

ORDINANCE NO. 52-7

“AN ORDINANCE TO AMEND THE MUNICIPAL CODE, ELIZABETHTON, TENNESSEE, 2000, AS AMENDED, BY REVISING TITLE 14, CHAPTER 5, ENTITLED “SIGNS”, TO DELETE THE CURRENT SECTIONS 14-501 THROUGH 14-504 AND, FURTHER, TO ADOPT IN TITLE 14 A NEW CHAPTER 5 ENTITLED “SIGN REGULATIONS” AND ADOPT NEW CODE SECTIONS 14-501 THROUGH 14-513 IN ORDER TO REGULATE SIGNS WITHIN THE CITY OF ELIZABETHTON, TENNESSEE.”

WHEREAS, City Staff has reviewed Title 14, Chapter 5, which regulates signs within the City of Elizabethton, Tennessee, and has proposed a new Chapter 5 to adopt new sign regulations within the City of Elizabethton, Tennessee; and

WHEREAS, these proposed new sign regulations have been reviewed and approved by the Elizabethton Regional Planning Commission; and

WHEREAS, the Elizabethton Regional Planning Commission has forwarded this proposed new Chapter 5 entitled “Sign Regulations” in Title 14 of the Elizabethton Municipal Code to the Elizabethton City Council for review; and

WHEREAS, it is in the best interest and welfare of the citizens and residents of the City of Elizabethton that Title 14, Chapter 5, of the Elizabethton Municipal Code be rewritten to adopt and update sign regulations for the City of Elizabethton, Tennessee.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELIZABETHTON, TENNESSEE, AS FOLLOWS:

Section 1. That Title 14, Chapter 5, Sections 14-501 through 14-504 are hereby deleted in their entirety.

Section 2. That Title 14, Chapter 5, Section 14-501, shall be adopted to read as follows:

14-501. Purpose and Intent.

The purpose of this chapter is to regulate the size, location, height, and construction of all signs placed for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community; and to enhance property values.

To these ends, these regulations are intended to promote signs that are compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structures; legible and appropriate to the activity to which they pertain; not distracting to motorists; and constructed and maintained in a structurally sound and attractive condition.

Section 3. That Title 14, Chapter 5, Section 14-502, shall be adopted to read as follows:

14-502. Definitions. For the purpose of these sign regulations, unless the context otherwise requires, the following terms shall have the meanings established as follows:

- (1) Abandoned sign. A sign structure that has ceased to be used and has failed to be kept in a good aesthetic condition, for a minimum period of six (6) months or as otherwise defined by state law.
- (2) Awning sign. A sign attached to, affixed to, or painted on an awning or canopy. See figure 1.
- (3) Banner sign. A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include nonrigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.
- (4) Billboard. A permanent freestanding sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages accessory to the current land use of, products sold on, or the sale or lease of, the property on which it is displayed.
- (5) Copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
- (6) Changeable signs.
 - (A) Manually activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - (B) Electrically activated. Electric message boards Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. This shall include electric message boards.
- (7) Canopy sign. A sign affixed to the visible surface(s) of a ground-mounted, freestanding canopy. See figure 1.
- (8) Flag. Any fabric or flexible material with a distinctive design that is used as a symbol attached to or designed to be flown from a pole.
 - (A) Horizontal flag. A flag designed to be attached to a pole on one specific side or be flown and displayed in a horizontal orientation.
 - (B) Vertical flag. A flag designed to be attached to a portable pole or support structure on multiple sides or be flown and displayed in a vertical orientation. This shall include feather flags, bow flags, bowhead flags, banner flags, wind flags, feather banners, and tear drop flags.
 - (C) Pennant flag. A type of long, tapering horizontal flag or triangular in shape.
- (9) Freestanding canopy. A multisided overhead structure supported partially or entirely by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.
- (10) Freestanding sign. A sign on a frame, pole, or other support structure not attached to any building. See figure 1.
- (11) Human directionals. A person who applies an advertisement on his or her person and will spin, dance, or wear costumes with promotional content in order to attract attention. This shall include human billboards, sign holders, sign wavers, sign twirlers, sandwich men and the like.

- (12) Inflatable sign. A flexible bag or tube made of fabric, rubber, latex, nylon, polychloroprene or other similar non-rigid material that can be inflated with a gas, such as helium, hydrogen, nitrous oxide, oxygen, or air. This shall include balloons, airdancers, windyman, skydancer, tube man, sky puppets, flyguy, and inflatable billboards. This shall specifically exclude any inflatable sign designed for human transportation, inflatable tents, and inflatable playhouses.
- (13) Lawn sign. A freestanding sign that is made of corrugated plastic or other material and a metal or wood frame with tines that are placed in the ground for a foundation. This shall include yard signs, bandit signs, placards, and road signs.
- (14) Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. See figure 1.
- (15) Off-premise outdoor signs. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sales or lease of, the property on which it is displayed and has been permitted by the Tennessee Outdoor Advertising Control Program. This shall specifically include outdoor advertising or billboards.
- (16) Projecting sign. A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property. See figure 1.
- (18) Political sign. A temporary sign intended to advance a political statement, cause, or candidate for an office.
- (19) Portable sign. A sign that is movable and not permanently attached to a structure or the ground. Portable signs include sandwich board signs, portable reader boards on wheels that display changeable copy, signs on trailers, balloons, and other similar signs.
- (20) Real estate sign. A temporary sign advertising the sale, auction, lease or rental of the property or premises upon which it is located or directing to a property for sale, auction, lease or rental.
- (21) Roof sign. A sign erected on a roof, or signs that project above the highest point of the roofline, parapet, or fascia of a building.
- (22) Sign. Any visual graphics display visible from a public place created to be used to identify, advertise, or attract attention to a place of business, a product, or a particular message. Noncommercial flags or any flags displayed from flagpoles will not be considered to be signs.
- (23) Temporary sign. A sign installed for a limited time and not constructed or intended for long-term use.
- (24) Wall sign. A sign mounted flat against and projecting less than eighteen (18) inches from, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This shall include fascia signs. See figure 1.
- (25) Window sign. A sign posted, painted, placed or affixed to the interior or exterior of a window. Signs that face a window exposed to public view and located within 12 inches of the window are considered a window sign.

