

ORDINANCE No. 5-10-16-1

**AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF ROGERSVILLE, TENNESSEE, FOR THE PURPOSE OF AMENDING THE SIGN REGULATIONS CONTAINED WITHIN ARTICLE VI., GENERAL PROVISIONS, SECTION G., SIGN REGULATIONS.**

**WHEREAS**, Sections 13-7-201 – 13-7-212 of the Tennessee Code Annotated provides the Town of Rogersville, Tennessee, with the powers and authority to enact local municipal zoning codes and;

**WHEREAS**, said sections provide a process for the amendment of local municipal zoning codes and;

**WHEREAS**, the Town of Rogersville, Tennessee, Board of Mayor and Aldermen feel it to be in the best interest and to the best general welfare of the citizens of Rogersville, Tennessee, to amend the local municipal zoning codes and;

**WHEREAS**, the Rogersville Regional Planning Commission met on 4/26/2016, for the purpose of considering this ordinance amendment and (recommended/recommended against) approval of the ordinance to the Mayor and Board of Alderman.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Rogersville, Tennessee, that the Rogersville Municipal Zoning Ordinance is hereby amended to read as follows:

Section G. Sign Regulations. The purpose of this Section is to provide a comprehensive system of sign regulations which will promote the best development of the Town of Rogersville through the establishment of regulations which regulate the type, placement, and size of signs and other graphic devices within the town; protect and enhance the scenic beauty of the natural environment in the town; emphasize the assets of community appearance and high environmental quality in promoting industrial recruitment and economic development; promote the public health, safety, and welfare by prohibiting improperly designed or located signs which could distract, confuse, mislead, or obstruct vision; ensure safe construction and maintenance of signs; protect and enhance public and private property; ensure equity in the distribution of the privilege of using the public visual environment to communicate private information; and improve the appearance of the town's business areas, especially along major thoroughfares.

1. No freestanding, portable or off-premise advertising sign shall be erected, replaced, reconstructed, expanded, or relocated without first securing a building permit from the Municipal Building Inspector. No permit shall be required for customary maintenance or a change of copy on a sign, the customary use of which involves frequent and periodic changes of copy, e.g., reader boards with changeable letters, and service station price signs. Other signs do not require a permit, but shall conform to applicable regulations of this article.
2. The Town of Rogersville Building Inspector is hereby authorized and empowered to revoke any permit upon failure of the holder to comply with any provision of this ordinance or with the terms of the permit at the time of its issuance.
3. At any time deemed necessary, the Town of Rogersville Building Inspector, or designee, may inspect each sign regulated by this Section to ensure that such sign conforms to this Section and to all other applicable ordinances, ordinances or regulations of the town.

4. The fee for signs requiring permits shall be \$50.00 per sign. The assigned fee includes the following signs:
  - a. Permanent identification/entrance sign for Subdivisions, Group Housing Projects, Planned Unit Developments, and Condominiums.
  - b. Temporary signs for a Subdivision or Planned Unit Development while under development.
  - c. Freestanding and portable signs in the B-1, B-2, B-3, B-4, M-R and M-1 Districts.
  - d. Wall signs in the B-1, B-2, B-3, B-4, M-R and M-1 Districts.
  - e. Conventional motion picture theater signs, and lighted marquee signs.
5. The following signs shall be permitted in all zoning districts:
  - a. Temporary Signs.
    - i. Temporary Sign shall be defined as a sign that is intended for temporary use and a limited period, as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, development in progress signs, garage sale signs, grand opening signs, political signs, real estate signs, and special event signs.
    - ii. A property owner may place one sign with a sign face no larger than sixteen (16) square feet on the property at any time.
    - iii. A property owner may place a sign no larger than two (2) square feet in one window on the property at any time.
  - b. Construction Site Signs. Due to safety concerns, one sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.
  - c. Traffic Control Devices. Traffic control devices on private and public property are allowed in every district provided they are erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the State of Tennessee.
  - d. 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 two (2) square feet in area, is permitted.
  - e. Government Signs. Although these regulations do not apply to signs erected, maintained, or posted by the state, federal, or local government, these regulations clarify that Government signs are allowed in every zoning district which forms the expression of this government when erected and maintained pursuant to law.
6. The following signs shall be prohibited in all zoning districts:
  - a. If the Building Inspector shall find that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the owner of the sign and/or of the property

and/or the architect, builder, contractor, or agent requiring that the sign be made safe and secure or to be removed. If the sign is not removed or altered so as to render it safe and secure, the Building Inspector shall proceed with action as provided by law. The Building Inspector may cause any sign, which is an immediate danger to persons or property to be removed immediately and without notice.

- b. Any sign located within, upon, or over the public right-of-way, with the exception of signs posted by the state, federal, or local government.
  - c. Any sign located on a tree, telephone pole, power pole, or street light pole.
  - d. Any sign which contains flashing or intermittent red, blue, green, or amber illumination.
  - e. Exposed neon tubing used in all signs. This prohibition includes the use of open or clear translucent faces.
  - f. Illuminated signs within one hundred (100) feet of a residential district, unless the illumination is designed so as not to shine, reflect or *direct* light onto the residential district.
  - g. Any sign which constitutes a traffic hazard. No sign or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape, color, type, or illumination or reflectance it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or devise. Any such sign shall be removed immediately at the direction of the Building Inspector.
  - h. Signs that advertise a product, service, or other business not situated on the same premises shall be prohibited in all zoning districts, with the exception of those provided for in Sign Regulations Number 8e.
7. For permitted uses, the following regulations shall apply for Residential Zoning Districts.
- a. For Subdivisions, Group Housing Projects, Planned Unit Developments and Condominiums, two (2) permanent identification/entrance sign, not to exceed twenty (20) square feet each in area nor twelve (12) feet in height, is permitted. Individual buildings within a Planned Unit Development may have one (1) identification sign not exceeding nine (9) square feet in area.
  - b. While under development, a subdivision or Planned Unit Development may have one (1) temporary sign, not exceeding 20 square feet in area nor twelve (12) 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.
8. For permitted uses, the following regulations shall apply for B-1, B-2 and M-R Zoning Districts:
- a. One (1) freestanding sign for each street frontage granting access to the premises. Maximum height of each such freestanding sign shall be fifteen (15) feet. Maximum area of each such sign shall be thirty-two (32) square feet. No such sign shall be permitted which does not meet the required five (5) foot setback from any property line or public right-of-way.
  - b. One (1) portable sign provided it has no flashing lights and is located at least 10 feet off the right-of-way and does not obstruct vision to vehicular traffic, but in no event, shall such signs remain more than sixty (60) days.

