

Chapter 29. SIGNS

WHEREAS, Chapter 29 of the City of Morristown Zoning Ordinance contains provisions regarding the erection and maintenance of signs within the City; and

WHEREAS, the Morristown City Council desires to repeal Morristown Municipal Code, Title 14, Chapter 2, Sections 14-2901 thru 132908 (Morristown Sign Ordinance) in their entirety; Title 14, Chapter 2, Sections 14-1107 and 14-1609; Title 9, Chapter 15, Section 1511; Title 11, Chapter 6, Sections 11-603 and 11-604; and Title 16, Chapter 1, Section 16102, and replace these provisions with the enclosed Ordinance to establish and enforce regulations governing signs within the City; and

WHEREAS, the specifications set forth in these sign regulations are designed to address aesthetic and traffic safety concerns for the benefit of the public health, safety and welfare, while allowing the use of signs as a medium for conveying messages; and

WHEREAS, left unregulated, the height, sign face area, number and location of signs can result in visual clutter, confusion for drivers, and interference with efforts to establish a desirable community identity; and

WHEREAS, *Context-Sensitive Signage Design*, a publication of the American Planning Association (2001), encourages the development of good sign regulations for both aesthetic and economic purposes, providing as follows:

Successful urban design involves the encouragement of projects that can enhance the physical setting. Streetscape enhancements, including landscaping, street furnishings, public art, and signage, can be powerful in establishing a sense of place. . . . Taking a holistic approach to all aspects of the built environment results in a place that many people can benefit from in tangible ways. When a place feels like it has been cared for, people enjoy spending time there, and purchasing goods and services. By the same token, businesses feel

comfortable investing in such a location. In this sense, the issues of urban design in general and sign design in particular are not just aesthetic, but economic as well. (pp. 40-41.)

The enhancement of pedestrian environments, the creation of attractive gateways, and the strengthening of the overall economic vitality and image of the community are all helped by adopting a good set of sign regulations. (p. 47.)

WHEREAS, the City of Morristown has experienced development and growth and seeks to manage continued development and growth in an attractive manner; and

WHEREAS, in establishing parameters for height, area, number, location and other physical attributes of signs, the City of Morristown has examined the regulations of other cities which have been looked upon as examples of aesthetic quality and has sought input and assistance from area business persons and citizens; and

WHEREAS, visual comparisons of areas where signs have been uncontrolled to those in areas where signs have been controlled show the obvious advantages and aesthetic benefits of good sign regulations; and

WHEREAS, the city finds that traffic safety is enhanced and promoted by signs of a uniform size, height, and distance from roadways.

WHEREAS, for the reasons stated heretofore, it is desirable to revise the City's sign regulations and reduce the allowable height, size and number of signs within the City, and to allow for larger signs only in certain commercial and tourist areas, in the interest of pursuing aesthetic quality and relative uniformity of signs within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MORRISTOWN AS FOLLOWS:

CHAPTER 29. SIGN REGULATIONS

SECTIONS

14-2901 FINDINGS, PURPOSE AND EFFECT

14-2902 SIGN REGISTRATION REQUIREMENT, PERMANENT
SIGNS, LETTER OF COMPLIANCE

14-2903 DEFINITIONS

14-2904 GENERAL PROVISIONS

14-2905 PROHIBITED SIGNS

14-2906 ALLOWABLE SIGNS BY DISTRICT

14-2907 ADMINISTRATION AND ENFORCEMENT

Sec. 14-2901. Findings, purpose and effect.

(a) *Findings.* The members of the City Council hereby find as follows:

- (1) Exterior signs have a substantial impact on the character and quality of the environment.
- (2) Signs provide an important medium through which individuals may convey a variety of messages.
- (3) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- (4) The city's zoning regulations have always included the regulation of signs. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.
- (5) Other cities in Tennessee, North Carolina, and elsewhere have successfully regulated size and number of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while limiting signs by height, size, and number in effort to preserve and restore the aesthetics in those communities and to protect the health, safety and welfare of the communities. We find these regulations to be beneficial to those communities and to enhance the aesthetics of those communities in ways which would similarly benefit Morristown.

(b) Purpose and intent. It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

- (1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
- (2) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is a threat to traffic safety and is harmful to the appearance of the community.
- (3) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees.
- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.
- (5) Simplify and streamline the provisions for signs in the City of Morristown, consolidate all code provisions regulating signs into one singular Sign Ordinance, and remove the permitting process from this Ordinance.