Figure 1 - Sign Definition Illustrations



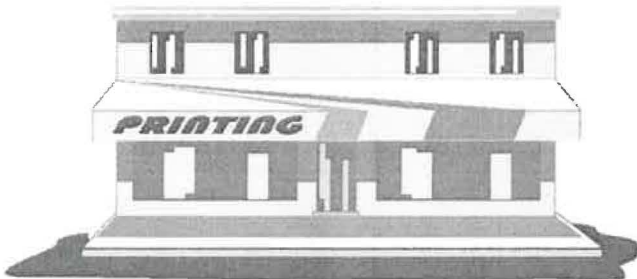
FREESTANDING SIGNS



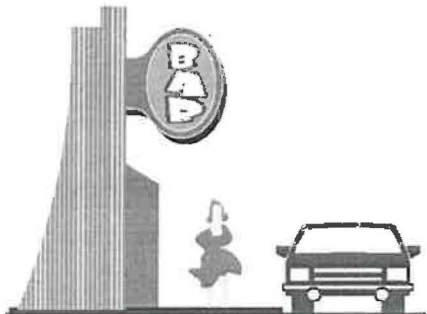
MONUMENT SIGN



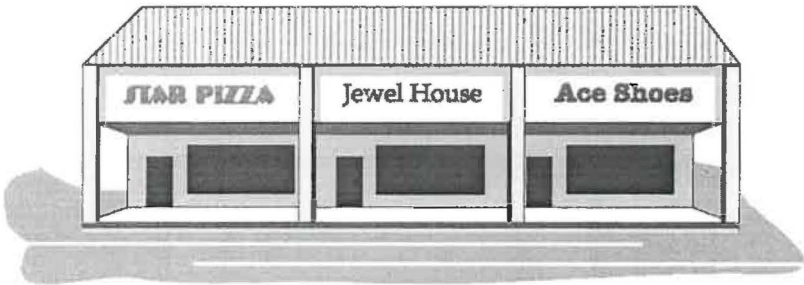
CANOPY SIGN



AWNING SIGN



PROJECTING SIGN



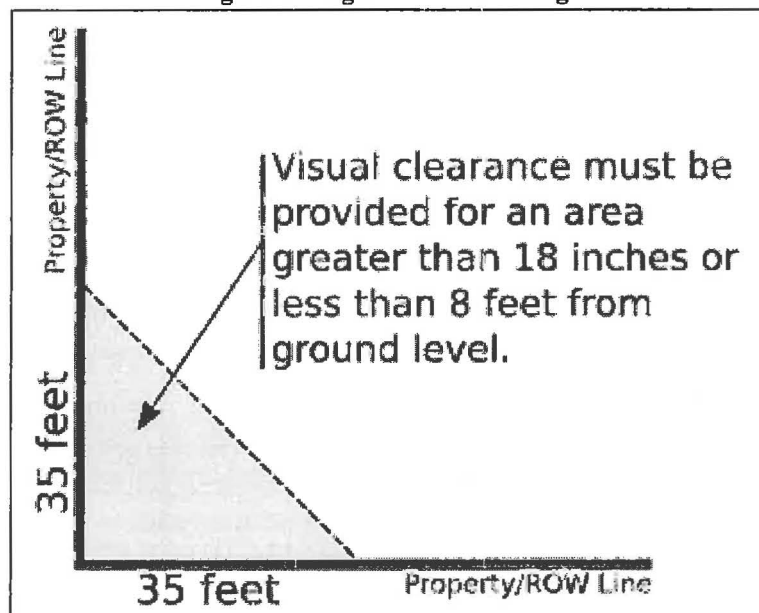
WALL SIGN

Section 4. That Title 14, Chapter 5, Section 14-503, shall be adopted to read as follows:

14-503. General Regulations.

- (1) **Applicability.** The requirements of this Code apply to all signs, sign structures, awnings, and other types of sign located within the City of Elizabethton.
- (2) **Hierarchy of Regulations.**
 - (A) Where there is a conflict between specific sign regulations and the base or general sign regulations of this Code, the specific sign regulations supersede the base sign regulations.
 - (B) Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive applies.
- (3) **Vision Obstruction.** No signs shall create any vision obstructions onto a public-right-of-way, alley, sidewalk, adjacent drive or private drive entering onto a street. Signs located within a minimum thirty-five (35) foot triangle running parallel along each right-of-way at the intersection of two public rights-of-way shall provide a visual clearance area between eighteen (18) inches above the ground level and eight (8) feet above the ground level and shall include sign faces and sign support structures. See figure 2.

Figure 2 – Sight Distance Triangle



- (4) **Location Requirements.** Unless stated otherwise in these regulations, no sign shall be erected within 5 feet of the edge of any street or within any public right-of-way (except an official traffic sign, other similar traffic control sign, or within the B-3 Central Business District), placed where it would obstruct access to fire escapes, fire hydrants, fire lanes, emergency exits or similar safety areas, on public property, a utility pole or a tree unless specifically authorized by other ordinances or regulations of this jurisdiction.
- (5) **Sign Faces.** No signs shall have more than two (2) sign faces. No sign face area shall exceed the maximum allowed
- (6) **Landscaping Requirement.** Freestanding signs must be placed in a grassed or landscaped area which shall run parallel to the sign, is at least three (3) feet in width and at least the length of the greatest dimension of the sign. Curbing, railroad ties, bricks, fencing and/or other suitable vehicular barrier shall enclose the grassed or landscaped area.

