

ORDINANCE NO. 888

**AN ORDINANCE TO AMEND THE ZONING CODE
OF THE CITY OF SWEETWATER, TENNESSEE BY
AMENDING SECTION 14-409 SIGNS,
BILLBOARDS, AND OTHER ADVERTISING
STRUCTURES**

WHEREAS, The Sweetwater Mayor and Board of Commissioners, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the “Zoning Code of Sweetwater, Tennessee”; and

WHEREAS, the Sweetwater Municipal Regional Planning Commission has forwarded its recommendation of approval to the Sweetwater City Commission regarding the amendment to the “Sweetwater Zoning Ordinance;”

NOW, THEREFORE, BE IT ORDAINED By the City Commission of the City of Sweetwater, Tennessee:

Section 1. That Section 14-409, Signs, billboards, and other advertising structures, shall be amended by deleting it in its entirety and replacing it with the following.

14-409. Signs, billboards, and other advertising structures. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are

1. Definitions:
 - a. Sign or other advertising device. Any display, graphic, image, device, structure, or structure extension to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting or other means that has as its primary function and intent, purpose, or effect the identification of an activity, event, product, or person, and the attraction or public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.
 - b. Sign Administrator. The City building official or his/her designated agent.
 - c. Sign, Advertisement. A sign that has as its primary function and intent, purpose, or effect, the attraction of public attention to or the promotion and marketing of, an activity, a facility, a product, a place, a business, or a service.

- d. Sign, Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.
- e. Sign, Banner, Pennant, Flags. Signs of lightweight fabric intended to convey a message or attract attention.
- f. Sign, Billboard. An off-premise advertisement sign intended for periodic message rotation and is often sold or leased as advertising space.
- g. Sign, Business. A sign that directs attention to a business or profession conducted on the premises.
- h. Sign, Canopy. A sign that is part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.
- i. Sign, Changeable Electronic Message Sign. An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed the message shall remain stationary.
- j. Sign, Directional. A sign located on public property as approved by the Board of Commissioners, which designates a definable area, business area, or community.
- k. Sign, Ground. A sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided provided that both sides cannot be seen simultaneously from any point.
- l. Sign, Identification. A sign intended primarily for the purpose of identifying the location and/or occupants of a site.
- m. Sign, Off-Premise. A sign promoting or advertising products, items, services, and/or activities available at a site other than that of the sign.
- n. Sign, On Premise. A sign promoting or advertising products, items, services, and/or activities available at the location of the sign.
- o. Sign, Pole. Pole signs are supported by a pole(s) and the actual sign does not contact the ground.
- p. Sign, Portable. Any sign that is not affixed to a building, structure, or the ground, usually mounted on wheels and not permanently erected.
- q. Sign, Projecting. A sign attached perpendicular to a building or the wall of a structure.

- r. Sign, Roof. A sign attached to and/or painted on or over a building or structure roof.
 - s. Sign, Sandwich. An advertising device which is ordinarily in the shape of an “A” or some variation thereof, on the ground, easily moveable, and which is usually two sided.
 - t. Sign, Seasonal. An advertising device which is to be used to advertise uses which are only in operation during seasonal months.
 - u. Sign, Special Event. A sign pertaining to a special event.
 - v. Sign, Suspended. A sign suspended from the underside of horizontal pane surface and is supported by such surface.
 - w. Sign, Temporary. A sign permitted as a temporary sign and all signs normally considered or designed to be used for limited duration, such as portable and moveable signs, signs painted or mounted on vehicles, real estate and development location promotion signs, special sales, yard sales, and other events. Such signs shall be allowed or permitted for no more than a thirty (30) day period, except that, such a permit may be renewed upon finding of good cause for two successive thirty (30) day periods. No temporary sign shall stand, however, for a period exceeding ninety (90) days.
 - x. Sign, Wall. Any sign that is attached to, painted on, or in some other way uses a wall or roof for support, except for projecting signs which are attached to a wall surface and extend perpendicularly there from.
 - y. Special Event. An activity or circumstance of a business or organization which is not part of its normal daily activities and occurs uninterrupted for a specified period of time not to exceed 10 days.
2. In any zoning district the following general regulations shall apply as well as the regulations in Chapter WWIII, “Signs and Outdoor Displays” of the Standard Building Code:
- a. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign that requires a permit under the provisions of this section.
 - b. No off-premise signs are permitted.
 - c. No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape, or color; it may obstruct, impair,

obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

- d. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in any residence district unless such sign is not visible from such property.
- e. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
- f. A billboard or ground sign may not be erected in excess of the following heights in the districts names below and must be at least three (3) feet from ground to the bottom of the sign:

