

ORDINANCE NO. 20-11-09-2

**AN ORDINANCE TO AMEND SECTION 2 OF ARTICLE VI OF THE
OFFICIAL ZONING ORDINANCE OF GORDONSVILLE, TENNESSEE. SAID
AMENDMENT DELETES SECTION 2 IN ITS ENTIRETY AND REPLACES IT
WITH THE FOLLOWING REGULATIONS CONCERNING SIGNS,
BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

WHEREAS, Sections 13- 7-203 and 13-7-204 of the **Tennessee Code Annotated** provides that the text of a municipal zoning ordinance may from time to time be amended; and

WHEREAS, the Gordonsville Municipal Planning Commission, at its regular monthly meeting on October 22, 2020, did make a recommendation to the Gordonsville Board of Mayor and Aldermen for adoption of the zoning ordinance amendment; and

WHEREAS, the Gordonsville Board of Mayor and Aldermen has given due notice of a public hearing related to said amendment:

NOW, THEREFORE BE IT ORDAINED by the Gordonsville Board of Mayor and Aldermen that, under **ARTICLE VI, SUPPLEMENTARY REGULATIONS** of the Gordonsville Zoning Ordinance, **SECTION 2, Signs, Billboards, and other Advertising Structures**, be deleted in its entirety and that the following regulations be added to this section of the ordinance.

A. Purpose and Intent

1. Safety. Construct and display signs in a manner that allows pedestrians and motorists to identify, interpret, and respond in an efficient and discerning manner to the following:

- information related to public traffic control, directions, and conditions;
- movement of all other pedestrians and vehicles that impact traffic on a given travelway; and
- information other than public traffic related when displayed in a manner which is clear, concise, and noncompeting with public traffic information.

2. Protection of minors. Prohibit the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks, or breasts.

3. Graphic continuity and aesthetics. Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs by limiting the size, location, and design of signs so that pedestrians and motorists have an equal right to view buildings, structures, and natural features in the foreground and background.

4. Identification of activities and services. Based on the community's need to know, provide for signs that identify the marketplace and the opportunities provided by the community.

B. Definitions

BANNER SIGN. A sign usually of cloth, paper, plastic or other non-rigid material with no enclosing framework that is fastened or otherwise attached to support structures spanning horizontally or overhanging an area and temporary in nature.

BILLBOARD SIGN OR OFF-PREMISES SIGN. A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, and which sign is a permanent structure on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel, in exchange for rent, fee or other consideration.

CHANGEABLE COPY SIGN. A sign on which copy is changed manually in the field with changeable letters.

ELECTRONIC DISPLAY SCREEN. A sign, or portion of a sign, that displays an electronic image which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens and LED screens.

ELECTRONIC MESSAGE CENTER. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequences of messages and the rate of change is electronically programmed and can be modified by electronic processes.

MANSARD SIGN. A sign attached to a roof-like facade architecturally comparable to a building wall. For the purpose of these regulations the area of the mansard shall be determined by multiplying the width by the total vertical height, ignoring any slope.

PORTABLE SIGN. A sign which is designed to be readily transportable from place-to-place, and not permanently attached to a footer or masonry foundation.

ROOF SIGN. Any sign erected or maintained upon or attached to a roof or building.

C. General Provisions

1. Sign permit required. For all signs allowed in any zoning district established by this ordinance, the following regulations shall apply unless otherwise specifically stated in this ordinance:

- an application for a sign permit shall be submitted to the Town Recorder on forms furnished by City Hall, and any fees established for review of said application shall be paid to the Town of Gordonsville, and said application shall be approved by the Building Inspector signified by the issuance of a sign permit prior to the erection, relocation, major alteration, or modification, of any sign which requires a sign permit as herein stipulated; and
- on any existing sign 1) the replacement of the sign face area with anything other than a duplication of the existing sign face area, 2) the addition of an electronic message center, or 3) the conversion of said existing sign to a multi-prism or electronic display screen shall be classified as a major alteration or modification which requires a sign permit.

2. Design for permanency required. All permanent signs shall be constructed of highly durable materials, and shall be permanently affixed to the ground or building, unless otherwise exempted in this Section.

3. Maintenance. All signs shall be maintained in good surface and structural condition, and in compliance with all building and electrical codes.