(7) Illumination. Unless otherwise provided herein, sign illumination shall only be achieved through the following standards:

(A) A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause blinding, deceptive or distracting glare that impairs driver vision on a roadway or causes a nuisance to adjacent property.

(B) Internally illumination shall provide steady, stationary lighting through translucent materials.

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

(E) All illuminated signs shall be UL (Underwriters Laboratories) listed.

(F) All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until one-half hour after Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.

(8) Projections over public ways. Signs, architectural projections, or sign structures projecting over public walkways must conform to the minimum height clearance of eight (8) feet and vehicular access areas must conform to the minimum height clearance of fourteen (14) feet.

(9) Maintenance and repair. Every sign and sign support structure, permitted or unpermitted by this ordinance, shall be kept in good condition and repair and free from rust, fading, or any other signs of deterioration.

(10) Electrically activated changeable signs. Electrically activated changeable signs may be included on freestanding or monument signs, provided such element:

(A) Shall not exceed 33% of the total sign face area with the exception of off-premise outdoor signs; and

(B) Shall maintain a static message for at least six seconds, and shall not utilize animation or any of the techniques prohibited by these regulations; and

(C) All electrical service to the signs shall be placed underground; and

(D) All illuminated signs shall be UL (Underwriters Laboratories) listed; and

(E) All electronically activated changeable signs must comply with the maximum luminance level of three-hundred (300) Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until one-half hour after Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.

(11) Number of signs.

(a) Freestanding. Unless otherwise stated in this code, the number of freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage at one-half (1/2) of the permitted sign face dimensions permitted for the respective zone.

- (i) Exception. All freestanding informational signs meeting the setback requirements in the B-1, B-2, M-1, and M-2 zones shall be exempt from this requirement and the requirements of this ordinance provided they are not intended to be legible from any public street and no individual sign shall exceed a height of seven (7) feet.
- (b) Awning. The number of signs per building face shall not exceed the number of public entrances on the building face to which the sign is attached.

Section 5. That Title 14, Chapter 5, Section 14-504, shall be adopted to read as follows:

14-504. Permitted Sign Standards.

(1) R-1 (Low Density) Residential District

(A) Monument Signs.

- (i) Dimensions: Maximum six (6) square feet per face; maximum five (5) feet in height.
- (ii) Location: Five (5) feet setback from all property lines.
- (iii) Illumination: None

(2) R-2 (Medium Density) Residential District

(A) Monument Signs;

- (i) Dimensions: Maximum six (6) square feet per face; maximum five (5) feet in height.
- (ii) Location: Minimum five (5) feet setback from all property lines.
- (iii) Illumination: External illumination or back lit copy only.

(B) Freestanding Signs;

- (i) Dimensions: Maximum six (6) square feet per face; maximum twelve (12) feet in height.
- (ii) Location: Minimum ten (10) feet setback from all property lines.
- (iii) Illumination: External illumination or back lit copy only.
- (iv) Materials: All metal or wooden poles or supports shall be enclosed.

(C) Wall Signs; and

- (i) Dimensions: Maximum of two (2) square feet per running linear foot.
- (ii) Location: Between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.
- (iii) Illumination: External illumination or back lit copy only.
- (iv) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(D) Awning Signs.

- (i) Dimensions: Maximum sign copy or graphics, as defined herein, area of ten (10) percent of the area of the façade to which the awning is attached. Sign projections shall not exceed six (6) feet with a minimum eight (8) foot ground clearance.
- (ii) Location: The top of the awning shall be between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External illumination only.

(iv) Number: The number of awning signs per building face shall not exceed the number of entrances on that building face.

(v) Material: Covering shall be made from cloth, vinyl, acrylic, eradicable fabric or other flexible, cloth-like material with a matte finish. Metal, wood, or hard plastic shall be explicitly prohibited.

(3) R-3 (High Density) Residential District

(A) Monument Signs;

(i) Dimensions: Maximum six (6) square feet per face; maximum six (6) feet in height.

(ii) Location: Minimum five (5) feet setback from all property lines.

(iii) Illumination: External illumination or back lit copy only.

(B) Freestanding Signs;

(i) Dimensions: Maximum six (6) square feet per face; maximum fifteen (15) feet in height.

(ii) Location: Minimum ten (10) feet setback from all property lines.

(iii) Illumination: External illumination or back lit copy only.

(iv) Materials: All metal or wooden poles or supports shall be enclosed.

(C) Wall Signs; and

(i) Dimensions: Maximum of two (2) square feet per running linear foot.

(ii) Location: Between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External illumination or back lit copy only.

(iv) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(D) Awning Signs.

(i) Dimensions: Maximum sign copy or graphics, as defined herein, area of ten (10) percent of the area of the façade to which the awning is attached. Sign projections shall not exceed six (6) feet with a minimum eight (8) foot ground clearance.

(ii) Location: The top of the awning shall be between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External illumination only.

(iv) Number: The number of awning signs per building face shall not exceed the number of entrances on that building face.

(v) Material: Covering shall be made from cloth, vinyl, acrylic, eradicable fabric or other flexible, cloth-like material with a matte finish. Metal, wood, or hard plastic shall be explicitly prohibited.

(4) B-1 (Neighborhood) Business District and M-R (Medical-Residential) District

(A) Monument Signs;

- (i) Dimensions: Maximum ninety-eight (98) square feet per face; maximum eight (8) feet in height.
- (ii) Location: Minimum five (5) feet setback from all property lines.
- (iii) Illumination: External or internal illumination.

(B) Freestanding Signs;

- (i) Dimensions: Maximum ninety-eight (98) square feet per face; maximum twenty (20) feet in height.
- (ii) Location: Minimum ten (10) feet setback from all property lines.
- (iii) Illumination: External or internal illumination.
- (iv) Materials: All metal or wooden poles or supports shall be enclosed.