(c) Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this article, as more specifically set forth herein, is to:

- (1) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
- (2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.
- (3) Provide for temporary signs in limited circumstances.
- (4) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- (5) Provide for the enforcement of the provisions of this article.

Sec. 14- 2902. Sign Registration Requirement, Permanent Signs;

Letter of Compliance

(a) There is no sign permit required prior to construction or display of signs in the City of Morristown. However, all permanent sign structures must satisfy all building and electrical codes adopted by the City. All construction and building permits required by said codes must be obtained prior to construction of permanent sign structures.

(b) Prior to erecting or displaying a sign, the landowner, designee, tenant, occupant or lessee or the owner's agent shall consult with the Chief Building official or his designee to determine the applicable portions of the ordinance. At this time, the landowner, designee, tenant, occupant, lessee or the owner's agent may submit a written request to the Building Official for verification that the sign as proposed complies with the requirements of this article. The person requesting such verification must provide the Building Official with all information specified in Sec. 14-2902(c) below and shall complete such forms or submit such additional information as may be needed by the Building Official to make his/her determination. Inquiries with regard to building and electrical code provisions shall be directed to the Building Inspections Department. Participation in the Voluntary Letter of Compliance process will entitle the landowner to a fifty percent (50%) reduction in the sign registration fee provided for in Section 14-2902(c) below.

(c) All permanent signs shall be registered on a form provided by the City of Morristown Building Codes Department, within 30 days after their construction/erection or a change of ownership. The registration of permanent signs provides assistance with the City's enforcement of these provisions. In addition to providing the identity and contact information of the landowner, the landowner, designee, tenant, occupant or lessee shall register each permanent sign by identifying the height, sign face area, lot frontage of the applicable property, location of the sign, and the construction materials utilized in construction of the sign. A one time sign registration fee will be paid to the City of Morristown at the time of registration of the sign.

Sec. 14.2903. Definitions.

The words, terms and phrases set out below, when used in this article, shall have the meanings ascribed to them in this section, except where the context

clearly indicates a different meaning.

Abandoned sign means a sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Animated sign means any sign or permanent structure that uses movement, projection, or change of lighting, LED, or other electrical impulses to depict action, moving pictures, or create a special effect, other than Reader Boards as defined herein.

Banners, pennants, festoons and balloons means any sign of fabric or other flexible material that is permanently mounted to a pole, enclosed in a frame, or otherwise mounted to allow movement caused by wind. Flags shall not be considered as banners under this article.

Building marker means any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material which is architecturally compatible with the building.

Canopy sign means any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Commercial message means any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Community facilities are churches, schools, daycare centers, nursing homes, funeral homes, orphanages, gardening operations, and parks and recreation facilities which may be located in residential zoning districts.

Construction sign means a sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Development Complex Sign is a free-standing sign identifying a multiple-occupancy development which shares common vehicular access to a major roadway, such as a planned industrial, office park, or commercial complex, or high density residential development which is controlled by a single owner or landlord.

Dilapidated sign means any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign means a sign, temporary or permanent, erected for or by a governmental entity for purposes of identification, direction or public safety.

Directory sign means a sign providing orientation within a planned residential development, development complex, or shopping center, listing such information as on-site businesses and other tenants and their respective activities.

Flag means any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or non-commercial entity.

(1) ***Commercial flag*** means any flag which displays a commercial name, message, logo or symbol.

(2) ***Decorative flag*** means any flag which displays any holiday or seasonal insignia, design or the like which does not include any commercial name, message, logo or symbol.

(3) ***Non-commercial/government/civic flag*** means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

Freestanding sign means any sign supported by structures or supports that are anchored in the ground and that are independent of any building or other structure.

Front facade means the front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front facade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front facade.

Governmental Entity includes those federal, state, municipal, and county offices which provide purely governmental services to the public. A governmental entity does not include schools or entities which receive governmental funds to provide non-governmental or quasi-governmental services.

Illegal sign means any sign which is a prohibited sign or does not comply with the requirements established herein, is not a lawful nonconforming sign and is not exempted by law from the requirements established herein.

Illuminated sign (internally) means any sign that transmits light through its face or any part thereof.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Inflatable sign means any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Marquee sign means any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

Menu board means a structure primarily designed for the display of menu

items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Monument sign means a freestanding permanent sign, no higher than six (6) feet, attached flush to the ground without poles or visible supports, and which incorporates a design and materials complementary to the architectural theme of the buildings on the same property.

