

ORDINANCE # 501

AN ORDINANCE TO REPLACE IN ITS ENTIRETY SIGN ORDINANCE NUMBER 291, TITLE 20, OF THE ASHLAND CITY MUNICIPAL CODE, TO REGULATE THE USE, LOCATION, TYPE, NUMBER, CONSTRUCTION, MAINTENANCE, AND SIZE OF ALL SIGNS; TO PROVIDE FOR A PERMIT, FEE, AND ENFORCEMENT SYSTEM; TO PROVIDE FOR APPEALS AND VARIANCES WITH LIMITATIONS.

WHEREAS, The Town of Ashland City is a rapidly growing city located in one of the fastest growing regions of the county; and,

WHEREAS, the principal mode of transportation is by private automobile which has resulted in heavy traffic congestion on city streets; and,

WHEREAS, the unregulated construction, location, maintenance, and number of signs of all types has caused dangerous conflicts between business signs and traffic control signs and signals; and,

WHEREAS, the uncontrolled use of signs and of their shapes, motion, colors, illumination and their insistent and distracting demand for attention creates traffic hazards, and adversely affects the safety factors in traffic movements, can be injurious to the mental and physical well-being of the public, and can be destructive to adjacent property values and natural beauty; and,

WHEREAS, because signs had to become more aggressive, more numerous, larger, and more obtrusive in order to maintain the same level of attention, they defeat the purposes for which they were created; and,

WHEREAS, it is determined to be advantageous to the welfare, economy, and living environment of the Town of Ashland City that a comprehensive and continuous program of community beautification and improvement be undertaken; and,

WHEREAS, it has been determined by the City Council of the Town of Ashland City, Tennessee, that unregulated practices of construction, location, use, maintenance, type and number of signs endangers the health, convenience, safety, morals, and general welfare of the public and constitutes a public nuisance; and,

WHEREAS, it has been determined by the City Council of the Town of Ashland City, Tennessee, that it is in the public interest and promotes the public welfare to provide for the comprehensive regulation of the size, height, location, number, character, appearance, and other pertinent features of all signs within the city; and,

WHEREAS, the Ashland City Planning Commission has recommended adoption of this ordinance, and a public hearing on this ordinance has been held on May 8, 2018 and it satisfactorily appearing to the City Council that there was no objection of the citizens of the City for the adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED, by the City Council of the Town of Ashland City, Tennessee, that Title 20, Chapter 1, of the Municipal Code is amended by repealing all provisions, regulations, and references for signs contained in Ordinance No. 291 known as the Ashland City Sign Ordinance and replacing same with the following provisions and regulations to be known as the Ashland City Sign Ordinance:

ASHLAND CITY SIGN ORDINANCE

**PREPARED BY
RICK GREGORY, AICP**

FOR

**ASHLAND CITY, TENNESSEE
2018**

TABLE OF CONTENTS

Section	Page
20-101 Purpose and Scope	5
101.1 Legislative Purpose	5
101.2 Scope	5
101.3 Substitution Clause	5
20-102 Definitions	5
20-103 General Provisions	10
103.1 General Standards	10
103.2 Sign Maintenance	11
103.3 Calculation of Display Surface Area	12
103.4 Height of Signs	12
103.5 Signs Permitted in All Districts	12
103.6 Signs Prohibited in All Districts	13
20-104 Signs Permitted in Residential Districts	14
104.1 Community Facility Signs	14
104.2 Development Signs	14
104.3 Residential Entrance Identification Signs	14
104.4 Residential Signs	15
20-105 Signs Permitted in Commercial, Industrial Districts, and Professional Office	15
105.1 Commercial, Industrial, and Professional Office	15
105.2 Other Signs	18
105.3 Commercial Planned Unit Development Signs	19
20-106 Temporary Sign Provisions	20
106.1 General Requirements	20
106.2 Duration of Temporary Signs	20
106.3 Display Surface Area, Height, and Illumination	20
106.4 Location of Temporary Districts	21
20-107 Nonconforming Sign Provisions	21
107.1 Continuation of Use	21
107.2 Alterations to Nonconforming Signs	21
107.3 Damage or Destruction of Nonconforming Signs	21

Table of Contents (continued)

Section	Page
20-108 Administration and Enforcement	21
108.1 Enforcing Officer	21
108.2 Permits, Signage Plan and Fees	22
108.3 Exceptions	23
108.4 Appeals	23
108.5 Creation of Board of Sign Appeals	23
108.6 Powers and Duties of the Board	23
108.7 Standards for Appeal Decisions	23
108.8 Violations and Penalties	24
20-109 Legal Status Provisions	24
109.1 Exercise of Police Power	24
109.2 Severability	24
109.3 Conflict with Other Ordinances	24
109.4 Repeal of Other Sign Provisions	24
109.5 Interpretation	24
109.6 Effective Date	24

