

**ORDINANCE NO. P-20191113-2**

**AN ORDINANCE TO AMEND THE ZONING CODE OF THE TOWN OF  
CARTHAGE, TENNESSEE BY REPEALING AND REPLACING  
SECTION 11-605, TITLED “SIGNS AND SIMILAR ADVERTISING STRUCTURES”  
WITH AN ORDINANCE CORRECTING AND UPDATING CODE TO REFLECT  
CURRENTLY ACCEPTED SIGN REGULATIONS**

- WHEREAS**, the Official Zoning Code currently in use was adopted by Ordinance No. 261 on July 11, 1995, and amended by Ordinance No. 274 on December 5, 1996, and
- WHEREAS**, said Official Zoning Code includes Section 11-605, titled “Signs and Similar Advertising Structures,” and
- WHEREAS**, said Section 11-605 of the original Official Zoning Code was repealed and replaced by Ordinance # 415, which passed and was adopted on 12/4/2014, and
- WHEREAS**, said Section 11-605 of the Official Zoning Code, previously replaced by Ordinance # 415 was repealed and replaced by Ordinance # 434-2, which passed and was adopted on 11/3/2016, and
- WHEREAS**, a copy of Ordinance # 460, which was to amend portions of Section 11-605 of the previously replaced Official Zoning Code, is only discoverable as a digital Word document that appears to have undergone two (2) separate readings, as well as a Public Hearing, and was passed by the City Council on 6/7/18, however a copy signed by the Mayor and Recorder is not discoverable, and
- WHEREAS**, Ordinance # 415 fails to address signage regulation for all current zoning districts of the Town of Carthage, does not conform to signage regulation based on time, place and manner, and does not refrain from favoring commercial speech over noncommercial speech, and
- WHEREAS**, Ordinance # 434-2 contains duplicate regulations for the same zoning district, fails to address signage regulation for all zoning districts of the Town of Carthage, does not conform to signage regulation based on time, place and manner, and does not refrain from favoring commercial speech over noncommercial speech, and
- WHEREAS**, the current Section 11-605 of the Official Zoning Code, as replaced and amended by subsequent Ordinances, fails to address signage regulation for all current zoning districts of the Town of Carthage, does not conform to signage regulation based on time, place and manner, does not refrain from favoring commercial speech over noncommercial speech, distinguishes between on-premises and off-premises signs, and does not adequately reflect the future planning and long term vision of the Town of Carthage, thus warranting a correction and update of said Section 11-605, and
- WHEREAS**, the grant of power and the process for adoption of a municipal zoning ordinance is found in Tennessee Code Annotated 13-7-201 through 13-7-203, and
- WHEREAS**, the Carthage Municipal Planning Commission reviewed and recommended this Ordinance on 11/13/2019 to the Town of Carthage for consideration, and

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Carthage conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment(s) herein described;

**BE IT ENACTED** by the Board of Mayor and Alderman for the Town of Carthage, Tennessee as follows:

**Section 1.** Section 11-605 - SIGNS AND SIMILAR ADVERTISING STRUCTURES of the Official Zoning Code shall be deleted and replaced with the following:

**SECTION 11-605** **SIGN REGULATIONS**

The Board of Mayor and Aldermen finds that signs obstruct views, light, air and open space, distract motorists, displace alternative uses for land, may negatively affect property values and pose other problems that legitimately call for regulation.

This sign ordinance is adopted under the zoning authority of the Town of Carthage to:

- Encourage the effective use of signs as a means of communication in the Town;
- Improve the Town of Carthage’s appearance, economic development, and growth;
- To provide safety measures for local citizens regarding the placement of signs on public or private property;
- Minimize the adverse effect of signs on nearby public and private property; and
- Maximize the unique and visual character of the Town of Carthage through consistent and fair enforcement of these sign regulations.

These conditions are established as a reasonable and impartial method of regulating signs in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs are enumerated below:

**11-605.1** **Definitions**

For the purpose of Section 11-605 - Sign Regulations, the following definitions will be used. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

**Abandoned Sign:** Any sign erected in conjunction with a particular use when that use has been discontinued for a period of six (6) months or longer and where the sign and has not been adequately maintained, or a temporary sign for which the time period allowed for display has expired.

**Abutting:** to be adjacent; touch or join at the edge or border; to have a common boundary with.

**A-Frame Sign:** Also, see “Sidewalk Sign.”

**Animated Sign:** A sign depicting action, motion, light, or color changes through electrical or mechanical means.

**Awning Sign:** Lettering or copy located on the fall of an awning or canopy. The area occupied by the lettering or copy located on an awning or canopy will be considered the sign face area for the purpose of calculating allowed sign face area. See “Canopy Sign.”

**Balloon Sign:** A sign consisting of a bag made of lightweight material supported and/or inflated by helium, hot, or pressurized air, tethered in a fixed location, and is greater than fourteen (14) inches in diameter.

**Bandit Sign:** Also, see “Snipe Sign.”

**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags. The area occupied by the lettering or copy located on a banner sign will be considered the sign face area for the purpose of calculating allowed sign face area

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting Public Street or parking lot.

**Canopy Sign:** Also, see “Awning Sign.”

**Change Rate:** Also, see “Dwell Time.”

**Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs that are:

- **Electrically Activated:** Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or it may be from an external light source designed to reflect off the changeable component display. Also, see "Electronic Message Center.”
- **Manually Activated:** Changeable sign where the message copy or content can be changed manually.

**Channel Letter Sign:** A sign consisting of fabricated or formed three-dimensional letters or a logo, individually applied to a wall or to a monument sign, which may accommodate a light source. Also, see “Dimensional Letter Sign.”

**Collective Sign Face Area:** This means the collective total sign face area of all signs, as calculated by the criteria established in this ordinance, located on a single defined lot, property, parcel, or premises. This will include all conforming, nonconforming, legal and illegal signs, should such signs exist. Also, see “Standard Collective Sign Face Area.”

**Copy:** Also, see “Sign Face Area.”

**Dimensional Letter Sign:** Also, see “Channel Letter Sign.”

**Display Device:** CRT, flat-panel LCD, plasma, aerial imaging, projector, or other electronic devices that are at the end-point of a digital signage system, presenting the content.

**Dwell Time:** (a.k.a. change rate, hold time, and message duration) the period of time that a given sign copy must remain on the sign face before changing to a different copy. Also, see “Change Rate,” “Hold Time,” and “Message Rate.”

**Electronic Message Center or EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy by means of plasma display panels (PDPs), liquid crystal displays (LCDs), light-emitting diodes (LEDs), or cathode ray tubes (CRTs), incandescent lamps, flipper matrices, projectors, or other electronic devices that are at the end-point of a digital signage system presenting the content.

- **Static EMC:** An EMC that displays a single copy without change over an extended period of time or permanently.

**Flag:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

**Footcandle:** Unit of light density incident on a plane and measurable with an illuminance meter, a.k.a. light meter. It represents the amount of light received by 1 square foot of a surface located 1 foot from a point source of light equivalent to one candle in brightness or illumination.

**Freestanding Sign:** means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Front Façade:** Front façade 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 façade. 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 façade.

