 14-518 Abandoned Signs
- 14-519 Penalties

14-500 Intent and Purpose

The Town recognizes and supports the rights of businesses, services, organizations and residents to identify themselves or their products, activities and services. The intent of these Regulations is to protect residential property values and to create and maintain an attractive and successful business community by avoiding the wasteful and unsightly competition of signage within the town.

The purpose of these Regulations is to establish criteria as to the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures. These regulations are further established to regulate commercial and private signage and lighting that may overload the public's capacity to receive information as well as to protect the public health, safety and welfare by decreasing the probability of accidents by distracting attention or obstructing vision.

Signage that directs persons to various businesses, services and activities that is in keeping with the quality and character of the community will enhance the community's economic value and coordinate the mutual desire of the business and residential communities to maintain, preserve, and enhance the scenic and natural beauty of the Town of Signal Mountain.

In the case of any ambiguity or apparent conflict between the requirements of the Signal Mountain Design Principles and Standards, the Sign Regulations, the Zoning Ordinance or other codes, ordinances or regulations, the more restrictive requirement shall govern.

In addition to these Regulations, all state, federal and local fire, building and safety codes shall apply as well. Provisions for the administration, enforcement and appeals of these Regulations are included, as well as provisions for the elimination of non-conforming signs.

14-501 **Definitions**

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

A-frame sign. Any two-sided sign including sandwich boards, hinged or attached at the top of the sign panels, identifying, advertising or directing attention to a business, product, operation or service sold or offered in the building in front of which the sign is located during business hours.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters or which is otherwise dilapidated, unsightly, unkempt, and for which no person accepts maintenance responsibility or a sign for a business that is out of business for over thirty (30) days.

Animated sign. Any sign, or part of a sign, that uses movement or change of lighting or color to depict action or create a special effect or scene.

Audible sign. Any sign that emits a sound that is audible or emits a signal that can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign. Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. This definition does not apply to automotive service stations.

Banner. A temporary sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard. A freestanding sign containing information for an off-site business or organization with an area of more than one hundred-twenty (120) square feet.

Business. An organization or enterprising entity engaged in commercial, industrial or professional activities.

Changeable Copy Sign, manual or electric. Any sign that incorporates changing lights, lettering or images to form a sign message or messages, whether such changes are accomplished electronically, automatically or manually and whether or not the message is composed of electrically illuminated segments. This definition includes marquee, reader boards and electronic message boards.

Channel Letter. A fabricated or formed three-dimensional letter.

Commerce Center. A building or buildings on a single lot occupied by two or more businesses.

Directional sign. An on-premise sign whose message is exclusively limited to guiding the circulation of motorists and/or pedestrians.

Directory sign. Used for multi-tenant buildings to provide a directory of tenant locations within the building.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other legal entity or legally organized organization.

Flashing sign. A sign with illumination that is not kept constant in intensity at all times when in use and that exhibits marked changes in lighting effects.

Freestanding sign. Any sign supported by stanchions or supports that are placed on or anchored in the ground that is independent from any building or other structure.

Graffiti. Unauthorized writing or drawing on the façade of any building, sign, path, accessory structure, wall, fence or other site element.

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

Height. The height of a sign shall be measured from the ground adjacent to the sign to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.

Light-box Sign. An internally illuminated, cabinet-type sign fixture.

Illuminated sign, external. A sign illuminated by an external light source.

Illuminated sign, internal. A sign illuminated by an internal light source.

Light, full cut-off. A luminaire that has no direct up-light (i.e., no light emitted above horizontal).

Light, fully shielded. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the provisions of the Zoning Ordinance.

Marquee sign. A sign with changeable copy placed on any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Menu Board sign. A permanently mounted sign displaying the type and price of food and beverages for a drive-through restaurant.

Monument. A freestanding sign with a base width greater than or equal to the width of the sign face.

Moving sign. A sign that revolves, rotates, swings, undulates or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premise or development, containing two (2) or more separate and distinct individual establishments that occupy separate portions of the building or buildings and are physically separated from each other by a demising wall, a boundary that separates one tenant's space from that of the other and from a common corridor.

