

A RESOLUTION OF THE OLIVER SPRINGS MUNICIPAL
PLANNING COMMISSION RECOMMENDING ACTION
BY THE OLIVER SPRINGS TOWN COUNCIL ON AN
ORDINANCE AMENDING THE OLIVER SPRINGS
ZONING ORDINANCE TO AMEND SIGN REGULATIONS

RESOLUTION

Planning Commission
Recommends:

___ Approval

___ Denial

Reason Denied:

Requested By:

City Attorney Review:

PUBLIC HEARING INFORMATION:

Notice Date: _____

Newspaper: _____

Hearing Date:

TOWN COUNCIL ACTION:

1st Reading Date: 1/21/10

PLANNING COMMISSION CERTIFICATION

Colonel E. C. R. ... Charles R. Jichy Feb 9, 2010
CHAIRMAN SECRETARY DATE

ORDINANCE NUMBER 10-21-01

**AN ORDINANCE TO AMEND THE OLIVER
SPRINGS ZONING ORDINANCE BY AMENDING
CHAPTER 4, SECTION 11-411 SIGNS**

WHEREAS, The Oliver Springs Town Council, in accordance with Section 13-7-204 of the *Tennessee Code Annotated*, may amend the zoning ordinance; and

WHEREAS, the Oliver Springs Municipal Planning Commission has reviewed and recommends the adoption of the attached proposed regulations governing sign uses.

BE IT RESOLVED BY THE OLIVER SPRINGS TOWN COUNCIL:

SECTION 1. That Chapter 4, Section 11-411, Signs, of the Oliver Springs Zoning Ordinance, shall be amended by deleting it in its entirety, and replacing it with the following:

11-411. Signs.

- A. Purpose. It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the community. To achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces and a reduction in congestion and hazardous conditions within the town. Therefore, all new and non-conforming signs erected, constructed, relocated or placed upon any property or building within the town shall conform to the provisions of this section.

- B. Signs Requiring a Permit.
 - 1. Residential Districts.
 - a. For subdivisions, PUD's (including multi-family developments), and mobile home parks, one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor six (6) feet in height, is permitted. Individual buildings within a PUD may have one (1) identification sign not exceeding nine (9) square feet in area.

 - b. While under development a subdivision, PUD or a mobile home park, may have one (1) temporary sign, not exceeding twenty (20) square feet in area or six (6) feet in height. Such sign is permitted in addition to any permanent identification sign, but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first.

 - 2. Business Districts.
 - a. Shopping centers, malls, and commercial PUD's shall be limited to one (1) major directory sign, not to exceed one hundred and fifty (150) square feet in area, two hundred and fifty square feet including the sign structure and each business within such developments shall be limited to one (1) wall sign containing no more than one (1) square foot of area

per linear foot of wall which faces a public street and/or customer parking area. Separate businesses on out parcels with public road frontage developed or marketed along with a shopping center, mall or commercial PUD, may have one (1) ground sign and/or one (1) pole sign and one (1) wall sign. Entrance and exit signs shall not be included when determining total square footage of sign area.

- b. The maximum sign area permitted per business shall not exceed one hundred and fifty (150) square feet, and two hundred and fifty (250) square feet including the sign structure.
- c. Temporary Signs. Temporary signs are limited to eight (8) per business and no one sign shall exceed fifteen (15) square feet in area or five (5) feet in height. A one time \$10.00 fee for temporary signs will be charged per business.
- d. Roof Signs. The width of a roof sign shall not exceed 75% of the linear foot of roof per business. Such roof signs shall not exceed five (5) feet in height or the highest part of the roof nor twenty-five (25) feet from the ground.
- e. The electrically activated changeable message section of a changeable electronic message sign may contain graphics and shall be on the lower one-half of the sign and the informational content of the message section can be changed at intervals at a minimum of every sixty (60) seconds with a minimum interval of five (5) seconds; however, the message shall not be flashed by varying the intensity of the illumination and the sign design and locations shall be approved by the Planning Commission prior to issuing a sign permit.

3. Industrial Districts.

- a. In industrial PUD's or buildings housing more than one establishment, each establishment may have one (1) ground sign per establishment not to exceed one hundred and fifty (150) square feet and a wall or other type of sign so long as the total sign area

for each establishment does not exceed one hundred and fifty (150) square feet.

- b. Maximum sign area permitted for separate establishments on individual lots located outside a PUD, shall be one hundred and fifty (150) square feet per separate industrial establishment; except that no ground sign or wall sign shall be greater than one hundred and fifty (150) square feet in area.
- c. Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed two hundred (200) square feet or twenty-five (25) feet in height.