**Ground Sign:** Any sign supported by more than one structure or supports that are placed on, or anchored into the ground and that are independent from any building or other structure.

**Hold Time:** Also, see “Dwell Time.”

**Illuminated Sign:** A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within this sign, including but not

limited to neon and exposed lamp signs, or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

**Interior Sign:** A sign that is located within a building that is not intended to be seen from a faraway distance. These signs are also sometimes attached to a wall, window, or door inside a building. These signs are generally used to promote in-store events, such as sales, opening/closing times, and special promotions, to name a few.

**Lawn Sign:** Also, see “Yard Sign.”

**Light Trespass:** The poor control of outdoor lighting that crosses property lines and detracts from property values and quality of life.

**Lot:** For the purpose of Section 11-605 – Sign Regulations, of this ordinance, the term lot means a small tract, parcel, or single article of land defined within a zoning district of the City. The terms “property” or “premises” may be used synonymously.

**Marquee:** Any permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Marquee Sign:** Any sign painted, mounted, constructed, displayed, or attached in any manner on a marquee. The area occupied by the lettering or copy located on a marquee sign will be considered the sign face area for the purpose of calculating allowed sign face area

**Message Rate:** Also, see “Dwell Time.”

**Mobile Sign:** A portable sign mounted on or affixed to a trailer that is used solely for the transportation of the sign and is not designed to carry any other load shall be considered a mobile sign for the purpose of sign regulations.

**Monument Sign:** A freestanding sign that is detached from a building with a solid-appearing base permanently affixed to the ground without poles as supports.

**Mural:** A wall or other surface of a building or structure that has been decorated with a direct application of paint, tile, or printed graphics, which may or may not contain text, logos, and/or symbols. Murals will be considered as wall signs for the purpose of calculating the allowed sign face area.

**Multi-Tenant Lot:** any lot which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

**Nonconforming Sign:** A sign constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or

any sign that was lawfully erected and complied with the sign regulations in effect at the time it was erected, but is no longer in compliance.

**Permanent Sign:** 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 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.

**Pole Sign:** A freestanding sign that is affixed, attached, or erected on a single or multiple poles, with any pole having a maximum diameter of more than three (3) inches, and that is not itself an integral part of or attached to a building or structure. The pole(s) may or may not be enclosed by a pole cover. Also, see “Pylon Sign.”

**Projection Sign:** A sign that is wholly or partly dependent upon a building for support and which projects horizontally more than 15 inches from such building.

**Pylon Sign:** Also, see “Pole Sign.”

**Reface:** To replace an old sign face with a new one, without changing the size or shape.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Sandwich Board Sign:** Also, see “Sidewalk Sign.”

**Sign:** A surface or object bearing a message that is displayed for public view.

**Snipe Sign:** Signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, utility poles, or other objects on public property or in the public right-of-way. Also, see “Bandit Sign.”

**Sidewalk Sign:** Sidewalk signs will be considered temporary ground signs for the purpose of sign regulations. Also, see “A-Frame Sign and “Sandwich Board Sign.”

**Sight Triangle:** A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as signs such that individuals in one road can see cars approaching in the other.

**Sign Face Area:** The part of a sign which is or can be used for visual representation or communication, including any background or surrounding material, panel, trim or ornamentation, color, and illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which the sign is placed. The term does not include any portion of the support structure for the sign if no representation or message is placed or displayed on, or is designed as part of the support structure. Also, see “Copy.”

**Standard Collective Sign Face Area:** Defined in Section 11-605.H.1 of this Ordinance.

**StoreFront Sign:** Also, see “Window Sign.”

**Temporary Sign:** A sign that is not permanently mounted and/or that is constructed for short-term use.

**Transition:** A visual effect used on an Electronic Message Center to change from one copy to another.

**UL:** Abbreviation for Underwriters Laboratory, an independent, product-safety testing laboratory that has developed safety standards against which it offers certification services for potentially hazardous products.

**Uplighting and Downlighting:** Methods of sign illumination, whereas the lighting source is external to the sign and shines up or down on the sign so as to illuminate the sign face area.

**Wall Sign:** Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one surface. Murals will be considered as wall signs for the purpose of calculating the allowed sign face area.

**Window Sign:** Any type of sign device that is attached to a window of any building, but does not extend past the limits of said window. The word “window” shall be construed to mean any glass that comprises part of the surface of the wall, regardless of its movability. Glass doors will be considered as movable windows for the purpose of calculating allowed window sign face areas. Painted or decal type signs on windows will be considered as window signs for the purpose of calculating allowed sign face area.

**Yard Sign:** Typically small ground signs that are temporarily placed in a yard or lawn of a residence or business, near the street for visibility. Also, see “Lawn Sign.”

## **11-605.2 Sign Permits**

Unless exempt or as otherwise specified herein, all signs shall obtain a permit according to the following regulations:

- A. An application for a sign permit shall be fully completed and submitted to Carthage City on forms furnished by the office. Additional supplementing drawings, plans, and documentation must accompany the application, if applicable, and required. The application must be approved and a permit issued prior to the erection, placement, repairing, altering, refacing, or relocating of any sign requiring a permit.
- B. All application for sign permits shall contain the following information:

1. Name, address, and telephone number of the applicant.
2. Name, address, and telephone number of the property owner and/or business where the sign(s) will be located.
3. Property Map, Grp, Ctrl Map, and Parcel information where the sign(s) will be located.
4. Carthage City Zoning District where the sign(s) will be located.
5. Name and contact information of the person, firm, corporation, or association that will be erecting, placing, repairing, altering, refacing, or relocating sign(s).
6. Name and address of the manufacturer of sign(s)

C. Applications for all signs:

1. With a sign face area greater than sixteen (16) square feet; or
2. That are greater than six (6) feet in height; or
3. That require a footing for construction; or
4. That will be attached to buildings; or
5. That require any electrical wiring or connection;

shall be accompanied by a Site/Sign Plan Drawing which shall include the following information and must be submitted for review and approved by the Carthage Municipal Planning Commission prior to a sign permit being issued:

6. Show Engineer, Architect, and/or Surveyor responsible for the plans.
7. Show boundaries of the lot(s) proposed for location. All adjoining property lines should also be shown.
8. Show and label all existing ingress, egress, right-of-ways, easements, and sidewalks in regards to the placement of a proposed sign on a lot(s) (if applicable).
9. Show the location of the proposed sign(s), including specific dimensions from property lines, setbacks, building lines, buildings, other signs, parking areas, right-of-way, and other structures.



