

NOT PASSED

ORDINANCE NO. 255

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 12, SECTION 14-1201, ET SEQ. RELATING TO ZONING & LAND USE CONTROL AND SPECIFICALLY TO SIGN REGULATIONS BY PERMITTING THE ERECTION, LOCATION AND MAINTENANCE OF SIGNS, BILLBOARDS AND ADVERTISING STRUCTURES; TO FIX A PENALTY FOR THE VIOLATION THEREOF; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, in order to protect the public health, safety morals and general welfare, a framework for control over the erection, location and maintenance of signs, billboards and advertising structures is desired. Now therefore,

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN AS FOLLOWS:

SECTION I. That the Mount Carmel Municipal Code, Title 14, Chapter 12, Section 14-1201, et Seq. relating to Zoning & Land Use Control and specifically to Sign Regulations is hereby amended to read as follows:

Section 14-1201	Purpose and Intent
Section 14-1202	General Premise
Section 14-1203	Minimum Standards
Section 14-1204	Definitions
Section 14-1205	Permit Required
Section 14-1206	Permit Exceptions
Section 14-1207	Prohibited Signs
Section 14-1208	Sign Locations
Section 14-1209	Illumination
Section 14-1210	Structural Requirements
Section 14-1211	Inspection, Maintenance and Removal
Section 14-1212	Outdoor Advertising Signs
Section 14-1213	Non-conforming Signs

Section 14-1214	Sign Regulations by District
Section 14-1215	Sign Permit Requirements
Section 14-1216	Permit Application
Section 14-1217	Fee for Sign Permits
Section 14-1218	Expiration of Permits
Section 14-1219	Variances

SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the Town of Mount Carmel, Tennessee requiring it.

GARY W. LAWSON, Mayor

ATTEST:

NANCY CARTER, Recorder

PASSED ON FIRST READING this .
PASSED ON SECOND READING this.
PUBLISHED ON this .

ORDINANCE NO. 255

CHAPTER 12

BUSINESS AND ADVERTISING SIGNS

SECTION

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11. Inspection, maintenance and removal.
12. Outdoor advertising signs.
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14. Sign regulations by district.
15. Sign permit requirements.
16. Permit application.
17. Fees for sign permits.
18. Expiration of permits.
19. Variances.
20. Violations/existing signage.
21. Penalties.

01. Purpose and intent. The purpose of this chapter is to create the legal framework to control the erection, location and maintenance of all exterior signs, billboards and other advertising structures and devices to protect the public health, safety, morals and general welfare of the citizens of the Town of Mount Carmel, Tennessee. In addition, the intent of this Chapter is as follows:

- (1) To encourage good design in the control of the overall image and visual environment of the Town.
- (2) To protect property values, to enhance the appearance of the business community and to stimulate the economic vitality of the Town of Mount Carmel.
- (3) To ensure that signs are adequate, but not excessive for the intended purpose of identification or advertisement.
- (4) To prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by

obscuring road signs or diverting the attention of motorists or as may produce an environment that encourages visual blight.

- (5) To prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations.
- (6) To avoid excessive competition for signs so that permitted signs provide identification and direction while minimizing clutter and unsightliness.

02. **General Premise.** The general premise for the control of signs within the Town of Mount Carmel includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:

- (1) For maximum legibility, signs should be designed appropriate to the legal speed of passing traffic.
- (2) For size and dimensions, signs should be related to the frontage and setback of the building.
- (3) The setback and size of signs should give a fair exposure to all commercial buildings in a given area.

It is further the premise of this Chapter that too many signs and too much information on signs create(s) confusion, contribute(s) to unsafe driving conditions, distract(s) drivers and conflict(s) with the intent of Section 01 by creating visual clutter and unsightliness. This Chapter seeks to encourage signs which avoid excessive information and which significantly contribute to the quality of their surrounding environment.

03. **Minimum standards.** The minimum standards set forth in this chapter shall not relieve an owner or tenant of the responsibility for compliance with other local ordinances, codes and regulations.