C. General Provisions.

- 1. Plans Required. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign that requires a permit under the provisions of this section.
- 2. Setback. No part of any sign shall be placed within twenty (20) feet from the edge of the right-of-way pavement.
- 3. Height. No part of any sign shall exceed twenty-five (25) feet in height.
- 4. Number of Signs. No business shall have more than two (2) signs, but not two (2) signs of the same type; except that on lots which extend between parallel streets, businesses may have three (3) signs, two (2) of which may be of the same type provided they do not front on the same parallel street. Entrance and exit signs shall not be included in the total number of signs allowed.

D. Exempt Signs. The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. Such signs or sign activities shall be exempt from obtaining a sign permit. Exemptions shall not be construed as relieving the applicant and owner of the sign from the responsibility of complying with all applicable provisions of this title. The exemption shall apply to the requirement for a sign permit under this section.

- 1. Flags. Flags, emblems and insignia of political or religious organizations providing such flags, emblems and insignia are displayed for noncommercial purposes.

2. Government Signs. Signs placed or erected by governmental agencies for a public purpose in the public interest, for control of traffic and for other regulatory purposes, street signs, warning signs, signs of public service companies indicating danger, and aids to service and safety which are erected by, or for the order of government.
3. Holiday Decorations. Noncommercial decorations displayed on traditionally accepted civic, patriotic, and/or religious holidays, provided that such decorations are maintained in safe condition and do not constitute a fire hazard. Decorations must be removed, or cease to be used, within 30 days following the holiday/event to which they relate.
4. Political Campaign Signs. All campaign signs may be erected on private property no more than thirty (30) days prior to the election. The property owner shall remove all campaign signs within seven (7) days after the results of an election are certified
5. Preventive Maintenance. The ordinary preventative maintenance of a lawfully existing sign which does not involve a change of placement, size, lighting, color or height.
6. Public Notices. Official government notices and legal notices.
7. Real Estate Sale/Lease Signs. Except as provided in Section 11-205.B. signs up to a total area of six (6) square feet in residential zones or up to total area of thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
8. Repainting. The repainting of a lawfully existing sign exactly as it was prior to such activity.
9. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to four (4) square feet in area, is permitted.

E. Prohibited Signs.

1. Billboards and other Off-premise Signs. Billboards and off-premise signs, other than those signs that are city owned directional signs, are prohibited.
2. Signs which include action, motion, or which has any moving parts; or contains flashing lights or bulbs; or is intermittently lighted shall be prohibited with the exception of signs that display time and temperature and public service announcements without advertising matter.
3. Freestanding signs, which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure.
4. Sandwich Board, Sidewalk and/or Curb Signs.
5. Signs in any residential districts, which are internally illuminated.
6. Signs on public property including utility poles except those erected by an authorized public entity.
7. All signs which are not expressly permitted by this ordinance or any other ordinance of the city.

F. Administration.

1. Permit Required. It shall be unlawful to erect, place, construct, reconstruct, or relocate any sign without first obtaining a sign permit from the building official who is the sign administrator.
2. Application. Each person erecting, replacing, expanding, or relocating a sign shall make application for a sign permit. A permit shall be required for each sign, except where specifically exempted in this ordinance. A sign permit shall be in addition to a building permit.
 - a. Applicants for a sign permit shall submit a construction plan and a site plan with each application for a permit. The plans shall show the location of the proposed sign in relationship to property lines, right-of-way, flood hazard area and similar features, county tax map location, and specifications identifying the type and design of any sign.
 - b. For signs related to new buildings and uses which require site plan review by the planning commission, the sign site

plan shall be included as part of the general site plan, but will not exempt the applicant from submitting sign construction plans to the building official prior to issuance of a sign permit.

- c. The sign administrator may issue permits for signs meeting the provisions of this ordinance and any town building and electrical codes in force, except that, the sign administrator shall not issue permits for signs within a public right-of-way, as set out in this ordinance.
 - d. The sign administrator shall inspect, at any time he/she deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the town.
 - e. Signs existing on the effective date of this amendment shall be issued a sign permit within three months of such date by the building inspector. Sign permits shall be displayed on the premises in a location that is easily visible to the building inspector.
 - f. Every sign shall be constructed, maintained, and located in a manner that meets acceptable safety standards. The building official, using national, state or other recommended and documented standards shall determine safety compliance.
3. Approval. It shall be unlawful for any person to erect any sign requiring a permit without first complying with all the following requirements, unless hereafter excepted.
- a. Completion of the sign permit application.
 - b. Site plan approval from the planning commission if part of a general site plan.
 - c. Approval of the sign administrator.
 - d. Issuance of a sign permit which shall be kept on display on the premises.
 - e. A sign permit shall become expired if erection is not commenced within one hundred and eighty (180) days of issuance.

