

ORDINANCE 86-22

AN ORDINANCE TO REGULATE STREET GRAPHICS WITHIN THE
CORPORATE LIMITS OF THE TOWN OF SPRING HILL;
TO REPEAL ORDINANCE 85-21 AND TO AMEND TITLE 11 OF THE
SPRING HILL MUNICIPAL CODE ACCORDINGLY

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF
THE TOWN OF SPRING HILL, TENNESSEE:

SECTION ONE: STATEMENT OF PURPOSE

The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of street graphics, and thereby to facilitate an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this ordinance to authorize the use of street graphics which are:

- (1) compatible with their surroundings;
- (2) appropriate to the type of activity to which they pertain;
- (3) expressive of the identity of individual proprietors of the community as a whole;
- (4) legible in the circumstances in which they are seen.

SECTION TWO: All of the terms and provisions, of the draft ordinance revised as of April 10, 1986, a copy of which is attached hereto as Exhibit 1 to this ordinance, is hereby adopted in its entirety as an ordinance of the Town of Spring Hill.

SECTION THREE: TITLE ELEVEN of the Spring Hill Municipal Code is hereby amended by the adoption of all of the above provisions of the April 10, 1986 draft ordinance revision as Chapter 2 thereof with the heading, : "CONTROL OF STREET GRAPHICS".

SECTION FOUR: That Ordinance 85-21 is hereby repealed.

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN
OF THE TOWN OF SPRING HILL, TENNESSEE, on this the 22 day of
April, 1986.

George E. Jones
GEORGE JONES, MAYOR

ATTEST:

June Quirk
JUNE QUIRK, CITY RECORDER

LEGAL FORM APPROVED:

Robin Courtney
ROBIN COURTNEY - TOWN ATTORNEY

Passed on 1st reading: 4-14-86

Passed on 2nd reading: 4-21-86

Passed on 3rd reading: 4-22-86

March 19, 1986
Rev. April 7, 1986
Rev. April 10, 1986

DRAFT ORDINANCE
STREET GRAPHICS
SPRING HILL, TENNESSEE

1.1 , Street Graphics

For the purpose of this title, a "street graphic" is any letter, symbol, number, or combination of these which can be seen from the right-of-way of any public street. "Street graphics" include signs, other than public information signs, but do not include buildings.

1.2 Administration

1.2(1) Permits. No street graphics or temporary graphics may be erected without a sign permit. With each permit, the Building Inspector shall issue one label or sticker bearing the same number as the permit with which it is issued. The label or sticker shall be permanently placed on the exterior surface of the sign in a location where the information will be readily visible, legible and accessible for inspection after installation and erection.

(a) Temporary graphics. The Building Inspector is hereby authorized to grant or deny sign permits for all temporary graphics in

accordance with the provisions of this code regulating said temporary graphics.

(b) Permanent street graphics. The Building Inspector is hereby authorized to grant or deny sign permits for all permanent street graphics in accordance with the provisions of this code regulating said permanent street graphics, and in accordance with the following procedures:

(1) Application for the sign permit shall be made to the Building Inspector and shall include such information and drawings as required by the Planning Commission.

(2) The Building Inspector shall present the application to the Planning Commission, which shall take one of the following actions:

1. Approval of sign as submitted.
2. Approval of sign with modifications.
3. Disapproval of sign.

(3) Upon favorable approval by the Planning Commission, or upon compliance with modifications required by the Commission, the Building Inspector shall issue a Sign Permit.

- 1.2(2) Penalties. Any person who violates this subtitle shall be guilty of a misdemeanor, which, upon conviction, shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall be a separate offense.
- 1.2(3) Right of appeal. An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officers, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this code regulating said street graphics and temporary graphics. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds therefor. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give notice to the parties at interest, and decide the same within a reasonable time, which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.
- 1.2(4) Amortization.

