

IX. OLD BUSINESS

RESOLUTION 16-08-03

UPON MOTION BY COMMISSIONER KING AND A SECOND BY COMMISSIONER DELK, THE FOLLOWING RESOLUTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.

RESOLUTION NO 16-08-03

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF MARSHALL COUNTY, TENNESSEE, AS IT PERTAINS TO THE REGULATION OF SIGNS

WHEREAS, THE MARSHALL COUNTY REGIONAL PLANNING COMMISSION HAS REVIEWED THE ZONING RESOLUTION OF MARSHALL COUNTY, TENNESSEE, AND RECOMMENDS THE INCLUSION OF DESIGN STANDARDS FOR SIGNS;

WHEREAS, IT IS THE DUTY OF THE PLANNING COMMISSION TO RECOMMEND STANDARDS THAT WILL ENSURE VEHICULAR AND PEDESTRIAN SAFETY AND PREVENT VISUAL POLLUTION;

WHEREAS THE MARSHALL COUNTY REGIONAL PLANNING COMMISSION HAS REVIEWED THE FOLLOWING REGULATIONS PERTAINING TO SIGNS AND RECOMMENDS TO THE COUNTY COMMISSION THAT THEY BE INCORPORATED INTO THE CURRENT ZONING REGULATIONS OF MARSHALL COUNTY, TENNESSEE; AND

Whereas a public hearing has been held before the Marshall County Commission on September 26th, 2016 at 5:30 p.m. in the Marshall County Commission Room, second floor, Marshall County Courthouse Annex, Lewisburg, Tennessee to consider the following:

In the Table of Contents, after the entry 3.130 Outdoor Firearms Training Facilities, add the entry “3.140 Standards for Signs.”

SECTION TWO

In Article III, after Section 3.130 Outdoor firearms Training Facilities, add the following text:

3.140 Standards for Signs

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 enumerated below.

A. In Any Zoning District, the Following General Regulations Shall Apply:

- 1. 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, device, or emergency vehicle.**
- 2. 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.**

3. Billboards are prohibited, except on properties zoned C-2 that border Interstate 65, billboards located on such properties shall face Interstate 65 and be placed adjacent to the state right of way and begin within 50 feet of said right of way, billboards must be located at least 1,000 feet apart.
4. Signs may be erected or placed up to ten (10) feet of the property line but no part of the sign structure may project or overhang past said property line. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any A-1, A-2, R-1 or R-2 district. All signs shall be monument or of the ground mounted type, and shall be limited to ten (10) feet in height and a maximum area of sixty (60) square feet
5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.
6. Professional signs and signs for home occupations shall not exceed four (4) square feet in area and 10 feet in height, in the A-1, A-2, R-1, and R-2 districts.
7. Temporary signs and posters are subject to the following regulations:
 - a. Each sign shall not exceed ten (10) square feet in area, excluding banners.
 - b. The signs shall not be located closer together than one hundred (100) feet except "For Sale," "For Rent," "Yard Sale," and political signs.
 - c. Such signs shall not be nailed to public utility poles and shall not be located in the public right-of-way.
 - d. All such signs advertising events shall be removed within ten (10) days after the event date.
 - e. Temporary signs and posters may be erected for a period of no longer than thirty (30) days, with the exception of political signs, which may be erected for a period of no longer than sixty (60) days preceding an election.
8. Directional signs at entrances and exits of parking lots or parking areas not exceeding four (4) square feet in area, in addition to one (1) sign not exceeding sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
9. During construction of a building or project, one (1) sign not more than twelve (32) square feet in area giving the names of contractors, engineers, or architects, associated with the project.
10. Signs established by, or by order of, any governmental agency are exempt from this ordinance.
11. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area shall be allowed.
12. Small non illuminated signs, not exceeding two (2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, telephones, and the like are exempt from this ordinance.

13. A Sign Permit shall be acquired from the Marshall County Building Codes Department before the installation of any regulated sign.
14. A sign erected on a property shall be directly related to the activity conducted on the property.

Nonconforming Signs An existing sign may remain exempt from full compliance with the provisions of this ordinance provided the sign is maintained in good condition at all times, and is not abandoned.

An existing sign shall be brought into compliance with the provisions of this resolution if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign (in current dollar value). If the alteration or repair is caused by involuntary damage or casualty, this standard will not apply and the sign may be altered or repaired to any extent.

The following temporary signs are permitted:

- 1.) Signs for political purpose, which shall be removed within 14 days after an election.
- 2.) Special event signs erected no sooner than 14 days before the event and removed within 7 days after the event.
- 3.) Signs to indicate the opening of a new business, change of use, or going out of business displayed within the first 60 days of occupancy is open, the last 90 days before closing
- 4.) Signs announcing construction not exceeding 32 square feet, or 10 feet in height.
- 5.) Signs announcing real estate availability.

The following signs are exempt: Signs required for legal notices and other official instruments; Flags and insignias of governmental, religious, charitable or fraternal organizations with an area of less than 50 sf and mounted on a single pole;

Decorative flags and bunting as authorized by the Council for town-wide celebrations, commemorations or conventions;

Memorial signs, tablets or cornerstones, names of buildings and dates of erection when included as an integral part of the building and constructed of durable non-combustible material or cut into masonry surfaces;

Directional signs and symbols not exceeding 3 sf in area, used solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed;

Holiday lights and decorations during customary holiday periods.

B. In the A-1, Agriculture and Forestry District, and the A-2, Rural Residential District, the Following Regulations Shall Apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. 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 agricultural products produced on the premises shall be permitted.
3. Church, school, or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area permitted.
4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated as possessing scenic, historical, or recreational value. However, such directional sign shall not exceed sixty-four (64) square feet in area.
6. Home occupation or similar business identification signs, not to exceed four (4) square feet.