Multiple-faced sign. A sign constructed to display its message either on a curved surface or on two or more planar surfaces.

Nameplate. A sign with a message that identifies only the name and/or address of the occupant.

Neon Sign and Faux Neon. Signs made using electrified, luminous tube lights that contain rarefied neon or other gases or backlit signs that have the appearance of using electrified, luminous tube lights that contain neon or other gases.

Non-Conforming Sign. A non-conforming sign is a sign that was lawfully installed prior to the effective date of these Regulations, or a subsequent amendment thereto, that as a result no longer conforms to the Sign Regulations.

Off-site sign. Means a sign that is not an "On-site Sign".

On-site sign. Means a sign located on the same parcel of land from which the product, service or activity described by the sign is made available.

Pennant, streamer. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

Permanent sign. Any mention of a sign in this Ordinance shall be considered to mean "permanent sign" unless a time limit is specified or such sign is referred to as a "temporary sign".

Permit. A sign permit reviewed, approved and issued by the Town of Signal Mountain.

Permittee. The person and/or entity owning or leasing the land on which the sign is to erected or for which an application has been submitted.

Person. A natural or legal entity including a firm, organization, partnership, trust, and corporation.

Pole Sign. A freestanding sign mounted on a single-structural support.

Political sign. A sign with a message advocating a particular candidate, party or proposition.

Portable sign. A sign that is not permanently affixed to the ground or a structure and is designed to be moved from place to place. Examples include A-frame signs or sandwich boards that are self-supporting after setup.

Post and panel. A freestanding sign supported by more than one structural support.

Principal building. The building where the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but

storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting sign. A sign erected upon a building wall or canopy and projecting more than twelve (12) inches outward from the plane of the building face.

Public sign. All classes of government signage including but not limited to traffic, health and public safety; crime control and prevention; official notices or advertisements related to any court action; the location of underground utilities; and any other community service sign approved by the Town.

Reader board sign. A sign constructed to display an advertising message that may be changed by manual, electronic or other manipulation of letters or numbers on its face(s).

Real estate sign. A temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

Right-of-Way. Public property or easement in which signage is regulated by the federal provisions of the "Manual of Uniform Traffic Control Devices".

Roof sign. Any sign erected and constructed wholly on and over the roof of a building or supported by the roof structure.

Sign face. The part of a sign that is or can be used for advertising or informational purposes.

Sign. Any device, fixture, placard or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind or attract the attention of the public

Sign kiosk. A freestanding bulletin board having three (3) or more faces intended for the posting of temporary flyers or notices.

Special event sign. A temporary banner or sign with a message identifying a civic or public event or holiday.

Temporary sign. Any sign of non-permanent nature.

Town Council. The Town Council of the Town of Signal Mountain.

Town. The Town of Signal Mountain.

Vehicle sign. A vehicle sign is a sign attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper

stickers, license plates, inspection and registration stickers as well as "For Sale" signs as related to the sale of that vehicle.

Water tower. A tower or standpipe serving as a reservoir to deliver water at a required head whether in use, no longer in use or an architectural feature.

Wall sign. Any sign attached parallel to a wall or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, that displays only one sign face.

Window sign. Any sign that is affixed to the exterior of the window or within one (1) foot of the interior of the window that is visible from the exterior of the structure. Merchandise displayed for sale is excluded.

Yard sign. A temporary sign displayed on the days when a garage sale, yard sale, moving sale, estate sale or similar event involving the occasional sale of used household goods on residential property occurs. A yard sign may also publicize the arrival of a baby, the participation of a family member in an activity or sport or may give directions to a special event.

14-502 **Application Procedure**

1. **General**

All signs regardless of zoning designation shall be subject to review by the Signal Mountain Design Review Commission. However, signs under "Exemptions" per Section 14-504 of these Regulations or signs undergoing normal maintenance in conformance to their original appearance shall not require DRC review or approval.

