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Appendix

SMYRNA MUNICIPAL CODE

SIGN ORDINANCE

14-101 Purpose, Scope

1.1 Legislative Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- (b) protect the right of individuals to privacy and freedom from nuisances;
- (c) protect the value of property and improvements thereon;
- (d) permit signs that are appropriate to their surroundings;
- (e) assure that signs are constructed and maintained in a safe condition;
- (f) encourage design that enhances the readability and effectiveness of signs;
- (g) prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) reduce traffic hazards;
- (i) eliminate obsolete signs; and
- (j) provide an efficient and effective means of administration and enforcement.

1.2 Scope

Except for signs permitted in all districts in Section 14-103.3.4 herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this ordinance.

14-102 Definitions

For the purpose of this ordinance the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

Appeals Board - The duly appointed board (currently Board of Zoning Appeals) authorized by the Mayor and City Commission to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

Average Surrounding Grade - The average elevation or grade of the land surrounding the base of a sign for a distance of twenty-five (25) feet on all sides of a sign, or the supports or uprights of any sign.

Building Face or Wall - All window and wall area of a building in one place or elevation.

Candlepower - The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

City - When used herein shall mean the Town of Smyrna, Tennessee.

Commercial Complex - A building or group of buildings located upon a lot used or designed to be used for three or more occupancies.

Copy - The wording or graphics on a sign surface.

Copy Area - The smallest area within a contiguous single perimeter composed of one or more circles, triangles and/or rectangles that enclose the extreme limits of the actual copy of the sign.

Display Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

District - A zoning district as defined and established by the Smyrna Zoning Ordinance.

Enforcing Officer - The chief enforcing officer shall be the Building Official or his authorized representative or official appointed to enforce the terms of this ordinance.

Establishment - A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

Facade - The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

Foot-candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Height (of Sign) - The vertical distance measured from the average surrounding grade to the highest point of a sign.

Item of Information - The name of a business, service, product, or individual.

Lot - A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

Major Street or Thoroughfare -Any street shown as such on the official major thoroughfare plan.

Major Street or Thoroughfare Plan - A plan for future streets and street rights-of-way adopted by the Smyrna Planning Commission.

Noncomplying (sign) - Any sign which does not comply with one (1) or more standards or regulations in this ordinance.

Nonconforming (sign) - Any sign which is not permitted within the district in which it is located.

Occupancy or Premises Site - Any principal or accessory use of or activity occurring upon the subject premises (zone Lot).

Right-of-Way - The proposed right-of-way as indicated on the official major street or thoroughfare plan or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the property meets the public street or public

roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses..

Sign -Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, or advertise; and
- (c) Is visible from outside a building.

Sign, Abandoned - Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Sign, Accessory - Any sign that directs attention to a person, activity, or commodity on the same zone lot.

Sign, Advertising (billboard) - A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign, provided the establishment offering the product is not associated with the brand or trade name of the product being advertising.

Sign, Animated - A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Sign, Area - The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

Sign, Back to Back - A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

Sign, Balloon - Any inflatable, non-stationary, animated type of advertising sign.

Sign, Banner - A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, Building Mounted - Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

Sign, Business - A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

Sign, Changeable Copy - A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed reader boards and fuel price displays.

Sign, Civic - A type of accessory sign that identifies or provides related information about community facility activity types. More specifically such signs shall include:

- a. A sign, permanently erected or permitted in the public right-of-way or private property by the Town of Smyrna, Rutherford County, State of Tennessee, or other governmental agency to denote the name of any thoroughfare; the route to any city, town, village, educational institution, public building, historical place, shrine or hospital; to direct and regulate traffic; and to denote any railroad crossing, bridge, or other transportation or transmission company for the direction of safety of the public.
- b. An on-premise temporary sign which contains information regarding the time and place for regular meetings of civic or religious groups.

Sign, Development - A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, Direct Illumination: All illuminated signs not included in the definition of "Sign", "Luminous Background" or "Sign", Indirect Illumination."

Sign, Directional - Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory - A sign which lists the names of individuals, businesses, or products available at a single site.

Sign, Dilapidated - Any sign which is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

Sign, Double-faced - A sign with two (2) faces which are parallel.

Sign, Electrical - A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

Sign, Expressive - Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Expressive signs are considered to be incidental signs.