- (a) All nonconforming street graphics must be removed, changed, or altered to conform to the provisions of this ordinance according to the following schedule:

<u>Original cost of graphic</u>	<u>Amortization period</u>
Less than \$500	6 months
\$500 to \$1,000	12 months
\$1,000 to \$3,000	24 months
\$3,000 to \$6,000	48 months
More than \$6,000	60 months

- (b) If more than one street graphic permitted for an activity is or becomes nonconforming, the original cost of all the street graphics so displaced shall be aggregated for purposes of determining the applicable amortization period.

- (c) A street graphic is or becomes "nonconforming" if it is not in conformance with the provisions of this ordinance on either of the following dates:

- (1) the date of original enactment; or
- (2) any date on which this ordinance is amended.

The amortization period shall begin to run on the date which the street graphic becomes nonconforming.

1.3 Other Definitions. For the purposes of this section the

following words shall have the meanings ascribed to them:

- 1.3(1) Abandoned sign. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.
- 1.3(2) Animated sign. Any sign which includes action or motion.
- 1.3(3) Banner. A sign having the characters, letters illustrations, or ornamentations applied to cloth, paper or fabric of any kind with only such material for a backing. "Banner" shall include any animated and/or fluttering devices designed to attract attention.
- 1.3(4) Billboard. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign, or a structure attached or detached from any building and bearing a sign which is not appurtenant to any business conducted on the property where the sign is located.
- 1.3(5) Building face or wall. All window and wall area of a building in one plane or elevation.
- 1.3(6) Building Inspector. The designated authority or officer charged with the administration and

- enforcement of this code, or his duly authorized representative.
- 1.3(7) Changeable copy sign (manual). A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.
- 1.3(8) District. As defined under the zoning ordinance and zoning district map.
- 1.3(9) Erected. This term shall mean attached, altered, built, constructed, reconstructed, enlarged, or moved.
- 1.3(10) Face of sign. The entire area of sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.
- 1.3(11) Flashing sign. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs or electronically controlled message centers are classed as "flashing signs."
- 1.3(12) Ground level. Immediate surrounding grade.
- 1.3(13) Height of sign. The vertical distance measured from the ground level to the highest point of sign.

1.3(14) An item of information means any of the following: a word, an abbreviation, a number, a symbol, or a geometric shape. In addition, graphics combining several different geometric or non-geometric shapes or shapes of unusual configuration are to be assessed one additional item for each noncontinuous plane.

In computing items of information, the following lettering is not to be included:

- (a) Lettering less than three (3) inches in height, if it is contained in a wall graphic and located more than thirty (30) feet from a public street right-of-way;
- (b) Individual letters less than nineteen (19) inches in height carved into or securely attached in such a way that they are an architectural detail of a building, provided they are not illuminated apart from the building, are not made of reflecting material, do not contrast sharply in color with the building, and do not exceed one (1) inch in thickness.

1.4 General Requirements

1.4(1) No permanent or temporary street graphic shall be erected until a permit has been obtained from the building inspector.

- 1.4(2) If street graphics are not kept in good repair, in the opinion of the Building Inspector, the graphic permit may be revoked and such graphics removed by the city at the expense of the owner or operator.
- 1.4(3) No graphic shall resemble or approximate the size, shape, form, or color of any official traffic control signs, signals, or devices.
- 1.4(4) No graphic shall be so placed as to obstruct or interfere with the visibility or effectiveness of any official traffic control sign or signal, or with driver vision at any access point or intersection.
- 1.4(5) No graphic shall contain, include, or be composed of any animated or moving part or parts.
- 1.4(6) No graphic shall contain, include or be illuminated by any flashing light or lights.
- 1.4(7) Floodlights, spotlights, or other illuminating devices shall be positioned so that none of the light shines onto an adjoining property or in the eyes of motorists.
- 1.4(8) No graphic shall be painted or attached to any fence posts, trees, rocks, utility poles, or similar structures and objects.
- 1.4(9) No billboards are allowed in any district.

