

**ORDINANCE NO: 2007-35**

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 ZONING REGULATIONS SO AS TO REVISE SECTION 5.0 SIGNS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS the City Council of the City of Cleveland, Tennessee desires to improve the sign regulations within its zoning code to safeguard the public welfare and to provide clear guidance to those who must interpret, enforce, or comply with those sign regulations,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE that Title 14, Chapter 2, Section 5.0 is hereby revised as follows:

**Section 1. The text of Title 14, Chapter 2, Section 5.0 is repealed and replaced in its entirety with the following:**

**Section 5.0 SIGN REGULATIONS**

**5.1. Purpose and Intent of the Sign Regulations**

The purpose and intent of these regulations is to provide for the public health, safety, convenience, and general welfare through the regulation of signs within the City of Cleveland, Tennessee. Among the specific intentions are to limit visibility hazards along and adjacent to roadways, to protect utilities and drainage structures from encroachment and damage from sign installation, to protect the community and its roadway corridors from visual clutter, and to protect the community and its environment from discarded, damaged, or improperly installed signs. It is not the purpose of these sign regulations to regulate speech.

**5.2. Sign Standards**

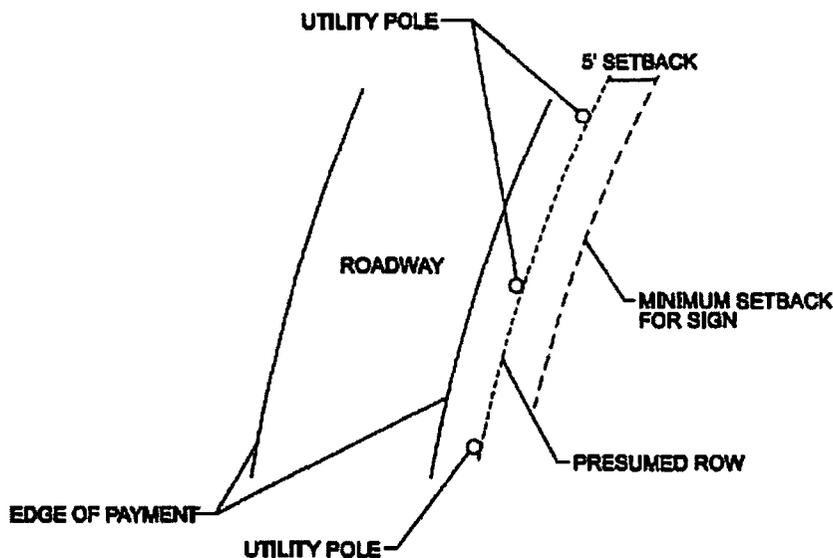
Section 5.2.1 below presents general standards for all signs and standards for specific types of signs under various circumstances. These general standards are each denoted by an alphabetic character and are shown in bold type. Text beneath each general standard provides guidance for implementing the standard. Critical to understanding the application of these standards in particular circumstances are the administration and definitions sections found further below.

**5.2.1. General Sign Standards**

**5.2.1.A. No part of any sign shall be located within 5 feet of any public right-of-way except as expressly provided herein.**

No part of any sign that is regulated by this ordinance shall be located in any public right-of-way or within 5 feet of any public right-of-way (actual or presumed

right-of-way location as described herein). In the absence of survey information to establish the actual right-of-way location, the presumed location of the right-of-way (see drawing below) will be determined by a line, curve, or series of line segments that approximately parallels the roadway edge of pavement and is tangent to the inside (opposite the roadway) of public utility poles on either side of the existing or proposed sign location. If the presumed right-of-way location can not be determined in the previously described manner due to unusually complicating factors, the presumed right-of-way will be assumed to be not less than 10 feet from the existing edge of pavement of the adjacent roadway. The presumed right-of-way method may be used to determine the proper location of portable signs and other signs except ground signs that require building permits and engineered plans. Ground signs requiring building permits and engineered plans shall require a survey meeting the requirements of this ordinance.



**5.2.1.B. No sign shall be located so as to impede the travel of pedestrians.**

No sign shall be located so as to impede the travel of pedestrians, including those in wheelchairs and motorized chairs, who are traveling in public sidewalks, or so as to force pedestrians to detour around the sign by using a travel or turning lane of a public street where there is no adjacent public sidewalk.

**5.2.1.C. No sign shall be produced or built or erected or installed or located in a manner that violates any applicable building, electrical, fire, or life safety code.**

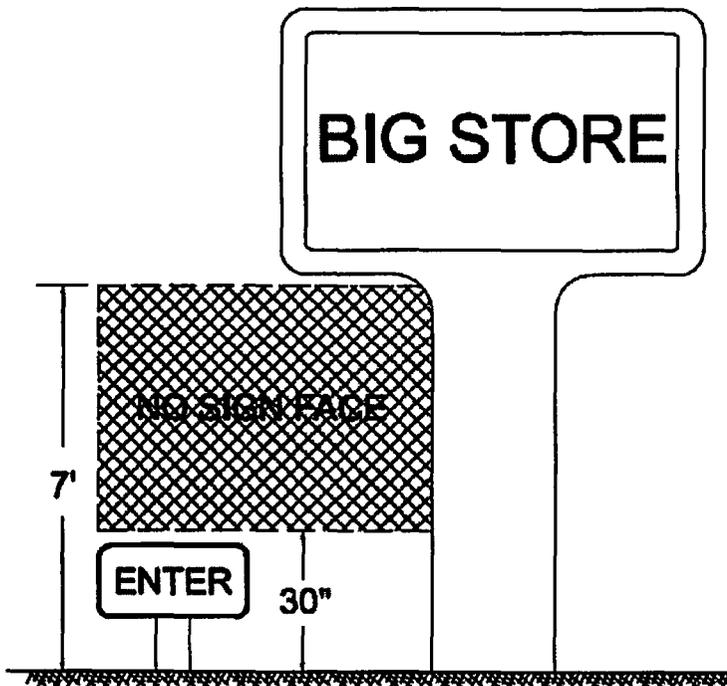
Where required by any applicable building, electrical, fire, or life safety code, any mandatory plan review, permit, or approval shall be obtained prior to the installation of a sign. Any sign requiring a building permit shall also require a sign permit.

**5.2.1.D. No sign shall be located in a manner that would interfere with the safe and convenient operation and maintenance of a utility.**

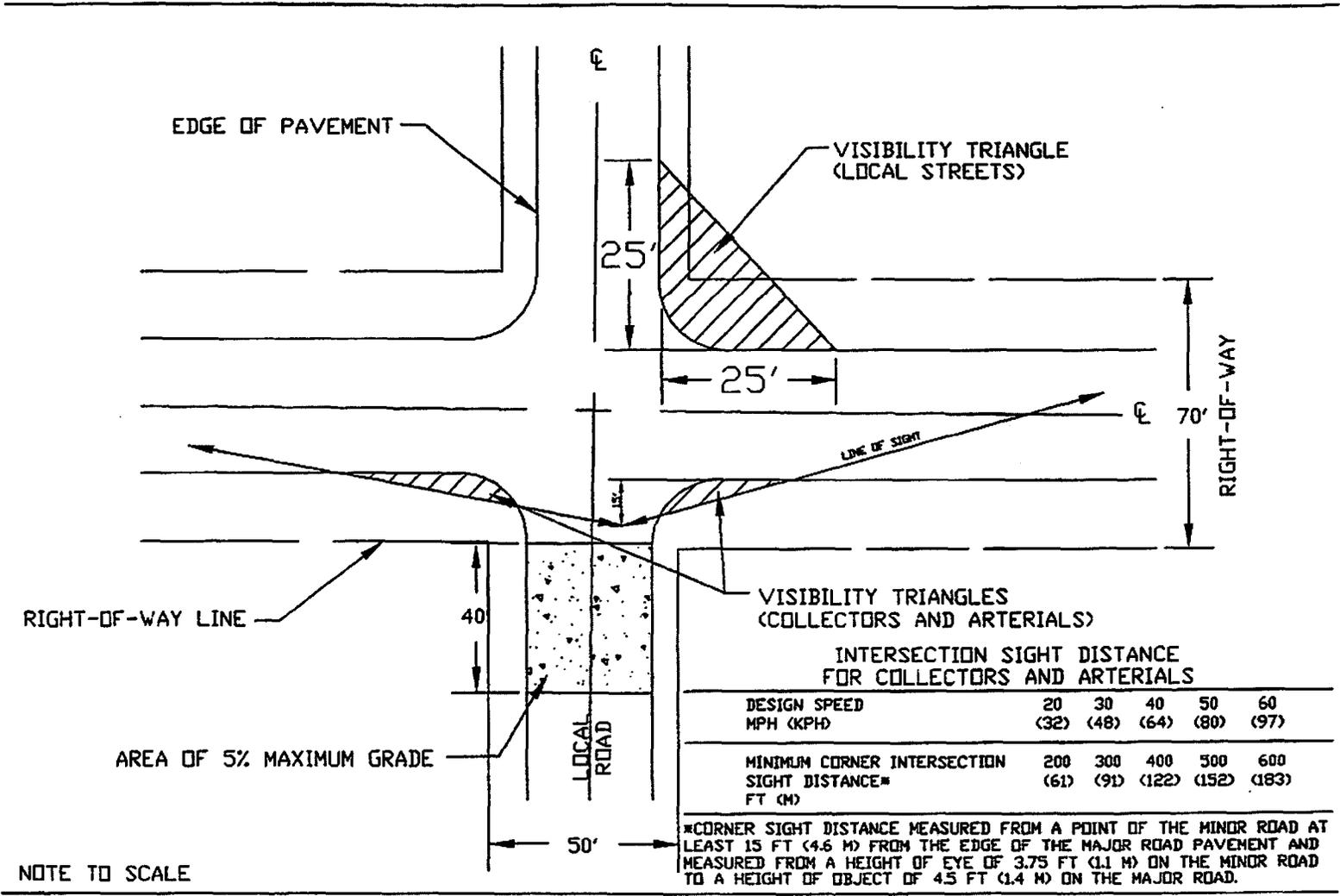
Compliance with this standard with respect to electrical facilities shall be determined by the application of clearance standards found in the *2007 National Electric Safety Code*. Any sign installation which would otherwise be required to go through the Tennessee One Call system for the protection of underground utilities must go through that process for underground utility location. In the absence of stricter conditions of any utility easement or applicable code, no part of any sign structure may be located within 4 feet of any above-ground or underground utility facility or any public or privately maintained drainage structure, unless specifically approved in writing by the affected utility and the City Engineer (the foregoing prohibition does not affect the separation of portable signs from above ground drainage facilities and utility facilities except energized above-ground electrical facilities).