G. Fees. In order to recoup the administrative costs associated with the processing, approval and issuance of a sign permit and inspecting the signs permitted under this section, except for pole signs, a minimum fee in the amount of \$25.00 for each permit shall be paid to the Town for each sign up to twenty-five (25) square feet in area and \$1.00 for each additional square foot for each permit issued.

1. Fees will be waived for Nonprofit Civic Organizations.

SECTION 2. That the Oliver Springs Development Regulations, Definitions, shall be amended by adding the following in subsequent order:

Erect. To assemble, build construct, and install, place, raise, suspend, affix, paint, or in any way bring into being.

Mall. Mall, shopping center, Planned Unit Development, arcade, or any multi-tenant building on a single parcel of property which is internally separated or segregated into individual shops or similar subdivisions, each of which is, or appears to be, a separate and distinct business or function.

Multi-tenant Building. Two or more retail stores, rental living units and/or service establishments or any combination thereof, sharing common customer entries and areas, regardless of whether said stores, rental living units and/or establishments occupy separate structures or are under separate ownership. In the event two or more businesses occupy the same area, they shall be considered as a single tenant or business with regards to the total allowable signage.

Premises. The "premises" is the entire, single parcel of property occupied. In the case of malls, shopping centers, and multi-tenant buildings, the "premises" for each of the various businesses or functions is limited to the space occupied or directly connected to and associated with that particular business or function, exclusive of common areas.

Sign Administrator. The Town building official or his/her designated agent.

Sign. Any display, graphic, image, device, structure, or structure extension, to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting, or other means, that has as its primary function and intent, purpose, or effect, the identification of an activity, event, product, or person, and the attraction or public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.

Sign, Advertisement. A sign that has as its primary function and intent, purpose, or effect, the attraction of public attention to or the promotion and marketing of, an activity, a facility, a product, a place, a business, or a service.

Sign, Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign, Banner, Pennant, Flags. Signs of lightweight fabric intended to convey a message or attract attention.

Sign, Billboard. An off-premise advertisement sign intended for periodic message rotation and is often sold or leased as advertising space.

Sign, Business. A sign that directs attention to a business of profession conducted on the premises.

Sign, Canopy. A sign that is part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.

Sign, Changeable Electronic Message Sign. An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed the message shall remain stationary.

Sign, Directional. A sign located on public property as approved by the Board of Commissioners, which designates a definable area, business area, or community.

Sign, Ground. A sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided provided that both sides cannot be seen simultaneously from any point.

Sign, Identification. A sign intended primarily for the purpose of identifying the location and/or occupants of a site.

Sign, Off-Premises. A sign promoting or advertising products, items, services, and/or activities available at a site other than that of the sign.

Sign, On Premises. A sign promoting or advertising products, items, services, and/or activities available at the location of the sign.

Sign, Pole. Pole signs are supported by a pole(s) and the actual sign does not contact the ground.

Sign, Portable. Any sign that is not affixed to a building, structure, or the ground, usually mounted on wheels and not permanently erected.

Sign, Projecting. A sign attached perpendicular to a building or the wall of a structure.

Sign, Roof. A sign attached to and/or painted on or over a building or structure roof.

Sign, Sandwich. An advertising device which is ordinarily in the shape of an "A" or some variation thereof, on the ground, easily moveable, and which is usually two sided.

Sign, Special Event. A sign pertaining to a special event.

Sign, Suspended. A sign suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary. Any sign permitted as a temporary sign and all signs normally considered or designed to be used for limited duration, such as portable and moveable signs, signs painted or mounted on vehicles, real estate and development location promotion signs, special sales, yard sales, and other events.

Sign, Wall. Any sign that is attached to, painted on, or in some other way uses a wall or roof for support, except for projecting signs which are attached to a wall surface and extend perpendicularly therefrom.

Special Event. An activity or circumstance of a business or organization which is not part of its normal daily activities and occurs uninterrupted for a specified period of time not to exceed 10 days.

SECTION 3. This ordinance shall take effect after the required public hearing and upon final passage by this council.