Application forms to apply for DRC Sign Permits are available at the Town Hall. Applicants are advised to consult the Building Official and familiarize themselves with the Sign Regulations prior to the purchase or the installation of any signage.

NOTE: Signs requiring construction of posts, pedestals, bases or other framework shall also require a Building Permit that the Building Official will also issue upon the approval of a proposed sign by the DRC.

2. **Application for Sign Permit**

The owner or his designated agent shall submit an Application and all required documentation for a DRC Sign Permit along with the appropriate fee to the Building Official for referral to the Design Review Commission. The Building Official will

notify both the DRC and the Applicant of the day and time of the hearing and confirm their ability to attend.

A completed Application along with one (1) paper copy and one (1) PDF of the following documentation are required for DRC Review:

- a. A written description of the desired signage. The description may be brief, but shall include information on existing conditions and each element of the overall project.
- b. Fully labeled color photographs of the property and proposed signage locations.
- c. Scaled drawings of proposed signage:
 - (1) Drawings for wall signs must include a scaled drawing of the building face on which the signage will be placed.
 - (2) For freestanding signs, a site plan must include the location of signage and the relationship to existing buildings and other site features on the property.
- d. A list of proposed materials and colors, including manufacturer's specifications. If possible, materials/samples should also be brought to the meeting.
- e. Information illustrating the design and type of lighting, if any, including detailed manufacturer specification of the fixture shall be submitted.

14-503 **Review Process**

Upon receipt of an application for a DRC Sign Permit, the Building Official or Town Manager shall determine that it is complete. If the application is determined to be incomplete, the Building Official shall notify the applicant of the additional materials required for review of the application. No more than one (1) deferral shall be granted to an applicant due to an incomplete application. Any further deferrals shall be at the request of the applicant.

The DRC will act to approve, deny, defer or conditionally approve a complete DRC Sign Permit Application within sixty (60) days of its receipt or within a time period on which the DRC and applicant may agree. The DRC shall set forth its decision and the reasons therefore in writing. In cases of conditional approval or disapproval, the DRC shall

include in its report comments advising the applicant of the right of appeal provided in Section 514, "Appeals", of these Regulations. The DRC should suggest to the applicant, the Building Official, the Town Manager, and the Town Council how the conditionally approved or disapproved plans might be modified to achieve conformity.

14-504 Exempt Signs

The following signs may be erected without a sign permit when non-illuminated (except where specified), containing a characteristic of an approved sign, containing no reflective paint, and when complying with the height and size limitations specified.

1. Up to four (4) permanent directional signs, not to exceed four (4) square feet each, whose message is exclusively limited to directing and guiding traffic and parking on private property are allowed. Such signs shall be durable and may be in the shape of a square, rectangle, circle, arrow or oval, but may not display a logo. Directional signage does not include arrows or other markings on pavement.
2. Yard signs, not to exceed four (4) square feet, may be erected for not more than one (1) week during any consecutive ninety (90) day period.
3. Flags and insignia of any government except when displayed in connection with a commercial promotion.
4. Non-illuminated signs located on private property that cannot be seen from a public street or right-of-way.
5. Legal notices and warnings, regulatory, informational or directional signs erected by any public agency or utility.
6. Any sign, unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, and the name and owner or occupant of the premises.
7. Holiday decorations in season whose purpose is not advertising.
8. Integral decorative or architectural features of buildings, including signs that denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface, implanted with a metal plate, and not exceeding four (4) square feet.
9. Changeable copy portion of signs for automobile service stations or other establishments engaged in the retail sales of gasoline, provided that the changeable copy area does not exceed eight (8) square feet in area. Any such changeable copy portion shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps or flat mounted against the wall of a building.