D. Exempt Signs.

The following on-premises signs are exempt from the operation of this Section, (i.e. the obtaining of a sign permit) provided that they are not placed or constructed in a manner that will obstruct vision at intersecting streets, or where private driveways intersect a public street, or so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

1. Within nonresidential districts, signs that are displayed for the safe direction of the public on the property such as signs which identify entrances, exits, drive-thru windows, parking areas, loading areas, or signs of a similar nature. Such signs shall not exceed twelve (12) square feet in area and shall adhere to the height and setback requirements for permanent, on-premises ground signs.

2. Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property and rights-of-way with permission as appropriate from the Town of Gordonsville or the State of Tennessee.

3. Legal notices and official instruments.

4. Holiday lights and decorations.

5. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards for nonresidential users.

6. Signs carried by a person when the person does not receive any financial compensation.

7. Banner signs of twelve (12) square feet or less in size.

8. Temporary signs which do not exceed thirty-two (32) square feet in area, up to one-hundred and twenty (120) days prior to an election, that adhere to the height and setback requirements for permanent, on-premises ground signs and are removed within fourteen (14) days after the election.

9. Temporary displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display, and non-illuminated provided that such temporary signs do not cover more than fifty (50) percent of the total surface area of the storefront window.

10. Memorial signs or tablets when cut into any masonry surface or when constructed of incombustible materials and attached to the surface of a building.

11. Signs incorporated into machinery or equipment by a manufacturer or distributor, such as those customary affixed to vending machines and fuel pumps.

12. In residential districts, any non-commercial sign of a type described below which does not exceed four (4) square feet in area:

a. Signs located on the front of the house itself or a fence in front of the house, two (2) signs per lot.

b. A mailbox sign.

13. Temporary or permanent signs identifying safety or traffic-control measures on private property such as "Stop", "Yield" and similar signs, the face of which complies with the standards of the "Manual for Uniform Traffic Control Devices".

14. Temporary signs which do not exceed six (6) square feet in area, which are limited to one per lot, which are erected no sooner than seven (7) days before any yard sale event and are removed within three (3) days after the event.

15. Temporary signs on active construction sites in residential districts which do not exceed nine (9) square feet in area, which are limited to one per lot, and which are installed after issuance of a building permit and removed upon issuance of a certificate of compliance with the building permit.

16. Temporary signs on active construction sites in nonresidential districts which do not exceed thirty-two (32) square feet in area, which must be spaced at least one hundred (100) feet apart, and which are installed after issuance of a building permit and removed upon issuance of a certificate of compliance with the building permit.

17. Temporary signs on real property that is for sale or will be for sale within thirty (30) days in residential districts which do not exceed nine (9) square feet in area per sign, and which are limited to one ground sign per street frontage and one building sign with wall attachment per dwelling unit.

18. Temporary signs on real property that is for sale or will be for sale within thirty (30) days in nonresidential districts which do not exceed thirty-two (32) square feet in area per sign, and which are limited to one ground sign per street frontage and one building sign with wall attachment.

19. Temporary signs which do not exceed thirty-two (32) square feet in area and are limited to one sign at the site of an event may be erected no sooner than fourteen (14) days before an event held by a public or nonprofit organization and must be removed within seven (7) days after the event.

20. An on-premises ground or on-premises building sign oriented toward a food service drive-through lane. The total sign area shall not exceed sixty (60) square feet and a maximum height of ten (10) feet. The sign shall be located within thirty (30) feet of the point at which orders are taken from the motor vehicle.

21. Signs located on athletic fields, if oriented toward the field of play.

22. Temporary signs which do not exceed thirty-two (32) square feet in area may be erected no sooner than twenty-one (21) days before an auction and must be removed within three (3) days after the auction.

23. In an agricultural district, signs erected during the time that agricultural products are for sale that do not exceed thirty-two (32) square feet in area, are not illuminated, and are not a prohibited sign as set forth in Paragraph E of this Section.

E. Prohibited Signs.

It is unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this Section. Any prohibited signs may be removed by the Town of Gordonsville after notice to the property owner or occupant to remove such sign(s) within three (3) days. The following signs are expressly prohibited.

1. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, on which the copy does not remain fixed, static, motionless, and non-flashing for a period of eight (8) seconds or more with all copy changes occurring instantaneously without any special effects.

2. Signs with any copy, graphics, or digital displays, that change messages by electronic or mechanical means in the R-1, R-2, C-1, or A-1 Districts, and in the C-2 District, except adjacent to State Route 53, provided that this prohibition shall not apply to signs existing as of January 1, 2021.