1.4(10) If any district is omitted from this section or if a new district is created after the enactment of provisions of Chapters ___ through ___ of this title, no signs shall be permitted therein until Chapters ___ through ___ of this title are amended to include the new district.

1.5 Street graphics permitted in all districts.

The following street graphics are permitted in all districts upon approval by the Building Inspector:

1.5(1) Signs of duly constituted governmental bodies, including warnings at crossroads.

1.5(2) Flags or emblems of political, civic, philanthropic, educational, or religious organizations.

1.5(3) Temporary graphics, totaling not over two (2) square feet of surface area on any lot, pertaining to drives or events of political, civic, philanthropic, educational, or religious organizations, provided that such surface area may exceed two (2) square feet for a single period of not more than seven (7) days in any quarter calendar year.

1.5(4) Temporary graphics, totaling not over four (4) square feet of surface area on any lot, pertaining to auctions, sales, open house events,

or other temporary events conducted by private, non-commercial individuals or their representatives, subject to the following requirements:

- (a) All such graphics must be displayed on private property except as provided in paragraph (g) of this subsection;
- (b) Such graphics shall not exceed four (4) square feet in area in all districts;
- (c) Such graphics shall not be counted as items of information in any commercial, office or industrial district;
- (d) Such graphics may be placed no less than fifteen (15) feet from the nearest edge of pavement, and no less than fifty (50) feet from the nearest intersection, except as provided in paragraph (g) of this subsection.
- (e) Such graphics may be displayed on the day of the event and forty-eight (48) hours prior to the event for which they are intended, and shall be removed within twenty-four (24) hours after the event is over;
- (f) Any such graphics which, in the opinion of the chief of police, constitute a traffic hazard or are detrimental to the general safety of the public must be removed by the owner at the request of the chief of police.

(g) General directional signs for the event may be permitted in the public street right-of-way subject to the approval of the Building Inspector. The number of directional signs permitted for each qualifying event shall depend upon the needs of the traveling public as determined by the Building Inspector, but shall not exceed six (6) for any event. All other requirements of this subsection shall apply to general directional signs.

1.5(5) Temporary banners and portable signs, pertaining to special events of civic, philanthropic, or educational organizations, by special permit, subject to the following:

(a) Such graphics shall be of size and location as determined reasonable and appropriate by the Building Inspector;

(b) Such graphics may be displayed for a period not to exceed fourteen (14) days;

(c) Any portable signs which use electrical service shall be inspected by the Building Inspector prior to operation.

1.5(6) Memorial plaques, cornerstones, historical tablets, and the like.

1.5(7) Signs required by law or governmental order, rule,

- or regulation, unless specifically prohibited, limited or restricted.
- 1.5(8) Small unilluminated graphics, not exceeding one and one half ($1\frac{1}{2}$) square feet in surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and the like.
- 1.5(9) Displays, including lighting, erected in connection with the observance of holidays. Such displays may be erected no more than thirty (30) days prior to the holiday and must be removed within ten (10) days following the holiday.
- 1.5(10) Address graphics, not more than one for each street frontage or each principal use on a lot and not exceeding seventy-two (72) square inches in surface area.
- 1.5(11) One graphic of not more than four (4) square feet pertaining to the sale, lease, hire, or rental of the property on which the graphic is displayed; provided, that if said property faces more than one street, one graphic shall be allowed on each frontage. Each such graphic shall be located not nearer than ten (10) feet to an adjoining premise, and not nearer than five (5) feet to a street right-of-way.

1.5(12) One temporary graphic not to exceed twenty-four (24) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period, subject to the following:

(a) All contractors', engineers', and/or architects' signs must be consolidated onto one graphic. The area of the consolidated graphic shall be figured at four (4) square feet per contractor, engineer or architect, not to exceed twenty-four (24) square feet, and no more than six (6) feet in height.