C-1	25 feet
C-2	No ground signs or billboard permitted
C-3	32 feet
C-4	25 feet
C-5	60 feet at road level

A billboard or ground sign may not exceed the following square footage in the districts named below:

C-1	200 square feet
C-2	No ground signs or billboards permitted
C-3	500 square feet
C-4	200 square feet
C-5	1,200 square feet

- g. Billboards, ground signs, and other similar outdoor advertising devices may be erected no closer than one foot from the property line in the C-1, C-3, C-4, and C-5 zoning districts, provided however, such sign is not closer than twenty (20) feet from any street intersection nor closer than one hundred (100) feet from any residential district. Signage which is closer than twenty (20) feet from any street intersection must located five (5) feet from the front property line and five (5) feet from the side property line.
- h. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.

- i. Professional signs and signs from home occupations shall not exceed two (2) square feet in area.
 - j. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any other object within the right-of-way of any street. A temporary sign shall not be suspended across public streets or other public places.
3. In the A-1 General Agricultural district, the following regulations shall apply:
- a. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
 - b. Not more than two (2) non-illuminated signs not to exceed a total of thirty-two (32) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
 - c. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
 - d. Flashing or intermittent illumination is prohibited.
 - e. Billboards and other advertising structures are prohibited, except for those signs which are intended to direct the general public to areas designated by the planning commission as being of scenic beauty or historical interest. However, such directional signs shall not exceed sixty-four (64) square feet in area.
4. In the R-1 and R-2 residential districts, the following regulations shall apply:
- a. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
 - b. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.
 - c. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
 - d. Flashing or intermittent illumination is prohibited.
 - e. Billboards and other advertising structures are prohibited.

5. In the P-1 Professional and civic districts, the following regulations shall apply:
 - a. The same regulations apply to residential uses in the P-1 Professional and civic districts as applied in the residential district regulations outlined above.
 - b. Bulletin boards or identification signs, not exceeding twenty (20) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.
 - c. For other permitted principal uses, one business sign, not exceeding one (1) square foot of surface for each (1) lineal foot of lot adjoining a public street, will be permitted. Such sign shall be mounted on the main building and shall not extend above any portion of the roof of the building.
 - d. Flashing or intermittent illumination is prohibited.
 - e. Billboards and other advertising structures are prohibited.
 - f. Billboards and other advertising structures are prohibited.
6. In the commercial districts, the following regulations shall apply: Bulletin boards or identification signs, not exceeding thirty-two (32) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics. In the commercial districts which are also in the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the Historic Zoning Commission shall also apply.
7. In the historic zoning district, the following regulations shall apply:
 - a. 1. Advertising messages serve to promote business and therefore should be compatible with the business type or service being promoted.
 - b. Advertising of all kinds should be compatible with the style and historic period of the building, as well as the business.
 - c. Signs and other forms of advertising must relate to, rather than obscure, clutter or disrupt historical and architectural design features of the buildings or parts of buildings to which they are attached or applied.

- d. The installation of advertising materials must not physically or irreversibly alter or damage buildings or part of buildings.
- e. Advertising designs and techniques should reflect the rich diversity of style and the continuum of history seen in Sweetwater's streetscape. Originality, creativity, and diversification should be encouraged.
- f. While satisfying the legitimate needs of commerce, advertising should not clutter the streetscape nor interfere with the views of buildings or other signs.
- g. Portable signs, sample products, and services offered outside a building must not obstruct the safe and orderly passage of pedestrian and vehicular traffic.
- h. All advertising messages and signs must conform to Ordinance 888, of the Sweetwater Municipal Code, unless specified otherwise in the Standards and Guidelines of the Historic Zoning Commission.

A. SIZE, PLACEMENT, AND NUMBER OF SIGNS

1. The size and position of each sign must relate well to the size of the building and the scale of its individual features including but not necessarily limited to openings for windows and doors, wall panels, cornices and other ornaments, and columns and other support structures. Even though a proposed sign may be consistent with other size requirements in these Guidelines, the Commission reserves the right to deny approval of any sign which, in the judgment of a majority of the Commissioners in any duly convened meeting, is too large for the particular related building, building feature, or adjacent building.
2. The size and position of each sign must be appropriate for reasonable legibility (assuming normal visual acuity) relative to the position and / or movement of the intended viewer.
3. In business zones, building-mounted signs shall not exceed 1 square foot per lineal foot of store front. Free standing

signs shall not exceed 24 square feet. Projecting signs shall not project more than 4'-0" feet from face of building.