Sign, Flashing - Any lighted or electrical sign which emits light in sudden transitory bursts.

Sign, Face - The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign, Ground - A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not attached to any building.

Sign, Handtacked - A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

Sign, Illuminated - A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Incidental - An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than four (4) square feet that

indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than six (6) square feet.

Sign, Indirect Illumination: Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, Inflatable - A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

Sign, Large Residential - A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains thirty-six (36) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned unit development that contains more than thirty-six (36) dwelling units.

Sign, Luminous Background - A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

Sign, Moving Message Board - Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

Sign, Neon Wall Sign - Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

Sign, Off-Premises - Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For the purpose of this ordinance, easements and other appurtenances shall be considered to be inside such platted parcel of land. Signs identifying public service, religions or civic club organizations not to exceed four (4) square feet as approved by the enforcing officer (sign) are exceptions to this definition.

Sign, On-Premises - Any sign located or proposed to be located at any place, if otherwise permitted by this ordinance, within the plat of record for the business or other activity identified on such sign.

Sign, Pennant - 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.

Sign, Pole - A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

Sign, Political - A sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate regarding an issue on which there will be a public vote.

Sign, Portable - Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, Projecting - Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Public Service - A type of sign which is noncommercial that provides community service information or identification and includes church directional signs and civic club symbol or identification signs.

Sign, Realty - A type of incidental sign that temporarily provides information regarding the sale, lease, or rent of the premises or any improvements thereon which is no larger than four (4) square feet in residential zones and sixteen (16) square feet in other zones.

Sign, Roof - Any sign attached to or mounted on any surface defined as a roof.

Sign, Structure - A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Temporary: Any sign requiring a permit that has a specific limitation in the amount of time that it can be displayed with less than sixteen (16) square feet of display surface area shall be treated as temporary signs.

Sign, Vehicle - A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Sign, Wall - A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

Tent - A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

Travelway - That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

14-103 General Provisions

The following requirements apply to all signs in all districts.

3.1 General Standards

- (a) No sign except for those specified in Section 14-103.3.4 shall be erected until a permit has been obtained in accordance with Section 14-108 of this ordinance.
- (b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- (c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- (d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and eight (8) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection.
- (e) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way except those signs permitted by Section 14-103.3.4 provided that incidental signs are not permitted within such public right-of-way.
- (f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- (g) No sign shall obstruct any doorway, window, or fire escape.
- (h) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

- (i) All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given ten (10) days written notice to comply with this ordinance. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this ordinance.
- (j) Signs shall conform to all National, State, and Local Electrical Codes. All required permits shall be obtained.

3.2 Calculation of Display Surface Area

- (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area unless it displays copy.
- (b) On signs in which the copy together with the back-ground are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- (c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- (d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- (e) In any district which permits advertising signs, the computation of display surface area shall include both advertising and accessory signs.
- (f) On a corner lot, a permitted sign may be located along each street frontage according to the rules as cited within this ordinance.

3.3 Height of Signs

The following general rules shall apply in the determination of the height of signs.

- (a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average surrounding grade at the base of the supports, or the base of any sign attached to the ground.
- (b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

3.4 Signs Permitted in All Districts

The following signs are permitted in all districts and do not require a permit except as specifically noted.

- (a) Official federal, state, and local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty, provided such sign does not exceed four (4) square feet per face;
- (b) Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist;
- (c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;
- (d) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;
- (e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development, provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.
- (f) Incidental signs subject to the following restrictions:
 - (1) political signs not exceeding sixteen (16) square feet shall be erected no more than ninety (90) days prior to the election day and

including early voting, and shall be removed not later than seven (7) days after the election.:

- (2) yard or garage sale signs not exceeding six (6) square feet shall be removed within two (2) days after the sale, and shall not be erected longer than five (5) days. Signs shall be permitted on the zone lot in which the sale is to be conducted.
- (3) expressive signs not exceeding sixteen (16) square feet shall be removed within seven (7) days after an election, campaign, or event, but in no case shall be erected for longer than thirty (90) days;
- (4) realty signs in accordance with the definition herein
- (g) Directional signs.
- (h) Public Service Signs subject to the following standards:
 - (1) church directory signs shall be located on private property and only with the owner's permission. Each church using such signs shall obtain a blanket permit covering all signs and specifying their locations;
 - (2) civic club signs for all such organizations in the city shall utilize single sign structure(s) with individual names or symbols mounted thereon. Said structures may be located on the right-of-way or private property near the various entrances to the city on the major highways. All signs or symbols mounted on the sign structure may utilize unique colors or logos but shall be made of a standard type of material. Each site for a sign structure shall be landscaped. The sign structure, locations, materials, and landscaping shall be approved by the local enforcement official prior to their construction.
- (i) Works of art that do not include any commercial messages, symbols, or references;
- (j) No trespassing, no hunting, no fishing, no loitering, and like signs not exceeding one (1) square foot in area;
- (k) Residential not exceeding six (6) square feet or other zones not exceeding sixteen (16) square feet per face, and two faces.

3.5 Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- (a) Any sign that is abandoned, deteriorated, dilapidated, unsafe, or not otherwise identified as defined in this ordinance. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation;
- (b) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign;
- (c) Signs which are made structurally sound by guy wires or unsightly bracing;
- (d) Signs which contain any kind of strobe or pulsating lights;
- (e) Animated signs;
- (f) Banner, signs, and festoons except as specifically permitted in Section 14-106;
- (g) Any sign with direct illumination provided by exposed bulbs or lamps;
- (h) Flashing signs;
- (i) Handtacked signs;
- (j) Portable signs;
- (k) Roof signs;
- (l) Inflatable signs or tethered balloons of all shapes and types; and
- (m) No signs advertising goods and products not being sold on the occupancy site or property (see definition of occupancy).

14-104 Permitted Signs in Residential Districts

Within the residential districts as delineated by the Smyrna Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

4.1 Accessory Civic Signs

- (a) A community facility activity may have one (1) civic sign constructed as a ground sign or a wall sign.
- (b) A ground sign shall not exceed four (4) feet in height and twenty-four (24) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Ground signs may not be located in the right-of-way.
- (c) A wall sign shall not exceed sixteen (16) square feet in size.
- (d) Civic signs may be illuminated by indirect means or with luminous background. Indirect lighting shall not exceed fifty (50) foot candles, and a luminous background shall not exceed ninety (90) foot lamberts in brightness. In no event shall the light from any sign exceed one (1) foot candle at the lot line.
- (e) Civic signs shall be set back from the street right-of-way a minimum of ten (10) feet.

4.2 Large Residential Signs

- (a) Large residential signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing thirty-six (36) or more dwelling units subject to the approval of the planning commission.
- (b) One (1) sign may be permitted, on either side of the entrance, if such sign is on private property. No such sign may be located in a median unless approved by the Smyrna Planning Commission.

- (c) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- (d) A large residential sign shall not exceed one hundred and fifty (150) square feet in size.
- (e) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.
- (f) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- (g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.

14-105 Permitted Signs in Commercial and Industrial Districts

5.1 Signs other than Advertising signs (Billboards)

Within the commercial and industrial districts, as delineated by the Smyrna Zoning Ordinance, the total amount of on-premises (display surface area) allowed on any zone lot, with the exception of interstate signs shall be calculated based on a ratio of one (1) square foot of signage per each two (2) linear feet of street frontage not to exceed one hundred twenty (120) square feet of signage, subject to the following provisions: Any combination of projecting sign, wall sign, or pole sign shall not exceed one hundred twenty (120) square feet.

- (a) Projecting signs are permitted subject to the following standards:
 - (1) A use may be permitted to have one (1) projecting sign attached to the front of the building.
 - (2) Such sign shall not exceed sixty (60) square feet in display surface area.
 - (3) Such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travelway, or no less than fifteen (15) feet from the right-of-way, whichever is more restrictive.
 - (4) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - (5) Such sign shall clear the established grade by a minimum of eight (8) feet.
 - (6) Such sign shall be no closer than thirty (30) feet to any other projecting sign.
- (b) Wall signs are permitted subject to the following standards:
 - (1) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached, and occupy no more than forty (40) square feet of said surface area.

- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 - (3) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twenty-four (24) inches.
 - (4) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds ($2/3$) of the distance between the top of the window below and the sill of the window above.
 - (5) Such sign shall not cover or interrupt major architectural features of the building.
 - (6) If a use utilizes both wall and projecting signs, the total combined display surface area for each type of sign shall not exceed forty (40) square feet.
- (c) Pole or ground signs are permitted subject to the following standards:
- (1) A use shall be permitted to have one (1) ground or pole sign for each street frontage.
 - (2) Such sign shall have a maximum display surface area of one hundred (100) square feet.
 - (3) The maximum height of a pole sign shall be twenty (20) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(4) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet. The display surface area of such changeable copy sign shall comprise a portion of the total allowable amount of on-premises signage as cited within this section.

(5) Such sign shall be set back from the right-of-way a minimum of fifteen (15) feet.

(d) Development signs are permitted subject to the following standards:

(1) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the enforcing officer, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.

(3) A development sign shall not exceed thirty-two (32) square feet in size or twelve (12) feet in height.

(3) A development sign shall not be lighted.

(4) Any development sign shall be set back from the street right-of-way a minimum of ten (10) feet.

(e) The following provisions and standards shall apply to commercial complexes.

(1) A commercial complex may be permitted one (1) pole or ground sign identifying the name of the complex or business. The maximum size of each such sign shall be a ratio of 1/2 of 1 of square footage of sign area to the length of the street frontage, with a maximum aggregate sign area of one hundred and fifty (150) square feet. No single type of sign shall exceed fifty (50) square feet in size. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign.

Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. In the event the above ratio results in a sign less than fifty (50)

square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants, with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.
 - (3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel..
 - (4) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. A sign shall not be located in the median. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size nor seven (7) feet in height.
- (f) Signs may be illuminated subject to the following standards:
- (1) Exposed bulbs are prohibited with the exception of neon lights meeting the following illumination requirements.
 - (2) No sign shall change color or intensity.

- (3) The brightness and surface illumination shall not exceed:

Luminous background - 150 foot lamberts
Indirect Illumination - 50 foot candles

- (4) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential.
- (5) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

- (g) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

- (1) Each such use shall be permitted:

One (1) permanent price sign per street frontage. Such sign shall be affixed to or made part of the permitted pole sign and shall not exceed twenty (20) square feet in size. Such sign shall be setback from the right-of-way a minimum of fifteen (15) feet.

Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than eighty (80) square inches per sign shall be allowed on each pump.

- (h) This section shall be applicable only to movie houses or theaters. The following additional (supplemental) provisions shall apply:

- (1) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curb or edge of pavement. See Section 14-105.5.1(b) for applicable developmental standards.

- (2) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of thirty

(30) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

5.2 Advertising Signs (billboards)

Advertising signs may be permitted only within the C-2, C-3, I-1, I-2, and I-3 Zoning Districts, and oriented thereto and subject to the standards that follow below. No new billboard or off-site sign can be located within the corporate limits of Smyrna with the exception of such signs, which are addressed in Section 5.2(e) below.

- (a) All advertising signs shall be freestanding and mounted upon a single support pole, and shall not be double stacked or constructed side by side.
- (b) The maximum display surface area shall be six hundred (600) square feet.
- (c) An advertising sign shall not be located on the same lot as any other structure. In this regard, see the definition of structure as cited within the Smyrna Zoning Ordinance.
- (d) No advertising sign shall be located on or extend across any public right-of-way.
- (e) No new advertising signs shall be erected by a sign company under any circumstances until it has removed an equal number of non-conforming advertising signs which it operates. Hence, no new billboards or advertising signs shall be constructed except to replace already existing advertising signs or billboards that were currently in existence at the time this ordinance was officially adopted. In all such cases they can be no larger than six hundred (600) feet in area.
- (f) The minimum distance between advertising signs located along and oriented toward the same public street shall be no less than two thousand (2,000) feet and shall be applied as follows:

The spacing requirements shall be applied separately to each side of a public street.

The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.

- (g) No advertising sign shall be located closer than fifteen-hundred (1,500) feet from any other such sign regardless of location or orientation.
- (h) The spacing between signs oriented toward different streets and between those oriented toward but located on opposite sides of the same street shall be the straight line distance between the nearest point of each sign.

- (i) The maximum height of advertising signs shall be fifty (50) feet above the elevation of the pavement nearest the sign.
- (j) The illumination standards contained in Section 5.1(e) shall apply, provided that the brightness and surface illumination shall not exceed:

Luminous Background - 200 foot lamberts
Indirect Illumination - 75 foot candles

- (l) No advertising sign shall be located closer than six hundred (600) feet from any property zoned residential.