04. **Definitions:**

- (1) **Business Directional Sign or Pointer.** A sign located off-site that contains the name, indication of direction of location and possibly the distance to the establishment or the destination.
- (2) **Business Sign.** A sign that primarily directs attention to a business or profession conducted on premises.
- (3) **Commercial Signs.** Signs advertising, calling attention to, identifying or otherwise aiding in the promotion of the sale of products, goods, services or events, any place or business,

subject, person, firm, public performance, article, medicine, merchandise or building.

- (4) **Outdoor Advertising Sign.** A sign on which advertising or other matter may be displayed promoting goods, services or other things not sold or available upon the site where the sign is located. Outdoor signs may include billboards that are changeable signs.
- (5) **Portable Signs.** Any signs that are or are intended to be affixed or mounted to a frame for the expressed purpose of easy mobility and the intention to be readily relocated and not permanently affixed to the ground or a structure. These signs ordinarily are used for short periods of time for promotional sales, grand openings, etc. Portable signs also include sidewalk signs, A-frame signs, and signs attached to or painted on a vehicle or trailer that is parked and visible from the public right-of-way, unless said vehicle is used in normal, day-to-day operations of the business.
- (6) **Real Estate/Auction Signs.** On-site or directional/pointer portable or permanent signs erected by the owner or owner's agent, advertising the sale, rental or development of the parcel of land on which the sign is located, or providing direction to a property which is for sale, lease, rent or development.
- (7) **Right-of-Way:** For the purposes of this Ordinance, the public right-of-way is defined as that area from and including structures such as telephone utility poles, fire hydrants, etc. to any public street or byway. If a defined, measured right-of-way does exist for a particular section of the roadway, then that measurement will overrule the previous description.
- (8) **Sign.** Means any communication device, structure, placard or fixture using any object, letter, figure, design, symbol, artistic display, trademark, flag or other device intended to call attention to, identify, advertise, or aid in the promotion of the sale of products, goods, services or events, any place, subject, person, firm, business, public performance, article, machine, merchandise, or building. The term "sign" shall not be deemed to include the term "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.
- (9) **Sign Area.** The entire area within a joined continuous perimeter that encloses the extreme limits of writing, background, representation of other sign information, but the sign area shall not include any structural elements other than the background, that are not an integral part of the display. For the purpose of computing the allowable sign area of a double-faced sign, only one (1) face shall be considered.

- (10) Sign Height. The height of a sign shall be computed as the difference between the average ground level at the base of the sign and the elevation of the uppermost extremity of the sign or sign support structure.

05. Permit required.

- (1) No sign, except for those signs listed in Section 06 below, shall be painted, constructed, erected, remodeled, relocated or expanded until a sign permit has been obtained in accordance with the provisions of this Chapter. When a sign permit has been issued, it shall also be unlawful to substantially modify a sign without prior approval of the Building Inspector. A written record of such approval shall be entered upon the original permit application and maintained in the permit record.
- (2) No permit for any sign shall be issued unless the sign complies with all requirements of this Chapter, and with the requirements of the *Southern Building Code* as amended for outdoor displays and signs, including portable signs.
- (3) A sign or sign structure that is replaced to show a new trade name, a new design, different color or other changes in shape, location or size shall require a permit.

06. Permit Exceptions.

- (1) The following operations shall not be considered as creating a sign, and therefore shall not require *an additional* sign permit:
 - (a) The changing of the advertised copy of message on an approved sign or billboard that are specifically designed for the use of replaceable copy.
 - (b) Painting, cleaning and other normal maintenance and repair of a conforming sign unless a structural change is made.
- (2) The following enumerated signs shall be exempt from the requirements of this chapter:
 - (a) Signs of any constituted governmental body such as traffic signs and signals, legal notices, railroad crossing signs, danger signs and other temporary, emergency and non-advertising signs.
 - (b) Memorial tablets or signs, historic markers, corner stones, or a building name and date of erection when constructed of incombustible material.