Non-commercial means not naming, advertising or calling attention to a business or commercial product, service or activity. However, where the name of a business is merely incidental to the primary purpose of a sign displayed on residential property, such as may be the case with a real estate sign, such sign shall be deemed non-commercial.

Nonconforming sign or sign structure means any existing permanent sign or sign structure which does not conform to the provisions of this article but which was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Painted wall sign means any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

Pennant. See definition of "banners, pennants, festoons, and balloons."

Permanent sign means any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

Planned residential development sign is a sign located at the primary entrance to a residential development as identified on a final site development plan approved by the planning commission which for the

purpose of this article, shall contain the construction of one or more public or private right-of-way.

Political preference sign means any temporary sign erected on private property for the purpose of supporting a political candidate, stating a position regarding a political issue or similar purpose.

Portable sign means any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a sidewalk sign; A-frame sign other than sandwich board sign as defined herein; or any sign attached to or painted on a vehicle, or trailer parked and visible from the public right-of-way for more than two consecutive hours or more than four total hours between sunrise and sunset. For the purposes of this article, portable signs shall not be considered permanent signs. Real estate signs and other temporary signs which are otherwise provided for in this article shall not be considered portable signs for purposes of this article.

Projecting sign means any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

Public right-of-way/public way means a strip of ground dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this article, such rights-of way shall be considered to extend a minimum of ten feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

Reader board means any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology. Any reader board which changes the display more frequently than once every 30 seconds or which includes illuminated moving pictures or television type signs shall be considered an animated sign.

Real estate sign means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or sale.

Roof line means the highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

Roof sign means any sign erected wholly or partially above the roof line.

Scoreboard means a structure located within an athletic field, displaying changing scores and related information; provided, however, the scoreboard may also display additional content, including but not limited to the names and logos of any sponsors.

Sandwich board sign is a double faced temporary sign constructed of two sign faces which are hinged at the top, and open at the base, with the base placed onto a sidewalk.

Shopping center two or more tenants occupying one or more structures on a single parcel of land or a group of adjoining parcels all of which share common vehicular access to a major roadway. The building or the combination of buildings within the shopping center shall have a minimum combined area of 50,000 square feet of ground coverage area. Parcels with less than 50,000 square feet of ground coverage area, see Development Complex Sign.

Sign means any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind which is visible beyond the boundaries of the lot or parcel of property on which the sign is posted.

Sign administrator means the person designated by the City Administrator as the staff member assigned to oversee the enforcement and interpretation of this article.

Sign area means square foot area enclosed by the perimeter of the sign face. With respect to signs that are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any "cutouts" or extensions. The sign area shall not include any supporting structure or bracing.

Sign face means the entire area of a sign upon, against or through which sign copy is placed.

Sign structure means any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign means any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant to Section 14-2906(a) herein.

Social/special event, for purposes of this article, is an event which occurs on a specific date or over a specified time period, but does not include political campaigns.

Subdivision temporary development sign means any temporary sign for the purpose of advertising the sale of lots and the development of a Planned Residential Development or a Development Complex Sign. The names of participating builders may be included on such signs. For purposes of this article, such signs shall not be classified as the same as a construction sign.

Swinging sign means any sign installed on an arm, mast or similar appendage that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary sign means any sign that is intended for temporary use and a limited period, as allowed by this article. For purposes of this article, banners are considered to be temporary signs.

Two sign faces means any sign constructed on a single set of supports, with messages visible on either side, or a "V" type sign with a common support in the center of the "V".

Wall sign means any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning or canopy and projects from the plane of the wall, canopy or awning less than 12 inches. This definition shall not include freestanding walls or multiple sign surfaces.

Window sign means any sign, graphic, or interior design element placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this article, window signs may be permanent or temporary and are subject to applicable provisions herein.

Sec. 14-2904. General provisions.

(a) Nonconforming signs.

(1) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business(es)), the signs on that property must be brought into compliance with the provisions of this chapter.

(2) With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

(3) Unless contrary to law, if a non-conforming sign is reconstructed as the result of damage for any cause or to correct deterioration /dilapidation to the extent of fifty percent (50%) of its fair market value, said sign shall be permitted to exist in nonconforming locations only to the extent that the

surface area for message display be reconstructed in conformity with the provisions of this chapter.

(b) *Calculations-measurement standards.* The following principals shall control the computation of sign area and sign height:

(1) Computation of the area of individual signs. The sign area shall be determined by computing the area of the smallest square, rectangle, circle and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, sign area).

(2) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where otherwise provided herein for temporary signs in residential districts.