**5.2.1.E. No sign shall be located so as to impede visibility by turning motorists.**

Observance of required setbacks is important to maintaining visibility but the topography and other features near a sign may also affect where it is possible to safely locate the sign. At an exit drive where the view of oncoming traffic or a conflicting turn movement could be obscured by the location of a sign, the sign face is to be located not higher than 30 inches from the ground or not lower than 7 feet from the ground.



Visibility triangles on adjacent streets are to be preserved in accordance with the drawing below:



NOTE TO SCALE

# GRADE AT INTERSECTION

**5.2.1.F. No sign shall be an animated sign as defined herein.**

This prohibition includes, but is not limited to, flashing lights and strobe lights inside building windows that are visible from the public right-of-way. Also prohibited are sign designs that incorporate motion through mechanical, electrical, wind-activated, water-activated, or similar means. These prohibitions apply to billboards and all other types of signs visible from the public right-of-way except as otherwise provided herein.

**5.2.1.G. No sign of any type that is situated on private property and visible from a public right-of-way shall be made to resemble a traffic control device.**

Traffic control devices are described in the *Uniform Manual of Traffic Control Devices* (can be viewed in the City Engineer's office). What is prohibited here is the use of devices like stop signs or traffic signals as a sign to attract attention to a business, property, product, or service rather than for their proper use in traffic control. This is not intended to preclude the placement of appropriate signage for the purpose of traffic control on private driveways (e.g. "stop", "yield to pedestrians", etc.), including in those areas near the intersection of such private driveways with public rights-of-way.

**5.2.1.H. No sign of any type shall be allowed to be situated on any property except as allowed by this ordinance.**

This ordinance regulates signs that are intended by their size, placement, or other characteristics to be read from the public right-of-way or to attract the attention of persons in the public right-of-way. This rule is not intended to prohibit signs that otherwise comply with this ordinance where their visibility from the public right-of-way is merely incidental and it is evident from the size and placement of the sign and/or the size of the sign copy that it is intended exclusively for persons on the property where it is located.

**5.2.1.I. Signs shall be kept in good repair, or replaced or removed.**

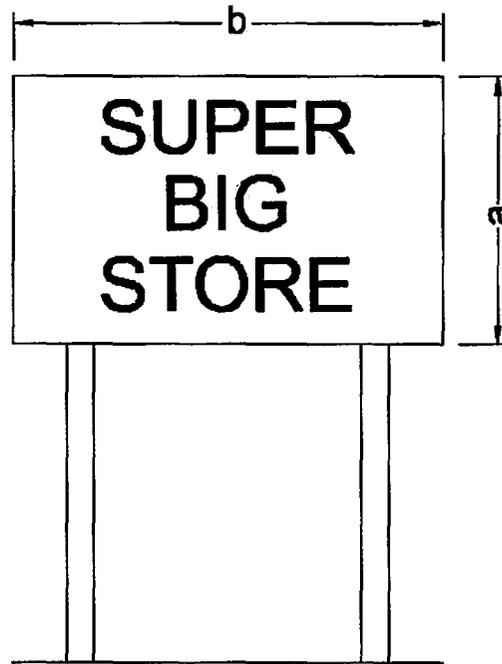
No part of the sign copy, sign backing, or sign structure shall be allowed to remain in place if it is bent, torn, ripped, tattered, frayed, broken, cracked, faded, dirty, rusted, rotted, warped, or with blistered or peeling paint, or otherwise visibly damaged or damaged in any other way. This rule is not intended to create an unreasonable requirement that signs be kept in a pristine state but it is intended to require that they remain safe, functional, and reasonably well-maintained so as to not become a hazard or a blighting influence. If a sign is bent over, illegible due to fading, in danger of falling, unsafe in its electrical connections, full of holes, blowing loose, or otherwise showing clear signs of a lack of reasonable maintenance, it must be repaired, replaced, or removed.

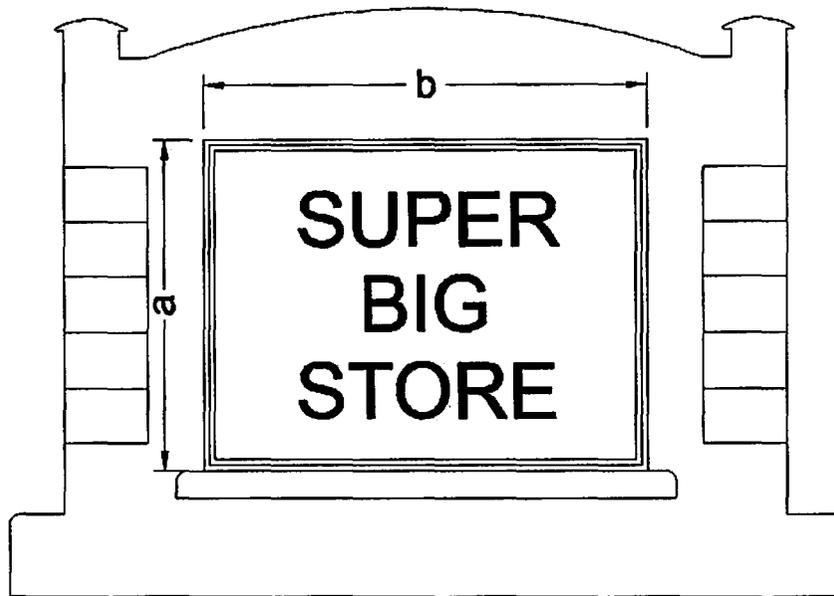
**5.2.1.J. Sign display area for a given sign shall not exceed the maximum allowed by this ordinance.**

The maximum allowable area in square feet is given for the sign display area or sign backing for each sign types in the rules specific to each sign type. A procedure for measurement is described below.