5.3 Interstate Signs

The following provisions shall apply only to on-premises interstate sign. For the purposes of this ordinance, such signs shall only be located within a two-thousand (2,000) foot radius of the center of the Interstate Highway 24 - Almadillo Road Interchange, or within a twenty-five hundred (2,500) foot radius of the center of the Interstate Highway 24 - Sam Ridley Parkway Interchange, subject to the following regulations:

- (a) Number allowed - One (1) per zone lot.
- (b) Maximum size - Two-hundred and fifty (250) square feet.
- (c) Maximum height - One hundred and twenty (120) feet.
- (d) Minimum height - Seventy-five (75) feet to the bottom of the sign.
- (e) Minimum setback - Fifteen (15) feet from street right-of-way lines.
- (f) Minimum setback from a residential district - Six hundred (600) feet
- (g) Other applicable provisions - All other applicable provisions cited herein in Section 5.1 shall apply to interstate signs.

14-106 Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

6.1 General Requirements

- (a) A permit shall be required for all temporary signs.
- (b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.
- (c) One (1) temporary sign may be permitted for each three hundred (300) feet of street frontage on a public street.
- (d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- (e) No temporary sign shall be displayed on a roof.
- (f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner or festoon announcing a fair, festival, parade, Christmas festivities, or similar activity that will be open to the general public.
- (g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.
- (h) Fireworks signs, subject to all provisions related to fireworks within the city code.
- (i) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval. (See Section 5.1(d) for applicable design standards).

6.2 Duration of Temporary Signs

- (a) Display of temporary signs shall be limited as follows:
 - (1) Construction signs permitted in Section 6.1(g) shall be removed upon completion of the project.
 - (2) Signs for special events open to the general public shall be limited to thirty (30) days.

- (3) Signs for special sales or business promotions shall be limited to fifteen (15) days.
- (4) Display of all temporary signs on a lot or parcel except for those in Section 6.2(a)(1) shall be limited to a maximum of ninety (90) days per calendar year.
- (5) Temporary development signs shall be limited to the period of time that the project is under development, as limited by the Zoning Ordinance, Subdivision Regulations, and/or Standard Building Code.

6.3 Display Surface Area, Height, and Illumination

- (a) Maximum display surface area shall be sixteen (16) square feet except for street banners which shall not be limited.
- (b) Maximum height shall be twelve (12) feet, except that banners. Display over a public street shall have a minimum clearance of fifteen (15) feet. This shall also apply to festoons and lights during the Christmas season.
- (c) Temporary signs shall not be illuminated except in commercial or industrial districts, with the exception of the Christmas season.
- (d) The maximum display surface area for a temporary development sign shall be thirty-two (32) square feet.

6.4 Location of Temporary Signs

- (a) No temporary sign shall be located closer than fifteen (15) feet from and public right-of-way.
- (b) The minimum distance between any two (2) such signs on the same zone lot shall be one hundred fifty (150) feet.
- (c) No temporary signs shall be closer than fifty (50) feet from any permanent sign.

14-107 Nonconforming and Noncomplying Sign Provisions

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Enforcing Officer utilizing certain appropriate sections of the Standard Building Code, the City Code of Smyrna, and/or various provisions of this ordinance deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within 660 feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law. Nonconforming handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

7.1 Alterations to Nonconforming and Noncomplying Signs

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- (a) That the degree of nonconformance or noncompliance is not increased as apply to on-premises signs. Such alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of advertising signs which are nonconforming or noncomplying must adhere to all the requirements cited in Section 5.2. In all cases, the business owner shall obtain a sign permit in accordance with the terms of this Ordinance.
- (b) If any nonconforming sign is removed as per the requirements cited in 14-107 above or for any other reason, with the exception of advertisement signs (billboards), it shall not be allowed to be replaced.
- (c) If any noncomplying sign is removed with the exception of advertisement signs (billboards), it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this Ordinance.