(3) Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

(4) Computation of Wall Signs. Unless specifically stated elsewhere within this ordinance, the maximum amount of sign area for wall signs shall be one-third (1/3) of the square footage of the front facade of the building as defined in this ordinance.

(c) *Design, construction and maintenance of signs.* All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) General provisions. All signs shall comply with applicable provisions of the adopted building codes and the state electrical code. Except for banners, flags, pennants, temporary signs and window signs allowed hereunder, all signs shall be constructed of permanent materials that are permanently attached to the ground or a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes.

(2) Spacing. All permanent freestanding signs on any premises shall be spaced at minimum 200-foot intervals along each public way that views

the premises, unless otherwise provided for by this chapter.

(3) Sight distance triangle. All entrance signs and freestanding signs located near the corners of an intersection, shall be located outside of the sight distance triangle. Such triangle shall be measured at a distance of 25 feet, or meet AASHTO standards (whichever is greater), running parallel along each leg of the road or driveway pavement surfaces and connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.

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

a. A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.

b. Internal illumination shall provide steady, stationary lighting through translucent materials.

c. If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.

d. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.

(5) Setback. All permanent signs shall be set back at least five feet from the street right-of-way, unless in a sight distance triangle or otherwise specified by this article. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

(6) Design. The various parts of a sign shall be compatible in design quality. Signs shall not be in the shape of a commercial sponsor name or

motif (e.g., soda bottles, hamburgers, boot, etc.) The following materials are considered to be appropriate (but not mandatory) for sign backgrounds, frames, supports, and ornamentation: brick; natural stone, stained split face block, and wood, and metal panels when used in combination with brick, split-face block, or stone;

(7) Landscaping. Landscaping islands or landscaping strips shall be used in conjunction with all freestanding permanent signs, and may utilize shrubs and plants or decorative features such as concrete bases or planter boxes that do not contain copy. Landscaping shall be located to prevent automobiles from hitting the sign structure and to improve the overall visual appearance of the structure. Landscaping shall be maintained throughout the life of the sign.

Sec. 14-2905. Prohibited signs.

Except as may be authorized by this article, the following signs shall be prohibited in all zoning districts, and may neither be erected nor maintained.

- (a) Banners, pennants, festoons, and balloons, except for those otherwise provided for in this article.
- (b) Swinging signs.
- ~~(c) Snipe signs.~~
- (d) Animated signs of any type, other than those displaying time and temperature only or operated by a governmental entity.
- (e) Any sign erected in a public right-of-way, except for signs with non-commercial messages posted in the right of way by or on behalf of a governmental entity.
- (f) Abandoned or dilapidated signs.
- (g) Projecting signs extending more than 12 inches from the surface of the structure, including the roof line, or extending beyond the property line, unless specifically permitted by provisions herein.
- (h) Roof signs.
- (i) Portable signs.
- (j) Inflatable signs.
- (k) Any internally illuminated sign, unless allowed within a commercial district.

- (l) Any commercial sign located in a residential district not otherwise provided for in this article.
- (m) Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
- (n) Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority. To those ends, no sign shall use the words, "slow", "stop", "caution", "yield", "danger", "warning" or "go" in a manner that misleads, confuses or distracts a vehicle driver.
- (o) Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
- (p) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- (q) Any other sign not specified in this chapter which is not a lawful nonconforming sign.
- (r) Reader Board display signs as defined herein, except as provided for in the Intermediate Business (TB), Planned Commercial District (PCB), Light Industrial (LI), Airpark Light Industrial (ALI), Heavy Industrial (HI), and in the Tourist Accommodation (TA) District.
- (s) Signs posted on elevated walkways in the City.
- (t) Marquee signs.

Sec. 14-2906. Allowable signs by zoning district.

All signs designated in this section shall conform to the standards established herein, in addition to those applicable standards set forth elsewhere in this chapter.

- (a) Signs allowed in all zoning districts. The signs listed below are allowed in all zoning districts, provided that such signs are on private property unless otherwise provided; that such signs are maintained in a manner that does not create a safety hazard; and that the specific restrictions set forth for each type of sign listed below shall apply wherever such a sign is erected, displayed or maintained.