- (c) Signs required to be maintained by law such as governmental order, rule or regulation with a total surface area not to exceed ten (10) square feet.
 - (d) Flags, emblems or insignias of any constituted government body, religious group, civic organization and/or service club.
 - (e) Small signs displayed for the direction or convenience of the public including signs that identify rest rooms, location of public telephones, freight entrances, parking, etc. with a total area not to exceed four (4) square feet. Horizontal directional signs flush with paved areas are exempt from these standards.
 - (f) Seasonal displays and decorations not advertising a product, services or entertainment.
 - (g) Freestanding signs or signs attached to fences at approximate eye level that are no larger than four (4) square feet warning the public against hunting, fishing, trespassing, dangerous animals, swimming, or the designation of private property, private drives, ATMs, etc.
 - (h) Any information or directional signs erected by a public agency to give directions and distances to commercial facilities or points of interest for the convenience of the traveling public but the signs may not give directions to any specific business establishment.
 - (i) Temporary window signs, under any qualifications specified in Section 05(3), that do not exceed 25% of the area of the window or any glass door to which they are attached. All window signs shall be in conformance with all applicable safety, building and electrical codes.
 - (j) Permanent window signs under any qualifications specified in Section 05(3) that do not exceed ten (10) percent of the area of the window or any glass door to which they are attached. All permanent window signs shall be in conformance with all applicable safety, building and electrical codes.
- (3) Except where specifically qualified below, no permit shall be required for any of the following temporary signs:
- (a) Official public notices. Official notices or advertisements, required by the direction of any public or court officer in the performance of his/her official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments; provided that all such signs shall

be removed not later than ten (10) days after the last day of the period for which they are required to be displayed.

(b) Political signs. Political preference or campaign signs for federal, state and local elections not exceeding four (4) square feet in residential zones or not exceeding sixteen (16) square feet in all other zones may be erected or posted on any private lot, but not within the public right-of-way. Such signs shall contain no commercial message in order to remain exempt. Each sign may not be erected more than ninety (90) days prior to the nomination, election or referendum.

(c) Non-profit temporary signs. Temporary signs not exceeding nine (9) square feet in area announcing a campaign, drive or event of a civil, philanthropic, educational or religious organization, provided that the sponsoring organization shall ensure proper and prompt removal of such sign. Such sign may be maintained for a period not to exceed one (1) month.

(d) Real estate/auction signs. Temporary, freestanding real estate/auction signs may be erected without a permit for any property that is offered for sale, lease or rent under the following conditions:

1. Signs may be two-faced with the total sign surface no more than nine (9) square feet.
2. Real estate signs must be erected on private property and not on public right-of-way and shall not create any sight visibility hazard.
3. Such signs shall be removed within three (3) days of the closure of the sale, rental or lease.
4. Directional or pointer real estate signs may be used off-site from the property for sale, lease or rental; however, such signs may not be in the public right-of-way and must be used in reasonable numbers.
5. One (1) sign is allowed per lot road frontage; however, property in excess of three (3) acres may include up to two (2) additional signs provided such signs are spaced at 500-foot intervals.
6. Properties for sale, lease or rent that do not have visual access from the nearest street or roadway, but can be seen from streets further away, may have signs larger than nine (9) square feet, provided justification is presented to and approved by the Mount Carmel Planning Commission.
7. Auction signs may be erected no more than fourteen (14) days prior to the event and must be removed no

later than three (3) days following said event. Those individuals placing auction signs within the city should notify the Town of Mount Carmel City Hall staff when placing the signs.

(e) Construction signs. Construction signs that identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction prior, to a maximum area of thirty-two (32) square feet for each sign. The sign shall be confined to the site of the construction, and shall be removed within fourteen (14) days following completion of construction.

(f) Temporary or portable signs. Temporary or portable signs may be exempt from permitting provided they meet the following conditions:

1. Temporary signs such as "grand opening", "under new management", "now hiring", "going out of business", etc. shall be posted for a period not to exceed thirty (30) days.
2. Only one temporary sign shall be displayed at a given time.
3. Except as designated in 7 below, the total sign area shall not exceed nine (9) square feet.
4. Signs may not be placed on public sidewalks or right-of-ways except as authorized in special event applications approved by the Board of Mayor and Aldermen. No temporary sign authorized may be placed to cause a site distance problem, obstruction or a hazard.
5. Portable A-boards or "sandwich board" signs may only be displayed during business hours.
6. Business owners shall notify the Building Inspector of any placement of a portable sign upon their premises in order that the allowable time period can be observed and enforced.
7. Temporary or portable signs advertising such happenings as "Grand Opening", "under new management", "going out of business", shall not exceed thirty-five (35) square feet, and may be displayed only one (1) time in a twelve (12) month period.