10. Political signs, each not exceeding four (4) square feet, located on private property with the owner's permission.
11. One (1) residential on-site real estate sign not to exceed nine (9) square feet or one (1) commercial on-site real estate sign not to exceed fifteen (15) square feet. Neither shall exceed four (4) feet in height.
12. One off-site real estate sign when the location of the dwelling is not viewable from the intersection of a public street and the access way to the parcel, provided that the sign is located within twenty-five (25) feet of the public street intersection, and that written permission of the property owner is secured.
13. Cornerstones and historical markers not to include memorial plaques that require DRC review (see SM Code, Title 20, Chapter 6, "Donation Policy," Section 604).
14. One (1) exposed gaseous illumination tube sign installed behind an exterior store window, but limited to an "Open" sign. Such window sign is only exempt if it does not occupy more than 25% a window area or four (4) square feet whichever is less.
15. A-Frame or Sandwich board sign no greater than eight (8) square feet per face limited to one per business with an erasable surface such as chalkboard or dry-erase board for use to direct attention to daily specials during business hours.
16. Vehicle signs, when the vehicle is licensed and/or owned and operated by the owner of the property or by a leaseholder of the property, in residential zones.
17. Vehicle signs in commercial zones that meet the following conditions:
 - a. Vehicle is licensed and/or owned and operated by the owner of the property or by a leaseholder of the property.
 - b. Vehicle is in operating condition, currently registered and licensed to operate on public streets.
 - c. Signage is placed upon the vehicle.
 - d. Vehicle is parked in a designated parking space and is not used as a stationary display sign.

NOTE: The intent of this exemption is to allow business owners/operators to park company vehicles on their property and/or in close proximity to their businesses, but to prohibit them from using their vehicles as signage.

14-505 **Prohibited Signs**

A Prohibited Sign is defined as any sign not specifically identified in these regulations as a permitted sign. The following signs and sign characteristics shall be prohibited:

1. Fringe, twirling, or portable display signs, streamers or air or gas filled figures.
2. Promotional beacons, searchlights or laser lights or images.
3. Audible signs.
4. Signs in a public right-of-way other than those belonging to a government or public service agency.
5. Signs mounted on trees, utility poles, water towers or other similar structures, architectural features, traffic signals or traffic control boxes or cell towers.
6. Signs mounted on top of a roof or false roof structure.
7. Signs erected upon trailers or portable rigs with intent to promote a business.
8. Signs that depict lewd or sexually explicit material.
9. Signs that advertise an activity that is illegal under federal, state or local laws.
10. Signs in poor repair, in violation of codes or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures or missing letters.
11. Abandoned signs.
12. Animated signs, flashing signs, and rotating signs.
13. Changeable copy signs, manual or electronic, excluding price signs at automobile service stations.

14. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop", "go", "slow", "caution," "warning", or similar words in such a manner as to resemble official traffic control signs.
15. Graffiti.
16. Sign Kiosks or signs with three or more faces.
17. Signs attached/painted on natural objects such as rocks, boulders, etc.
18. Marquee signs.
19. Billboards.
20. Signs erected in such a manner that any portion of the sign or its support is attached to or may possibly interfere with the free use of any fire escape, entrance, exit or standpipe or that will or may obstruct any required stairway, door ventilator or window.
21. Signs erected that will or reasonably might interfere with, obstruct, confuse or mislead vehicular traffic.
22. Signs with flashing or alternating lights or changing colors.
23. Signs constructed to incorporate wind-blown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices except for time/temperature, which may be permitted.
24. Light box signs.
25. Internally lit channel letters (not to include backlit).
26. Signs attached to or painted on a vehicle parked and visible from the public right-of-way unless it is used for transporting people or materials in the normal day-to-day operations of the business.
27. Vehicle signs that do not meet the requirements of "Exemptions".
28. Pole signs.

14-506 **Banners**

All banners are temporary, and no banner may exceed twenty-five (25) square feet regardless of use or zoning.