(C) Wall Signs;

- (i) Dimensions: Maximum of three (3) square feet per running linear foot.
- (ii) Location: Between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.
- (iii) Illumination: External or internal illumination.
- (iv) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(D) Canopy Signs;

- (i) Dimensions: Maximum of forty (40) percent of the total canopy face area.
- (ii) Location: Signage shall only be permitted on a maximum of three canopy faces.
- (iii) Illumination: External and internal illumination.

(E) Awning Signs; and

- (i) Dimensions: Maximum sign copy or graphics, as defined herein, area of fifteen (15) percent of the area of the façade to which the awning is attached. Minimum eight (8) foot ground clearance.
- (ii) Location: The top of the awning shall be between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.
- (iii) Illumination: External and internal illumination.
- (iv) Number: The number of awning signs per building face shall not exceed the number of entrances on that building face.
- (v) Material: Covering shall be made from cloth, vinyl, acrylic, eradicable fabric or other flexible, cloth-like material with a matte finish. Metal, wood, or hard plastic shall be explicitly prohibited.

(F) Window Signs.

(i) Dimensions: Maximum of twenty (20) percent of the total ground-level floor window square footage.

For structures where ground-level floor windows span multiple interior floors, the interior height of the ground level floor shall be applied to the exterior windows to perform the calculation. The total square footage of the exterior windows of the building may be used in the calculation by special exception.

(ii) Location: Ground-level floor of the building.

(iii) Illumination: None.

(5) B-2 (Arterial) Business District

(A) Monument Signs;

(i) Dimensions: Maximum one-hundred sixty-two (162) square feet per face; maximum ten (10) feet in height.

(ii) Location: Minimum five (5) feet setback from all property lines.

(iii) Illumination: External or internal illumination.

(B) Freestanding Signs;

(i) Dimensions: Maximum one-hundred sixty-two (162) square feet per face; maximum twenty-five (25) feet in height.

(ii) Location: Minimum ten (10) feet setback from all property lines.

(iii) Illumination: External or internal illumination.

(iv) Materials: All metal or wooden poles shall be enclosed.

(C) Wall Signs;

(i) Dimensions: Maximum of three (3) square feet per running linear foot.

(ii) Location: Between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External or internal illumination.

(iv) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(D) Canopy Signs;

(i) Dimensions: Maximum of forty (40) percent of the total canopy face area.

(ii) Location: Signage shall only be permitted on a maximum of three canopy faces.

(iii) Illumination: External and internal illumination.

(E) Projecting Signs;

(i) Dimensions: Maximum of twelve (12) square feet. Projection over a public sidewalk shall be a maximum of four (4) feet with a minimum eight (8) foot ground clearance.

(ii) Location: No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted.

(iii) Illumination: External and internal illumination.

(iv) Number: The number of projecting signs per building face shall not exceed the number of entrances on the building face to which the sign is attached.

(F) Awning Signs; and

(i) Dimensions: Maximum sign copy or graphics, as defined herein, area of fifteen (15) percent of the area of the façade to which the awning is attached. Minimum eight (8) foot ground clearance.

(ii) Location: The top of the awning shall be between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External and internal illumination.

(iv) Number: The number of awning signs per building face shall not exceed the number of entrances on that building face.

(v) Material: Covering shall be made from cloth, vinyl, acrylic, eradicable fabric or other flexible, cloth-like material with a matte finish. Metal, wood, or hard plastic shall be explicitly prohibited.

(D) Window Signs.

(i) Dimensions: Maximum of twenty-five (25) percent of the total ground-level floor window square footage.

For structures where ground-level floor windows span multiple interior floors, the interior height of the ground level floor shall be applied to the exterior windows to perform the calculation. The total square footage of the exterior windows of the building may be used in the calculation by special exception.

(ii) Location: Ground-level floor of the building.

(iii) Illumination: None.

(6) B-3 (Central) Business District and B-4 (Intermediate) Business District

(A) Wall Signs;

(i) Dimensions: Maximum of two (2) square feet per running linear foot.

(ii) Location: Between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story or, for businesses with a concrete canopy along East Elk Avenue, between the canopy and the architectural openings in the preceding floor.

(iii) Illumination: External illumination only.

(iv) Materials: The wall sign shall be able to be flush mounted to the building.

(v) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(B) Projecting Signs;

(i) Dimensions: Maximum of eight (8) square feet. Projection over a public sidewalk shall be a maximum of two-thirds ($2/3$) of the width of the sidewalk with a minimum eight (8) foot ground clearance.

(ii) Location: No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted.

(iii) Illumination: External illumination only.

(iv) Number: The number of projecting signs per building face shall not exceed the number of entrances on the building face to which the sign is attached.

(C) Awning Signs; and

(i) Dimensions: Maximum sign copy or graphics, as defined herein, area of fifteen (15) percent of the area of the façade to which the awning is attached. Projection over a public sidewalk shall be a maximum of two-thirds (2/3) of the width of the sidewalk with a minimum eight (8) foot ground clearance.

(ii) Location: The top of the awning shall be between the architectural openings in the ground-level floor of the building and the architectural openings in the preceding floor or roof line if the building is only one story.

(iii) Illumination: External illumination only.

(iv) Number: The number of awning signs per building face shall not exceed the number of entrances on that building face.

(v) Material: Covering shall be made from cloth, vinyl, acrylic, eradicable fabric or other flexible, cloth-like material with a matte finish. Metal, wood, or hard plastic shall be explicitly prohibited.

(D) Window Signs.

(i) Dimensions: Maximum of eight (8) square feet or twenty (20) percent of the total ground-level floor window square footage, whichever is greater.

For structures where ground-level floor windows span multiple interior floors, the interior height of the ground level floor shall be applied to the exterior windows to perform the calculation. The total square footage of the exterior windows of the building may be used in the calculation by special exception.

(ii) Location: Ground-level floor of the building.

(iii) Illumination: None.