07. **Prohibited signs.** The following signs are prohibited from being erected or maintained in any zoning district and in any area of the Town of Mount Carmel:
- (1) Any lighting arrangement by exposed tubing or strings of lights, outlining any portion of a building or structure or affixed to any ornamental feature thereof.
 - (2) Any portable sign, except as provided for in Section 05(3)(f).
 - (3) Any sign that violates any provision of any law or regulation of the State of Tennessee or the United States of America relative to outdoor advertising.
 - (4) Any sign that violates any provision of the *Southern Standard Building Code* unless specifically authorized otherwise in this Chapter.
 - (5) Any sign so located so as to obscure all or any portion of a sign or traffic signal erected by a governmental authority.
 - (6) Any sign of which all or any part is in motion by means of the atmosphere, including fluttering or rotating.
 - (7) Any animated sign that by movement or by other method or manner of illumination, flashes on or off, winks, strobes, blinks with varying light or color intensity, except signs indicating time, temperature, barometric pressure or air pollution index, but only when the sign does not constitute a public safety or traffic hazard in the judgment of the building inspector.
 - (8) Any sign that obstructs any window, door, fire escape, stairway, ladder, opening or access, intended for light, air, ingress to or egress from any building.
 - (9) Any sign that is attached to a tree.
 - (10) Any sign that is attached to a utility pole, whether on public or private property, except utility warning announcements and such traffic and safety related signs as deemed necessary by the Chief of Police or the Board of Mayor and Aldermen.
 - (11) Any sign, that by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control signal or device, or where it may interfere with, mislead or confuse traffic, and is deemed to be a safety hazard by the Building Inspector, Chief of Police, or the Board of Mayor and Aldermen.
 - (12) Inflatable signs, including helium or other gas that is contained within the sign or sign parts, at a pressure greater than atmospheric pressure making it able to float.
 - (13) Any off-premise signs, except real estate directional signs, political signs, public service/civic event signs, garage sale signs, and off-premise directional signs authorized in Section 06(3) of this Chapter.

- (14) Any commercial sign supporting any business, etc. as defined in Section 06(3) "Commercial Signs" of this Chapter, that is not within the Town of Mount Carmel except as may be permitted through billboards.
- (15) Any sign that exhibits statements, words or pictures of an obscene nature.
- (16) Abandoned or dilapidated signs as deemed so by the Board of Mayor and Aldermen.
- (17) Roof signs or signs extending beyond the main roofline, unless specifically approved by the Mount Carmel Planning Commission.
- (18) Any commercial sign located in a residential district not otherwise provided for in this Chapter.
- (19) Any sign that has not been permitted as required, or whose permit has been revoked.
- (20) Signs that are made structurally sound by guy wires or unsightly bracing.
- (21) Signs that contain reflective material, except as approved in Section 06.
- (22) Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located, except as permitted through billboards.

08. Sign locations. Commercial signs shall be located on the property in which they are intended to promote. No commercial signs shall be on public right-of-way except as permitted by the State of Tennessee or the Mount Carmel Board of Mayor and Aldermen. In addition, the following limitations apply:

- (1) No signs on Medians or Public Right-of-Way. No political, real estate, civic or other non-public exempt signage shall be posted or erected on highway medians, islands or along public rights-of-way. Either the Building Inspector or the Police Department will remove unapproved signs in the public right-of-way.
- (2) Spacing. All permanent, freestanding signs on any premise shall be spaced at a minimum of 100-foot intervals along each public way that views the premises, unless otherwise provided for in the Chapter. The Board of Zoning Appeals will determine if special circumstances exist if a variance is requested.
- (3) Sight Distance Triangle. All entrance signs and freestanding signs located near the corners of an intersection shall be located outside of the "sight distance triangle". The "sight distance triangle" is a triangle shaped area that is measured at a distance of thirty-five (35) feet running parallel to each intersecting street or roadway and the line connecting them to form a triangle. This area shall be free of any permanent or

temporary signs that may inhibit clear sight visibility for motorists. The State Department of Transportation and/or the Mount Carmel Board of Zoning Appeals must approve any exceptions.