1. Temporary Commercial Banner Permit

The Building Official shall issue temporary banner permits for new or relocating businesses, special business advertising or for special private events as follows:

- a. New or relocating business: The Building Official shall grant one (1) Temporary Banner Permit to a new or relocating business for a period of eight (8) weeks in lieu of a permanent sign. Concurrently, business owners shall apply to the DRC for a Permanent Sign Permit.
 - b. Business advertising: Businesses located in commercial zones may also apply for a Temporary Banner Permit for advertising purposes restricted to the following:
 - (1) Permits may be granted no more than four (4) times a year.
 - (2) Temporary banners may be displayed for no more than fourteen (14) consecutive days.
 - (3) Temporary banners will be removed promptly. If not, the Town will remove them for a charge of \$10 to be paid by the permittee.
2. Temporary Special Event Banner Permit: The Building Official shall grant Temporary Banner Permits to nonprofit, educational, religious or civic organizations for publicizing special events restricted to the following:
- a. A contact person responsible for oversight must be named in the permit.
 - b. Permits may be granted no more than four (4) times a year.
 - c. Temporary banners may be displayed no more than fourteen (14) consecutive days.
 - d. Temporary banners will be removed promptly. If not, the Town will remove them for a charge of \$10 to be paid by the permittee.

14-507 **Design Principles and Guidelines**

1. Location. Signs for individual businesses should be integrated into the face of the building. The size and shape of the signs should be compatible with the overall design of the building. Signs should not obscure architectural details on the building face. Signs should be installed on vertical surfaces and not project higher than the roofline. Ground mounted signs should be incorporated into the

overall landscaping plan and should be located as close as feasible to the ground.

2. Size. Signs should maintain a modest scale. Signs need to be large enough to be legible, but oversize signage can create distractions for motorists and otherwise create nuisances for adjacent property owners.
3. Consistency. Signs within a commercial development should maintain a high level of visual consistency in size, material and location within the architecture of the building and among other separate signs. Signs should be designed as an architectural element of the building and should reflect or complement the architectural style of the building.
4. Design. Simple shapes are preferred for all signage as is high-quality graphic design that is easily legible. Signs can consist of individual three-dimensional letters and numbers. The use of logos or some graphic elements may be permitted. Generally, such graphic elements are restricted to no more than ten (10) percent of the sign area.
5. Construction. Signs shall be constructed of durable materials such as stone, brick, wood and wood simulating materials. Materials should complement the architectural style of the building and contribute to the overall quality of the development. Reflective materials other than glass should be avoided. In general, the selection of materials should also contribute to the overall character of the neighborhood or town.
6. Lighting. Signage lighting should be given adequate attention to detail. Simple, external illumination fixtures should complement both the building and the sign itself. For most light fixtures, the illumination source (bulb) should not be visible. Certain backlit illumination creating a halo effect may be appropriate, as may other new lighting technology or design detail.

14-508 Allowable Signage

1. Commercial.
 - a. Each multi-tenant development may have one (1) primary sign no more than 25 square feet per face. The multi-tenant development sign shall be used to identify the development and shall not be an advertising or directory sign.
 - b. Each business/tenant may have one primary sign no more than twenty-five (25) square feet to identify itself.

- c. A secondary sign of no more than twenty-five (25) square feet for each multi-tenant development or business/tenant may be considered under the following conditions:
 - (1) Length of street frontage greater than 100 linear feet.
 - (2) Location at an intersection of two or more public streets.
 - (3) Use as a drive-through establishment.
 - (4) Principal use is small scale and oriented to pedestrians.
 - (5) For replacement of non-conforming signage.
 - (6) Hardships related to the site including but not limited to topography or sight distance.
2. Churches and Schools. Signs identifying churches and schools shall not exceed twenty-five (25) square feet per face regardless of street frontage and shall comply with the provisions of these Regulations.
3. Subdivisions/Residential Developments. Signs identifying subdivisions and residential developments (including apartments, condominium, and townhouses) shall not exceed twenty-five (25) square feet per face regardless of street frontage and shall comply with the provisions of this Ordinance.
4. Development and Construction Signs. One (1) construction sign is allowed for each active development and construction project. Sign specification for development and construction sites shall be allowed as follows:
 - a. A sign for a single-family residence shall not exceed six (6) square feet.
 - b. Signs for projects other than a single-family residence shall not exceed twenty-five (25) square feet.
 - c. Residential development signs shall be removed within three (3) years or after two-thirds (2/3) of the project's units have been occupied, whichever comes first.
 - d. Construction signs shall be removed within one month of initial occupancy.