TITLE 20, CHAPTER 1, ASHLAND CITY MUNICIPAL CODE

ASHLAND CITY SIGN ORDINANCE

20-101 Purpose and Scope

101.1 Legislative Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events, for effective use of signs as a means of communication and to provide for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon and the quality of life by enhancing the appearance of the streetscapes of the Town;
- (d) Permit signs that are appropriate to their surroundings, aesthetically pleasing, appropriately scaled and integrated with the surrounding buildings and the landscape;
- (e) Assure that signs are constructed and maintained in a safe condition;
- (f) Encourage design that enhances the readability and effectiveness of signs while minimizing cluttered, distracting and/or illegible signs;
- (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) Reduce traffic hazards; and
- (i) Provide an efficient and effective means of administration and enforcement.

101.2 Scope

These regulations shall apply to all signs (unless listed otherwise herein) and their appurtenances that are legible to a person of ordinary eyesight (with vision adequate to pass a state driver's license exam) standing at ground level at a location on the public right-of-way or on other private property except those located within and visible only from within enclosed courtyards or similar enclosures.

These regulations shall not in any manner censure the written or depicted copy on any permitted sign.

101.3 Substitution Clause

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure in regards to the regulations within this Ordinance.

20-102 Definitions

For the purpose of this ordinance the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

Building Face or Wall - All window and wall areas of a building in one plane or elevation.

Building Marker – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material that is architecturally compatible with the building.

City - When used herein shall mean the Town of Ashland City, Tennessee.

Commercial Complex - A building or group of buildings located upon a lot used or designed to be used for two or more occupancies.

Commercial Message – Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Community Facility - facilities used for leisure and social purposes, including community centers and meeting places, community halls, community learning and leisure centers.

Copy - The wording or graphics on a sign surface.

Display Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure or similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

District - A zoning district as defined and established by the Ashland City Zoning Ordinance. The zoning ordinance is published as a separate document.

Enforcing Officer - The chief enforcing officer or official of the Town of Ashland City appointed to enforce the terms of this ordinance.

Establishment - A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

Flag – Any fabric or bunting containing distinctive colors, patterns or symbols, used a symbol of government, commercial or non-commercial activity as further defined below:

- (a) Commercial flag means any flag that displays a commercial name, message, logo or symbol.
- (b) Decorative flag means any flag that displays any holiday or seasonal insignia, design or message that does not include any commercial name, message, logo or symbol.
- (c) Government/civic/non-commercial flag means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

Height (of sign) - The vertical distance measured from the surrounding grade to the highest point of a sign.

Item of Information - The name of a business, service, product, or individual.

Lot - A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

Major Street or Thoroughfare - Any street shown as such on the official street list as adopted by the City.

Major Street or Thoroughfare Plan - A plan for future streets and street rights-of-way adopted by the Ashland City Planning Commission and as listed on the street list for the Town of Ashland City.

Marquee - A permanent roof-like structure projecting beyond a building or extending along and projecting

beyond the wall of the building, generally designed and constructed to provide protection over a sidewalk from the weather.

Menu Board – A sign designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service and not viewable from off the site.

Parapet - The portion of a building wall or false front that extends above the roofline.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Right-of-Way – A strip of land dedicated for public use and including the paved travel way of a street and the adjoining land on either side of the paved area as identified by maps, plats, surveys or deeds. When a right-of-way cannot be determined, a minimum right-of-way of twenty-five (25) feet shall be assumed to be measured in each direction from the center line of the paved travel way.

Sign - Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure in and of itself or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, advertise or communicate information of any kind; and
- (c) Is visible from outside of building.

Sign, Abandoned - Any signs in which the functions of direction, message, and/or identification of a bona fide business, lessor, owner, product or activity conducted or products available are obsolete and have been obsolete for a period of time as established by state law.

Sign, Accessory - Any sign that directs attention to a person, activity, or commodity on the same zone lot. An accessory sign may also contain a non-commercial message.

Sign, Animated – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Banner - A sign having the copy applied to cloth, paper, flexible material or fabric of any kind with only such material for a backing.

Sign, Building Mounted - Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding or pole sign.

Sign, Canopy - A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A canopy sign shall, for calculation of display surface area, be considered a wall sign. A marquee sign is not a canopy sign.

Sign, Changeable Copy - A sign designed so the copy can be changed while the display surface remains unchanged and includes such signs as manually or electronically changed characters, letters or illustrations and fuel price displays.

Sign, Changeable – Automated Changeable Copy A sign or portion thereof that is visible from a public right-of-way and that displays letters, numbers, characters, symbols, graphics or illustrations, (i) which are

not themselves any illumination device, and (ii) which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs include devices referred to as “flip matrix,” “segmented,” and “scrolling,” and other devices with substantially similar functionality and appearance.