(7) M-1 (Warehouse) Industrial District and M-2 (Manufacturing) Industrial District

(A) Monument Signs;

(i) Dimensions: Maximum one-hundred sixty-two (162) square feet per face; maximum ten (10) feet in height.

(ii) Location: Minimum five (5) feet setback from all property lines.

(iii) Illumination: External or internal illumination.

(B) Freestanding Signs;

(i) Dimensions: Maximum one-hundred sixty-two (162) square feet per face; maximum twenty-five (25) feet in height.

(ii) Location: Minimum ten (10) feet setback from all property lines.

(iii) Illumination: External or internal illumination.

(iv) Materials: All metal or wooden poles shall be enclosed.

(C) Wall Signs;

(i) Dimensions: Maximum twenty (20) percent of the building elevation facade to which the sign will be attached.

(ii) Location: Between the top of the architectural openings in the ground-level floor of the building and one (1) foot below the roof line.

(iii) Illumination: External or internal illumination.

(iv) Number: The number of signs per building face shall not exceed one (1) plus the number of public entrances on the building face to which the sign is attached.

(8) Off-premise outdoor signs.

(A) Location: Off-premise signs shall be permitted within seventy-five (75) feet of any city street, highway, or Interstate with a minimum of four (4) travel lanes and shall not be any closer than one (1) driving mile in any direction to another conforming or nonconforming off-premise outdoor sign.

(B) Height: Fifteen (15) feet minimum, forty-five (45) feet maximum.

(C) Face Area: Fifty-five (55) square feet minimum, four-hundred and twenty-five (425) square feet maximum per face. There shall be a maximum of two faces for every billboard location.

(D) Setbacks: The base or foundation of the billboard structure shall meet all front setback requirements for the respective zone and at no point shall any portion of the sign be closer than five (5) feet from the edge of the right-of-way.

(E) Illumination:

(i) Digital off-premise outdoor signs shall be permitted anywhere off-premise outdoor signs are permitted and shall conform to 14-503(7) of this code.

(ii) No internal illumination shall be permitted.

(9) Prohibited Characteristics and Materials

(A) Exposed metal support poles shall be prohibited.

Section 6. That Title 14, Chapter 5, Section 14-505, shall be adopted to read as follows:

14-505. Permitted Signs Not Regulated and Not Requiring a Permit.

(1) Horizontal flags;

(2) National flags;

(3) Historical marker signs;

(4) Security and warning signs;

(5) Public signs, including but not limited to traffic signs, utility signs, parking signs, wayfinding signs and other signs displayed for governmental purposes.

(6) Temporary window signs not displayed longer than 45 days.

(7) Informational signs within the setback requirements of the zone as described in Section 14-503(11)(a)(i)

(8) Signs which are not visible or legible from the public roadway; however, these signs must comply with any building and construction provisions required by the City of Elizabethton.

(9) Signs carved into a building or raised in integral relief on a building.

(10) Signs required by local, state, or federal law.

(11) Public displays of art including original art murals.

Section 7. That Title 14, Chapter 5, Section 14-506, shall be adopted to read as follows:

14-506. Signs Permitted by Special-Use Permit.

(1) Banner Signs; and

(2) Roof Signs.

Section 8. That Title 14, Chapter 5, Section 14-507, shall be adopted to read as follows:

14-507. Temporary Sign Standards.

(A) A temporary sign requiring a Permit shall be displayed for a period not to exceed ninety (90) consecutive days from the date of the issuance of the permit with a thirty (30) consecutive day rest period to immediately follow in which a temporary sign of the same type shall not be displayed.

(B) Temporary signs shall not be constructed or intended for long term use.

(C) Temporary signs shall be permitted to display messages not appurtenant to the use of products sold on or the sale or lease of the property on which it is displayed and has been permitted or off-premise.

(D) Temporary banners;

(i) Dimensions: Maximum of thirty-two (32) square feet in size. Banners exceeding thirty-two (32) square feet in size must, in addition to these temporary banner regulations, meet the regulations for a permanent wall sign in the respective zone.

(ii) Number: Maximum of one banner per property or, on a multi-tenant property, per storefront.

(iv) Illumination: External only.

(B) Temporary wall signs;

(i) Dimensions: Maximum of thirty-two (32) square feet.

(ii) Location: Maximum of one (1) per street frontage in the B-1, B-2, B-3, B-4, M-1, and M-2 districts.

(iii) Number: Maximum of one (1) per street frontage.

(iii) Illumination: External only.

(C) Temporary freestanding or portable signs; and

(i) Dimensions: Maximum thirty-two (32) square feet per face and maximum height of eight (8) feet. Maximum of three (3) feet in width in the B-3 district.

(ii) Location: Minimum five (5) foot setback in M-R, B-1, B-2, B-4, M-1, and M-2 districts. Permitted in B-3 districts with no setback requirements.

(iii) Number: Maximum of one temporary freestanding or portable sign per property.

(iv) Illumination: External only.

(D) Inflatable sign; and

(i) Dimensions: Maximum of four-hundred (400) cubic feet when fully inflated and a maximum height of fifteen (15) feet.

(ii) Location: Must meet all setback requirements for the respective zone. Permitted in the B-2, M-1, and M-2 districts.

(iii) Illumination: None

(iv) Number: One per property or one per business, whichever is less or, on a multi-tenant property, one per storefront.

(v) Inflatable signs designed to float, drift, or hover in the air must not float, drift, or hover higher than the maximum height for structures in the respective zoning district.

(vi) Inflatable signs must be tightly secured to an anchor and used in accordance with the manufacturer's instructions.

(E) Vertical flag signs.

- (i) Dimensions: Maximum sixteen (16) square feet and maximum height of eight (8) feet.
- (ii) Location: Must meet all setback requirements for the respective zone. Permitted in the B-1, B-2, B-3, B-4, M-1, and M-2 districts.
- (iii) Illumination: None
- (iv) Number: One per property or one per business, whichever is less or, on a multi-tenant property, one per storefront.