14-509 Types of Signs

The following details types of signs, their uses and requirements:

1. Monument Signs. Monument are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people who are trying to identify a use. These often identify multi-tenant developments, churches, schools and subdivisions. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site.
 - a. Monument signs should be located within a green or landscaped area with a minimum setback of ten (10) feet from the property line or sight-triangle requirement, whichever is greater. Adequate landscaping shall be provided to blend the sign into the site.
 - b. The bottom edge of a monument sign shall be in continuous contact with the structural base and a minimum of twelve (12) inches above grade.
 - c. Monument signs may be incorporated into a retaining wall or masonry wall.
 - d. Monument signs shall be no higher than four (4) feet.
2. Post and Panel Signs. Freestanding post and panel signs are primarily used to identify office or retail uses. They are similar to monument signs, except they do not have a base other than support posts. They can have a single or double face. The colors and materials used for the sign shall be compatible with the associated building design.
 - a. Post and panel signs shall not exceed twenty-five (25) square feet per face.
 - b. The bottom edge of a post and panel sign shall be a minimum of twelve (12) inches above grade.
 - c. Post and panel signs shall be set back a minimum of ten (10) feet from the property right-of-way or sight triangle, whichever is greater.
 - d. Post and panel signs shall be a maximum of four (4) feet in height and shall be landscaped to blend into the site.
2. Wall Sign. Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters.

- a. Signs mounted on buildings shall be integrated with the architecture of the building and shall not project above or beyond the drip line of sloped roof buildings.
 - b. Wall signs may be placed either directly onto the building surface or other background surface and are generally located either above windows, adjacent to entry doors or on surfaces such as fascia specifically designed for signage.
 - c. Wall signs shall have a maximum total sign area of twenty-five (25) square feet unless located on a corner with frontage on two streets, in which case it may be allowed twenty-five (25) square feet for each frontage.
- 3. Projecting Signs. Projecting signs are attached to a building face and project out perpendicular to the building wall. Projecting signs are effective when oriented to pedestrians on the sidewalk level.
 - a. Projecting signs shall originate from the main store/building front and be no larger than twelve (12) square feet.
 - b. No projecting sign shall extend more than four (4) feet beyond a building roofline.
 - c. A minimum ground clearance of eight (8) feet shall be required for any sign projecting over a pedestrian walkway.
- 4. Window Signs. Window signs should be scaled to pedestrians and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. Window signs should be limited to small graphics and text that serve to frame a window or provide information. Window signs shall occupy no more than 25% of each window or four (4) square feet whichever is less.
- 5. Building Directory Signs. Directory signs are used for multi-tenant buildings or commerce centers to provide a directory of tenant locations within the building or development. Most directory signs are small in scale and oriented to pedestrians.
 - a. Directory signs may be fixed on an exterior wall of the building. One directory sign shall be permitted per multi-tenant building.

- b. Wall mounted directory signs shall be no larger than 12 square feet in area. Individual letters may not exceed six (6) inches in height.
- 6. Canopy or Awning Signs. Canopy and awning signs shall not cover more than twenty-five (25) percent of the canopy or awning or exceed twenty-five (25) square feet in size, whichever is smaller.
- 7. Hanging and Suspended Signs. Hanging signs or suspended signs are used to help define entries and identify business names to pedestrians. They are small and can hang over a building entry.
 - a. A minimum ground clearance of eight (8) feet shall be required for any sign hanging or suspended over a pedestrian walkway.
 - b. Hanging and suspended signs shall be no larger than twelve (12) square feet.
- 8. Menu Board Signs. Menu Board signs are appropriate for drive-through restaurants only and are subject to the following:
 - a. Proposed location of menu boards shall be approved by the DRC.
 - b. The maximum height shall be six (6) feet.
 - c. Menu board signs shall not exceed twenty-five (25) square feet.
 - d. Dimensions do not count toward overall sign square footage.
 - e. Speakers shall meet the requirements of zoning and Town Codes.
 - f. Menu Boards shall only be lit during business hours.
- 9. All Other Sign Types. Freestanding signs and other types of signs not addressed as a specific sign type shall not exceed twenty-five (25) square feet per face.