C. In the R-1, Suburban Residential District, and R-2, Mobile Home Park District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. For multi-family dwellings, identification signs not exceeding nine (9) square feet in area are permitted.
3. Church, school or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area are permitted.
4. For residential subdivisions, apartment buildings, and group housing developments, identification signs not exceeding sixty (60) square feet in area are permitted.
5. Flashing or intermittent illumination is prohibited.
6. Billboards and other advertising structures are prohibited.

D. In the C-1, Rural Center District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted.
2. Church, school, or public building identification signs or bulletin boards, not exceeding sixty (60) square feet in area are permitted.
3. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.
4. One identification sign directly relating to the activity conducted on the premises, lot exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.
5. For each separate lot, one (1) freestanding sign may be erected for every 500 feet of public road or highway frontage. For corner lots, one (1) freestanding sign may be erected on the frontage of each public road or highway. For lots with more than one business or commercial entity, one (1) freestanding directory sign shall be erected. No freestanding sign shall have an area of more than sixty (60) square feet; provided, however, that in case of freestanding signs with two (2) faces, each face may not be more than sixty (60) square feet.

6. There is no limit to the number of wall signs that may be affixed to a commercial façade, as long as the sum of the signage areas does not total more than thirty (30) square feet on any one building wall.
7. Billboards are prohibited.
9. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; no part of the sign face may be closer than five (5) feet from any public right-of-way or property line.

E. In the C-2, General Commercial District, and the C-3, Neighborhood Commercial District, the Following Regulations Shall Apply:

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.
2. Business signs shall be permitted subject to the restrictions in Section 3.140, A, of this resolution. All ground signs shall be located not closer to any property line than one half (1/2) the required setbacks.
3. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification
4. One identification sign directly relating to the activity conducted on the premises, lot exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.
5. For each separate lot, one (1) freestanding sign may be erected for every 500 feet of public road or highway frontage. For corner lots, one (1) freestanding sign may be erected on the frontage of each public road or highway. For lots with more than one business or commercial entity, one (1) freestanding directory sign shall be erected. No freestanding sign shall have an area of more than sixty (60) square feet; provided, however, that in case of freestanding signs with two (2) faces, each face may not be more than sixty (60) square feet.
6. There is no limit to the number of wall signs that may be affixed to a commercial façade, as long as the sum of the signage areas does not total more than thirty (30) square feet on any one building wall.
7. Billboards are prohibited, except in the C-2 District located along Interstate I-65 and follow the criteria specified in A, 3. Of this resolution.
8. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; no part of the sign face may be closer than five (5) feet from any public right-of-way or property line.

F. In the M-1, Restrictive Industrial, M-2, General Industrial District, and M-3, Special Impact Industrial District, the Following Regulations Shall Apply:

1. 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.
2. Flashing or intermittent illumination is prohibited.
3. Billboards are prohibited.
4. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.
5. One identification sign directly relating to the activity conducted on the premises, lot exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.

SECTION THREE

In Article VII, Section 7.020, Definitions, add the following terms and accompanying definitions into the respective alphabetical places:

AWNING or CANOPY SIGN: A sign that is either attached to, affixed to, or painted on an awning or canopy and not exceeding fifty (50) square feet in sign area.

BILLBOARD SIGN: An advertising sign containing more than 100 square feet, supported by uprights and/or braces, upon which a message may be manually changed and directs attention to a business, service, or product conducted, sold, or offered at a location other than the premises on which the sign is located.

BUSINESS IDENTIFICATION SIGN: A sign which directs attention to the business or profession conducted on the premises.

CABINET SIGN: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

DIRECTIONAL SIGN: Signs limited to providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones, or circulation direction.

DIRECTORY SIGN: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses but does not contain any advertising.

FLASHING SIGN: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

GROUND SIGN: A sign supported by a pole, uprights, or braces on the ground.

IDENTIFICATION SIGN: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

ILLUMINATED SIGN: A sign designed to give forth any artificial light or reflect such light from an artificial source.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

MONUMENT SIGN: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping of other solid structural features other than support poles.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this ordinance.

OFF-PREMISES SIGN: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

ON-PREMISES SIGN: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

POLE SIGN OR BANJO SIGN: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

PROJECTION SIGN: A sign attached to and projecting out from a building face or wall, generally at right angles to the building, at least fifteen (15) inches.

ROOFTOP SIGN: A sign mounted or similarly attached above a roof or projecting above the roof line of a structure.

SIGN OR OTHER ADVERTISING STRUCTURE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other, political unit.

SIGN, GROUND MOUNTED: A sign wholly independent of a building façade that is attached to the ground along its length or by post at each end.

TEMPORARY SIGN: Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only

WALL OR FLAT SIGN: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle there from and projects more than twelve (12) inches beyond the face of such wall.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

NOW THEREFORE, LET IT BE RESOLVED BY THE COUNTY COMMISSION OF MARSHALL COUNTY, TENNESSEE: that

- 1.) Amend the Table of Contents by: adding Section 3.140 Standards for Signs and Other Advertising Structures; Amend the Zoning Resolution of Marshall County Article III Supplementary Provisions Applying to specific Districts by adding: Section 3.140 Standards for Signs and Other Advertising Structures and by adding the enclosed definitions herein to Article VII Definitions Section 7.020

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE BY THE COUNTY COMMISSION, THE WELFARE OF THE PUBLIC DEMANDING IT.


MICHAEL WAGGONER
CHAIRMAN


DAPHNE PAGAN-GIRTS
COUNTY CLERK

Approved for entry this _____ day of September 26, 2016.


JOE BOYD LIGGETT
COUNTY MAYOR