- (1) An official sign or notice issued or required to be displayed on private property by any court, governmental entity, or public office, whether permanent or temporary.
- (2) Traffic and directional, warning or information signs authorized by a governmental entity, whether permanent or temporary.
- (3) A private street or road name sign located at an intersection that does not exceed two square feet per face and does not advertise any commercial name, message or logo.
- (4) Incidental signs not exceeding two square feet in area per face. Such signs proclaiming "no trespassing", "no hunting", "no parking", "entrance", "exit", "loading only", "phone", "ATM" and the like shall be considered incidental to the use of property.
- (5) Temporary window signs that do not exceed 25 percent of the area of the window or any glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes.
- (6) Permanent window signs, that do not exceed ten percent (10%) of the area of the window or any glass door to which they are attached. All window graphics signs shall be in conformance with all applicable safety and electrical codes.
- (7) Signs denoting a property as historic. Such signs shall be authorized by a recognized historical agency and shall not exceed three (3) square feet per face nor exceed six (6) feet in height. Such signs are not permitted in public right of ways.
- (8) Non-commercial flags/government flags/civic flags, limited to 60 square feet per face, displayed in a non-commercial manner; provided that planning commission approval shall be required for supporting flag poles erected on property zoned for commercial or service-institution uses and for flag poles exceeding 30 feet in height in any zoning district.
- (9) Decorative flags (non-commercial.) One decorative flag, whether temporary or permanent, may be displayed on any lot provided that it does not contain any commercial message, logo or symbol. No flag pole shall exceed 30 feet in height.
- (10) Building marker. Any permanent building marker, limited to four square feet of sign face and composed of materials compatible to the identified building.
- (11) Holiday/seasonal. Temporary signs or displays of a seasonal or holiday occasion may be displayed on any lot for periods of up to 60 days,

provided that they do not contain any commercial message or logo and do not create a sight visibility hazard.

(12) Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard. Where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the planning commission's review and approval.

(13) Real estate signs. Freestanding real estate signs may be erected for any property that is offered for sale, rent or lease. The area for such signs shall count toward the total allowable area for temporary signs on the property and shall comply with other applicable size and height restrictions for temporary signs. Open house notification may be incorporated within the maximum sign area of the real estate sign or on a separate sign, provided that if such notification is on a separate sign, it shall also count toward the allowable area for temporary signs on the property. The signs shall not be located within a public right-of-way and shall not create any sight visibility hazard.

(14) Athletic field signs (temporary). Such signs shall be limited to 60 square feet each; shall not be visible from a public road; shall be mounted to the interior athletic field fence in a safe and secure manner; and shall be erected at the beginning of the athletic season and removed within seven days of the final season game.

(15) Scoreboards associated with athletic fields.

(16) Temporary Signs permitted in the right-of-way by the Chief Building Official under the city council's current temporary sign policy.

(b) Signs permitted in residential districts (R-1, **RP-1**, **RD-1**, R-2, R-3 and MHP):

(1) Signs listed in Sec. 14-2906(a) herein.

(2) Permanent Multi-Family or Planned Residential Development Signs. Such signs shall be located at the primary entrance(s) to a development as identified on a final site development plan approved by the planning commission. The signs shall be located on private property and may be within any platted sign and/or landscape easement or within the common

open space and approved by the planning commission. Such signs shall be maintained by an established property owners' association.

Specifications : Sign area - 80 square feet per sign maximum per entrance, which may be divided among not more than two freestanding sign faces (no single sign face shall exceed 40 square feet); with a maximum placement at three entrances per development; sign height - six (6) feet, maximum; setback - ten (10) feet, minimum.

(3) Subdivision Temporary Development Sign. One such sign may be erected on-site for the purpose of advertising the development of a subdivision or planned residential development, and the sale of included lots. The sign may remain until sale of 80% of the subdivision lots is completed. No other temporary development signs shall be allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign.

Specifications: Sign area - 32 square feet per sign, maximum, one sign face, maximum; sign height - six (6) feet, maximum.

(4) Permanent planned residential development informational sign. One such sign may be erected by the homeowners' association for the purpose of displaying information regarding the association. The sign shall be located on dedicated common open space or private property only and maintained by a private homeowners' association.

Specifications: Sign area - 20 square feet, maximum, which may be divided by two sign faces; sign height - six feet, maximum.

(5) Bed and breakfast sign. One permanent identification sign may be erected at the entrance to a permitted bed and breakfast lodge for the purpose of identifying the use. The sign shall be compatible in design with the historic elements of the site and shall not be internally or externally illuminated.

Specifications: Sign area - Eight square feet total, to be contained on a maximum of two sign faces, no one sign face containing more than four square feet; sign height - six feet, maximum.

(6) Residential personal identification signs. One personal identification sign per residence not to exceed two square feet shall be allowed; except that

residential tracts of ten acres or more shall be allowed two such sign faces not to exceed 10 square feet per face.