14-510 **Determining Sign Area**

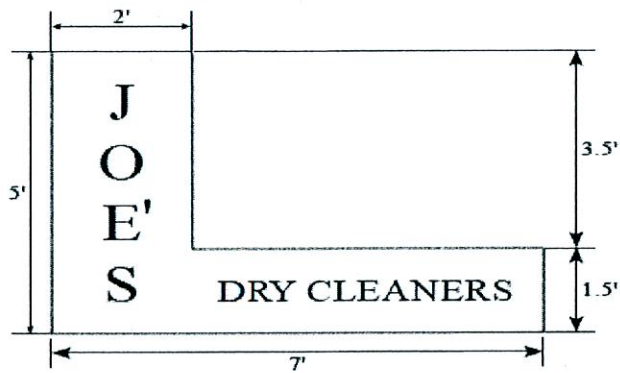
The following criteria shall be used to determine sign area and placement under these Regulations:

- 1. Determining Sign Area
 - a. For single-faced signs, area shall be that within the outermost perimeter of the sign. A single-faced sign is a sign constructed so its message is displayed in a single plane and is viewable from only one side of the plane.

- b. For double-faced signs, area shall be that within the outermost perimeter of one face of the sign. A double-faced sign is a sign constructed to display its message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes, provided the planes are not more than two (2) feet apart.
- c. Sign area is calculated by determining the number of square feet of the smallest square or rectangle(s) within which the sign face can be enclosed.
- d. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in sign area. When separate letters or graphics are attached to a wall, then the sign area shall be determined by drawing a square or rectangle around all type and markings associated with the sign.
- e. The total sign area is the sum of all individual sign areas, including the area of a rectangle enclosing any message, logo, symbol, name, photography or display face is the sign surface area.
- f. Framework that is clearly incidental to the sign itself shall not be computed in the sign area.
- g. See the following diagrams describing methodology for calculating sign area:



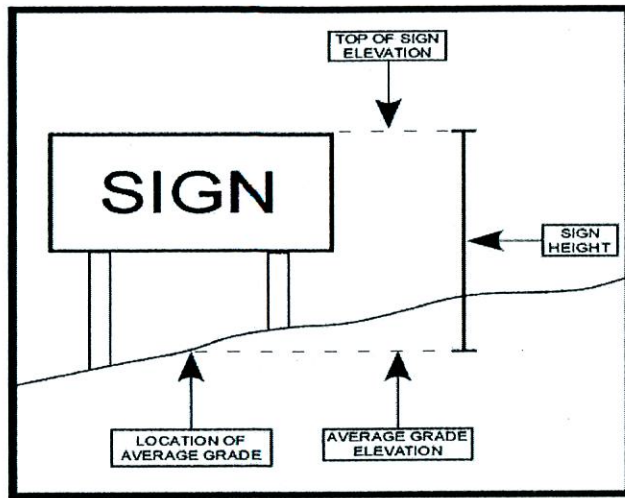
Sign Area = 20.5 square feet.



Sign Area = 17.5 square feet.

14-511 Sign Height and Clearance

1. Height. The height of a free-standing sign shall be measured from the ground adjacent to the sign to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself. See the following diagram:



2. Clearance. Where permitted, awnings, canopies, projecting, and suspended signs shall conform to the following requirements:

- a. Vertical. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight (8) feet over private sidewalk areas.
- b. Horizontal. The minimum horizontal clearance between a sign and the public right-of-way shall be 2 feet; the maximum projection over a private sidewalk shall be two-thirds ($2/3$) the width of the sidewalk or 6 feet, whichever is less.