4. In residential zones, one sign not exceeding 8 square feet per face in area shall be permitted for each building in which a business or office is also located. If there is more than one business at any location, the total area per face for all signs or for a composite sign is not to exceed 10 square feet.
5. The lowest part of any projecting or freestanding sign can be no lower than 7'-6" above a walkway or 10'-0" feet above a driveway or alley. The highest part of any projecting sign can be no higher than the top of the highest opening in the wall on which the sign is to be mounted. The highest part of any sign can be no higher than the top of the highest opening on the ground floor of the related building, but in no case higher than 14'-0" feet.
6. A maximum of one sign shall be permitted in each display area, with the exception of a historical detailed painted side wall building sign. In no event will a sign be permitted to cover a total of more than 50% of any one display area on a building unless the display area is a display window, in which case no more than 25% of the window can be covered.
7. A maximum of two signs shall be permitted per primary public entrance. If more than two tenants use the same public entrance, a composite sign shall be permitted for proper listing and identification of the tenants or occupants.
8. The Historic Zoning Commission reserves the right to limit the total number of signs on any particular building as necessary consistent with the proper presentation of historic and architectural features.
9. Duplicated signs or signs with duplicated messages shall not be permitted unless needed for specific purposes such as the identification of more than one entrance, display window, or elevation of the same business or building, or to achieve balance on a single building elevation.

10. Free standing and projecting, or portable signs painted or decorated on two or more sides are not considered duplicates unless two faces are simultaneously visible from any one position of the viewer.
11. The cluttering of individual signs is to be discouraged. A single contiguous sign containing two or more distinctly different messages shall be considered as two or more signs. The Historic Zoning Commission reserves the right to limit the number of words used in any particular sign.
12. Portable signs must not obstruct the safe and orderly movement of pedestrian and vehicular traffic. Signs may be brought out at opening of business and must be taken in at close of business.
13. Obsolete signs shall be removed as soon as they become obsolete unless specifically designated by the Historic Zoning Commission as contributing to the character of the particular property or of the historic zone, in such case they shall be retained and preserved consistent with the corresponding guidelines.

B. LETTERING, ACCESSORIES, AND COLORS

1. Historic spelling, lettering, fonts, and wording must be consistent with the guidelines set forth by the Historic Zoning Commission.
2. The Historic Zoning Commission will not approve words that are misspelled for commercial purposes.
3. The Historic Zoning Commission will not approve words in any duly convened meeting, misrepresent the business, are misleading, or are offensive to significant numbers of people in the general population.
4. Sign accessories are considered parts of signs and must be approved by the Historic Zoning Commission.
5. Sign accessories may be included in the overall size of the sign for purposes of calculating the size of a sign, as well as

the visual impact of the sign on an adjacent structures and the surrounding neighborhood.

6. Any sign accessories symbolizing history must be consistent with the documented authentic history of Sweetwater.
7. Colors should be compatible with the period or style related to the building.
8. Florescent or day-glow paints and colors will not be approved for use in a historic zone.

C. MATERIALS, MOUNTING AND QUALITY

1. Materials selected for the construction of signs must be compatible with the building materials to which a sign is to be attached.
2. Sign construction materials exposed to public view must be visually consistent with the style and historic period of the related building.
3. The sign construction materials selected should also enhance both the purpose and the message of the particular business or service.
 - a. Compositional boards (MDF) are acceptable when completely covered with paint which substantially hides the identity of the material. No practical board will be allowed.
 - b. Decal letters which have the appearance of painted letters are permitted.
 - c. Exterior grade plywood is permitted, but for older buildings its edges must always be covered with framing material so as to hide the laminations.
 - d. Plastics may be approved when the use is compatible with the period and appearance of the building on which it is used.
 - e. Unpainted aluminum shall not be permitted.
 - f. Other materials such as, but not necessarily limited to, copper, brass, bronze, may be approved for use on buildings built during a period in which such materials were in common use or on buildings

showing dominant architectural features of the period in which such materials were in common use.