- (4) Setback. All permanent signs shall be setback at least five (5) feet from the edge of the street or public right-of-way, unless otherwise specified in this Chapter. No permanent sign shall be located within a public utility or drainage easement, unless authorized by the Mount Carmel Planning Commission and the utilities involved. Temporary signs shall be located at least ten (10) feet from the edge of the street or public right-of-way.
- (5) Authority for Placement. No sign and/or sign structure shall be erected on any property without the express permission of the property owner or his agent. Upon request of the Building Inspector, such permission granted must be made in writing.

09. Illumination. Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone.

- (1) The light from any illuminated sign shall be so shaded, shielded or directed that the light illuminates only the sign and does not become either a safety hazard and/or a visual nuisance.
- (2) No sign shall have blinking, flashing, strobe or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color. Beacon lights are not permitted.
- (3) No colored lights shall be used at any location in any manner so as to be confused with or construed as a traffic signal device.
- (4) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets and thoroughfares.

10. Structural requirements. All signs shall meet the structural requirements for signs as set forth in the Southern Standard Building Code.

11. Inspection, maintenance and removal.

- (1) Signs for which a permit is required shall be inspected annually by the Building Inspector for compliance with this and other Ordinances of the Town of Mount Carmel.
- (2) All signs and components thereof shall be kept in good repair and in a safe, clean, neat and attractive condition.
- (3) When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of the Southern Standard Building Code, the owner, person, or firm

maintaining the sign shall, upon written notice of the Building Inspector, within not more than ten (10) days make such sign conform to the provisions of this Chapter or shall remove it. If within ten (10) days the order is not complied with, the Building Inspector may remove such sign at the expense of the owner or lessee thereof as provided in the Southern Standard Building Code.

- (4) The Building Inspector or the Police Chief may remove a sign immediately and without written notice if in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.
- (5) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises and has not been so conducted for a period of one (1) year. If the owner or lessee fails to remove the sign, the Building Inspector shall give fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Building Inspector may remove the sign at the expense of the owner or lessee thereof as provided in the Southern Standard Building Code.

12. Outdoor advertising signs. Outdoor advertising signs, also commonly referred to as billboards or poster panels, that advertise products or businesses primarily not connected with the site or building on which they are located, shall be allowed as follows:

- (1) Outdoor advertising signs may be located in the Arterial Business and Industrial districts.
- (2) Outdoor advertising signs shall be subject to the same minimum yard requirements as set forth for the zoning district in which they are located, and shall not be located within 100 feet of any residential district. Outdoor advertising signs shall not be within 25 feet of any other sign or building.
- (3) Outdoor advertising signs shall be located as to be primarily visible from arterial streets, and shall not be located along or be primarily visible from any other street.
- (4) Outdoor advertising signs may be single face or double face, but no structure may contain more than two (2) signs not exceeding a total area of 288 square feet per facing.

13. Non-Conforming signs. Signs that do not conform to the intent and premises of this Ordinance at the time of passage are encouraged to voluntarily comply with the regulations and guidelines established herein. However, in the event that voluntary compliance is not achieved, a non-conforming sign must be removed if the company for which it is advertising has been out of business for a minimum of six

(6) months. If the sign is destroyed or partially (75%) destroyed by vandalism, accident or Act of God, it may not be rebuilt without express permission of the Mount Carmel Board of Zoning Appeals. In addition, the following applies:

- (1) No nonconforming sign shall be enlarged, reconstructed, structurally altered or changed in any manner, nor shall it be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign. No nonconforming sign shall be remodeled or changed in size or content to show a new trade name, different words, letters or numbers, new design, different colors or different logos, unless such nonconforming sign is an outdoor advertising sign that has been permitted to change.
- (2) Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign.
- (3) A nonconforming sign or sign structure shall be removed if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeds 75% of the building's appraised value.