(7) Signs for community facilities located in residential districts shall conform to the provisions applicable to the Permanent Residential Subdivision Signs, provided for in (2) above.

(8) Retail or office uses located inside multiple family residential buildings may display one identification wall sign on the exterior of the home/building.

Specifications: Maximum sign face area, four (4) square feet, to be contained on a maximum of one sign face per lot per street, and may extend no more than 1 foot from the building. No illumination is to be used on said signs.

(9) A home occupation shall be limited to one wall mounted sign, mounted flat against the structure.

Specifications: Maximum sign face area, two (2) square feet. No illumination, flash, glimmer, flutter, or movement by electronic, wind or other means on said signs.

(10) Temporary Signs. In addition to the other signs identified in this subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time. This category includes, but is not limited to: real estate signs; political preference signs; garage sale signs; non-commercial baby announcements; lost pet signs; social/special event announcements; or any other non-commercial messages. Any such signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications.. Sign area for lots of five acres or less - 20 square feet, maximum, which may be divided into a maximum of ~~three (3)~~ **five (5)** signs, provided that no single sign may exceed eight (8) square feet in area. Sign area for lots exceeding five acres - 32 square feet, maximum, which may be contained on one sign or multiple signs not to exceed ~~five~~ **ten (10)**; sign height for all lots - six (6)feet, maximum. Where a temporary sign contains two back-to-back sign faces, the sign area shall be computed using only one of the sign faces.

(c) Signs allowed in Office, Medical Professional-Restricted (OMP-R), Office Medical and Professional (OMP), Local Business (LB) Districts, and Central Business District (CB):

(1) Signs listed in Section 14-2906(a) herein.

(2) Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).

(3) In addition to those listed above, all Professional Offices, Medical and/or Commercial Uses are allowed one (1) permanent freestanding monument sign with a sign face not to exceed forty (40) square feet for each sign face with a maximum of two sign faces. The maximum height for the freestanding sign is six (6) feet.

(4) All residential property in these districts may post temporary signs in the size and number as is provided in Section 14-2906(b)(10) above.

(5) All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right of way, as follows: Temporary freestanding signs shall be limited to two per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, real estate signs, and social/special event announcements. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

(6) Wall signs. All professional offices, medical and/or commercial uses may post wall signs, mounted in a flat fashion, which are limited to ten percent (10%) of the building elevation at which they are installed, and

which may be illuminated but which may not be animated or include a reader board.

Specifications: Sign area - Total sign area is limited to 40 square feet, using a maximum of three wall signs. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

~~(7) Gasoline trade signs, if a permitted use. Petroleum product pumps and dispensers that are within view of a public way shall be allowed to display only that information required by law on gasoline trade signs, along with the brand name and type of product being dispensed. No other advertising shall be displayed on the pumps, temporary or permanent.~~

(a). Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

(b). Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

~~(c). Gasoline pump identification signs. For the purpose of identifying the brand of gasoline, each pump facade shall be allowed one sign not to exceed two square feet mounted on the pump facade.~~

(8) Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curbside service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
- b. Restaurants providing drive-through but not curbside service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size.
- c. Restaurants providing curbside service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

(9) In lieu of a permanent freestanding monument sign, a property in the Central Business District may display one projecting sign, per front facade, not to project more than 3 feet, 6 inches from the building.

Specifications: Sign Area- Maximum of six (6) square feet per sign face, with a two sign faces, two face maximum. Bottom of sign shall be no less than 7 feet, 6 inches above the sidewalk.

(10) In Central Business District only, one (1) Sandwich Board sign per front facade.

Specifications: Sign Area- Maximum of six (6) square feet per sign face, with a two face maximum, and a maximum width of thirty (30) inches. Maximum height of 4 (four) feet. There shall be a minimum distance of five (5) feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.

(d) Signs allowed in Intermediate Business District (IBD), Planned Commercial District (PCD), Light Industrial (LI), Airport Light Industrial (ALI), and Heavy Industrial Districts (HID), for land uses permitted in the particular zoning district.

(1) Signs listed in Section 14-2906(a) herein.

(2) Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).

(3) Signs listed in Section 14-2906(c)(4), (7), and (8).

(4) In addition to those listed above, the following freestanding signs are allowed in these zoning districts:

(A) One (1) permanent freestanding Development Complex Sign at each primary entrance to a Development Complex (maximum of (3) entrances), and shall be located upon private property or within the common open space. Each sign face shall not exceed forty (40) square feet, with a maximum of two sign faces. The maximum height for the freestanding sign is six (6) feet. The sign shall be maintained by a private owner or entity.