4. Materials must always be of sufficiently high quality to be durable for the anticipated life of the sign. The Historic Zoning Commission reserves the right to terminate approval of any deteriorating sign and require its removal.
5. A sign must always be erected in such a way that there is no danger of it falling under ordinary circumstances.
6. Consistent with requirements of safety, stability, and strength, flat signs and projecting signs must be attached to a building with a minimum number of fasteners inserted with the least amount of damage possible to building materials.
7. On masonry surfaces, all penetrating points of attachment must be in mortar joints. No drilling, chipping, hammering, or penetrating of bricks, terra cotta or stone shall be permitted.
8. The mounting of signs on ornamental architectural masonry, metal, or wood or on metal roofing materials shall not be permitted.
9. Mounting materials must not be subject to rust or corrosion, which may over time, damage or deface any part of the building. The Historic Zoning Commission reserves the right to terminate approval of any sign constructed of, or mounted with materials found to be damaging the building or staining or defacing the building. This includes, but is not necessarily limited to the destructive effects of the expansion of rusting iron imbedded in building materials.
10. All signs must be of professional quality. The Historic Zoning Commission reserves the right to rescind approval of any sign within 60 days of its installation, if in the judgment of the majority of the commissioners; the sign does not meet the acceptable professional standards of quality. This is not intended to discourage individual artwork and careful craftsmanship on the part of people who do not necessarily make a living building signs.

D. LIGHTING

1. In most locations in downtown Sweetwater signs are well lit by street lights and individual sign illumination is unnecessary and shall not be approved.
 2. External illumination may be approved when natural or street lighting does not provide sufficient light for reading a sign.
 3. Internally illuminated signs shall not be permitted even for modern building in the H-1 Zone.
 4. The effect of any sign illumination on adjacent or neighboring building must be carefully considered prior to approval by the Historic Zoning Commission.
8. In the M-1 Light Industrial and M-2 General Industrial districts, the following regulations shall apply:
- a. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
 - b. Flashing and intermittent illumination is prohibited.
 - c. Billboards and other outdoor advertising structures are permitted.
9. No sign shall be erected in the city unless a building sign permit is obtained as in the case of new construction, and the fee paid therefore. Each person erecting, replacing, expanding, or relocating a sign shall make application for a sign permit. A permit shall be required for each sign, except where specifically exempted in this ordinance. A sign permit shall be in addition to a building permit.
- a. Applicants for a sign permit shall submit a construction plan and a site plan with each application for a permit. The plans shall show the location of the proposed sign in relationship to property lines, right-of-way, flood hazard area and similar features, county tax map location, and specifications identifying the type and design of any sign.
 - b. For signs related to new buildings and uses which require site plan review by the planning commission, the sign site plan shall be included as part of the general site plan, but will not exempt the applicant from submitting sign construction plans to the building official prior to issuance of a sign permit.

- c. The sign administrator may issue permits for signs meeting the provisions of this ordinance and any city building and electrical codes in force, except that, the sign administrator shall not issue permits for signs within a public right-of-way, as set out in this ordinance.
- d. The sign administrator shall inspect, at any time he/she deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the city.
- e. Signs existing on the effective date of this amendment shall be issued a sign permit within three months of such date by the building inspector. Sign permits shall be displayed on the premises in a location that is easily visible to the building inspector.
- f. Every sign shall be constructed, maintained, and located in a manner that meets acceptable safety standards. The building official, using national, state or other recommended and documented standards shall determine safety compliance.

10. Approval. It shall be unlawful for any person to erect any sign requiring a permit without first complying with all the following requirements, unless hereafter accepted.

- a. Completion of the sign permit application.
- b. Site plan approval from the planning commission if part of a general site plan.
- c. Approval of the sign administrator.
- d. Issuance of a sign permit shall be kept on display on the premises.
- e. A sign permit shall become expired if erection is not commenced within one-hundred and eighty (180) days of issuance.

11. Fees. In order to recoup the administrative costs associated with the processing, approval and issuance of a sign permit and inspecting the signs permitted under this section, except for pole signs, a minimum fee in the amount of \$25.00 for each permit shall be paid to the City for each sign up to twenty-five (25) square feet in area and \$1.00 for each additional square foot for each permit issued.

a. Fees will be waived for Non-profit Civic Organizations.

12. If any application for a building permit to erect a sign does not fall within the standards and limitations set out herein, then and in that event the application must be reviewed by the board of zoning appeals as a special exception. (1982 Code, 11-409, as amended by Ord. # _____, Aug. 1982, and Ord. #610, March 1988).

Section 2. This ordinance shall be effective from and after its final passage, the public welfare requiring it.

Certified to the Sweetwater City Commission this the _____ day of _____ 2012 with approval recommended.

Planning Commission Secretary

Date

Passed on First Reading: _____

Public Notice Date: _____

Public Hearing: _____

Second and Final Reading: _____

APPROVED: _____
Mayor

City Recorder