10. Show the vision clearance triangle (a.k.a. Sight Triangle) for the specific property at intersections with streets and driveways (if applicable).
  11. Provide drawing with details regarding the width, depth, and height of the sign.
  12. Provide an estimate of the cost of sign(s) to be erected, placed, repaired, altered, refaced, or relocated to the City's appointed enforcement officer.
  13. Show all distances and angles between multiple signs mounted on the same sign mounting structure.
  14. Show any landscape material or structure that may be associated with any sign structure, including plants, planting bed/planters, retaining wall areas, bases, pedestals, etc.
  15. Show dimensions for the façade, building wall, window, awning, or roof surface upon which the sign(s) will be placed (if applicable).
  16. Show distance of projection from mounting surfaces and clearance to the ground for all projection, awning, or marquee signs, or any sign that may overhang property.
  17. Show the types of illumination for any sign(s) that are allowed to be illuminated.
  18. Show any sign(s) that require any electrical wiring or connection and proof of sign approval by Underwriters Laboratory.
  19. Show, in detail, all methods of attachment of any sign(s) that will be attached to buildings.
  20. Show, in detail, the methods of footing and attachment of any freestanding sign(s) that are over ten (10) feet in height and/or have sign face area over forty (40) square feet.
  21. If applicable, list any variance that may have been granted by the Carthage Board of Zoning Appeals shall be listed along with the date of the meeting/hearing.
  22. Additional plans may be required by other municipal officials in addition to the requirements of the Planning Commission prior to sign construction /modifications, etc.
- D. All signs that meet the criteria in 11-605.2.C.1 through 11-605.2.C.5 in this section must be inspected and passed by the City Building Inspector before a permit is issued.

- E. Except as otherwise stated, the following signs do not require sign permits and are allowed in all zoning districts:
1. Signs established by, or by order of, any governmental agency.
  2. Interior Signs, as defined by this ordinance.
  3. Signs not exceeding sixteen (16) square feet of sign face area, nor greater than six (6) feet in height do not require sign permits except when such signs use electricity or mounted to a wall or roof, in which case said signs will require a permit and must be inspected for safety reasons.
- F. All sign applications must be submitted with supplementing drawings, plans, and documentation at least fifteen (15) days prior to a scheduled Planning Commission meeting to be considered.
- G. Sign permits that are issued shall become null and void six (6) months from the original date of issuance if the work authorized under the permit has not been commenced by that time and shall become null and void eighteen (18) months from the original date of issuance if the work authorized has not been completed by that time.

### **11-605.3 Sign Permit Fees**

- A. A sign permit fee shall be submitted to the City Clerk when sign permit(s) are issued.
- B. Fee for the erection of all new signs:
1. There is no permit or fee required for all signs with a sign face area of sixteen (16) square feet or less, and/or are six (6) feet or less in height unless signs with these dimensions will use electricity or will be mounted to a wall or roof, in which case the sign must be inspected by the City Building Inspector and a permit issued before erected. The permit fee is fifty cents (\$0.50) per square foot of sign face area with a minimum fee of eight dollars (\$8.00).
  2. For all signs with a sign face area of seventeen (17) through thirty-nine (39) square feet, and/or are seven (7) to ten (10) feet in height, the permit fee is fifty cents (\$0.50) per square foot of sign face area with a minimum fee of ten dollars (\$10.00).
  3. For all signs with a sign face area of forty (40) square feet or greater, and/or are greater than ten (10) feet in height, the permit fee is seventy-five cents (\$0.75) per square foot of sign face area with a minimum fee of twenty-five dollars (\$25.00).
- C. Fee for the relocation or moving of an established sign or the altering, refacing, or repairing of an established sign:

1. There is no permit or fee required for all signs with a sign face area of sixteen (16) square feet or less, and/or are six (6) feet or less in height unless signs with these dimensions will use electricity or will be mounted to a wall or roof, in which case the sign must be inspected by the City Building Inspector and a permit issued before erected. The permit fee is eight dollars (\$8.00).
  2. For all signs with a sign face area of seventeen (17) through thirty-nine (39) square feet, and/or are seven (7) to ten (10) feet in height, the permit fee is ten dollars (\$10.00).
  3. For all signs with a sign face area of forty (40) square feet or greater, and/or are greater than ten (10) feet in height, the permit fee is twenty-five dollars (\$25.00).
- D. Fee for temporary ground yard sign becoming a permanent ground yard sign when remaining on any lot past twenty-one (21) days:
1. A permit fee of ten dollars (\$10.00) shall be required for all temporary ground yard signs remaining on any lot past twenty-one (21) days.
- E. Fee for sign inspection by City Building Inspector:
1. Inspection fees for signs are non-refundable and not dependent on whether signs pass inspection
  2. All signs that meet the criteria in 11-605.2.C.1 through 11-605.2.C.5 in this section must be inspected and passed by the City Building Inspector before a permit is issued.
  3. The inspection fee for all signs meeting the criteria in 11-605.2.C.1 through 11-605.2.C.5 in this section shall be fifty dollars (\$50.00) per sign, per inspection.

#### **11-605.4 General Regulations for All Districts**

For all zoning districts as shown on the Official Zoning Map of the Town of Carthage, Tennessee the following regulations for signs and similar signage structures shall apply:

- A. No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, or illumination.
- B. No sign shall be erected, replaced, located, or relocated so as to prevent the free use of any required door, window, fire escape, emergency exit, or fire hydrant.

- C. No sign shall be placed in such a manner as to impede visibility between a height of two (2) feet and ten (10) feet above street level of intersecting streets, roads, highways, or drives at their point of intersection within a triangular space (“Sight Triangle”) bounded by two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines twenty-five (25) feet from their intersection.
- D. Any sign that extends more than twelve (12) inches over any sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight (8) feet above the ground.
- E. No sign shall be located in such a manner so as to obstruct any sidewalk, walkway, or pedestrian path, which results in less than four (4) feet of unobstructed sidewalk, walkway, or pedestrian path remaining.
- F. No banner or any sign shall extend across any public street or alley.
- G. Unless otherwise stated, all signs shall be located no closer than five (5) feet from the right-of-way of any public street, and except for any property line adjoining the right-of-way of any public street, signs shall be located no closer than ten (10) feet from any other property line. No part of any sign or sign structure shall extend past these defined boundaries.
- H. Setbacks for all signs shall be measured from the leading edge of the sign as determined by the city’s appointed enforcement officer.
- I. No sign shall be permitted on an antenna and/or tower except for warning signs placed for public safety and/or to indicate danger. Said signs shall have a collective sign face area four (4) square feet or less, and shall be mounted no higher than six (6) feet from the ground level of any antenna or tower.
- J. If applicable, no free standing or ground sign with a sign face greater than sixty (60) square feet shall be located within two hundred (200) feet from a residence.
- K. The overall height of any sign is measured from ground level to the top of the highest portion of the sign to include the height of any base, planter, pedestal or any other base or elevating structure upon which the sign may be located, as well as any other structure associated with the sign.
- L. No sign shall be greater than thirty-five (35) feet in overall height.
- M. All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes and is approved by the City Building Inspector.