14. Sign regulations by district. The following regulations shall apply to all signs that require a permit by the provisions of this Chapter.

- (1) Residential districts. In addition to regulations that may be presented for a given use in a particular zoning district, the following regulations shall apply to all signs that are located on used lands or are accessory to residential uses in all residential districts.
 - (a) One (1) sign not exceeding four (4) square feet in area shall be permitted with the exception of subsections b, c, g, h and i below. Such sign shall indicate only the name of the occupant, address or home occupation.
 - (b) In addition to the signs permitted by paragraph (a) above, a 30 square foot sign may be permitted to identify the name of a single-family development at the major entrance thereto. The Mount Carmel Board of Zoning Appeals must approve sign areas larger than 30 square feet.
 - (c) One sign not exceeding 36 square feet in area advertising a subdivision development and located therein adjacent to any street bounding such development may be permitted; provided that no such sign shall be displayed for a longer time than two (2) years and shall require a permit from the Building Inspector. Renewals must be obtained at the end of any two-year period. One (1) off-site sign not exceeding 25 square feet may be permitted subject to the same limitations.

- (d) Permitted signs may be located anywhere on the premise beyond the five-foot setback.
 - (e) No freestanding sign shall extend more than 8 feet above the ground.
 - (f) Illumination, if used, shall be "white" light and shall not be blinking, fluctuating or moving. Light rays shall shine only on the sign or upon the property where the sign is located.
 - (g) Multi-family dwellings may have one or more signs per building with a total permitted sign area of 12 square feet per building. Only the name and address of the building shall be referenced. In addition, one 30 square foot sign may be permitted for each street frontage to identify the name, address, phone number and owner of the development.
 - (h) One sign not exceeding 30 square feet in area shall be allowed for each public owned building and use, public and private schools and churches located in a residential zone.
- (2) Commercial districts. In addition to the regulations that may be presented for a given use in a particular zoning district, the following regulations shall apply to all signs that are accessory to commercial use located in any commercial district.
- (a) Building mounted signs on buildings housing only one tenant shall not exceed 36 square feet of area on the building for the first 100 linear feet of building frontage plus one (1) square foot of sign area for each linear foot over 100 linear feet of building frontage. No such sign, however, shall exceed 100 square feet in area.
 - (b) Building mounted signs on buildings housing more than one (1) tenant shall not exceed a total of one (1) square foot of sign area on the building for each linear foot of building frontage occupied by each tenant, to a maximum sign area of 100 square feet.
 - (c) Building mounted signs may be located anywhere on the surface of the building and may project not more than 3 feet there from.
 - (d) No building mounted sign shall extend more than 4 feet above the lowest point of the roof.
 - (e) Signs may be on the vertical face of a marquee but shall not project below the lower edge of the marquee. The bottom of the marquee sign shall be no less than nine (9) feet above a walkway or grade at any point.
 - (f) Freestanding signs shall not exceed fifty (50) square feet of sign area for the first 100 linear feet of street frontage,

plus one (1) additional square foot of sign area for each linear foot above the 100 feet minimum street frontage. Freestanding signs shall be set back a minimum of 5 feet from all property lines and shall not exceed a height of 26 feet above ground level including supports.