- c. One (1) wall sign per establishment shall be permitted unless that establishment has more than one street frontage. If an establishment has more than one street frontage, one sign per wall shall be allowed per street frontage. The wall sign shall be parallel to the wall to which it is attached and shall not project more than 12 inches therefrom. The total area for wall signage shall not exceed fifteen (15) percent of the total area of the building facade upon which the signage is placed and in no case shall a sign exceed one hundred (100) square feet.

On-premises signs, attached to the outside wall of any business establishment, designed to identify services rendered, products sold, or activities conducted on the premises shall be allowed, provided not more than two such signs shall be affixed to any wall on the business establishment and further provided the total area of such signs shall not exceed one (1) percent of the total area of the wall on which they are affixed.

- d. No sign shall have or consist of any rotating, revolving, or otherwise moving part. No sign shall be animated.
- e. No sign shall advertise a product, service, or other business not situated on the same premises without obtaining written consent from the property owner in regard to private property, and the building inspector in regard to public property. Maximum area of each such sign shall be nine (9) square feet.

9. For permitted uses, the following regulations shall apply for B-3, B-4 and M-1 Zoning Districts:

- a. Conventional motion picture theater signs, or lighted marquee signs are permitted in the B-3, B-4 and M-1 Zoning Districts, and must be submitted to the planning commission for review and approval before obtaining a permit.
- b. A parcel in the B-3, B-4 and M-1 Zoning District is permitted one (1) freestanding sign per street frontage granting access to the parcel, center or planned development. If the length of a single street frontage is greater than four hundred (400) feet, the parcel, center, or planned development shall be permitted a second freestanding sign along that frontage. In computing the allowable number of signs for parcels with more than one qualifying frontage, each frontage shall be considered separately.

The maximum height of each freestanding sign shall be determined by its setback distance from the property line or public right-of-way, whichever is greater, according to the following table:

<u>Setback Distance</u>	<u>Maximum Height</u>
10 ft. to 25 ft.	12 ft.
25 ft. or greater	24 ft.

- c. The maximum area of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street, according to the following table:

<u>Setback Distance</u>	<u>Maximum Area</u>
10 ft. to 50 ft.	40 sq. ft.
25 ft. or greater	80 sq. ft.

- d. One (1) portable sign provided it has no flashing lights and is located at least 10 feet off the right-of-way and does not obstruct vision to vehicular traffic.

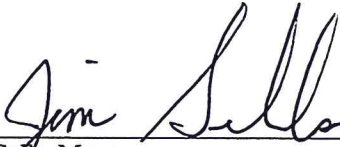
- e. One (1) wall sign per establishment shall be permitted unless that establishment has more than one street frontage. If an establishment has more than one street frontage, one sign per wall shall be allowed per street frontage. The wall sign shall be parallel to the wall to which it is attached and shall not project more than 12 inches therefrom. The total area for wall signage shall not exceed fifteen (15) percent of the total area of the building facade upon which the signage is placed and in no case shall a sign exceed one hundred and fifty (150) square feet.

On-premises signs, attached to the outside wall of any business establishment, designed to identify services rendered, products sold, or activities conducted on the premises shall be allowed, provided not more than two such signs shall be affixed to any wall on the business establishment and further provided the total area of such signs shall not exceed one (1) percent of the total area of the wall on which they are affixed.

- 10. Any sign advertising a discontinued use, occupant, product or service shall not be reestablished or changed in any way not in conformity with provisions of *Tennessee Code Annotated* 13-7-208.
- 11. Any proposed freestanding sign not addressed by the preceding provisions of this article shall conform to the requirements of Section F, Number 8(a).
- 12. Special signs may be permitted on review by the planning commission, provided however that no permit may be issued except with the written approval of the planning commission and subject to such conditions as the planning commission may require to preserve and protect the character of the district in which the proposed sign is to be located.
- 12. No sign located or proposed to be located within the established H-1 (Historic) District shall be erected, replaced, reconstructed, expanded, or relocated without first receiving approval by the Historic Preservation Commission, and secondly securing a building permit from the Municipal Building Inspector.
- 13. If one or more sections of these sign regulations are found to be invalid, the remaining sections stand on their own and are still valid.

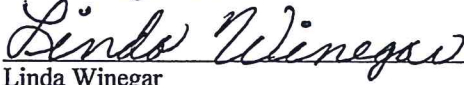
Approved by the Planning Commission:	04/26/16
Passed on First Reading:	05/10/16
Passed on Second Reading:	06/14/16
Public Hearing Held on:	08/09/16
Passed on Third Reading:	09/09/16

Approved and Signed in Open Meeting:



Jim Sells, Mayor  
Town of Rogersville

ATTEST:



Linda Winegar  
Deputy City Recorder

Approved as to Form:



William E. Phillips  
City Attorney