(2) Temporary Signs Not Requiring a Permit

(A) Political signs;

- (i) Dimensions: Maximum of four (4) square feet per face and a maximum of four (4) feet in height in R-1, R-2, and R-3 zones. Maximum of thirty-two (32) square feet per face and a maximum of eight (8) feet in height in M-R, B-1, B-2, B-3, B-4, M-1, and M-2 zones.
- (ii) Location: A minimum of one (1) foot setback from all property lines for all signs under four (4) square feet and minimum five (5) foot setback from all property lines for all signs over four (4) square feet.
- (iii) Illumination: None.
- (iv) Timing: Political signs relating to an election may be placed a maximum of ninety (90) days prior to the Election Day and must be removed no later than fourteen (14) days after the Election Day.
- (v) Number: Maximum of one sign per candidate or issue per parcel of property.

(B) Real estate signs;

- (i) Dimensions: Maximum of four (4) square feet per face in R-1, R-2, and R-3 zones. Maximum of thirty-two (32) square feet per face and a maximum of eight (8) feet in height in B-1, B-2, B-3, B-4, M-1, and M-2 zones.
- (ii) Location: A minimum of one (1) foot setback from all property lines for all signs under four (4) square feet and minimum five (5) foot setback from all property lines for all signs over four (4) square feet.
- (iii) Illumination: None
- (iv) Number: One per property street frontage.

(C) Lawn signs;

- (i) Dimensions: Maximum of four (4) square feet and maximum height of four (4) feet.
- (ii) Location: A minimum of one (1) foot setback from all property lines for all signs under four (4) square feet. Permitted in the R-1, R-2, and R-3 districts.
- (iii) Illumination: None.
- (iv) Number: One per parcel of property.

(D) Inflatable signs under four (4) cubic feet;

- (E) Any non-prohibited temporary sign that will be displayed twelve (12) hours or less within a 30 day period so long as all setbacks requirements are met in the respective zoning district.

(3) Temporary signs not otherwise regulated herein will be considered prohibited temporary signs.

Section 9. That Title 14, Chapter 5, Section 14-508, shall be adopted to read as follows:

14-508. Prohibited Signs.

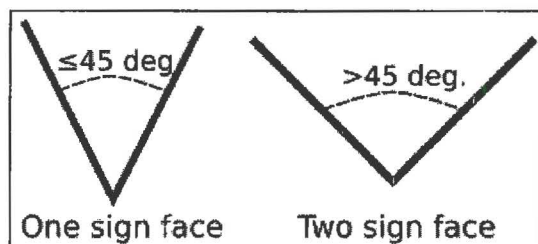
- (1) Abandoned or dilapidated signs;
- (2) Flashing, blinking, or scrolling signs, or signs with intermittent lights;
- (3) Signs imitating, simulating, or resembling official traffic or government signs, signals, or municipal vehicle warnings;
- (4) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign except political signs;
- (5) Signs placed in public right-of-way except as otherwise permitted herein;
- (6) Signs placed which obstruct public safety;
- (7) Signs that exhibits statements, words or pictures of an obscene nature;
- (8) Except as provided for elsewhere in this code, signs which are not specifically permitted in these sign regulations.

Section 10. That Title 14, Chapter 5, Section 14-509, shall be adopted to read as follows:

14-509. Computations.

- (1) The maximum square footage for each sign type is applicable to the entire parcel where the principal structure is located.
- (2) Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet.
- (3) Double sided signs. Only one (1) side of a double-sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of double sided signs in which the interior angle formed by the faces is greater than forty-five (45) degrees shall be expressed as the sum of the areas of the two (2) faces. See figure 3.

Figure 3 – Sign Faces based on Interior Angle



(4) Calculating sign area.

(A) Signs containing integral background areas: The sign area shall be calculated by the area of actual background panel surrounding the sign copy in a common geometric shape or combination of geometric shapes. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, but without regard for any open space between the separate background areas. See figure 4.

(B) Signs without integral background areas: The sign area shall be calculated by an imaginary panel drawn around the sign copy in a common geometric shape or combination of geometric shapes. In the case of signs in which multiple copy areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate copy areas, but without regard for any open space between the separate background areas. Drawn imaginary panels in cases of mixed case

lettering shall include either ascenders or decenders, but not both. See figure 4.

(C) Awnings: The awning sign area shall be calculated by an imaginary panel drawn around the sign copy in a common geometric shape or combination of geometric shapes. In the case of signs in which multiple copy areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate copy areas, but without regard for any open space between the separate background areas. Drawn imaginary panels in cases of mixed case lettering shall include either ascenders or decenders, but not both. See figure 4.

(5) Height of signs. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure. See figure 5.