14-108. Administration

8.1 Sign Permitted Application

- (a) An application for a sign permit must be filed at City Hall at the Enforcing Officers office.
- (b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a Signage Plan for the lot which shall include all signs, existing and proposed.
- (c) For any lot on which the owner proposes to erect any sign requiring a permit, Signage Plan shall be submitted containing the following:
 - (1) An accurate surveyed plot plan of the lot;
 - (2) Location of all buildings on the lot;
 - (3) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
 - (4) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, materials, location on buildings, and proportions;
- (d) The Signage Plan may contain such other restrictions as the owner of the lot may determine which are in conformity with the provisions of this Ordinance and shall be signed by all owners of the property.
- (e) A Signage Plan may be amended by filing a new plan with the enforcing officer which conforms to all requirements of this Ordinance.
- (f) After approval of a Signage Plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of this Ordinance and the provisions of any sign plan, this Ordinance shall control.

- (g) An application for a sign permit shall contain the following:
 - (1) Name, address, and phone number of the property owner;
 - (2) Name of persons or firms, as well as its city business license number thereof erecting the sign and all structures;
 - (3) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.
 - (4) The approximate value of the sign to be installed including the installation cost.
- (h) The permit fee shall be as established by resolution of the Mayor and City Commission. Said fee may cover all signs included on the plan or may apply to any sign being changed. See Section 8.7 of this Ordinance for the penalties associated with a failure to obtain a sign permit.
- (i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

8.2 Exceptions

The following signs shall be exempt from the payment of fees:

- (a) Incidental signs.
- (b) Official Federal, State, and local government signs.
- (c) Commemorative or historical plaques.

8.3 Appeals

Any person aggrieved by any action of the Enforcing Officer in denying or issuing a sign permit as herein described may, within thirty (30) days, appeal for a variance or other relief in writing to the Board of Sign Appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said Board on the appeal. The Board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the Board deems advisable and in keeping with state law.

8.4 Board of Sign Appeals

For the purposes of this ordinance, the Board of Zoning Appeals shall serve as the Sign Board of Appeals. Said Board shall consist of five (5) members appointed by the Mayor for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The Board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the Board.

8.5 Powers and Duties of the Board

The Board of Sign Appeals shall have the following powers and duties:

- (a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.
- (b) To hear and decide requests for variances from the provisions of this ordinance according to the criteria cited within Section 7.6 herein.

8.6 Standards for Appeal Decisions

Before granting any relief from the application of the provisions of this, the Board shall make specific findings of fact justifying the case under appeal.

- (a) For a finding of error, the Board shall state the section of the ordinance that is being appealed and how the Enforcing Officer erred in the application of the ordinance requirements.
- (b) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
- (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

- (3) The hardship has not been created by any person having an interest in the property.
 - (4) Financial returns only shall not be considered as a basis for granting the variance.
 - (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
 - (6) The variance does not confer a special privilege to the applicant that is denied to others.
- (c) Under no circumstances shall the Board grant a variance to allow a sign which is not permitted by this ordinance.
 - (d) The Board may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

8.7 Violations and Penalties

Any person, firm, or corporation violating any provisions of this ordinance shall be in violation of this ordinance and upon conviction thereof, shall be appropriately fined as cited below. Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) days, the owner of a sign fails to contact the Enforcing Officer in order to bring said sign into compliance with this Ordinance, or to obtain a permit for said sign. The Enforcing Officer is herein empowered to have the sign removed and disposed of without any further notice.

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements is hereby deemed and declared a violation of this Ordinance and subject to the penalties hereinafter provided and each day that such violation continues shall constitute a separate and additional violation for each such day. In addition, each sign in violation constitutes a separate violation. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed one hundred dollars (\$100.00) for each violation.

8.8 Disposal of Signs

The Enforcing Officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this Ordinance and properly dispose off.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

14-109 Legal Status Provisions

9.1 Exercise of Police Power

This entire ordinance shall be deemed and construed to be an exercise of the police power of the Town of Smyrna, Tennessee, adopted under the authority of Section 6-19-101, Tennessee Code Annotated, for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

9.2 Severability

If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

9.3 Conflict with Other Ordinance

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing or future Ordinance of the city, the most restrictive provision shall in all cases apply.

9.4 Interpretation

Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

9.5 Effective Date

This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Recommended by Planning Commission

April 2, 1998

Passed First Reading

May 12, 1998

Passed Second Reading

June 9, 1998

Signed: _____
Robert Mullins, Mayor

Attest: _____
J. Michael Woods, City/Clerk Coordinator