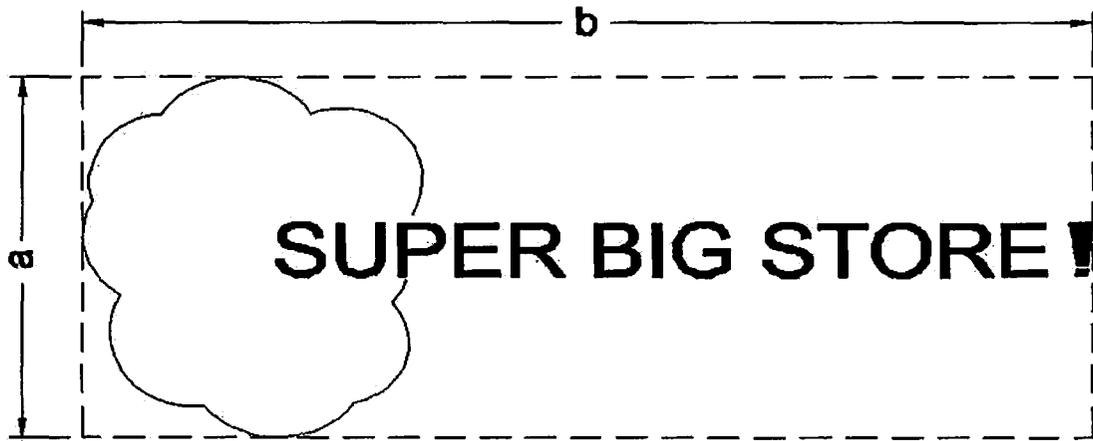
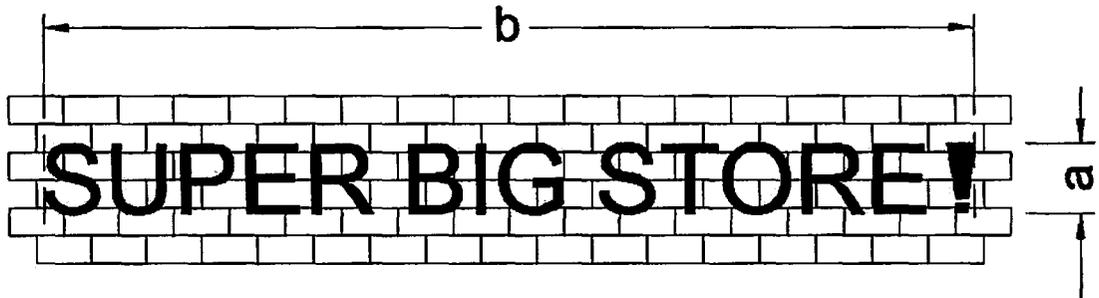
Sign display area shall be measured according to the procedures outlined herein. (In the several illustrations that follow, height is denoted by  $a$  and length is denoted by  $b$ , with  $a$  times  $b$  being the formula for a rectangle used to calculate the sign display area.) In cases where a permit is required the applicant must submit an elevation drawing of the proposed sign with the necessary dimensions and calculation of the sign display area. Where a permit is not required, the Building Official may perform a courtesy check of the proposed sign display area if a drawing with the appropriate information is supplied (signs are not allowed to exceed the maximum allowable size regardless of whether a permit is required).

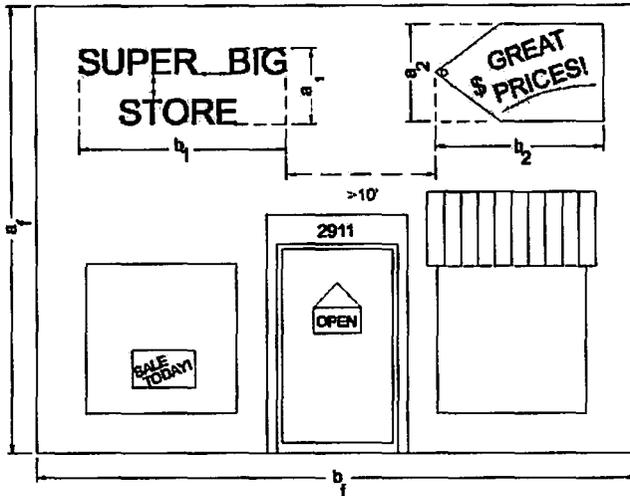
(1) Where there is a discernable sign display area that is distinguished from other parts of the sign structure by a frame or border, or by a variation in color, texture, or material so that the sign display area can be distinguished as a polygon from the rest of the sign structure, draw the smallest rectangle that will fit around the polygon [see below for specific instructions on sign cabinets]. Where one or more frames or borders are used to form the polygon, the measurement shall be from the inside edge of outermost frame or border. Within a single sign structure, there may be more than one such polygon, i.e. more than one discernable sign display area, and the total of the areas for the rectangles drawn around these polygons will be the sign display area. When calculating the sign display area, subtract any overlapping area between two or more of the rectangles.





(2) Where there is no discernable sign display area and sign copy is painted on or affixed to a surface such as a wall or monument sign structure, the sign area measurement shall be done through the grouping of individual elements of the sign copy. Symbols and drawings, and text and numeric sign copy, including any words, letters, numerals, and punctuation, that can be connected by line segments of 10 feet or less in length will be grouped together and the smallest rectangle that will fit around this grouping will be drawn. Beginning with the symbol, drawing, word, letter, numeral, or punctuation closest to the upper left edge of the sign structure, work downward and to the right drawing connecting line segments of not more than ten feet in length between any two symbols, drawings, words, letters, numerals and punctuation that can be connected in this manner to form a sign copy grouping. This sign copy grouping is to be enclosed in the smallest possible rectangle. Continue this process until rectangles have been formed around all words, letters, numerals, and punctuation on the sign structure. The combined area of the rectangles drawn for all sign copy groupings on a sign structure is the sign display area. When calculating the sign display area, subtract any overlapping area between two or more of the rectangles.



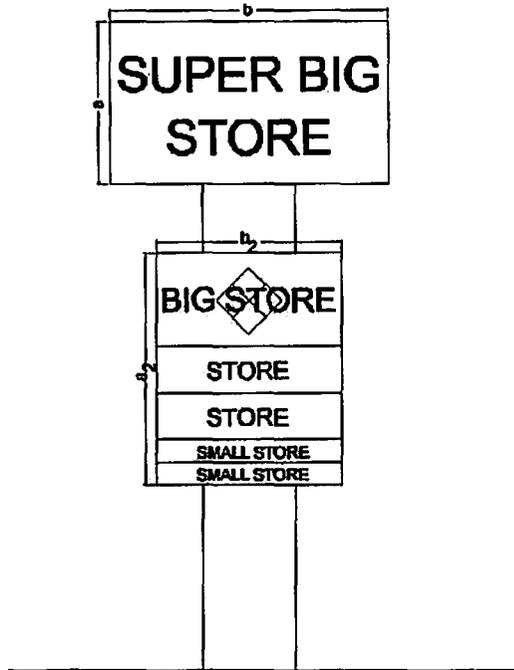


**LEGEND**

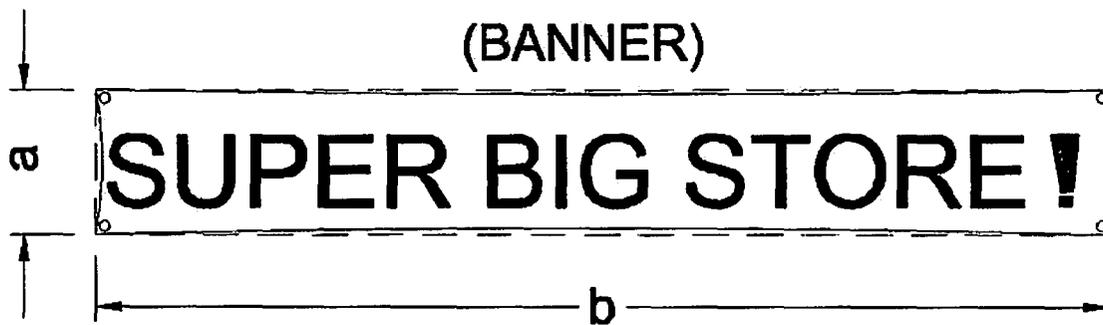
FACADE AREA =  $a_f \times b_f$   
 WALL SIGN 1, PAINTED LETTERS  
 ON A WALL, NO DISCERNABLE SIGN  
 DISPLAY AREA  
 — LESS THAN 10'  
 SIGN DISPLAY AREA   
 EQUALS  $a_1 \times b_1$

WALL SIGN 2, PAINTED PRICE TAG  
 DESIGN, DISCERNABLE SIGN  
 DISPLAY AREA  
 - - - - - MORE THAN 10'  
 SIGN DISPLAY AREA   
 EQUALS  $a_2 \times b_2$

(3) Sign display areas may exist on more than one sign face on a single sign structure; this is particularly the case with ground signs, canopy signs, and projecting signs but could also exist with other sign types. Sign display area should be calculated for all sign faces to determine the total sign display area for a given sign but where two sign faces overlap such that they are back-to-back or separated by an interior angle of 30 degrees or less the total sign display area should be adjusted to count the sign display area on only one of these sign faces in the overlapping area.