Figure 5 – Sign Height Illustration

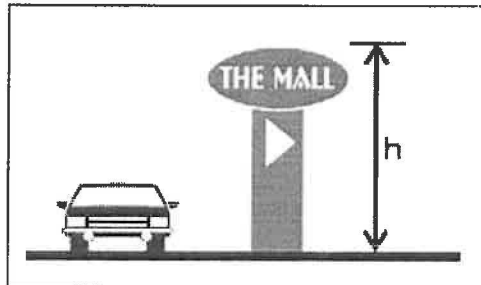


Figure 4 - Sign Area Computational Methodology

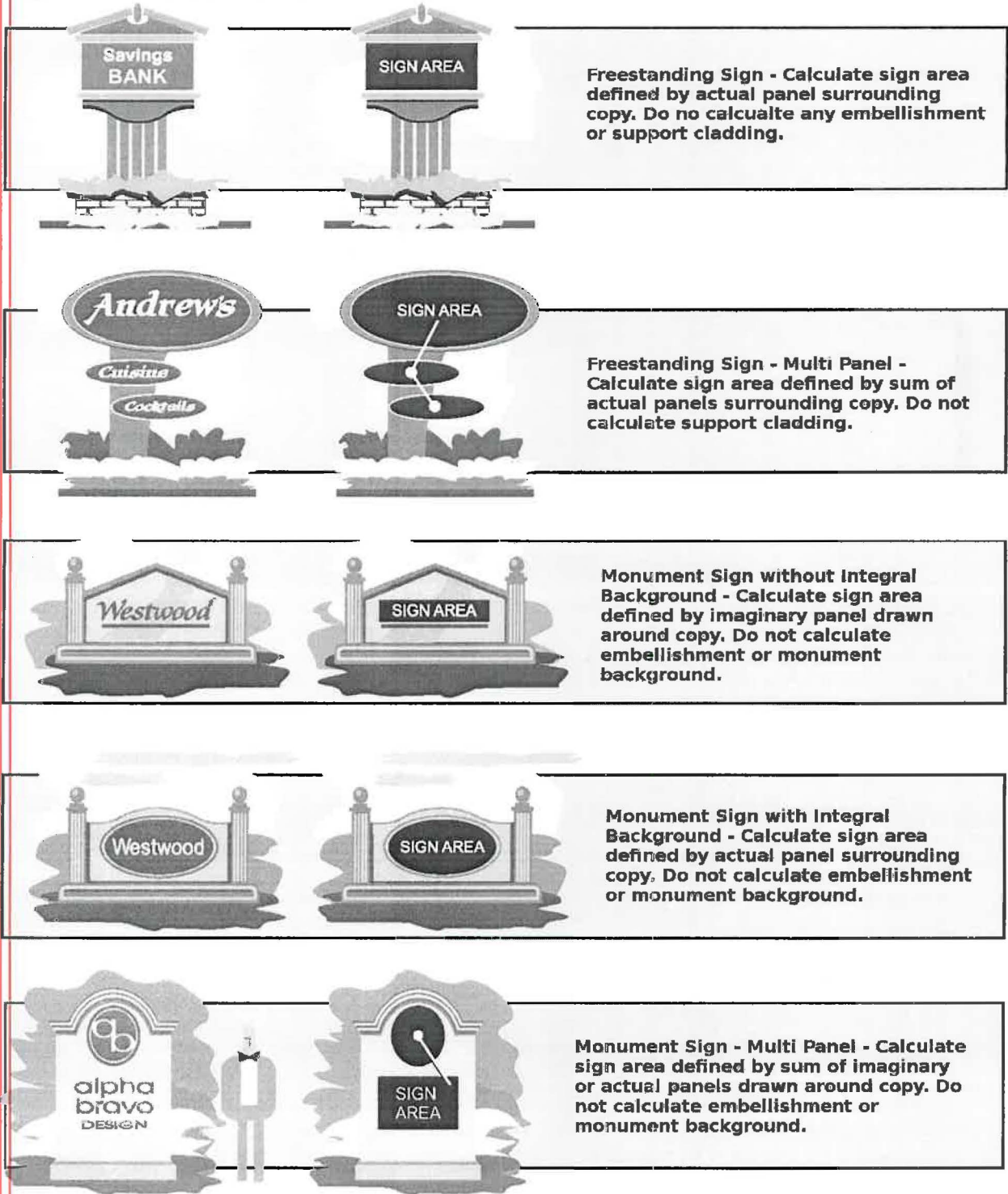
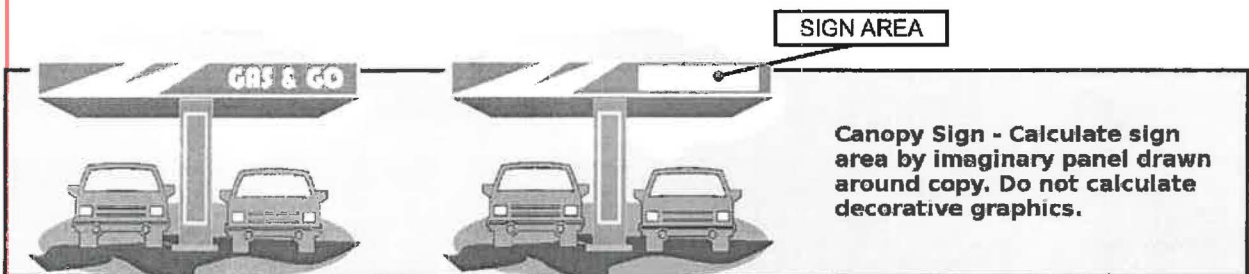
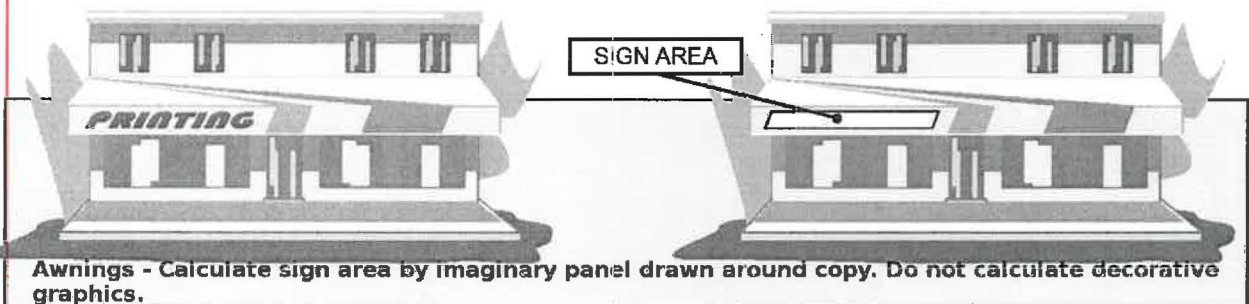
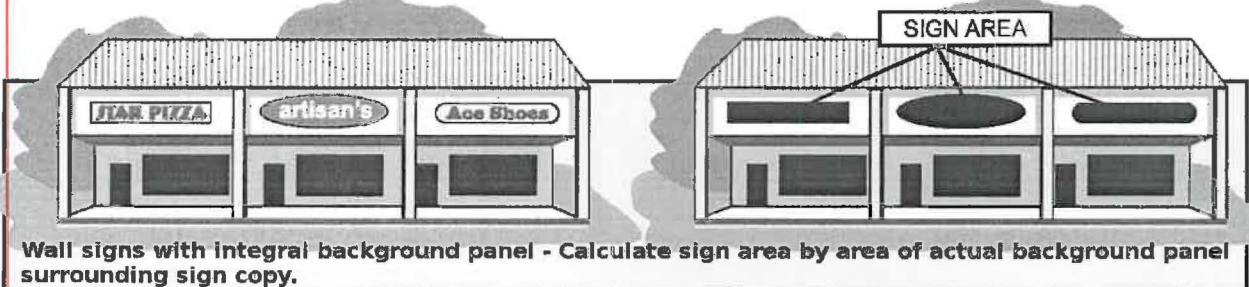
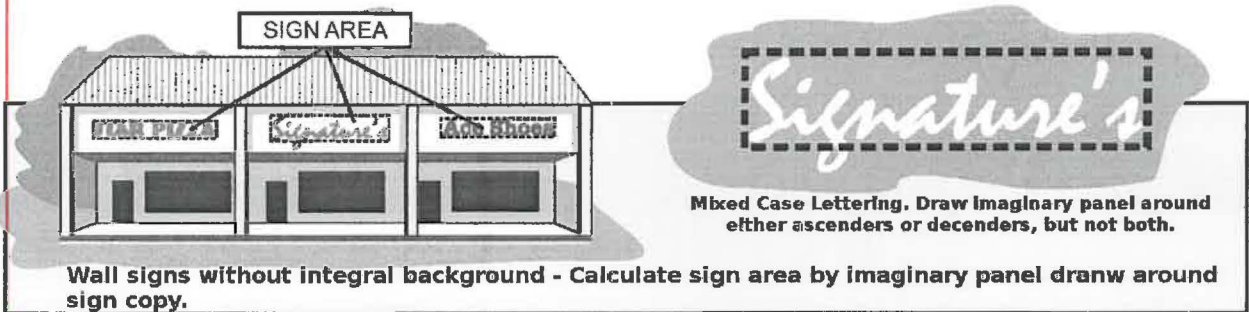