(b) Graphics permanently attached to temporary modular construction units are allowed, provided the unit is in use on the construction site.

1.5(13) Street graphics pertaining to political campaigns, subject to the following;

(a) All such graphics must be displayed on private property;

(b) Such graphics shall not exceed six (6) square feet in area in all residential districts or twenty (20) square feet in area in all other zoning districts;

- (c) Such graphics shall not be counted as items of information in any commercial, office, or industrial district;
- (d) Such graphics may be placed no less than fifteen (15) feet from the nearest edge of pavement, and no less than fifty (50) feet from the nearest intersection;
- (e) Such graphics may be displayed on election day and thirty (30) days prior to the election for which they are intended, and shall be removed within twenty-four (24) hours after local polling places are closed;
- (f) Any such graphics which, in the opinion of the chief of police, constitute a traffic hazard, or are detrimental to the general safety of the public must be removed by the owner at the request of the chief of police.

1.5(14) Graphics on vehicles, subject to the following:

- (a) Such graphics must be painted or otherwise affixed flat onto the surface of the vehicle; graphics which project outward or upward from any part of the vehicle are not allowed;
- (b) Such graphics shall not exceed four (4) square feet in area on each side of the vehicle;
- (c) The primary use of such vehicles shall be in

the normal operation of the business, and not in advertising of identifying the business premises.

- (d) Such vehicles must be parked in a designated parking space, but shall not be parked in the public right-of-way.

1.6 Street graphics permitted in residential districts.

The following street graphics are allowed in residential districts.

- 1.6(1) Charitable, educational, or religious institutions located in any residential zoning district may display street graphics totaling not more than five (5) items of information and twenty (20) square feet in area and six (6) feet in height to each public street to which they have access. However, if the name of the institution contains more than five (5) items of information, the name may be displayed once to each street frontage, provided no other graphic is displayed to that frontage.

- 1.6(2) Residential subdivision and multi-family residential development entrance graphics.

- (a) Any residential subdivision consisting of twenty-five (25) or more lots, and any multi-family residential development consisting of twelve (12) or more dwelling units may display one permanent

graphic identifying the subdivision or multi-family development at the major vehicular entrance to the subdivision or development.

(b) Such graphic may not contain more than seven (7) items of information.

(c) Such graphic may be displayed on an entrance wall, fence, or other similar structure utilized to delineate the major entrance, or may be otherwise ground mounted, provided:

(1) Such graphic may not be attached to any building and may not be closer than one hundred (100) feet to any residential building;

(2) Such graphic may not exceed six (6) feet in height and twenty (20) square feet in area;

(3) Such graphic may not be permitted in any required yard;

1.6(3) Changeable copy graphics, approved by the planning commission, for schools and churches only.

1.7 Street graphics permitted in business and industrial districts.

1.7(1) Items of information allowed:

(a) Each land use is entitled to display street graphics totaling eight (8) items of

information on each public street to which it has access. However, if the name of the proprietor occupying the building and its premises contains more than eight (8) items of information, the name may be displayed once on each street frontage on any allowable street graphic, provided no other graphic is displayed on the building or its premises to that frontage.

- (b) Provided the eight (8) items of information allowance authorized by this section is not exceeded, street graphics may be displayed as ground graphics, wall or roof graphics, or projecting graphics, within the limitations and restrictions as further provided by this section.

1.7(2) Ground graphics:

- (a) Any land use may display one or more ground graphics not to exceed six (6) feet in height and forty (40) square feet in area, provided:
 - (1) the land use is accessible by automobile and has off-street parking on the premises; or
 - (2) the edge of the building or structure in which the use is conducted is set back at

least thirty-five (35) feet from the right-of-way of the adjacent street.

(b) Ground graphics are also subject to the following additional limitations;

(1) A ground graphic which is six (6) square feet or more in area may be displayed only on a lot having a street frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to any other ground graphic which is six (6) square feet or more in size;

(2) A use may not have both ground and projecting graphics;

(3) No ground graphic support shall be located closer than five (5) feet to any street right-of-way or property line.