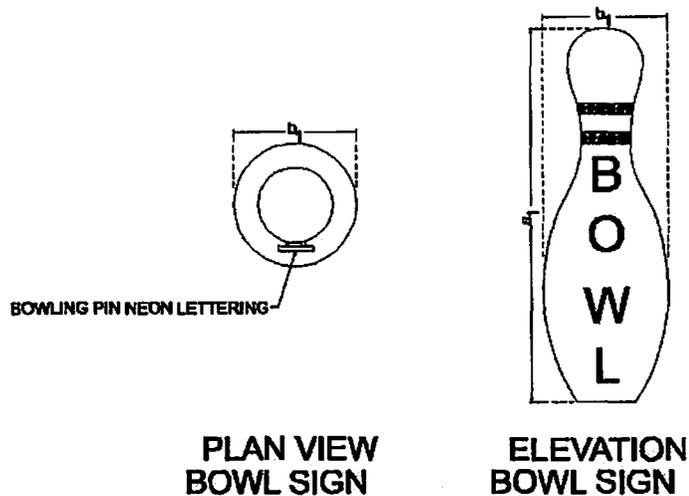
(4) In the case of a banner sign, the sign display area is the smallest rectangle into which the banner will fit when pulled taut.



(5) In the case of signs with sign cabinets with interior lighting or backlighting, e.g. most Type C portable signs, the method described above for a discernable sign display area shall be followed for calculating the sign display area except that the polygon will be determined by the interior dimensions of the sign display cabinet.



(6) Where sign copy is to be located on a curved or other irregular surface, the dimensions of the sign display area are to be measured as if a flexible measuring tape were stretched across the surface and these dimensions are to be transferred to a single plane and enclosed by the smallest rectangle that will include them, otherwise following the procedures described above for signs with or without a discernable sign display area, as the case may be.



### THREE-DIMENSIONAL OBJECT AS A SIGN

**5.2.1.K. Lighting of signs shall not be such that it causes discomfort or distraction for passing motorists and pedestrians or such that it otherwise violates this ordinance or other applicable law.**

Lighting of signs, whether internally or externally lighted, and lighted copy signs are subjects of these sign regulations. Brightness of the illumination of signs shall not be such that it causes discomfort or distraction for passing motorists and pedestrians, and LED (light emitting diode) and similar electronic signs shall be deemed to be causing discomfort and distraction if they fail to meet the guidelines described herein. Electronic reader boards, electronic message centers, LED (light emitting diode) signs and the like shall be equipped with and operated with automatic dimming devices that reduce the brightness of the display during cloudy or dark conditions. It is intended that such LED signs and similar signs be no brighter than is necessary to be visible and legible to motorists and pedestrians in the immediate vicinity during daylight or dark conditions and it is not intended that such signs would be substantially more visible and legible from a greater distance than traditional on-site signs with back-lighting. [Guidelines for LED and similar technology: maximum brightness for signs using LED (light-emitting diode) or other lighting technology where the light source is used to compose the sign copy should not exceed 3500 *nits* under nighttime conditions. A *nit* equals *Candelas* per meter squared ( $cd/m^2$ ). A *Candela* is the amount of *luminous flux* (total luminous power emitted from a source and expressed in *Lumens*) per unit solid angle in a given direction. A *Lumen* is the luminous flux emitted per unit solid angle from a uniform point

source whose luminous intensity is 1 *Candela*. Definitions from Marktech Optoelectronics [www.marktechopto.com/Engineering-Services](http://www.marktechopto.com/Engineering-Services).] Electronic reader boards, electronic message centers, LED (light emitting diode) signs, and the like shall have a sign display area of no more than 50 square feet. Lighting of signs shall not be done in a manner so as to produce motion or animation as defined herein; however, this is not intended to prohibit the scrolling of an image onto a sign face provided that the entirety of the sign copy remains stationary for a period of at least six seconds. The lighting of the sign shall be sustained and not flashing or blinking or pulsing. The focus of external lighting shall be on the sign backing and shall be shielded so as to prevent glare onto an adjacent public right-of-way or into the eyes of motorists or onto adjacent property. Where external lights are mounted below a sign, at or near ground level, they shall be shielded by landscaping on the side opposite the sign. Monument signs, pole signs, wall signs, canopy signs, awning signs, roof signs, and Type C portable signs are allowed to be internally or externally illuminated except where otherwise prohibited by this ordinance.

**5.2.1.L. No sign that is regulated by this ordinance and which is an off-premise sign with a sign display area greater than 32 square feet is allowed unless it conforms to the regulations in this ordinance for billboards.**

## **5.2.2. Specific Standards by Sign Type**

### **5.2.2.A. Ground Signs (not Portable)**

(1) Sign permits are required.

(2) Building permits shall be obtained for ground signs where required by the *Building Code*. The Building Official may require plans sealed and signed by a Tennessee-registered professional engineer (criteria for determining whether engineered plans are required are if the sign display area exceeds 100 square feet, or if the sign will be over 20 feet tall, or if engineered plans are otherwise required by the Building Code or by Tennessee's Board of Architectural and Engineering Examiners). Ground signs requiring building permits and engineered plans shall require a survey of the property frontage along which the sign is to be located showing the center line of the roadway, the existing edge of pavement, any utilities and utility easements, any drainage structures, any driveways and sidewalks, and any other permanent structures, signs and traffic control devices. The survey shall identify the location of the proposed sign and cover the property to a depth of at least 5 feet behind all parts of the proposed sign along the entire width of the property frontage. In the case of a corner lot, the foregoing survey information shall be provided for both frontages.

(3) Sign structures exceeding 15 feet in height from the ground shall not have a width as measured horizontally in an exterior elevation view at any point above the ground, exclusive of any sign display area or sign backing, which is more than 50% of the sign's height.

(4) Developments with residential or non-residential uses may have monument or pole signs subject to the provisions of this ordinance (mixed uses that are 25% or more residential by land area or floor area are treated as non-residential development for ground signage calculation). Each development is entitled to at least one monument or pole sign along its primary street frontage, with the maximum sign display area of said sign to be determined by the table below, provided that the building(s) is at least 10 feet behind the public right-of-way along that frontage. The limits on the number and size of allowable ground signs are determined by considering the rules in this section governing ground signs in conjunction with the following table:

Allowable Ground Sign(s)	Development Type	Development Size	Adjacent Roadway Frontage(s)
2 (but zero if fewer than 10 dwelling units or residential lots). Sign display area 32 sq. ft. or less per sign	Residential subdivision or multi-unit residential development	10 or more dwelling units or residential lots	NA
1 per adjoining 2-lane street with at least 100 feet of frontage. Sign display area not to exceed 100 sq. ft.	Non-residential	Less than 3 ac or less than 100,000 under single roof	2 travel lanes
1 per adjoining 4-lane street with at least 100 feet of frontage. Sign display area not to exceed 150 sq. ft	Non-residential	Less than 3 ac or less than 100,000 sq. ft. under single roof	4 or more travel lanes
1 per adjoining street with at least 100 feet of frontage. Sign display area not to exceed 300 sq. ft. in 1 ground sign and not more than 150 sq. ft in other ground sign(s).	Non-residential	3 ac or more or at least 100,000 sq. ft. under a single roof	NA

(5) Where there is a non-residential land use tract, parcel, or lot with non-residential zoning that is within 1000 feet of an I-75 interchange, it is entitled to 1 interstate-oriented sign that is at least 75 feet high with not more than 350 square

feet in sign display area. This sign is in addition to other ground sign(s) that may be located on the property. However, this provision allowing an additional interstate-oriented sign shall not apply if any other sign on the property exceeds 60 feet in height. No sign installed pursuant to this paragraph shall be an off-premise sign.

### **5.2.2.B. Wall Signs, Canopy Signs, and Awning Signs**

(1) The signable square footage for all wall signs, canopy signs, and awning signs, individually or in combination, shall not exceed 40% of the area of the facade on which they are located. The signable square footage may be allocated over the façade in one or more sign display areas. The sign backing for any portable signs (e.g. banners) displayed as wall signs would count toward the 40%. The sign display area of any mansard sign and/or roof sign shall be counted against the maximum allowable wall signage.

(2) No sign backing or sign structure for a wall sign, canopy sign, or awning sign shall be located so as prevent a door or window from operating as designed, or in a manner which blocks any fire escape, building drainage, ventilation, or any required clearance for any mechanical equipment, or any utility connection or fire department connection.

(3) Building permits shall be obtained for wall signs, canopy signs, and awning signs where required by the Building Code. The sign installer or property owner will be required to demonstrate that the existing and proposed wall signage do not exceed the maximum allowable wall signage. An engineered plan will be required by the Building Official if an engineered plan is otherwise required by the Building Code or the requirements of Tennessee's Board of Architectural and Engineering Examiners.

(4) Wall signs, canopy signs, and awning signs in R1, R2, R3, R4, and RA zoning districts are not allowed on residential structures containing fewer than five dwelling units and are not allowed to be internally or externally lighted.