- (g) All signs shall have a minimum clearance of nine (9) feet above a walkway and 15 feet above a driveway or alley.
 - (h) Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services, or other entertainment available on the same property where the sign is located.
 - (i) One building mounted sign per street frontage per tenant is permitted. One freestanding sign per street frontage per building is permitted. These signs must be located on the premises for the products or services they primarily advertise and they shall be subject to Section 11.
 - (j) Service stations may be allowed one (1) additional square foot of sign on each gasoline pump to identify the specific product dispensed.
- (3) Manufacturing district. In addition to regulations which may be presented for a given use in a particular zoning district, the following regulations shall apply to all property developed for industrial uses in areas zoned for manufacturing.
- (a) Building mounted signs shall not exceed a total area of 2 square feet for each linear foot of building frontage to a maximum total area of all signs permitted for any establishment of 300 square feet. Where the frontage is on more than one street, only the sign area computed with the frontage of that street shall face that street.
 - (b) Signs may be flat against the wall and located anywhere on the surface of the building. Signs may be projecting signs only if they do not create any safety hazards.
 - (c) All signs shall have a minimum clearance of nine (9) feet above a walkway and fifteen (15) feet above a driveway or alley.
 - (d) No building mounted sign shall extend more than four (4) feet above the lowest point of the roof, except where there is a structural or functional part of the building extending above the roof, such as a parapet, chimney, mullion, mansard or other such architectural embellishment, signs may be placed on and limited to the face of that part and extend not more than 5 feet above the highest point of the roof; but in no event shall a sign extend above the height

limit established for the zoning district in which the sign is located.

- (e) One (1) freestanding or ground-supported sign may be erected for each industrial use. Such signs shall have a maximum area of 175 square feet, have a minimum setback of 5 feet, and not exceed 26 feet in height including any supports.
- (f) Signs allowed by this Section shall be limited to identifying or advertising the property, the individual enterprises, the products, services or entertainment available on the same property where the sign is located.

15. Sign permit requirements.

- (1) Except as otherwise provided herein, no sign shall be erected, altered or relocated without a permit issued by the Building Inspector.
- (2) Any sign erected under permit shall indicate in the lower right hand corner the number of that permit and the name of the person, firm or corporation owning, erecting, maintaining or operating said sign.
- (3) It shall be the responsibility of the company, firm or individual constructing or planning any sign to obtain any required permit.

16. Permit application. The application for a sign permit shall be filed with the Building Inspector on forms furnished by the Town. The application shall contain the location of the sign structure, the name and address of the sign owner and drawings showing the design of the sign and such other pertinent information as the Building Inspector or the Planning Commission may require to ensure compliance with the Ordinance of the Town. Any sign to be located with the Town of Mount Carmel shall be in conformity with the requirements for the district in which it is proposed to be located. The Mount Carmel Planning Commission shall determine any questions concerning the conformity of a sign.

17. Fees for sign permits.

- (1) A nominal fee to cover administrative cost shall be charged for each sign permit issued.
- (2) The building inspector or representative of the town may charge double sign permit fees for any permit application that is not obtained prior to the beginning of sign construction at its intended location.

18. **Expiration of Permit.**

- (1) A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of six (6) months after the date of the permit.
- (2) In the event that construction cannot be commenced within the six (6) month period, an application for extension of an additional six (6) month period may be made to the building inspector.

19. **Variances.**

- (1) Except for instances relating to signs or sign structure located or proposed to be located on or over public property, any person who has been ordered by the Building Inspector to incur an expense for the alteration or removal of a sign may appeal to the Board of Zoning Appeals. The Board of Zoning Appeals may permit the alteration or permit the sign to remain, provided it finds that the sign is safe, necessary to the occupation that it represents, and does not conflict with the intent of this Chapter.
- (2) In cases where an individual enterprise located within a shopping center would be so situated as not to have frontage visible from a street, the Board of Zoning Appeals may grant sign area for such uses to be erected at entrances. In granting such a variance, the Board shall limit the areas of such signs to that which in its opinion is reasonable in keeping with the provision of this Chapter.
- (3) The Board of Zoning Appeals shall hear and decide applications for variance by reason of exceptional topographical conditions, practical difficulties, or undue hardships caused by strict application of the Ordinance for additional signs, sign area, sign height and sign location.

221. **Penalties.** Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

This Ordinance shall take effect from and after the date it shall have been passed by the Board of Mayor and Aldermen, properly signed, certified and has met all other legal requirements of the Town of Mount Carmel and as otherwise provided by law, the welfare of the Town of Mount Carmel requiring it.