No permanent freestanding development complex sign is allowed if a "shopping center sign" as provided below exists and is approved by the Building Inspections Department.

(B) Professional Offices, Medical, Commercial (other than shopping centers) and Industrial Uses are allowed one freestanding sign on each parcel.

Specifications. The sign face is not to exceed one (1) square foot per linear street frontage for the first 100 linear feet of street frontage, plus one (1) square foot of sign area for each 10 linear feet over 100 feet of frontage, not to exceed 200 square feet in area per sign face, with a maximum of two sign faces, back to back. Maximum height no greater than ~~fifteen (15)~~ **twenty (20)** feet.

(C) Shopping Centers as defined herein are allowed to erect one of the following freestanding permanent sign arrangements (provided that no development complex sign exists or is approved by the Building Inspections Department):

1.(a) One permanent freestanding sign within the development which must be identified on the site development plan or subdivision plat. The sign shall be located on private property or within the common open space as approved by the Planning Commission. The size of the shopping center sign per sign face shall not exceed one (1) square foot

of area per linear street frontage; and no such sign shall exceed 300 square feet per sign face. The maximum height of the sign, above grade, shall not exceed 25 feet. The minimum height clearance, from ground level to the bottom edge of the sign face, for the sign is 10 feet; and

(b) Each parcel, out-parcel, leased property, or lot which is created as part of the shopping center, as shown on the subdivision plat or site development plan, shall be allowed one monument sign. The maximum height of the sign shall be six (6) feet high. The maximum sign area per sign face is fifty (50) square feet. A reader board, as defined in this article, may be used on the out parcel monument sign, but it must be included in the 50 square foot maximum area sign face;

OR

2.(a) A Monument sign at each main entrance which must be identified on the site development plan or subdivision plat. The total sign area per sign face for each monument sign at each main entrance is fifty (50) square feet. The maximum height for any monument sign is six (6) feet; and

(b) Each parcel, out-parcel, leased property, or lot that is created as a part of the shopping center, as shown on a site development plan and/or subdivision plat, shall be allowed one (1) monument sign. The maximum height for the monument sign is six (6) feet. The maximum sign area per sign face is fifty (50) square feet. A reader board, as defined in this article, may be used on the out parcel monument sign, but it must be included in the 50 square foot maximum area sign face.

(c). A reader board must meet the following requirements for display in these zoning districts:

1. They shall be permissible only in monument signs which are permissible in these zoning districts.
2. The electronically activated message section shall be located within the lower one-third of the sign area.
3. The electronically activated message section shall not exceed 30

percent of the permitted sign area.

4. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message shall not change more frequently than once every thirty (30) seconds.
5. The area surrounding the sign base shall be landscaped with appropriate planting materials.
6. Reader Boards may use red, yellow, amber or white lights only. All other colors shall be prohibited.
7. Reader Boards shall not be located any closer than 50 feet from any intersecting right-of-ways.
8. All monument sign structures including reader boards must be approved by the building codes official prior to construction.

(D) Directory signs. Such signs shall be located at driveway intersections within a development, and shall be limited to one freestanding sign per driveway entrance from a public street. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the planning commission prior to construction.

Specifications: Sign area 16 square feet, maximum; sign height - six (6) feet, maximum.

(E). Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to ~~two~~ **five** per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six(6) feet, maximum. When a temporary sign contains two back to back sign faces, the

sign area shall be computed using only one of the sign faces.

(F) Wall signs. Wall signs shall be mounted in a flat fashion, shall be limited to ten percent of the building elevation at which they are installed. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

1. One-story nonresidential building or multistory nonresidential building with single tenant. The primary entrance to the enclosed space shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of front facade space used in the building, maximum, provided that no single sign shall exceed 60 square feet with a total signage limitation of three signs and 180 square feet per business.

2. Multistory nonresidential building with multiple tenants.

Specifications: Sign area - Total sign area is limited to 40 square feet, using a maximum of three wall signs.

3. Retail or service use/individual principal entrance. The primary entrance to the occupied space shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of front facade space for the building, maximum, provided that no single sign shall exceed 90 square feet, with a total signage limitation of three signs and 270 square feet per business.

4. Retail or service use/common principal entrance. Each business, of a retail or service nature, sharing a common entrance shall be allowed to have at least one wall sign.

Specifications.. Sign area - 20 square feet per sign, maximum.