Sign, Changeable - Electronic Graphic Display A sign or portion thereof that is visible from a public right-of-way and that displays electronic, static images, static graphics or static pictures, with or without textual information, which are created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LED’s), liquid crystals (LCD’s), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic / three dimensional, or any other device, process, product, application of technology, or by the appearance of any of such, within the display area, either alone or in varying combinations with each other or other elements, where the message change sequence is accomplished immediately or by means of fade, repixelization, dissolve or other such modes devices, processes, products, applications or technologies. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays which may change automatically at predetermined intervals or be changed by an operator from either a proximate or a remote location. Electronic graphic display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise. A governmental traffic control sign shall not be deemed to be an electronic graphic display sign for purposes of this ordinance

Sign, Changeable – Manual Changeable Copy A sign or portion thereof that is visible from a public right-of-way and

- (a) that has a fixed, permanent display surface on which letters, numbers, characters, symbols, graphics or illustrations which are not themselves any illumination device are manually placed, and which may be changed or re-arranged manually without altering the display surface or the support structure of the sign; or
- (b) that has a fixed, permanent display surface frame in or on which a display surface or sign face or message panel may be changed or re-arranged manually without altering the display surface frame or the support structure of the sign.

Manual Changeable copy signs are signs generally used to display the same message for a relatively limited period of time, and include but are not limited to devices referred to as “reader boards,” “menu boards,” price signs with changeable plastic or metal objects, and off-site billboards.

Sign, Changeable - Multi-Vision A sign that is visible from a public right-of-way and that is composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one of two or more images on a single sign structure. May also be known as “tri-vision” signs.

Sign, Changeable - Video Display A sign or portion thereof, that is visible from a public right-of-way, with or without textual information, which is created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LED’s), liquid crystals (LCD’s), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic / three dimensional, or any other device, process, product, application or technology, or by the appearance of any of such within the display area, either alone or in varying combinations with each other or other elements, that changes its message or image or background in a manner or method of display (i) which includes the appearance of motion, movement or animation, (ii) which depicts action or a special effect to imitate motion, movement or animation, or (iii) which includes the presentation of light or images displayed in a progression of frames or other such so as to give the illusion of

motion, movement or animation, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting or otherwise altering shapes. Video display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise.

Sign, Civic - A type of accessory sign that identifies or provides related information about community facility activity types as defined in the Ashland City Zoning Ordinance.

Sign, Development - A type of incidental sign that conveys information about a future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, Directional - Any sign which provides information relative to safety, identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size or thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory - A sign which lists the names of individuals, businesses, or products available at a single site.

Sign, Expressive - Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, an expressive sign may be an incidental, temporary, or permanent sign.

Sign, Externally Illuminated – Any sign that is illuminated by lights or fixtures that is not internal to the sign.

Sign, Flashing - A sign that uses an intermittent or flashing light source to attract attention.

Sign, Ground - A sign permanently affixed to the ground by a foundation pedestal or other structure.

Sign, Hand-tacked - A temporary sign, incidental, expressive or advertising a product or service, commonly attached, tacked, hung, or suspended from trees, utility poles, fences or other objects.

Sign Height - The vertical distance measured from the surrounding grade to the highest point of a sign.

Sign, Incidental - An accessory sign intended primarily for the convenience or direction of the public, including accessory residential signs up to six (6) square feet that indicate name or address; signs which give directions to churches, signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs up to six (6) square feet.

Sign, Internally Illuminated – Any sign that transmits light through its face or any part thereof.

Sign, Marquee - Any sign attached to, in any manner, or made a part of a marquee.

Sign, Nonconforming - Any existing sign which met all requirements for the sign at the time it was erected but which fails to meet the requirements of this ordinance either by not being permitted within the district in which it is located or by not meeting the standards as specified in this ordinance.

Sign, Pole - A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

Sign, Portable - Any sign not permanently attached to the ground or a permanent structure or any sign designed to transported, including but limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting - Any sign that (a) is attached to a building wall in such a manner that its leading edge projects outward from the wall more than six (6) inches, or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Residential Identification - A type of accessory sign that indicates the name and/or address of a residential development and shall include a sign or signs at the principal entrance to any residential subdivision or planned unit development.

Sign, Residential – Any sign located in any district zoned for residential uses that contains no commercial message except for goods and/or services that are legally offered on the premises where the sign is located. A residential sign may also be an expressive or incidental sign.

Sign, Roof - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extended vertically above any portion of the roof.

Sign Structure - A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Temporary - Any sign that is intended for temporary use for a limited period as permitted by this ordinance.

Sign, Wall - A type of building mounted sign that (a) is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning, and any sign attached to any side face of a marquee, or that (b) does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

Sign, Window - Any sign, pictures, symbols, or a combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Town - When used herein shall mean the Town of Ashland City, Tennessee.