1.7(3) Wall and roof graphics.

(a) Subject to the requirements of this section, any use or activity may display wall or roof graphics, or a combination of both. Wall graphics may be attached flat to or pinned away from the wall, and may not project from the wall by more than twelve (12) inches. For the purposes of this section, a "roof graphic" is a street graphic which is displayed above the eaves and under the

roof line, peak, or ridge, and an "above-roof graphic" is a street graphic which is displayed above the roof line, peak or ridge. Above-roof graphics are prohibited in all districts.

- (b) The total area of all wall and roof graphics on one building is thirty percent (30%) of the signable area of the building or structure which may be utilized for wall and roof graphics, not to exceed thirty-four (34) square feet in area. "Signable area" of the building for both wall and roof graphics means a square or rectangular area of the building facade up to the eave line which is free of windows and doors or major architectural detail. The person applying for the wall or roof graphics may determine the signable area by choosing one such square or rectangular area of the building facade below the height limits for wall and roof graphics established by paragraph (d) of this subsection, and by then calculating the number of square feet which are within said square or rectangular area.
- (c) In calculating the signable wall area of a building which may be used for wall and roof

graphics, the following provisions also apply:

(1) If the graphic is enclosed by a box or outline, the total area of the graphic, including the background, box, or outline is counted as part of the signable area.

If the graphic consists of individual letters, only the area of the letters is counted as part of the signable area.

(2) If individual letters or a box graphic is placed between window spandrels, the height of the letters or box may not exceed two-thirds ($2/3$) of the height of the spandrel;

(3) A graphic may not cover or interrupt major architectural features.

(d) Wall and roof graphics are subject to the following height limitations;

(1) Wall graphics placed in the space between windows may not exceed in height more than two-thirds ($2/3$) of the distance between the top of a window and the sill of the window above, or major architectural details related thereto;

(2) All or a portion of the signable area may be contained in a roof graphic: however,

the top of any roof graphic may not be higher than sixteen (16) feet above ground level.

- (3) Wall graphics may extend to the roof line if they are mounted to a vertical wall plane; however, wall graphics may not extend above the second story of any building.

1.7(4) Projecting graphics.

- (a) Any use may display one projecting graphic on each street frontage provided the graphic does not exceed twelve (12) square feet in area.

- (b) The following additional regulations also apply to projecting graphics;

- (1) Projecting graphics must clear sidewalks by at least eight (8) feet, or, if no sidewalks are present, the street grade at the right-of-way line; and may project no more than four (4) feet from the building; but in any case shall not project over any part of a public vehicular travelway;
- (2) Projecting graphics must be pinned away from the wall at least six (6) inches;
- (3) Projecting graphics must project from the

wall at right angles and are not permitted at the intersection of building corners, except at right angles to a building front;

(4) Projecting graphics may extend upward to the bottom of the eaves of a building;

(5) No projecting graphic may be displayed unless the building to which it is attached is twenty (20) feet or more in width, and no projecting graphic may be closer than fifty (50) feet to any other projecting graphic unless one of the projecting graphics consists solely of a symbol.

(6) A use may not have both projecting and ground graphics.

1.7(5) Special situations.

(a) Off-street parking. Street graphics may be displayed on the side or rear of a building adjacent to an off-street parking area if said parking area is forty (40) feet or more in width. The total area of the graphic shall be debited against the total signable wall area of the building. However, the side or rear of the building adjacent to the off-street

parking area may not be included when calculating the signable wall area allowable to wall graphics under this section.

(b) Multiple frontages. If a building has frontage on or access to two (2) or more public streets, each side of the building is to be separately considered for purposes of determining compliance with the provisions of this section. Area allowances for street graphics may be utilized only on the side of the building from which they are calculated.