Motion was made by _____ and duly seconded by _____
that this Ordinance be adopted on second and final reading. Those voting for the
adoption of this Ordinance were _____

Those voting against the adoption of this Ordinance were _____

APPROVED BY THE PLANNING COMMISSION: NOVEMBER 12, 2002 _____

Date

PASSED ON FIRST READING: _____

Date

PASSED ON SECOND READING: _____

Date

The Honorable Gary Lawson, Mayor, Town of Mount Carmel

Attest

LAW OFFICES OF MAY & COUP

AMSOUTH BANK BUILDING • 130 WEST MAIN STREET • POST OFFICE BOX 1804 • MOUNT CARMEL, TENNESSEE 37645 1804

Joseph E. May, Attorney
Allen J. Coup, AttorneyTelephone (423) 357-2244
Telecopier (423) 357-2246

January 15, 2003

Ms Tammy Conner
Recording Secretary
Planning Commission
TOWN OF MOUNT CARMEL, TENNESSEE
Post Office Box 1421
100 East Main Street
Mount Carmel, Tennessee 37645

**FAX TO:
357-7710**

Re: Ordinance No. 255 Relating to Business and Advertising Signs
Attorney's File No. 020206.

Dear Ms Conner:

At its regular meeting on January 14, 2003, the Planning Commission addressed the subject Ordinance. The matter came before the Planning Commission at the request of the Board of Mayor and Aldermen to study and report on the issue of permitting or prohibiting signs to be placed in public rights-of-way. The result of its deliberations last night was that the Planning Commission found that the prohibition against placing signs in public rights-of way was an appropriate action to protect property.

As I understand the collective finding of the Planning Commission, they balanced the competing interest of sellers of real estate who desire to place directional or advertising signs on public rights-of way with the competing interest of private property owners who object to suffering the placement of such signs at a location essentially in front of their residence. Neither position was expressed by anyone actually appearing before the Planning Commission. The Commission was required to deliberate on the issue on the basis of anecdotal reports from persons to whom commentary had been previously addressed outside the meeting.

It was pointed out that, with very limited exceptions, none of the surrounding jurisdictions permit anyone to place signs on public rights-of-way. Mount Carmel was reported to be the only jurisdiction which would allow signs to be placed in public rights-of-way.

The Commission also observed that Highway 11-W is subject to the control of the State of Tennessee; therefore, authorizing or prohibiting the placement of signs on that right-of-way may be entirely in

Ms Tammy Conner
Recording Secretary
Planning Commission
TOWN OF MOUNT CARMEL, TENNESSEE
January 15, 2003
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the hands of the Tennessee Department of Transportation. Upon reflection, however, I would point out that the Maintenance Agreement which Mount Carmel has with the Tennessee Department of Transportation may provide that the Town is technically responsible by the terms of its contract with the State for keeping encroachments off the right-of-way of Highway 11-W.

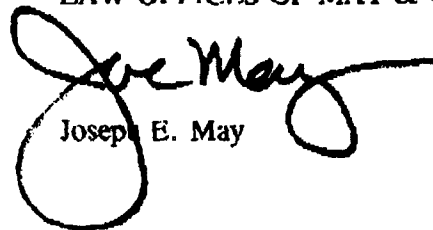
When the matter once again comes before the Board of Mayor and Aldermen for its consideration, it may be helpful if the persons who commented on the subject to their Alderman or Commissioner actually appeared to express their views. If a real estate seller (who is reportedly prohibited from doing so in all of the surrounding jurisdictions) can articulate his reason for needing to do so in Mount Carmel in order to continue doing business here — that may be very helpful to the Board of Mayor and Aldermen in making a decision. Similarly, if a homeowner who, by reason of the location of his home on a heavily traveled street, frequently experiences signs being placed in the right-of-way in front of his property can state the reason why this disturbs the quiet enjoyment of his property — that too may be very helpful to the Board of Mayor and Aldermen in making a decision.

Some comment directly from the State Planning Office may also be of assistance to the Board of Mayor and Aldermen. That agency sees such matters all over the general area and may be in a position to provide some insight on the question. If I can assist further, please let me know.

I very much appreciate your attention and cooperation in this matter.

Best regards.

Sincerely,
LAW OFFICES OF MAY & COUP



Joseph E. May

JEM:mk