### **5.2.2.C. Portable Signs**

#### **Characteristics of Portable Sign Types**

	<b>Size</b>	<b>Lighting</b>	<b>Electronics</b>
<b>Type A</b>	4 square feet or less	Not Allowed	Not Allowed

<b>Type B</b>	More than 4 sq.ft. but not more than 32 sq. ft.	Not Allowed	Not Allowed
<b>Type C</b>	32 sq. ft. or less	Allowed	Allowed

For purposes of this ordinance, all portable signs which have four square feet or less of sign backing and which are not designed to incorporate lighting or other electronics shall be classified as Type A portable signs; portable signs which have more than four square feet of sign backing and which are not designed to incorporate lighting or other electronics shall be classified as Type B portable signs; and portable signs which are designed to incorporate lighting or other electronics shall be classified as Type C portable signs.

- (1) No portable sign of any type shall have a sign display area greater than 32 square feet.
- (2) All Type C portable signs shall be legibly marked with the name, address, and telephone number of the sign owner.
- (3) No flashing or intermittent lights shall be activated on or within a Type C portable sign. Type A and Type B signs shall not be lighted or illuminated in any way except through incidental ambient light in the sign location.
- (4) No part of any portable sign shall be at a height of greater than 10 feet from the ground except within five feet of a building or building canopy.
- (5) No part of any portable sign shall be within 10 feet of a driveway entrance to a public street.
- (6) Type B and Type C portable signs shall be configured and installed so as not to present a hazard during wind events. Type B portable signs with a sign backing of more than 16 square feet must utilize a lightweight sign backing and avoid heavy, dense material such as plywood. Type C portable signs must be installed according to the instructions of the manufacturer so as to avoid being blown over or torn down in a 80 mph wind event, or installed so as to turn over once and then remain in place in such a wind event (in such case, installation shall allow a clear area equal to the height of the sign on either side of it).
- (7) The sign backing of portable signs that are displayed as wall signs will be counted in determining whether the sign display area for wall signs is being exceeded.
- (8) Type A, Type B, and Type C portable signs do not require building permits or sign permits but they must otherwise comply with the requirements of this ordinance.

(9) No portable sign of any type shall be located on any property without the express permission of the owner of that property.

(10) This paragraph addresses standards for portable signs of all types. Unless otherwise stated, or unless modified by a zoning overlay district, the sign standards stated for each land use type shall apply in all zoning districts. No portable sign of any type that is on a lot, tract, or parcel developed with only residential use(s) shall be more than 4 feet in height. The table below gives the number of portable signs of each type that are allowed on a tract, lot, or parcel of a given size and a given land use (for purposes of this table home occupations do count as non-residential uses):

	Type A	Type B	Type C
0.49 ac. Or less	4 if residential land use; 5 if non-residential land use; 1 if vacant land	0 if residential land use or vacant land; 1 if non-residential land use	0 if residential land use or vacant land; 1 if non-residential land use
0.5 to 0.99 ac.	5 if residential land use; 6 if non-residential land use; 2 if vacant land	1 if residential land use or vacant land; 2 if non-residential land use	0 if residential land use or vacant land; 1 if non-residential land use
1.0 to 2.99 ac.	6 if residential land use; 8 if non-residential land use; 3 if vacant land	1 if residential land use or vacant land; 3 if non-residential land use	0 if residential land use or vacant land; 2 if non-residential land use
3.0 ac. or more	7 if residential land use; 12 if non-residential land use; 4 if vacant land	2 if residential land use or vacant land; 4 if non-residential land use	0 if residential land use or vacant land; 3 if non-residential land use

#### 5.2.2.D. Projecting signs

(1) Projecting signs shall not extend outward from the building, canopy, or awning to which they are attached by a distance of more than two feet.

(2) The lowest portion of any projecting sign over a public or private sidewalk shall not be lower than eight feet and shall not extend lower than the opening of a door if said sign is located above a door.

(3) Projecting signs shall not extend into an area that is above or below overhead electric lines unless approved by the utility.

(4) Building permits shall be obtained if required by the Building Code. Engineered plans will be required by the Building Official if the sign display area exceeds 10 square feet or if engineered plans are otherwise required by the

Building Code or by the Tennessee Board of Architectural and Engineering Examiners.

(5) The maximum sign display area for a projecting sign is 50 square feet. Projecting signs are not allowed in the R1, R2, R3, R4, and RA zoning districts.

#### **5.2.2.E. Roof Signs and Mansard Signs**

(1) Building permits are required for roof signs and mansard signs and these permits shall require plans by a Tennessee-licensed professional engineer. The plans must demonstrate that the roof or mansard is capable of supporting the proposed sign and that other building code requirements are met.

(2) Neither a roof sign nor a mansard sign shall exceed 150 square feet in sign display area.

(3) Roof signs and mansard signs are not allowed in the R1, R2, R3, R4, R5, and RA zoning districts.

(4) The sign display area of any roof and/or mansard sign shall be counted against the maximum allowable sign display area for the façade that is visible in the same elevation as the roof and/or mansard sign.

#### **5.2.2.F. Window Signs**

There is no limit on the size or number of window signs as defined by this ordinance. Window signs are subject to general standards of this ordinance. In the case of window sign that requires building or electrical permits by an applicable building or electrical code, those permits shall be obtained. If the code requiring a building or electrical permit also requires an engineered plan or if such plan is required by the Tennessee Board of Architectural and Engineering Examiners, then an engineered plan will be required.

#### **5.2.2.G. Incidental Signs**

Incidental signs as defined in this ordinance are allowed and they are not counted toward any other limits imposed by this ordinance in terms of the total number of signs or total amount of sign display area. Incidental signs shall otherwise conform to the general sign standards of this ordinance.

#### **5.2.2.H. Entrance/Exit Signs**

One of these signs may be located on each side of each driveway serving a non-residential land use or multi-family residential development. These signs cannot exceed 30 inches in height or 2 square feet in sign display area. If illuminated, they must be internally illuminated and only bright enough to be seen by vehicles in the immediate vicinity. A permit is required unless the property owner installs a two-square-foot Type A portable sign to serve as an entrance/exit sign (such a portable sign would not be counted against the limits on the numbers of portable signs). These signs may be located within 5 feet of the right-of-way or presumed right-of-way but not within such right-of-way.

### **5.3. Wall Murals**

Wall murals are allowed in non-residential zoning districts but not in any historic zoning overlay district or PUD unless specifically authorized by the City Council. Wall murals are not allowed in the R1, R2, R3, R4, R5, and RA zoning districts. No permit is required to install a wall mural. Any wall mural that is installed must be kept in good repair, including the removal of graffiti and the repair of peeling, damaged, and defaced areas. Wall murals that are not kept in good repair must be removed or repaired.

### **5.4. Bench Signs, Bus Shelter Signs, and Street Furniture Signs**

Bench signs, bus shelter signs, and street furniture signs are prohibited in public right-of-ways and within public parks and greenways except as part of a signage plan or streetscape plan or transit stop plan approved by the City Council, including any lawful revenues to the City of Cleveland and/or its transit operator through the lease of advertising space in such venues or lawful public/private ventures to provide such benches, bus shelters, or other street furniture.

### **5.5. Kiosks**

Kiosks are not to be located within 10 feet of a public right-of-way without review and approval of an engineered site plan by the City's Site Plan Review Committee. Kiosks shall be designed and constructed to meet an 80 mph wind load and other requirements of the applicable building codes. A building permit is required for the construction of a kiosk. Except as modified by this section, kiosks shall conform to the general standards of the sign regulations as these concern location, protection of utilities, maintenance of the kiosk in good repair, and visibility for motorists. The owner of the kiosk shall ensure that the messages posted on it are removed every 30 days to maintain the appearance of the kiosk and to prevent litter. The sign display area within a kiosk shall not exceed 40 square feet. Animation and animated sign copy shall not be allowed within a kiosk, except a single-screen display not exceeding 20 square inches.

### **5.6. Billboards**

Billboards are allowed only in the CH, IL, and IH zoning districts as principally permitted uses. Billboards are allowed as a conditional use in the B zone. Billboards can be allowed in a PUD district if specified as a permitted use. Though not considered an accessory use, they may be co-located with other uses on the same site. The following rules are specific to billboards:

**5.6.1.** Billboards must be spaced a minimum of five hundred (500) feet apart measured in a straight line distance on the same side of a street and a minimum of one hundred fifty (150) feet apart measured from a radius of each billboard location. In applying this rule "same side of a street" shall mean the primary public street toward which a sign display area or sign face of a billboard is

oriented and from which it is intended to be observed by passing motorists, and the intent is that any part of any two billboards along the same side of such street would be at least 500 feet apart. Likewise it is intended that no part of any billboard shall be within a 150 foot radius of any part of another billboard.

**5.6.2.** No part of any billboard shall be located within three hundred feet (300) feet of any R1, R2, R3, R4, R5, or R3 zoning district. No part of any billboard shall be located within five hundred (500) feet of any historic site listed on the National Register of Historic Places or within five hundred (500) feet of any historic preservation zoning district..