- N. Except as otherwise provided by applicable law, all temporary signs remaining on a property, lot or premises past twenty-one (21) days shall be removed or otherwise be considered a permanent sign and as such, shall require a permit to remain.
- O. Except as otherwise provided by applicable law, no more than three (3) temporary signs may be located on a property or lot at any given time.
- P. Except as otherwise provided in this section or by applicable law, all abandoned signs within the Town of Carthage shall be removed. Abandoned temporary signs shall be removed by the property owner immediately upon written or verbal notice from the enforcement officer. The structure and display surface of a legally conforming, permanent sign that has been abandoned may be retained by painting over, removing or covering the sign display surface. All abandoned signs, including the structure and display surface, shall continue to be maintained in good and safe repair and condition, including the periodic application of paint and/or other weather-proofing material to prevent rust, fading, peeling or other decay. Any abandoned sign shall be repaired or removed upon receipt of notice of a violation mailed to the owner by certified mail, return receipt requested. If the property owner fails to remove or repair the sign to comply these standards within the time specified in such notice, the enforcement officer may cite the owner for a violation of this ordinance and seek monetary penalties and/or injunctive relief.
- Q. Signs defined as Interior Signs do not have to meet the square footage requirements found in this ordinance.
- R. No sign shall be located on, or attached to any public property except public signs authorized by the Town of Carthage, Smith County, the State of Tennessee, or the Federal Government.
- S. No sign shall be located on, or attached to any private property without prior permission and the explicit consent of the property owner.
- T. All legally permitted illuminated signs shall be illuminated only by the following methods:
1. Backlit sign, also known as lightbox or cabinet sign whereas the sign uses an internal light source to illuminate the translucent panels of the sign.
  2. Uplighting or downlighting, whereas the lighting source is external to the sign and shines up or down on the sign so as to illuminate the sign face area. This form of illumination is sometimes called “spot lighting.”
  3. When Dimensional letters or Channel Letters are utilized as wall or monument signs and illuminated, said letters may only be illuminated by Halo, Reverse-lit, or Back-lit illumination methods.

4. The method of illumination for any EMC sign is allowed if such method and resulting illumination complies with the regulations set forth in Section 11-605.6G of this ordinance.
- U. The light from any illuminated sign or the light source thereof shall be so directed, shaded, or shielded such that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. The light shall not be permitted to shine or reflect on or into any residential or business structure. In no event shall the light from any illuminated sign exceed one-tenth (0.1) footcandles at the property line of any lot that is zoned business, and five hundredths (0.05) footcandles at the property line of any lot that is zoned residential, as recommended by the Illuminating Engineering Society of North America.
  - V. No sign shall have display areas with varying light illumination and/or intensity, or blinking, bursting, dissolving, distorting, flashing, rotating, scrolling, sequencing, shimmering, sparkling, oscillating, marching, rolling, twinkling, or fluttering lights or light sources, or any other illuminating device which has a changing light intensity, or brightness.
  - W. Exposed light sources such as neon, tube, fluorescent, metal halide, high- or low-sodium bulbs, or mercury vapor light sources are prohibited.
  - X. Signs that imitate or resemble official traffic lights, signs, or signals or signs that interfere with the effectiveness of any official traffic light, sign, or signal are prohibited.
  - Y. Strings of incandescent light bulbs with wattage in excess of ten watts per bulb other than temporary holiday decorations are prohibited.
  - Z. No sign shall have a mirrored surface or surface that produces a reflective glare.
  - AA. No sign shall have movement of parts, or exhibit the impression of movement.
  - BB. No sign shall emit smoke, visible vapors, particles, sound, flames, odor, or shall present a health or safety hazard.
  - CC. All signs attached or affixed to any official mailbox must conform to the United States Postal Service (USPS) rules and regulations.
  - DD. There shall be no distinction within this ordinance between on-premise and off-premise signs. The requirements found within this ordinance shall apply to both.
  - EE. As required by Tennessee Law, Tenn. Code Ann. § 2-1-116 Removal of Campaign Advertising (1983), § 2-19-144 Campaign Advertising (1997), § 2-7-143 Tennessee Freedom of Speech Act (2017), and § 2-19-206 Use of State-Owned Property for

Campaign Advertising or Activities (2015), as amended, shall preempt and supersede any provision of this Ordinance.

FF. As required by Tennessee Law, Tenn. Code Ann. § 13-7-208, et seq., as amended, shall preempt and supersede any provision of this Ordinance in the regulation of all nonconforming signs.

GG. The Carthage Police Department or the City's appointed enforcement officer will be charged with enforcing the regulations set forth in this ordinance.

### **11-605.5 Sign Regulations For Zoning Districts**

#### **A. Signage Regulations for the R-1 Zone:**

1. All sign types that are allowed shall have a maximum standard collective sign face area of nine (9) square feet and shall have an overall maximum height of six (6) feet. Illuminated signs, roof signs, and EMC signs are prohibited in the R-1 Zone.

#### **B. Signage Regulations for the R-2 and R-3 Zones:**

1. All sign types that are allowed shall have a maximum standard collective sign face area of forty (40) square feet and shall have an overall maximum height of eight (8) feet. Roof signs are prohibited in the R-2 and R-3 Zones. Legally permitted illuminated signs are allowed in the R-2 and R-3 Zones. EMC signs with a maximum of twenty-five percent (25%) of the allowed R-2 and R-3 maximum standard collective sign face area are permitted in these Zones.

#### **C. Signage Regulations for the C-1 Zone:**

1. All sign types that are allowed shall have a maximum standard collective sign face area of sixty (60) square feet. Pole signs and monument signs shall not be allowed on any lot in the C-1 Zone where the setback of the front, side, or rear yard where the pole or monument sign will be located is less than ten (10) feet. Legally permitted illuminated signs are allowed in the C-1 Zone. EMC signs with a maximum of twenty-five percent (25%) of the allowed C-1 maximum standard collective sign face area are permitted in this Zone.

#### **D. Signage Regulations for the C-2 Zone:**

1. All sign types that are allowed shall have a maximum standard collective sign face area of one hundred and fifty (150) square feet. Legally permitted illuminated signs are allowed in the C-2 Zone. EMC signs with a maximum of

forty percent (40%) of the allowed C-2 maximum standard collective sign face area are permitted in this Zone.

E. Signage Regulations for the C-3 Zone:

1. All sign types that are allowed shall have a maximum standard collective sign face area of two hundred and fifty (250) square feet. Legally permitted illuminated signs are allow in the C-3 Zone. EMC signs with a maximum of twenty-four percent (24%) of the allowed C-3 maximum standard collective sign face area are permitted in this Zone.

F. Signage Regulations for the I-1, M-1, and M-2 Zones:

1. All sign types that are allowed shall have a maximum standard collective sign face area of three hundred (300) square feet. Legally permitted illuminated signs are allow in the I-1, M-1, and M-2 Zones. EMC signs with a maximum of twenty percent (20%) of the allowed I-1, M-1, and M-2 maximum standard collective sign face area are permitted in these Zones.

G. Signage Regulations for the R-R Zone:

1. All sign types that are allowed shall have a maximum standard collective sign face area of forty (40) square feet. All signs shall have an overall maximum height of eight (8) feet. Roof signs are prohibited in the R-R Zone. Legally permitted illuminated signs are allowed in the R-R Zone. EMC signs with a maximum of twenty-five percent (25%) of the allowed R-R maximum standard collective sign face area are permitted in this Zone.