(c) Commercial and industrial planned unit developments:

(1) In any commercial, office or industrial planned unit development which is twenty (20) acres or more in area, one (1) oversized ground graphic, not exceeding sixty (60) square feet in area, and no more than six (6) feet in height and displaying no more than five (5) items of information may be displayed for the purpose of identifying the entire development.

(2) Any commercial, office or industrial planned unit development which is less than twenty (20) acres in area, but which

contains an off-street parking area and no fewer than eight (8) separate business establishments shall be entitled to have one (1) ground graphic, not exceeding forty (40) square feet in area, not more than six (6) feet in height and not more than five (5) items of information for the purpose of identifying the entire development.

- (d) Awnings, canopies, and marquees are permitted; however, only individual cut-out letters and/or symbols may be attached to, painted, stenciled, or otherwise placed on these devices; all other types of graphic treatments are prohibited.

If lettering on an awning or canopy is more than three (3) inches high, it is debited against the total number of items of information allotted to that establishment. There is no limit on the number of items of information in changeable copy displayed on the marquees of motion picture theaters and other entertainment establishments. Awnings and canopies may extend to within one foot of the vertical plane of the street curb, or a line projected upward from the edge of the travelway if there is no curb.

- (e) Marquee type signs are permitted in retail shopping areas that were not constructed under the planned commercial development provisions of this code. Any such land use will be allowed one (1) ground graphic not to exceed eight (8) feet in height and fifty (50) square feet in area. Each tenant space on such ground graphic will be limited to five (5) square feet with the length not to exceed the height by more than forty (40) percent. The face of each space shall be permanent and shall not be changeable except by changing the sections assigned to each tenant.
- (f) Mechanical movement of street graphics. For the purpose of this section, "mechanical movement" refers to any street graphic that is animated or is physically revolved or moved in any direction. Mechanical movement of street graphics is permitted only for time-and-temperature devices. Wind blown devices such as pennants, spinners, and streamers are not permitted in any district.
- (g) Permanent window graphics may not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed. If the lettering of such display

is higher than three (3) inches, it is debited against the total items of information allotted to the establishment.

(h) Temporary window graphics may be displayed by all establishments provided that collectively they occupy no more than ten percent (10%) of the total area of the window in which they are displayed and are attached flat against interior window glass. In gasoline service stations, temporary graphics may be posted flat on pumps only, one facing each way on each pump, provided such graphics do not exceed four (4) square feet in size.

(i) Illumination.

(1) Color of light. All establishments may display different colored lights; however, the only color of light permitted for display within five hundred (500) feet of a residential district is white.

(2) Bare bulb illumination is prohibited.

(3) Flashing graphic. A flashing graphic is one which is intermittently on and off, animated, or on which the intensity of illumination varies. Such graphics are not permitted in any district.

(4) Flood lighting illumination. Graphics

illuminated by floodlight (or spotlight) must be positioned in such a manner that none of the light shines onto adjoining property or glares or shines into the eyes of motorists and pedestrians.

- (5) Indirect illumination. An indirectly illuminated graphic is one which is lighted by a source not seen directly, and is permitted to all establishments.
- (6) Internal-indirect illumination. A source of illumination entirely within the sign (generally a free standing letter) which makes the sign visible at night by means of lighting the background upon which the free standing character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of illumination shall not be visible. Such graphics are permitted to all establishments.
- (7) Internal illumination. An internally-illuminated graphic is one with a light source concealed or contained within the graphic itself, and which becomes visible in darkness by shining through a

translucent surface. Such wall or projecting graphics are permitted to all establishments. No ground graphic may be internally-illuminated. Internally illuminated graphics on vending machines, gas pumps, phone booths, or similar devices are permitted provided such graphics are an integral part of the device.

- (8) Neon tube illumination. A neon tube graphic is one with a light source supplied by a neon tube which is bent to form letters, symbols or other shapes. Such graphics are not permitted to any establishments.