3. Sign display areas with varying light illumination and or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or conveying the illusion of movement.

4. Illumination of signs with any copy, graphics or digital displays that change messages by electronic or mechanical means existing in R-1 and R-2 Districts as of January 1, 2021 between 9:00 p.m. and 6:00 a.m.

5. Ground or building signs that are electronic display screen billboards, including the conversion of existing billboards to electronic display screen billboards, less than two-thousand (2,000) feet apart. The spacing distance shall be measured along the roadway that the billboard is located adjacent to and shall be measured from billboard to billboard regardless of the side of the roadway on which the billboard is located, the billboard's orientation on that roadway or public street classification.

6. Video, continuous scrolling messages, and animation signs.

7. Signs that incorporate projected images or emit any sound that is intended to attract attention.

8. Signs within ten (10) feet of public right-of-way or within one one-hundred (100) feet of traffic-control lights that contain red or green lights that might be confused with traffic-control lights.

9. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way.

10. Strings of incandescent bulbs with wattage in excess of ten (10) watts per bulb used in C-1 or C-2 Districts for commercial purposes other than temporary holiday decorations.

11. Portable signs.

12. Signs displaying copy that is harmful to minors.

13. Signs advertising customary home occupations in R-1 and R-2 Districts.

14. Billboards and other off-premises signs in R-1 and R-2 Districts.

F. Permitted On-Premises Temporary Signs.

On-premises temporary signs are allowed subject to the restrictions imposed by this Section.

1. Sign types allowed. A temporary sign may be an on-premises ground or on-premises building sign, but may not be constructed of or operated by electrical, electronic or mechanical parts. Banners are defined as being temporary signs.

2. Restrictions on on-premises temporary signs. Any on-premises temporary sign may display any message as long as it is:

a. not harmful to minors; and

b. posted during, or up to thirty (30) days prior to a period in which 1) an owner, either personally or through an agent, is attempting to sell, rent, or lease the property on which the sign is located, or, 2) a business is opening, changing use, changing location, or going out of business; or

c. posted during or up to fourteen (14) days prior to a period in which the property is hosting an event such as a fair, carnival, circus, church revival, sporting event, flea market, or any public, charitable, educational or religious event or function; or

d. posted during or up to twenty-one (21) days prior to a period in which a vacant lot or temporary structure, such as a tent, is being used to offer goods for sale.

3. Permissible height, number, and setback for temporary ground signs. On-premises, temporary ground signs shall not exceed six (6) feet in height above the ground and be limited to one (1) per lot. Temporary on-premises ground signs that do not extend more than two and one-half (2½) feet above the ground shall be set back at least two (2) feet from the public right-of-way. All others shall be set back at least ten (10) feet from the public right-of-way.

G. Permitted On-Premises Permanent Signs.

1. Sign types allowed. A permanent on-premises sign may be permitted as a ground sign or building sign.

2. Setback and height restrictions for on-premises permanent ground signs not located adjacent to State Route 53. On-premises permanent ground signs that do not extend more than two and one-half (2½) feet above the ground shall be set back at least two (2) feet from public right-of-way. On-premises ground signs that extend above two and one-half (2½) feet but less than ten (10) feet above the ground shall be set back at least fifteen (15) feet from the public right-of-way. On-premises permanent ground signs that have the bottom of the sign face area extending ten (10) or more above the ground shall be set back at least ten (10) feet from the public right-of-way.

3. Setback restrictions for on-premises permanent ground signs located adjacent to State Route 53. No portion of an on-premises permanent ground sign shall be within two (2) feet from Tennessee Department of Transportation right-of-way for State Route 53.

4. Sign construction materials. All permanent on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, marine grade (MDO) plywood, aluminum, or steel.

5. On-premises permanent building signs shall not extend above the roof line of the structure and signs attached to a building wall shall not extend above the top of the wall or parapet more than eighteen (18) inches.

H. Permitted On-Premises Signs in R-1 and R-2 Districts.

Permanent on-premises ground and building signs are permitted subject to the following restrictions.

1. Permanent signs indicating name, address, house number, historical context, or advancement of rooms for rent affixed on the front of the house itself or a fence in front of the house or a mailbox with sign face size not to exceed four (4) square feet in area and not more than two such signs per parcel.

2. Permanent signs relating to private parking, trespassing or dangerous animals affixed on the front of the house, a fence in front of the house or as a permanent ground sign with sign face size not to exceed four (4) square feet in area and not more than two such signs per parcel.