H. Standard Collective Sign Face Area Grid

1. The following grid represents the standard collective sign face area allowed in each zoning districts:

Zones	R-1	R-2	R-3	C-1	C-2	C-3	I-1	M-1	M-2	R-R
Standard Collective Sign Face Area Allowed in Zones (Sq Ft)	9	40	40	60	150	250	300	300	300	40

I. Sign Face Limitations for Individual Signs:

1. Any individual sign of any type, located on any lot, shall be limited to a maximum of sixty percent (60%) of the maximum standard collective sign face area that is allowed for the zoning district where the lot is located.
2. The following grid represents the maximum percentage of the standard collective sign face area allowed for any individual sign of any type, located on any lot, for each zoning districts:



Zones	R-1	R-2	R-3	C-1	C-2	C-3	I-1	M-1	M-2	R-R
Standard Collective Sign Face Area Allowed in Zones (Sq Ft)	9	40	40	60	150	250	300	300	300	40
Max. % Sign Face Area Allowed for Any Individual Sign in Zones	NA	60%	60%	60%	60%	60%	60%	60%	60%	60%
Max. Sign Face Area Allowed for Any Individual Sign in Zones (Sq Ft)	N/A	24	24	36	90	150	180	180	180	24

## 11-605.6 Specific Sign Regulations

### A. Signs Prohibited in All Zoning Districts:

1. Balloon Signs are prohibited except for balloons that are less than fifteen (15) inches in diameter and are used as temporary festive or temporary holiday decorations. The maximum height of any allowed balloon or cluster of balloons shall not exceed the height permitted for a freestanding sign at the same location.
2. Blade banners, feather flags, swooper flags, teardrop flags, streamers, pennants, and similar devices are prohibited in all zoning districts.
3. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic-control signs, are prohibited.
4. All snipe or bandit signs are prohibited.

### B. Wall sign regulations:

1. The total amount of sign face area per wall of building in the Residential Zones (R-1, R-2 & R-3), the Central Commercial Zone (C-1), and the Rural Residential Zone (R-R) shall not exceed one (1) square foot per linear foot of the width of the single wall to which the sign is to be attached or the amount of standard collective sign face area that is allowed in the Zone where sign is place that has not been used by other signs on the lot, whichever is less.
2. The total amount of sign face area per wall of building in the General Commercial Zone (C-2), the Highway Commercial Zone (C-3), the Light Industrial Zone (I-1), the Mining Zone (M-1), and the Medical Zone (M-2) shall not exceed one and one-half (1 1/2) square feet per linear foot of the width of the single wall to which the sign is to be attached or the amount of standard collective sign face area that is allowed in the Zone where sign is place that has not been used by other signs on the lot, whichever is less.

C. Window sign regulations:

1. Window signs shall not exceed twenty percent (20%) of the area of the window or any glass door to which they are attached.

D. Roof sign regulations:

1. The total amount of sign face area per roof sign in the Central Commercial Zone (C-1) shall not exceed one (1) square foot per linear foot of the front façade of the building on which the sign is to be attached or the amount of standard collective sign face area that is allowed in the Zone where sign is place that has not been used by other signs on the lot, whichever is less.
2. The total amount of sign face area per roof sign in the General Commercial Zone (C-2), the Highway Commercial Zone (C-3), the Light Industrial Zone (I-1), the Mining Zone (M-1), and the Medical Zone (M-2) shall not exceed one and one-half (1 1/2) square feet per linear foot of the front façade of the building on which the sign is to be attached or the amount of standard collective sign face area that is allowed in the Zone where sign is place that has not been used by other signs on the lot, whichever is less.

E. Pole sign regulations:

1. Only one (1) pole sign may be located on a parcel unless such signs meet the following standards:
  - a. There shall be a minimum distance of five hundred (500) feet between pole signs with a sign face area two hundred and fifty (250) square feet or greater.
  - b. There shall be a minimum distance of one hundred (100) feet between pole signs with a sign face area one hundred and fifty (150) square feet or greater.
2. All pole signs with an overall height of ten (10) feet or greater shall have a maximum sign face width of no greater than fifteen (15) feet.

F. Mobile sign regulations:

1. Mobile signs, as defined in this ordinance, shall only be allowed in the following zoning districts:
  - C-1 (Central Commercial) zoning district,
  - C-2 (General Commercial) zoning district,
  - C-3 (Highway Commercial) zoning district,
  - I-1 (Light Industrial) zoning district,

- M-1 (Mining) zoning district, and
- M-2 (Medical) zoning district.

2. All mobile signs shall comply with the following terms, conditions, and regulations:

- Only one (1) mobile sign shall be allowed per premise.
- Mobile signs shall only be allowed for three (3) periods, not to exceed thirty (30) days each, during any calendar year (January 1 through December 31).
- No mobile signs shall be located any closer than fifteen (15) feet from the right-of-way of any public street, and except for any property line adjoining the right-of-way of any public street, signs shall be located no closer than ten (10) feet from any other property line. Mobile signs are prohibited on any lot where the setback of the front, side, or rear yard where the sign will be located is too narrow for the required mobile sign setback.
- Only mobile electric signs connected to a receptacle outlet or electrical circuit having a ground-fault interrupter for personal protection shall be furnished electricity for their operation.
- No mobile signs shall be permitted to be installed unless they are built according to Article 600 of the National Electrical Code (as amended/revise) and inspected and approved by the City Building Inspector.

G. Electronic Message Center (“EMC”) sign regulations:

1. The following grid represents the allowed maximum percent of sign face area of EMC signs for all zoning districts:

Zones	R-1	R-2	R-3	C-1	C-2	C-3	I-1	M-1	M-2	R-R
Standard Collective Sign Face Area Allowed in Zones (Sq Ft)	9	40	40	60	150	250	300	300	300	40
Max. % Sign Face Area Allowed for EMC Sign in Zones	NA	25%	25%	25%	40%	24%	20%	20%	20%	25%
Max. EMC Sign Face Area Allowed in Zones (Sq Ft)	NA	10	10	15	60	60	60	60	60	10

(Max. % Sign Face Area for EMC signs in each Zone also listed in Sec.11-605.5 of this ordinance)

2. All EMC signs shall comply with the following regulations:

- a. The sign face area of EMC signs shall not exceed the percentage of allowed maximum standard collective sign face area as listed for each zoning district that allows EMC signs.
- b. Should an EMC sign be a part of, or located within the sign face area of a non-EMC sign, the sign face area of the EMC portion of the entire sign shall still conform to the maximum allowed sign face area as listed for the zoning district where it is located.
- c. For all EMC signs that change copies by electronic means or other programming, the transition effect when changing from one copy to another shall be instantaneous or a smooth fade in/fade out between copies. Transitions that appear as blinking, bursting, flashing, rotating, scrolling, sequencing, shimmering, sparkling, oscillating, marching, rolling, twinkling, fluttering, crawling, exploding, or any other animated transitional effect between copies are prohibited.
- d. For all EMC signs that change copies by electronic means or other programming, the dwell time (a.k.a. change rate or hold time) shall be no less than ten (10) seconds.
- e. The illumination of all EMC signs shall not exceed three tenths (0.3) footcandles over ambient lighting conditions, day or night. Measurement shall be as prescribed in the document "Recommended Brightness Levels for On-Premise Electronic Message Centers," published by the International Sign Association. Prior to the erection of any EMC sign, documented proof of compliance with said illumination measurements shall be provided to the Municipal Planning Commission by the manufacturer, seller, or installer of the sign, or other entity or individual qualified to provide such measurements.
- f. In no event shall the light from EMC signs or any illuminated sign exceed one-tenth (0.1) footcandles at the property line of any lot that is zoned business, and five hundredths (0.05) footcandles at the property line of any lot that is zoned residential, as recommended by the Illuminating Engineering Society of North America.
- g. No EMC sign with a sign face greater than fifteen (15) square feet shall be located within two hundred (200) feet from a residence.
- h. Any EMC sign that has been damaged or is deemed to be non-functional, or functioning improperly, incorrectly, or erroneously, shall be turned off until such sign is repaired to its normal state and functioning condition.