**5.6.3.** No part of any billboard shall overhang or be within 5 feet of the public right-of-way and no part of any billboard shall overhang or be within any utility easement.

**5.6.4.** No sign display area on a billboard sign face shall be greater than three hundred (300) square feet. However, where billboards are permitted within 660 feet of I-75 the maximum size of the total sign display area shall be the maximum size for billboards set forth in the State of Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising.

**5.6.5.** The maximum height shall be thirty-five (35) feet measured from the ground level, except in a location where permitted within 660 feet of I-75 where the height shall be the same as those set forth in the State of Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising. In no case shall the bottom of the sign display area be less than 18 feet from the ground.

**5.6.6.** Billboards shall be constructed in accordance with the Building Code; however, wood structures are prohibited. Billboards shall not be built, installed or displayed except as free-standing structures. Billboards shall not be built, installed, or displayed as wall signs, awning signs, or roof signs.

**5.6.7.** A building permit and a sign permit are required to install a billboard. Billboards must be installed by properly licensed contractors and permits will be issued by the Building Official only to such contractors. Permits require a set of plans drawn by a Tennessee licensed professional engineer. Plans will include electrical and lighting details, as well as details on the foundation, the billboard structure, fastening, and windload. The Building Official may require additional information, such as soils testing, as he or she deems necessary.

**5.6.8.** Billboards are subject to inspection by the Building Official. Billboard owners shall correct, with maintenance and/or repair or removal or replacement of the billboard, problems found during an inspection.

**5.6.9.** Billboards shall not be constructed so as to have two or more sign display areas stacked vertically with one on top of the other, or located side by side, or otherwise located on the same supporting structure except as provided herein. A "V" shaped billboard is allowed with not more than one (1) sign face on each side of the "V" and where the interior angle of the "V" is not more than 35 degrees. Notwithstanding the description of a "V" shape, it is not intended to preclude the

back-to-back location of two sign faces in a billboard as opposed to the "V" design.

**5.6.10.** The use of LEDs or other types of lights to produce sign copy on billboards is prohibited, except for a message display that does not exceed 50 square feet and such display is subject to the regulations of this ordinance on non-billboard LED signs. Billboards may be internally or externally lighted. The lighting of billboards shall not produce glare or excessive light on adjacent properties or public rights-of-way or interfere with motorists' vision. No flashing or intermittent light source shall be used on a billboard, and neither shall any lighting that creates the appearance or motion. Billboards are allowed to incorporate changeable copy through mechanical means.

**5.6.11.** No billboard shall incorporate any sign copy that has been determined by a court of competent jurisdiction to be obscene under the laws of Tennessee.

## **5.7. Administration of Sign Regulations**

**5.7.1.** The allowable number, size, and other characteristics for signs of a given type shall be as described in the sign standards of this ordinance.

### **5.7.2. Exclusions**

**5.7.2.A.** Nothing in these sign regulations is intended to encourage the use of the United States flag or the Tennessee flag as advertising devices or to prohibit the display of the United States flag or the Tennessee flag, however such flags shall not be located so as to impair visibility by motorists or so as to create any hazards or impairments with respect to public utilities.

**5.7.2.B.** Travel signs as defined herein are not intended to be regulated by this ordinance.

**5.7.2.C.** Gravestones and historical markers and historic monuments are not intended to be regulated by this ordinance.

**5.7.2.D.** Horticultural displays which may be configured so as to convey messages or images in living plant material are not intended to be regulated by this ordinance.

**5.7.2.E.** Specialized seasonal decorative banners that are displayed for a limited time on certain utility poles in a manner pre-approved by Cleveland Utilities and the City Council in a program coordinated by the Cleveland-Bradley County Chamber of Commerce (Ordinance 2005-48) are not intended to be regulated by this ordinance.

**5.7.2.F.** Signs located in the interior of buildings and which are sized, located, and displayed such that they are not visible from public rights-of-way through ordinary observation are not intended to be regulated by this ordinance.

**5.7.2.G.** It is not the intention of this ordinance to prohibit the display of any free-standing, traditionally recognized religious symbol on private property by counting such display in any limitation on the square footage and number of

signs that may be displayed on such property; however, other restrictions pertaining to the safety of signs and structures would apply. Such restrictions include, but are not necessarily limited to, compliance with applicable sections of the building code, separation from public utilities, utility easements, and rights-of-way, and protection of visibility and access for motorists and pedestrians. However, religious symbols that are incorporated into the sign copy within a sign face would be counted as part of the sign display area.

**5.7.2.H.** It is not the intention of this ordinance to prohibit the display of any outdoor decoration that does not contain more than very brief, non-commercial and context-related sign copy (e.g. red, white, and blue balloons with "Happy July 4<sup>th</sup>"; a shamrock with "Happy St. Patrick's Day"; or an earth globe with "Protect the Environment"; or baby shoes with "Choose Life", etc.) on private property by counting such decoration in any limitation on the square footage and number of signs that may be displayed on such property; however, other restrictions pertaining to the safety of signs and structures shall apply. Such restrictions include, but are not necessarily limited to, compliance with applicable sections of the building code, separation from public utilities, utility easements, and rights-of-way, and protection of visibility and access for motorists and pedestrians.

**5.7.2.I.** It is not the intention of this ordinance to prohibit the use of lights, flashing or otherwise, on private property when these are activated as part of an emergency alarm system, an alerting system on residential property occupied by a hearing impaired person, or a hazard warning system mandated by law or recommended in writing by an authorized government emergency response official acting in his or her official capacity.

**5.7.2.J.** It is not the intent of this ordinance to prohibit the use of architectural details in otherwise lawful buildings where these architectural details are representative of the goods or services offered on-premises or of some other theme (e.g. the doghouse motif around the City's animal shelter entrance).

**5.7.2.K.** Faux painting of architectural details such as columns to create the illusion of depth on an otherwise generally flat surface, and the use of a coordinated scheme of different wall and trim colors are not considered a mural and are not regulated by this ordinance.

### **5.7.3. Violations of Sign Regulations and Appeals**

#### **5.7.3.A. Violations Unlawful**

It shall be unlawful to install, erect, display, expand, or maintain a sign in the City of Cleveland, Tennessee except in compliance with this ordinance. Violations of this ordinance are subject to any and all penalties prescribed in the Cleveland Municipal Code and the zoning regulations and as allowed by State law.

#### **5.7.3.B. Non-conforming Signs**

Nothing herein is to be interpreted so as to conflict with the pre-existing non-conforming use provisions of the City's zoning regulations. Signs that are not lawful pre-existing non-conforming uses, and which are either not included in the

signs allowed by this ordinance or which are otherwise not in conformance with the requirements of this ordinance, are unlawful.

#### **5.7.3.C. Penalties**

Any person or entity who violates any provision of these sign regulations, or any person who fails or refuses to comply with any notice to abate a violation or other notice issued by the Building Official or code enforcement officer within the time specified by such notice, shall be subject to a civil penalty of up to \$50 per violation. Each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly by a civil penalty of \$50 per day per violation.

#### **5.7.3.D. Nuisance**

In addition to the foregoing civil penalties, the maintenance of any sign and/or its supporting structure or any violation of the provisions of these sign regulations by any person or entity is declared to be a public nuisance dangerous to the public safety and may be abated as set forth in herein.

#### **5.7.3.E. Notice to Abate**

If the Building Official or a code enforcement officer determines that any sign is in violation of any provision of these sign regulations, a Building Official or a code enforcement officer shall, consistent with the nature and seriousness of the violation, notify the offender, or his agent, and the owner, or his agent, or the occupant(s) of the property where the sign is located, by giving notice to abate the violation.

#### **5.7.3.F. Removal Without Notice**

Nothing contained herein shall require the City to give notice of a violation prior to removal of any sign located on public property or which otherwise constitutes a safety hazard.

#### **5.7.3.G. Content of Notice**

Any written notice given shall describe the conditions or violations constituting a nuisance under these sign regulations, and state that the nuisance may be abated by the City at the expense of the offender, and/or the owner, and/or the occupant of the property after the expiration of not less than fifteen (15) days nor more than thirty (30) days from the date of such notice if such condition is not corrected or in the process of being corrected (with substantial progress being made) by the offender, or the owner, or the occupant, or the person in control of the property by the time specified in the notice.

### **5.7.3.H. Correction or Abatement by City Of Cleveland**

If, after the expiration of the time given to abate the nuisance the condition constituting a nuisance has not been corrected or abated, then such condition may be corrected or the nuisance abated by the City at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the Building Official or code enforcement officer.