(G) Commercial flags/non-governmental flags. Non-governmental flags are considered signs subject to the provisions of this section, as applied to freestanding signs. The total area of the flag shall be doubled (considering both flag faces and height) and this amount deducted against the allowable freestanding sign area for the site. A flag and a freestanding sign combination is permissible only in those circumstances where the total area

of both the flag (doubled) and the freestanding sign do not exceed the total allowable area for freestanding signs on the site.

Specifications: Sign area - No flag shall exceed 24 square feet per face; flag pole height - 30 feet, maximum.

(e) Signs Allowed in Tourist Accommodation (TA) District

(1) Signs listed in Section 14-2906(a) herein.

(2) Each lot which meets or exceeds the minimum requirements of the Zoning District may erect two freestanding permanent signs, as follows:

A. One designated "Highway Identification Sign" which shall be placed so as to display towards the major highway (Interstate 81). This primary sign has a maximum height of **one hundred twenty –five (125) ~~seventy-five (75)~~** feet and a maximum sign face area of 400 square feet per sign face with a maximum of two sign faces. A reader board, as defined in this article, may be used on the primary sign, but it must be included in the 400 square foot maximum area sign face.

B. One secondary which shall be placed so as to display towards an arterial or collector street. The secondary sign has a maximum height of twenty-five (25) feet, and a maximum sign face area of one (1) square foot per one (1) linear foot of road frontage with a maximum sign face area of one hundred (100) square feet per sign face, with a maximum of two sign faces. A reader board, as defined in this article, may be used on the secondary sign, but it must be included in the 100 square foot maximum area sign face.

C. A reader board must meet the following requirements for display in this zoning district:

1. The electronically activated message section shall be located within the lower one-third of the sign area.
2. The electronically activated message section shall not exceed 30 percent of the permitted sign area.
3. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message shall not change more frequently than once every thirty (30) seconds.

4. The area surrounding the sign base shall be landscaped with appropriate planting materials.
5. Reader Boards may use red, yellow, amber, or white lights only. All other colors shall be prohibited.
6. Reader Boards shall not be located any closer than 50 feet from any intersecting right-of-ways.
7. All sign structures including reader boards must be approved by the building codes official prior to construction.

3. One wall sign, mounted in a flat fashion and not to exceed ten percent (10%) of building elevation at which it is installed, may be located on the surface of any building.

~~4. Gasoline trade signs. Petroleum product pumps and dispensers that are within view of a public way shall be allowed to display only that information required by law on gasoline trade signs, along with the brand name and type of product being dispensed.~~

A. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

B. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

~~C. Gasoline pump identification signs. For the purpose of identifying the brand of gasoline, each pump facade shall be allowed one sign not~~

~~to exceed two square feet mounted on the pump facade.~~

(5) Menu Boards, as defined herein, may be used in conjunction with a restaurant providing drive-through or curbside service, provided that:

- A. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site;
- B. Restaurants providing drive-through but not curbside service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size; and
- C. Restaurants providing curbside service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

(6). Temporary freestanding signs shall be limited to ~~two~~ **five** per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six(6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

Sec. 14-2907. Administration and enforcement.

(a) Regulatory enforcement. The sign administrator and/or his designees are hereby authorized and directed to enforce all of the provisions of this article. This authority empowers such individuals to perform any necessary inspections, including entering upon private property, and to issue related citations for the enforcement of this article.

(1) Violation notice. The sign administrator shall order the removal of any sign erected or maintained in violation of this article upon private property, providing ten days' written notice to the owner of the premises upon which the offending permanent sign is located to achieve compliance with provisions of this article. If, after ten days, the property owner has failed to achieve compliance with this article, a citation to municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within ten days of notice of violation, the sign administrator may extend the time period for compliance with this article to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on two or more occasions, a citation may be issued without prior written notice.

(2) Impoundment/disposal of signs without warning. The sign administrator, the municipal codes officer and their designees shall have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features. Such signs shall be considered litter and shall be subject to disposal.

(3) Duration of violation. Each day that a violation of this ordinance remains shall constitute a separate violation of this ordinance for purposes of the Court's assessment of fines or penalties.

(b) In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

(c) If any section, subsection, 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, subsection, clause, provision or portion of this ordinance. It is the specific intention of the City that each provision in this ordinance stand or fall on its own, and not rely upon the effectiveness of other provisions in the ordinance.

This ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Morristown, requiring it.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY
OF MORRISTOWN, TENNESSEE, this the day of , 2010.