#### **11-605.7 Calculation of Sign Face Area**

- A. For the purpose of applying sign size regulations, the following criteria shall be used to calculate sign face area:
1. For single-faced signs, the sign face area shall be determined from within the outermost perimeter of the sign. A single-face sign is constructed so its message is displayed in a single plane and is viewable from only one side of the plane.
  2. Double-faced sign face area shall be determined as follows:
    - a. For a double-faced sign that is constructed to display its message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes or “back-to-back” where the planes are eighteen (18) inches or less apart, the sign face area shall be determined from within the outermost perimeter of the largest sign face area of the sign.
    - b. For a double-faced sign that is constructed to display its message(s) on the outside surfaces of two (2) planes separated by an interior angle that is less than forty-five (45) degrees, the sign face area shall be determined from within the outermost perimeter of the largest sign face area of the sign.
    - c. For a double-faced sign that is constructed to display its message(s) on the outside surfaces of two (2) planes where the planes are greater than eighteen (18) inches apart and/or the two (2) planes separated by an interior angle of forty-five (45) degrees or more, the sign face area shall be determined from the sum of the sign face areas within the outer-most perimeter of each sign.
  3. Multiple-faced sign face areas shall be determined from the sum of the sign face areas within the outer-most perimeter of each sign. A multiple-faced sign is a sign constructed to display its message either on a curved surface or on two or more planar surfaces, excepting signs that qualify as double-faced
  4. Sign face areas shall be calculated using the common and accepted mathematical methods for determining the area of sign face shapes.
  5. “Total collective sign face area” is defined in this ordinance under Section 11-605.1-Definitions.

### **11-605.8 Sign Maintenance**

- A. All metal pole covers and sign cabinets shall be kept free of rust and rust stains.

- B. Any internally illuminated sign cabinets or sign panels that have been damaged shall not be illuminated until repaired.
- C. Any signage that has been damaged to the extent that it may pose a safety hazard to passers-by, as determined by the City Building Inspector or City's appointed enforcement officer, shall be repaired or removed immediately.
- D. A sign may be removed for maintenance provided it is re-erected within forty-five (45) calendar days. Beyond this period of time, a new permit shall be required.
- E. The owner or person in possession of the property on which the sign is located shall maintain any signage whether or not a permit has been issued. Deteriorated or damaged materials associated with a sign shall be replaced immediately. Failure to conform to the conditions of the permit or this ordinance shall be a violation of the zoning ordinance, whether permitted or nonconforming.
- F. Any damaged sign base shall be repaired within sixty (60) days of such damage as documented by the City Building Inspector or City's appointed enforcement officer.

**11-605.9 Signage Correction for Outsized Living/Business Area and Lot Size**

A. Signage Correction for Outsized Living/Business Area

1. This process allows extra collective sign face area of signs based on the "Living/Business sq. ft." area of the principal structure, as listed on the Tennessee Comptroller Property Data Site, on lots where the principal structure is significantly larger than the average floor area for a single-family house in this area, as reported by the U.S. Census Bureau and U.S. Department of Housing and Urban Development (2018). The average floor area for a single-family house was used as a base value beyond which a correction will be allowed, thereby preventing any bias toward commercial structures when allowing a corrective expansion of any sign face areas. The average floor area for a single-family house in this area, as reported by the U.S. Census Bureau and U.S. Department of Housing and Urban Development (2018) is 2,648 sq. ft., or rounded to 2,650 sq. ft.

a. Limitations

- i. The Signage Correction based on the "Living/Business sq. ft." area shall not allow any collective sign face area to exceed 300 sq. ft. in any zoning district, regardless of the size of the principal structure Living/Business area.
- ii. The Signage Correction based on the "Living/Business sq. ft." area shall not be applied to any lot/principal structure for which the lot/principal structure has a Floor Area Ratio (FAR), as

calculated in this Section, of more than 30%, thereby preventing any expansion of sign face area on lots where there is insufficient vacant lot area to expand. The Floor Area Ratio for this Section shall be calculated as follows:

$$\text{Floor Area Ratio} \times 100 = \frac{\text{Principal Structure "Living/Business Sq. Ft." Area}^{(1)}}{\text{"Deed Acres" Area of Lot in Sq. Ft.}^{(2)}}$$

(1) The "Living/Business Sq. Ft." Area of Principal Structure on Lot as listed on the State of Tennessee Comptroller Property Data Site.

(2) The "Deed Acres" of Lot as listed on the State of Tennessee Comptroller Property Data Site.

- iii. All sign setbacks and other sign regulations (except for sign face area) shall apply for any expansion allowed by the Signage Correction based on the "Living/Business sq. ft." area.
- iv. Any individual sign of any type, located on any lot, shall be limited to a maximum of sixty percent (60%) of any expansion of the maximum standard collective sign face area allowed by the Signage Correction based on the "Living/Business sq. ft." area.
- v. The "Maximum % Sign Face Area Allowed for EMC Signs in Zones" shall continue to be based solely on the allowed standard collective sign face area listed for each zoning district, and shall not be calculated based on any Signage Correction expansion.

b. Method

- i. Starting with a principal structure with a the "Living/Business sq. ft." area of 2,650, the Signage Correction adds an additional 5 sq. ft. of collective sign face area to the listed allowed standard collective sign face area for each 2,650 sq. ft. increase in the "Living/Business sq. ft." area of the principal structure for each zoning district.

- c. Table "Signage Correction for Outsized Living/Business Area" is attached to this Ordinance as "Exhibit A."