14-512 Sign Illumination

The following lighting standards apply to all signage illumination except where prohibited by state or federal requirements. Illumination where permitted shall be subject to the following limitations:

1. No signs shall be internally illuminated.
2. Signs where illumination creates a backlit, halo-like effect around the sign or sign elements may be allowed.
3. External light sources shall be fully shielded so that the light intensity will not create glare and will prevent direct illumination of any object other than the sign.
5. Menu Board signs shall only be lit during business hours.

14-513 **Non-Conforming Signs**

A non-conforming sign is a sign that was lawfully installed prior to the effective date of these Regulations, or a subsequent amendment thereto, that as a result no longer conforms. All signs deemed non-conforming shall be made to comply with the requirements of these Regulations if one of the following occurs:

1. Any modification of sign appearance, other than normal maintenance necessary to retain the original appearance of the sign.
2. Removal for whatever reason of a non-conforming sign. A non-conforming sign shall not be re-erected.
3. Change of use and/or name of a business. However, when the ownership of a business changes, but the name and use of the business remain the same, a conforming sign in good repair shall remain. A conforming sign in good repair may also be erected upon the relocation of a business.
4. Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign that duplicates the old sign.

14-514 **Appeals**

An Applicant whose proposed signage is conditionally approved or disapproved by the Design Review Commission may appeal the Commission's action to the Town Council. Appeals to the Council shall be filed with the Town Manager ten (10) days prior to the next regular meeting of the Council and not more than sixty (60) days after the date of the Commission's action.

The members of the Commission will be notified of the request for appeal and will be given the opportunity to address the Council. The Council, after hearing all parties who desire to be heard, shall approve, approve with conditions or not approve the application by a written statement setting forth the reasons for its action.

If the Council approves or conditionally approves the application, the Building Official may issue the building permit forthwith, provided that the applicant has complied with the terms of approval or conditional approval as well as with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits.

14-515 **Variances**

1. Permanent:

- a. The Town Council is authorized to permit variances in the administration of this Ordinance when good taste and unusual circumstances, and/or practicality justify the granting of a variance. Part of the intent of these Regulations is to promote creativity in signs.
- b. To apply for a variance, a person must file a written request with the Council setting forth what variance is requested and the reasons for the request. The Town Council shall administer all applications and all requests for new sign variances of a permanent nature and may hold a hearing on such petition if it desires to do so.
- c. The Council will agree to act to approve, deny, defer or conditionally approve the request for variance within sixty (60) days.

2. Temporary:

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

14-516 **Sign Maintenance**

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

14-517 **Enforcement**

The Building Official shall have the authority to order the removal or modification of any new sign that does not meet these Sign Regulations according to the following procedures:

1. The owner of the sign, the occupant of the premises on which the sign is located, and the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Building Official, remove or modify the sign or structure within thirty (30) days in a manner approved by the Building Official.
2. If the order is not complied with within thirty (30) days, the Building Official or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action does not take

place within fifteen (15) days, the Town will remove the sign at the sign owner's expense.

If the sign is not removed or modified with the fifteen (15) days granted by the second notice, the Building Official shall order the removal of the sign by the Town. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the Town is reimbursed.

14-518 **Abandoned Signs**

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

14-519 **Penalties**

Any person, firm or corporation violating any of the provisions of these Regulations shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined fifty dollars (\$50). Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises or part thereof, where anything in violation of these Regulations shall be placed or shall exist, and any person, who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

SECTION 4. That this Ordinance shall become effective after the Town Council conducts a public hearing on this Zoning Amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its Final passage as provided by law.

Passed First Reading 1/27, 2012.

Passed Second Reading 2/13, 2012.

A stylized, handwritten signature in black ink, featuring a large, looped initial 'E' followed by a series of connected, fluid strokes.

MAYOR

A complex, handwritten signature in black ink, characterized by multiple overlapping, sweeping loops and a long, horizontal trailing stroke.

RECORDER