### **5.7.3.I. Appeals to the Board of Zoning Appeals**

Because many types of signs that are governed by these regulations do not require the issuance of permits, appeals may arise for sign regulation enforcement decisions that do not involve the denial or revocation of a permit. Persons properly entitled to seek relief from the decision of the Building Official or code enforcement officer carrying out or enforcing the provisions of these sign regulations that are zoning regulations, may appeal to the Board of Zoning Appeals as provided in Section 6.1.2. of the zoning regulations. Appeals involving the denial or revocation of a permit are addressed in Section 5.7.5 of the sign regulations.

### **5.7.4. Sign Regulations in Zoning Districts and Special Areas**

These sign regulations shall be generally applicable within all Cleveland zoning districts. For Planned Unit Development zoning districts (PUD1, PUD2, and so forth) with an effective ordinance prior to the effective date of this ordinance it is not intended that these regulations should contravene any sign regulation specific to the PUD in terms of the number, type, size, or location of signs allowed, but that these regulations would be applicable as to definitions and permit requirements and procedures. For PUD zoning districts established after the effective date of this ordinance, it is intended that these sign regulations apply except as specifically altered by the ordinance establishing the PUD. From time to time the City may establish special districts for various purposes and these districts may include special regulations concerning signs. The City has established a historic preservation zoning district and any signs, except temporary signs, that are erected within this district are subject to review and approval by the City's Historic Preservation Commission. The City has also established a special sign control district along Paul Huff Parkway generally between Keith Street/ North Lee Highway to South Mouse Creek (Cleveland Municipal Code Title 14 Chapter 5). Where the provisions of the aforementioned special sign control district directly address a matter, those provisions will control; otherwise, signs in that district are governed by this ordinance. Upon review and recommendation by the Cleveland Municipal Planning Commission, the City Council may adopt plans for one or more special streetscape districts which may include one or more design elements within the public right-of-way and on adjoining private property, such as signs, landscaping, lighting, street furniture,

etc., where there can be a cooperative public and private effort to create more attractive and vibrant commercial areas. It is anticipated that these sign regulations could be modified by such a streetscape district plan.

#### **5.7.5. Building Permits, Sign Permits, and Appeals of Permit Denials**

**5.7.5.1.** The following types of signs require a building permit prior to construction: Ground signs (not portable); wall signs, canopy signs and awning signs, unless otherwise exempted under the sign regulations; Projecting signs; Roof signs; Mansard signs; Kiosks; Entrance/Exit signs; and Billboards.

**5.7.5.2.** Building permits shall be issued in accordance with the provisions of the applicable building code adopted by the City of Cleveland, which is currently the Building Code. For those signs that require a building permit, the applicant shall pay the fees applicable to such building permit.

**5.7.5.3.** A separate sign permit is required under these sign regulations for those signs for which a building permit is required by the applicable building code(s). If no building permit is required, then a separate sign permit shall not be required. There is no additional fee charged to the applicant for any required sign permit. A sign permit shall be subject to revocation by the Building Official if at any time any conditions required by this ordinance for the issuance of the sign permit or any conditions necessary for the compliance of the sign with the requirements of this ordinance, are determined not to be met.

**5.7.5.4.** Prior to the issuance of a building permit, the Building Official shall determine that the proposed sign complies with the sign regulations. If the Building Official determines that the sign complies with the sign regulations, then the Building Official shall issue a sign permit.

**5.7.5.5.** If the Building Official determines that the sign does not qualify for a building permit under the applicable building code(s), the Building Official shall advise the applicant in writing of the reason(s) for the denial for the building permit as well as the applicant's right to appeal the denial of the building permit to the Building Board of Adjustment and Appeals.

**5.7.5.6.** If the Building Official determines that the sign does not qualify for a sign permit under these sign regulations or that a sign permit must be revoked, the Building Official shall advise the applicant in writing of the reason(s) for the denial or revocation of the sign permit as well as the applicant's right to appeal the denial or revocation of the sign permit to the Board of Zoning Appeals.

**5.7.5.7.** In the event a building permit is denied by the Building Official for any sign required to have a building permit under the applicable building code, then the applicant shall be entitled to appeal that denial to the Building Board of

Adjustment and Appeals in accordance with the appeals provisions set forth in the Building Code or the applicable building code in effect at the time of the permit denial. Copies of the applicable building code(s) are on file in the City Clerk's office.

**5.7.5.8.** If an applicant for a building permit is denied a sign permit due to a determination by the Building Official that the sign does not meet the requirements of these sign regulations, then the applicant shall be entitled to appeal that determination by the Building Official to the Board of Zoning Appeals, which shall hear the appeal and determine whether the applicant should be granted a sign permit.

**5.7.5.9.** In the event the Board of Zoning Appeals upholds the Building Official's determination that the proposed sign does not comply with the provisions of the City's sign regulations, then the applicant may file a petition for a writ of certiorari with a court of competent jurisdiction to review the determination of the Board of Zoning Appeals.

**5.7.5.10.** In conducting a review of an appeal of the denial of a sign permit by the Building Official, the Board of Zoning Appeals shall follow the procedures set forth in Cleveland Municipal Code, Title 14, Chapter 2, Sections 6.1.2 et seq, as well as Tennessee Code Annotated Title 13, Chapter 7, Part 2.

**5.7.5.11.** An appeal to the Board of Zoning Appeals from a denial of a sign permit by the Building Official must be filed in writing in accordance with the procedures established in Cleveland Municipal Code, Title 14, Chapter 2, Sections 6.1.2 et seq, as well as Tennessee Code Annotated Title 13, Chapter 7, Part 2.

## **5.8. Definitions**

The definitions in this section are applicable to the interpretation of the sign regulations. Words used within the sign regulations that are not otherwise defined herein should be interpreted according to their ordinary meaning, informed by *Webster's Ninth New Collegiate Dictionary: A Merriam-Webster* (Merriam-Webster, Inc., Springfield, MA, publisher, 1987) and the context of their usage. The definitions are as follows:

**Advertising device** shall mean any physical object or device or light source designed principally as a means of attracting attention through visual means and but which may or may not convey a written message through words, letters, numbers, or other symbols. Examples would include, but are not limited to, balloons, flags, streamers, pennants, devices that spin in the wind, large stationary or moving objects inflated by forced air, strobe lights, etc. This definition does not include such objects, devices, or light sources that are inside buildings and not noticeable from a public right-of-way

**Animation** or **animated** shall mean the movement or the optical illusion of movement of any part of a sign or advertising device, including the movement of

any illumination or the flashing or varying of light intensity or the automatic changing of all or any part of the facing of a sign.

**Awning** shall mean a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position. Typically, an awning is for the purpose of providing shade or shelter for a door, window, porch, patio, or entryway.

**Balloon sign** shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

**Banner sign** shall mean a sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure. A banner sign could be tied or otherwise affixed at one end, in the manner of a flag, or from more than one location on the banner.

**Bench sign** shall mean a sign incorporated into the seating area or back-support area of an outdoor bench.

**Billboard** shall mean an off-premise sign with a sign structure that is permanently attached or anchored to the ground or another permanent structure.

**Building** shall mean a structure having a roof supported by columns or walls. A building may contain one or more units or tenant spaces that could be addressed separately and could have separate utility services but which would share common exterior walls and/or a roof.

**Building Code** shall mean the building code(s) that have been adopted by the City of Cleveland, Tennessee and which are currently in force at the time of permitting.

**Bus shelter sign** shall mean a sign displayed on the sides or roof of a bus shelter designated as a bus stop by a public transit provider.

**Canopy** shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

**Commercial sign copy** shall mean sign copy that specifies a particular business, industry, or trade association or which specifies products, goods, commodities, or services that are available for sale on-site or off-site, regardless of whether or not a seller's or agent's name, location, and contact information is provided.

**Development** shall mean a building or buildings on one or more lots or parcels together with associated common site development or subdivisions attributes such as parking, internal streets or drives, landscaping and site amenities, and drainage and utility features.

**Exterior elevation drawing** shall mean a drawing showing the visible exterior vertical elements of a building or structure projected directly to a vertical plane.

**Entrance/Exit sign** shall mean a ground sign located at the driveway(s) of a premises and bearing one or more of the words "entrance", "enter", "exit", or "only" as the most prominent sign copy.

**Externally lighted sign** shall mean a sign that is illuminated by an external artificial light source that is focused on the sign backing or sign copy from a location to the bottom, sides, or top of the sign backing.

**Façade** shall mean the side of a building below the eaves, and that portion of a building's side that would extend above a portion of the roof, as with a parapet wall or gable-end design, and any mansard on the same building side. A façade shall include the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. A facade shall include that area of a building that would be visible in a single exterior elevation drawing, regardless of any curved surfaces or angles that would be apparent in its exterior walls or other predominantly vertical elements when seen from above in a plan view or in a perspective drawing. The term façade is intended to encompass any windows, doors, awning, canopy, mansard, or other building features visible in the same elevation view.