3. For apartment buildings, mobile home parks and subdivisions consisting of ten (10) or more lots, one permanent double-sided sign located perpendicular to the public street and not to exceed thirty-two (32) square feet per sign face.

I. Permitted On-Premises Signs for Community Facilities Located in R-1 and R-2 Districts.

1. Any church, school, childcare facility or public building located in R-1 and R-2 Districts shall be allowed one (1) permanent ground sign with a sign face area not exceeding fifty (50) square feet. If a double-sided sign is used located perpendicular to the public street, the sign face area per sign face shall not exceed fifty (50) square feet.

2. Changeable copy signs shall not exceed seventy-five (75) percent of the total permitted sign face area.

J. Permitted On-Premises Signs in C-1, C-2, I-1, I-2 and A Districts.

1. Each commercial or industrial premise (including agribusiness) shall be allowed one (1) on-premise permanent ground sign. On-premise permanent ground signs shall not exceed two hundred (200) square feet in sign face area. No part of any on-premise permanent ground sign shall be placed closer than twenty-five (25) feet from any other on-premise sign located on a different premise or any off-premise ground sign as measured to any portion of the existing sign. No part of any on-premise ground sign shall be higher than thirty-five (35) feet from street level at a point on the street nearest the sign.

2. Each commercial or industrial establishment shall be allowed permanent building signs on each outside wall provided that the sign face area of such signs do not exceed twenty-five (25) percent of the area of the wall upon which the sign is affixed. For multitenant buildings, the principal building may display one (1) on-premise building sign with a sign face area not to exceed twenty-four (24) square feet. Each occupant of a multiple occupancy complex may display not more than two (2) permanent building signs on any exterior viewed portion of the complex that is part of the occupant's unit provided that the sign face area of such signs does not exceed fifteen (15) percent of such exterior viewed wall area.

3. Each commercial or industrial establishment shall be allowed one (1) mansard sign or one (1) roof sign for each mansard or roof provided that the sign face area of such signs does not exceed twenty-five percent (25) of the area of mansard or roof on which it is erected. For multitenant buildings the sign face area of the mansard or roof sign for each occupant shall not exceed twenty-five (25) percent of the area of that occupant's portion of the mansard or roof.

K. Permitted Off-Premises Signs

1. Location of off-premises signs. Off-premises signs shall only be permitted on parcels in the C-2 District adjacent to the right-of-way of State Route 53 and on parcels adjacent to Interstate 40. All portions of the structure of off-premises signs adjacent to the right-of-way of Interstate-40 shall be within one-hundred (100) feet from the right-of-way line. Off-premises signs shall not be located within one-hundred (100) feet from any "on ramp" or "off ramp" at the State Route 53/Interstate 40 Interchange.

2. Size, height and spacing restrictions for off-premises signs in the C-2 District adjacent to State Route 53. The maximum sign face area shall not exceed three-hundred (300) square feet. The maximum height of any part of the sign structure shall not exceed fifty (50) feet from street level at a point on the street nearest the sign. The bottom of the sign face shall be fifteen (15) feet or greater clearance from the ground beneath the sign. All portions of the structure of the off-premises signs shall be spaced twenty-five (25) feet or greater distance from all portions of the structure of any on-premises permanent ground sign. An off-premises sign shall be a minimum distance of one-thousand (1,000) feet from any other off-premises sign. Off-premises signs may incorporate back-to-back sign face panels when the panels are placed parallel to one another or are placed at an angle between panels not exceeding forty-five (45) degrees. All off-premises signs shall be of monopole type construction. Off-premises signs shall not be attached to any portion of any building.

3. Size, height and spacing restrictions for off-premises signs in the corridor extending a distance of one-hundred (100) feet from either side of the right-of-way of Interstate 40. The size, height and spacing requirements shall comply with the latest revision of Rules of the Tennessee Department of Transportation Maintenance Division Chapters 1680-02-03-.03 and 1680-02-03-.05 and shall be a minimum of two-hundred (200) feet from any residential structure.

RECOMMENDED FOR BY GORDONSVILLE MUNICIPAL
PLANNING COMMISSION


Chairperson


12-14-20
Date

PUBLIC HEARING 12/14/2020

PASSED 1ST READING 11/09/2020

PASSED FINAL READING 12/14/2020

ADOPTED BY GORDONSVILLE BOARD OF MAYOR AND ALDERMAN


Mayor


City Recorder