B. Signage Correction for Outsized Lot Size

- 1. This process allows extra collective sign face area of signs based on the "Lot Size" area of lots, as listed on the Tennessee Comptroller Property Data Site and converted to square feet, where the lot size is significantly larger than the average lot size for Carthage, as calculated from data as reported by the U.S. Census Bureau. The average lot size is based on all lots within the City limits,

including all lots with and without structures, commercial and residential. The average lot size of all lots was used as a base value beyond which a correction will be allowed, thereby preventing any bias toward any specific type of lot when allowing a corrective expansion of any sign face areas. The average lot size for Carthage, TN is 77.144 sq. ft., or rounded up to 77,150 sq. ft.

a. Limitations

- i. The Signage Correction based on lot size shall not allow any collective sign face area to exceed 300 sq. ft. in any zoning district, regardless of the size of the lot being considered.
- ii. The average lot area of 1,195,825 sq. ft., when formed as a regular quadrilateral or square results in each equal side measuring 277.748 ft. in length (or rounded down to 275 ft.). As such, this value shall be used as a base value for a lot's frontage on any public or private street. The Signage Correction based on lot size shall not be applied to any lot having less than 275 linear feet of frontage on any public or private street. This prevents any expansion of sign face area on lots where there is insufficient frontage on any public or private street to expand.
- iii. All sign setbacks and other sign regulations (except for sign face area) shall apply for any expansion allowed by the Signage Correction based on any Signage Correction by lot size.
- iv. Any individual sign of any type, located on any lot, shall be limited to a maximum of sixty percent (60%) of any expansion of the maximum standard collective sign face area allowed by any Signage Correction expansion based on lot size.
- v. The "Maximum % Sign Face Area Allowed for EMC Signs in Zones" shall continue to be based solely on the allowed standard collective sign face area listed for each zoning district, and shall not be calculated based on any Signage Correction expansion based on lot size.

b. Method

- i. Starting with the average square footage of lot size in Carthage rounded up to 77,150 sq. ft., the Signage Correction based on lot size, as listed on the Tennessee Comptroller Property Data Site, adds an additional 5 sq. ft. of collective sign face area to the listed allowed standard collective sign face area for each 38,575 sq. ft. (or ½ of 77,150 sq. ft.) increase in the lot size for each zoning district.



- c. Table “Signage Correction for Outsized Lot Size” is attached to this Ordinance as “Exhibit B.”

### C. Selection of Signage Correction

1. When considering Signage Correction for an outsized lot that also has an outsized principal building on the lot, the “Signage Correction for Outsized Living/Business Area” OR the “Signage Correction for Outsized Lot Size” may be used, whichever allows the greater of the two expansions of the allowed standard collective sign face area for the lot in that particular zoning district.
2. When considering Signage Correction for an outsized lot that has no principal building on the lot, the “Signage Correction for Outsized Lot Size” shall be used to allow any expansions of the allowed standard collective sign face area for the lot in that particular zoning district.

### **11-605.10 Variance Request**

- A. The Carthage Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this Official Zoning Code. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Official Zoning Code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this Official Zoning Code, and to that end shall have the powers of the administrative official from whom the appeal is taken.
  1. Application Required - An application shall be filed with the Board of Zoning Appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.
  2. Application Fee Required - A nonrefundable fee of one hundred dollars (\$100.00) shall be paid to the Town of Carthage with each application for a request for a variance by the Board of Zoning Appeals to defray costs of notices, the hearing, and any miscellaneous expenses.
  3. Public Hearing and Notice Required - A public hearing for the purpose of soliciting public comments concerning the application shall be held, and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation two (2) weeks prior to the hearing, and due notice shall be given to the parties in interest.

### B. General Standards for Variances

1. In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:
  - a. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict application of this Official Zoning Code were carried out;
  - b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
  - c. Financial returns only shall not be considered as a basis for granting a variance;
  - d. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Official Zoning Code;
  - e. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Official Zoning Code to other lands, structures, or buildings in the same district;
  - f. That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
  - g. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
  - h. The proposed variance will not impair an adequate supply of light and air to adjacent property, increase the danger of fire, or endanger the public safety.
  
2. In addition to the above recognized standards, variances will be considered under the following conditions:
  - a. In instances when the width of right-of-ways makes the viewing/comprehension of the sign copy impractical, a variance to allow greater sign face area square footage than what the sign ordinance allows will be considered.
  
  - b. In instances where trees or other natural barriers hinder the viewing of sign copy, variances to the height requirements and/or setbacks may be considered.

- c. In cases when a sign contains multiple sign copy from numerous businesses, tenants, etc. that cannot be easily viewed or comprehended. A variance to allow greater sign face area square footage than what the sign ordinance allows will be considered.

3. Variances shall be considered by the Board of Zoning Appeals

- a. independent of content, and
- b. without favor to commercial or non-commercial signs/speech, and
- c. without favor to on-premise or off-premise signs, and
- d. without favor to commercial or residential sign location, and
- e. without favor to the holder of sign.

**11-605.11 Substitution and Severability Clause**

- A. Any commercial message may be substituted for a non-commercial message, and any non-commercial message may be substituted for a commercial message on any sign permitted by SECTION 11-605, et seq. of the Official Zoning Code.
- B. If any part of SECTION 11-605, et seq. of the Official Zoning Code is found to be invalid or unconstitutional, the remaining Sections and parts shall remain valid and still be applied to the maximum extent practicable.

**Section 2.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Ordinance.

**Section 3.** Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

**Section 4.** This Ordinance shall be effective from and after its passage and final reading, as provided by law, the public welfare requiring it.

**Section 5.** Effective Date. This ordinance shall take effect and be in full force upon its final passage as required by law.

Passed 1<sup>st</sup> Reading      12/5/19

Passed 2<sup>nd</sup> Reading      2/6/2020

PUBLICATION OF NOTICE:      1/9/2020

PUBLIC HEARING HELD: 1/21/2020  
(At least 15 days after public notice)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Date

**Exhibit “A” to Ordinance # P-20191113**  
**Table: “Signage Correction for Outsized Living/Business Area”**

*(the blue highlighted section is the allowed standard collective sign face area for each zoning district before any expansion)*

Principal Structure Living/Business (sq. ft.)	Addition to Sign Face Area (sq. ft.)	Total Sign Face Area with Addition from Signage Correction										
		ZONE R-1	ZONE R-2	ZONE R-3	ZONE C-1	ZONE C-2	ZONE C-3	ZONE I-1	ZONE M-1	ZONE M-2	ZONE R-R	
1 to 2,649	0	9	40	40	60	150	250	300	300	300	300	40
2,650 to 5,299	5	14	45	45	65	155	255	300	300	300	300	45
5,300 to 7,949	10	19	50	50	70	160	260	300	300	300	300	50
7,950 to 10,599	15	24	55	55	75	165	265	300	300	300	300	55
10,600 to 13,249	20	29	60	60	80	170	270	300	300	300	300	60
13,250 to 15,899	25	34	65	65	85	175	275	300	300	300	300	65
15,900 to 18,549	30	39	70	70	90	180	280	300	300	300	300	70
18,550 to 21,199	35	44	75	75	95	185	285	300	300	300	300	75
21,200 to 23,849	40	49	80	80	100	190	290	300	300	300	300	80
23,850 to 26,499	45	54	85	85	105	195	295	300	300	300	300	85
26,500 to 29,149	50	59	90	90	110	200	300	300	300	300	300	90
29,150 to 31,799	55	64	95	95	115	205	300	300	300	300	300	95
31,800 to 34,449	60	69	100	100	120	210	300	300	300	300	300	100
34,450 to 37,099	65	74	105	105	125	215	300	300	300	300	300	105
37,100 to 39,749	70	79	110	110	130	220	300	300	300	300	300	110
39,750 to 42,399	75	84	115	115	135	225	300	300	300	300	300	115
42,400 to 45,049	80	89	120	120	140	230	300	300	300	300	300	120
45,050 to 47,699	85	94	125	125	145	235	300	300	300	300	300	125
47,700 to 50,349	90	99	130	130	150	240	300	300	300	300	300	130
50,350 to 52,999	95	104	135	135	155	245	300	300	300	300	300	135
53,000 to 55,649	100	109	140	140	160	250	300	300	300	300	300	140
55,650 to 58,299	105	114	145	145	165	255	300	300	300	300	300	145
58,300 to 60,949	110	119	150	150	170	260	300	300	300	300	300	150
60,950 to 63,599	115	124	155	155	175	265	300	300	300	300	300	155
63,600 to 66,249	120	129	160	160	180	270	300	300	300	300	300	160
66,250 to 68,899	125	134	165	165	185	275	300	300	300	300	300	165
68,900 to 71,549	130	139	170	170	190	280	300	300	300	300	300	170
71,550 to 74,199	135	144	175	175	195	285	300	300	300	300	300	175
74,200 to 76,849	140	149	180	180	200	290	300	300	300	300	300	180
76,850 to 79,499	145	154	185	185	205	295	300	300	300	300	300	185
79,500 or greater	150	159	190	190	210	300	300	300	300	300	300	190