**Ground sign** shall mean a sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. However, this definition encompasses signs attached to a decorative wing wall, or retaining wall, or similar projection that is not underneath the building roof and that does not enclose an interior space, when such walls or projections are attached to a building. Monument signs and pole signs are types of ground signs.

**Incidental sign** shall mean an on-premise sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

***Internally lighted sign*** shall mean a sign wherein the sign backing or sign copy is illuminated by an artificial light source behind it or within an enclosed sign cabinet containing the sign copy, or wherein the sign copy consists of neon tubes or similar material that would cause the sign copy to appear to glow from an internal source.

***Kiosk*** shall mean a message board or message center designed for posting and up-close viewing of messages at eye level by pedestrians who would be within five feet of the posted message.

***Land use*** shall mean three broad categories of land use referred to in this ordinance: *residential*; *non-residential*; and *vacant*. Residential land use refers to developments wherein the land uses consist exclusively of dwelling units (exclusive of bed and breakfast facilities, boarding homes, and various forms of transient lodging regulated by the State of Tennessee) and ancillary amenities such as tennis courts, golf courses, club houses, etc. that are integrated within the residential development. Non-residential land use refers to developments wherein the land uses consist of commercial, industrial, or institutional land uses or one or more of these with or without residential land uses (e.g. upper story loft apartments over ground floor retail). Vacant land consists of lots, parcels, or tracts that are unimproved land or land which may have been cleared, graded, or served with roads or utilities, but on which there are no permanent buildings exclusive of barns, sheds, or similar outbuildings or utility structures such as water tanks or communication towers.

***Lighted copy sign*** shall mean a sign wherein the light source or series of light sources [e.g. light-emitting diode (LED), neon, etc.] are used to form letters or other images in sign copy.

***Mansard*** shall mean the lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

***Mansard sign*** shall mean any sign attached to the mansard portion of a roof.

***Monument sign*** shall mean ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. Typically, the base of the monument sign is a decorative feature of brick, wood, metal or other material, which is intended to serve as an entry feature or focal point.

***Movement*** shall mean physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals of less than six (6) seconds, or irregular motion of a physical object such as fluttering or spinning in response to wind or other energy source. Movement shall not include incidental swaying in response to wind loads or other natural conditions that is necessary to support the sign.

**Non-commercial sign copy** shall mean sign copy that is not commercial sign copy.

**Non-residential zoning district** shall mean any zoning district where the principally permitted and conditional uses allowed by the zoning ordinance are not primarily residential dwelling units. The zoning districts that are primarily residential are R1, R2, R3, R4, R5, and RA so these would not be non-residential zoning districts.

**Off-premise sign** shall mean any sign that is not an on-premise sign.

**On-premise sign** shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease or construction of those premises.

**Pole sign** shall mean a ground sign that is permanently supported in a fixed location from the ground by a structure of poles, uprights, braces, or other structure not as wide as the sign backing. A pole sign is not supported by a building or a wall-like base structure that is at least as wide as the sign backing.

**Portable sign** shall mean any sign which is placed on or affixed to real property in such a manner that its removal would not cause damage to the property or the sign backing or the sign structure. Portable signs are designed to be readily removed or relocated. A portable sign has no mounting hardware that attaches to the building or other portion of the property in a permanent fashion. Examples of portable signs include, but are not limited to, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, banners, balloon signs, yard signs on stakes or rigid wire. For purposes of this ordinance, all portable signs which have four square feet or less of sign backing and which are not designed to incorporate lighting or other electronics shall be classified as Type A portable signs; portable signs which have more than four square feet of sign backing and which are not designed to incorporate lighting or other electronics shall be classified as Type B portable signs; and portable signs which are designed to incorporate lighting or other electronics shall be classified as Type C portable signs.

**Premise or premises** shall mean all contiguous land in the same ownership and/or control which is not divided by any public highway, street or alley or right-of-way. As part of a dominant parcel of property, premises shall also include a permanent easement to the dominant parcel which (1) connects the dominant parcel to a public right-of-way, (2) is the sole means of ingress and egress to and from a public right-of-way for vehicular traffic to the dominant parcel, and (3) is regularly used for ingress and egress to the dominant parcel by vehicular traffic.

**Primary street frontage** shall mean the public street from which a residential development has its primary vehicular access by design as evidenced by the width of the entrance or other design features (for a residential subdivision this would be a street to which its internal street network is connected). For developments containing non-residential uses, the primary street frontage will be that street front toward which the front wall of the building(s) is oriented as evidenced by the placement of entryways and other features of the building façade. In most but not all cases for developments containing non-residential uses, the primary street frontage will also be on the street to which the development is addressed and the street from which the development has its primary vehicular access.

**Projecting sign** shall mean an on-premise sign attached to a building, canopy, awning or marquee.

**Roof sign** shall mean a sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

**Sign** shall mean a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way, and shall include advertising devices as defined herein.

**Sign area measurement** shall mean the calculated square footage of sign display area for a given sign where such calculation is done according to the method prescribed by this ordinance.

**Sign backing** shall mean the rigid (wall, sign board, back-lit sign surface in a sign cabinet, etc.) or non-rigid (as in the case of a banner) material or surface on which the sign copy is displayed. The sign backing is considered to be part of the sign structure and it would be inclusive of the sign display area.

**Sign copy** shall mean the letters, numbers, symbols, pictures, drawings, logo, or other graphic information within signs.

**Sign display area** shall mean the area of the sign backing on which sign copy is displayed or could be displayed for a given sign.

**Sign envelope** shall mean the location within a development or on a lot, parcel, tract, or building(s), or portion of a building(s) over which an allowed number of signs and/or an allowed square foot area of signs of a given type can be allocated. The sign envelope is understood to be inclusive of any height restrictions, setback requirements, and other stated requirements of this ordinance that would affect the location of a given sign of a given type.

**Sign face** shall mean a sign display area visible in an external elevation drawing such that the sign copy would be in a plane perpendicular to plane of the viewer's

line of sight, i.e. the sign display area is viewed straight-on and not at an angle such that copy on more than one side of the sign could be visible if not legible.

**Sign structure** shall mean the sign backing together with all framework, anchors, cords, chains, wires, poles, bases, foundations, brackets, lighting, electrical connections and apparatus, cabinets, carriage assembly (wheels, axles, etc.), and all other hardware necessary to move, attach, erect, secure, and otherwise display the sign as designed.

**Signable square footage** shall mean the maximum allowable value for the sign display area measurements of all signs of a given type allowed within a sign envelope.

**Sign type** shall mean any of the various categories and subcategories of signs that are defined in this ordinance.

**Streetscape** shall mean the visual aspects of what is contained in the public right-of-way and the immediately surrounding land to a depth of 20 feet from the right-of-way, and including elements such as landscaping, utilities, sidewalks, street furniture, and other functional and ornamental design elements within or immediately adjacent to the streetscape.

**Street furniture sign** shall mean any sign incorporated into or posted upon any street furnishing or fixture in any public right-of-way for motorized and non-motorized travel including streets, sidewalks, greenways, and areas within public parks. Examples of street furniture signs in public right-of-ways and public parks would include, but are not limited to, signs displayed in such areas on benches, shelters, trash receptacles, and fences.

**Travel sign** shall mean a sign placed within a public right-of-way or authorized to be placed within or within 5 feet of a public right by an official government agency charged with maintaining the aforesaid public right –of-way. Travel signs include signs described in the *Uniform Manual of Traffic Control Devices* and other signs primarily for traffic management and way-finding that influence the speed, direction, and travel path choice of motorists.

**Wall mural** shall mean a scene, figure or decorative design painted on a wall of a building so as to enhance the building architecture, and which does not include sign copy, and which is distinctly separated from any sign backing or sign copy by a monochromatic border at least 12 inches wide.

**Wall sign** shall mean a sign that is attached, painted, or displayed on a façade, including signs oriented so as to be viewed and interpreted with the façade. This definition would also include projecting signs and signs located on an awning,

canopy, or mansard, when these contain sign structure or sign copy visible on the façade.

**Window sign** shall mean a sign located inside a building but mounted and oriented so as to be visible from the exterior of the building from a public right-of-way.

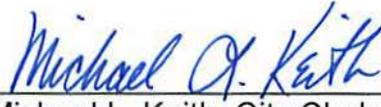
**Section 2. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon final passage, the public convenience and necessity requiring it.

Approved this 10th day of September 2007.

Approved as to form:

  
\_\_\_\_\_  
L. Harlen Painter, City Attorney

  
\_\_\_\_\_  
Tom Rowland, Mayor

  
\_\_\_\_\_  
Michael L. Keith, City Clerk