Figure 4 cont. - Sign Area Computational Methodology



Section 11. That Title 14, Chapter 5, Section 14-510, shall be adopted to read as follows:

14-510. Permits.

(1) Sign Permit Required. Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced, or reconstructed until a sign permit has been issued. For the purpose of these regulations, all signs are considered accessory use and accessory structures. Unless specifically qualified, all signs shall be located on the same lot with the principal use to which they pertain.

(A) All sign permit applications must be approved or denied within 30 days of the application being submitted. Failure to approve or deny the application within 30 days will result in the permit being granted.

(2) Fee Schedule.

(A) All temporary signs shall have a Sign Permit Application fee of \$10.00.

(B) All other permitted signs shall have a minimum Sign Permit Application fee of \$75.00 for the first 100 square feet and \$1.00 for each additional square foot or fraction thereof.

(C) If the erection or construction of a new or replaced sign begins prior to a sign permit being issued, the sign permit fee shall be doubled.

Section 12. That Title 14, Chapter 5, Section 14-511, shall be adopted to read as follows:

14-511. Nonconforming Signs.

(1) Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming sign and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, however structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.

Section 13. That Title 14, Chapter 5, Section 14-512, shall be adopted to read as follows:

14-512. Enforcement.

(1) The Chief Building Official of the Building Codes Division shall enforce the provisions of these regulations.

(2) Insecure and unsafe signs. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using the same shall, upon written notice by the code official, immediately in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

(3) Violations

(A) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of these regulations.

(B) Notice of violation. Whenever the code official determines that there has been a violation of these regulations, notice of the violation shall be given to the person responsible for the violation.

(i) Exception. The provisions of this sub-section shall not be required for a subsequent violation within any given six (6) month period after a Notice of Violation for said violation has been previously issued and delivered.

(C) Prosecution of violation. Any person failing to comply with a notice of violation or order served shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of the structure or sign in violation of the provisions of these regulations or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(D) Violation penalties. Any person who shall violate these regulations or fail to comply therein as stated in a notice of violation, shall be prosecuted within the limits provided by state or local laws. Such fines shall be a \$50.00 per day penal fine and other such remedial fines for each violation as the court may order. Each day that a violation continues after a notice of violation has been served shall be deemed a separate offense.

(E) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct, or abate a violation.

Section 14. That Title 14, Chapter 5, Section 14-513, shall be adopted to read as follows:

14-513. Appeals.

- (1) **Filing.** Any person with standing, aggrieved or affected by the decision of any administrative official shall be permitted to appeal the decision as an administrative review to the Board of Zoning Appeals under the procedure set forth in Chapter 8 of this title. The decision of the Board of Zoning Appeals shall be final.
- (2) **Time Limit.** An appeal shall only be considered if filed within thirty (30) calendar days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the Code Official shall be considered final.
- (3) **Stays of Proceedings.** A properly filed appeal stays all proceedings from further action unless there is immediate danger to public health and safety.
- (4) **Severability.** If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

Section 15. This Ordinance shall take effect ten (10) days from and after its final passage.

PASSED ON FIRST READING: February 11, 2016

PUBLIC HEARING: March 10, 2016

PASSED ON SECOND READING: March 10, 2016

CITY OF ELIZABETHTON, TENNESSEE

By: Curt Alex
CURT ALEXANDER, MAYOR

ATTEST:

Deborah B. Kessler
DEBORAH B. KESSLER, CITY CLERK

APPROVED AS TO FORM:

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