**Exhibit “B” to Ordinance # P-20191113**  
**Table: “B. Signage Correction for Outsized Lot Size”**

*(the blue highlighted section is the allowed standard collective sign face area for each zoning district before any expansion)*

Lot Size (sq. ft.)	Lot Size (acres rounded)		Addition to Sign Face Area (sq. ft.)	Total Sign Face Area with Addition from Signage Correction											
				ZONE R-1	ZONE R-2	ZONE R-3	ZONE C-1	ZONE C-2	ZONE C-3	ZONE I-1	ZONE M-1	ZONE M-2	ZONE R-R		
1 to 77,149		1.771	0	9.0	40.0	40.0	60.0	150.0	250.0	300.0	300.0	300.0	300.0	40.0	
77,150 to 115,724	1.771	to 2.657	5	14.0	45.0	45.0	65.0	155.0	255.0	300.0	300.0	300.0	300.0	45.0	
115,725 to 154,299	2.657	to 3.542	10	19.0	50.0	50.0	70.0	160.0	260.0	300.0	300.0	300.0	300.0	50.0	
154,300 to 192,874	3.542	to 4.428	15	24.0	55.0	55.0	75.0	165.0	265.0	300.0	300.0	300.0	300.0	55.0	
192,875 to 231,449	4.428	to 5.313	20	29.0	60.0	60.0	80.0	170.0	270.0	300.0	300.0	300.0	300.0	60.0	
231,450 to 270,024	5.313	to 6.199	25	34.0	65.0	65.0	85.0	175.0	275.0	300.0	300.0	300.0	300.0	65.0	
270,025 to 308,599	6.199	to 7.084	30	39.0	70.0	70.0	90.0	180.0	280.0	300.0	300.0	300.0	300.0	70.0	
308,600 to 347,174	7.084	to 7.970	35	44.0	75.0	75.0	95.0	185.0	285.0	300.0	300.0	300.0	300.0	75.0	
347,175 to 385,749	7.970	to 8.856	40	49.0	80.0	80.0	100.0	190.0	290.0	300.0	300.0	300.0	300.0	80.0	
385,750 to 424,324	8.856	to 9.741	45	54.0	85.0	85.0	105.0	195.0	295.0	300.0	300.0	300.0	300.0	85.0	
424,325 to 462,899	9.741	to 10.627	50	59.0	90.0	90.0	110.0	200.0	300.0	300.0	300.0	300.0	300.0	90.0	
462,900 to 501,474	10.627	to 11.512	55	64.0	95.0	95.0	115.0	205.0	300.0	300.0	300.0	300.0	300.0	95.0	
501,475 to 540,049	11.512	to 12.398	60	69.0	100.0	100.0	120.0	210.0	300.0	300.0	300.0	300.0	300.0	100.0	
540,050 to 578,624	12.398	to 13.283	65	74.0	105.0	105.0	125.0	215.0	300.0	300.0	300.0	300.0	300.0	105.0	
578,625 to 617,199	13.283	to 14.169	70	79.0	110.0	110.0	130.0	220.0	300.0	300.0	300.0	300.0	300.0	110.0	
617,200 to 655,774	14.169	to 15.054	75	84.0	115.0	115.0	135.0	225.0	300.0	300.0	300.0	300.0	300.0	115.0	
655,775 to 694,349	15.055	to 15.940	80	89.0	120.0	120.0	140.0	230.0	300.0	300.0	300.0	300.0	300.0	120.0	
694,350 to 732,924	15.940	to 16.826	85	94.0	125.0	125.0	145.0	235.0	300.0	300.0	300.0	300.0	300.0	125.0	
732,925 to 771,499	16.826	to 17.711	90	99.0	130.0	130.0	150.0	240.0	300.0	300.0	300.0	300.0	300.0	130.0	
771,500 to 810,074	17.711	to 18.597	95	104.0	135.0	135.0	155.0	245.0	300.0	300.0	300.0	300.0	300.0	135.0	
810,075 to 848,649	18.597	to 19.482	100	109.0	140.0	140.0	160.0	250.0	300.0	300.0	300.0	300.0	300.0	140.0	
848,650 to 887,224	19.482	to 20.368	105	114.0	145.0	145.0	165.0	255.0	300.0	300.0	300.0	300.0	300.0	145.0	
887,225 to 925,799	20.368	to 21.253	110	119.0	150.0	150.0	170.0	260.0	300.0	300.0	300.0	300.0	300.0	150.0	
925,800 to 964,374	21.253	to 22.139	115	124.0	155.0	155.0	175.0	265.0	300.0	300.0	300.0	300.0	300.0	155.0	
964,375 to 1,002,949	22.139	to 23.025	120	129.0	160.0	160.0	180.0	270.0	300.0	300.0	300.0	300.0	300.0	160.0	
1,002,950 to 1,041,524	23.025	to 23.910	125	134.0	165.0	165.0	185.0	275.0	300.0	300.0	300.0	300.0	300.0	165.0	
1,041,525 to 1,080,099	23.910	to 24.796	130	139.0	170.0	170.0	190.0	280.0	300.0	300.0	300.0	300.0	300.0	170.0	
1,080,100 to 1,118,674	24.796	to 25.681	135	144.0	175.0	175.0	195.0	285.0	300.0	300.0	300.0	300.0	300.0	175.0	
1,118,675 to 1,157,249	25.681	to 26.567	140	149.0	180.0	180.0	200.0	290.0	300.0	300.0	300.0	300.0	300.0	180.0	
1,157,250 to 1,195,824	26.567	to 27.452	145	154.0	185.0	185.0	205.0	295.0	300.0	300.0	300.0	300.0	300.0	185.0	
1,195,825 or greater	27.452	or greater	150	159.0	190.0	190.0	210.0	300.0	300.0	300.0	300.0	300.0	300.0	190.0	

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