Travelway - That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

20-103 General Provisions

The following requirements apply to all signs in all districts.

103.1 General Standards

- (a) No sign except for those specified in Section 303.5 shall be erected until a permit has been obtained in accordance with Section 308 of this ordinance, said permit being required to determine that the proposed sign(s) will be in compliance with this ordinance.
- (b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- (c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign or with driver vision at any access point to a lot or parcel from any public

or private street or driveway.

- (d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- (e) No sign other than those erected by or on behalf of a governmental entity, including governmentally authorized signs and signs required for public safety at construction sites shall be erected or maintained within any public street right-of-way.
- (f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- (g) No sign shall obstruct any doorway, window, or fire escape.
- (h) No wall or projecting sign shall extend above the roofline or parapet of any building.
- (i) The light from any illuminated sign shall be so directed, shaded, or shielded 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. Light shall not be permitted to shine or reflect on or into any residential structure.
- (j) All motor vehicles, trucks, trailers and other types of equipment that have company logos or business signs attached to or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the building except while being loaded or unloaded. In the event parking behind the building is not possible, said vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets or the public view. The parking of said vehicles with signs to augment tenant identification signage or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to promotion of business or other activity on the premises is prohibited.
- (k) All electrical service to any sign mounted in any way on the ground or attached to the ground shall be placed underground. Electrical service to all other signs shall be concealed from public view. All electrical service and connections shall meet the applicable electrical code.

103.2 Sign Maintenance

- (a) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- (b) Structure maintenance. Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, shall be kept in good, safe repair and, unless plastic, shall be galvanized or noncorroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The Chief Building Official and/or representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.
- (c) Display surface or other advertising surface maintenance. The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling,

flaking or otherwise decayed condition and shall be repaired or removed within ninety days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the Chief Building Official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the requirements of this ordinance. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign.

- (d) Banners, flags, pennants, streamers. Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty days of receipt of notice from the Chief Building official or his designee.

103.3 Calculation of Display Surface Area

- (a) The supports or uprights and any covering thereon on which one or more signs are mounted shall not be included in the display surface area.
- (b) On signs in which the copy together with the background is designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- (c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- (d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

103.4 Height of Signs

The following general rules shall apply in the determination of the height of signs.

- (a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- (b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

103.5 Signs Permitted in All Districts

The following signs are permitted in all districts and do not require a permit except as specifically noted.

- (a) Official federal, state, or local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty;
- (b) Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist;
- (c) Signs in the nature of decorations that are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday, celebration or special event of local

- significance;
- (d) Commemorative or historical plaques and tablets;
 - (e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.
 - (f) Incidental and expressive signs subject to the following restrictions:
 - (1) political signs shall be removed no more than fifteen (15) days after the election;
 - (2) yard or garage sale signs shall be removed within one (1) day after the sale;
 - (3) expressive signs shall be removed within three (3) days after an election, campaign, or event but in no case shall be erected for longer than ninety (90) days.
 - (g) Street names and addresses stamped or painted on mailboxes or on nameplates attached to the principal building;
 - (h) Directional signs;
 - (i) Works of art that do not include any commercial messages, symbols, or references.

103.6 Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- (a) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this Ordinance. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation.
- (b) Any sign which is painted on or attached to a vehicle or vehicular trailers unless such vehicle is in operable condition and carrying all current and valid licenses. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign.
- (c) Signs which are made structurally sound by guy wires or unsightly bracing;
- (d) Signs which contain any kind of strobe or pulsating lights;
- (e) Animated signs except as permitted in Section 305;
- (f) Banner signs except as permitted in Section 306;
- (g) Any sign with direct illumination provided by exposed bulbs or lamps;
- (h) Flashing signs;
- (i) Hand-tacked signs;
- (j) Portable signs;
- (k) Roof signs;
- (l) Inflatable signs, tethered balloons containing a message or other inflatable devices;

- (m) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.

20-104 Signs Permitted in Residential Districts

Within the residential districts as delineated by the Ashland City Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

104.1 Community Facility Signs

- (a) A community facility may have one (1) ground sign and one (1) wall sign on the wall that faces a public street or that contains the principal entrance.
- (b) A ground sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.
- (c) A wall sign shall not exceed twenty-five (25) square feet in size.
- (d) Signs which are internally illuminated shall not exceed ninety (90) foot lamberts in brightness. In no event shall the light from any sign exceed one-half (½) foot-candle at the property line.
- (e) Signs shall be set back from the street right-of-way a minimum of fifteen (15) feet.

104.2 Development Signs

- (a) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such sign may be either a pole or ground sign.
- (b) A development sign shall not exceed thirty-two (32) square feet in size or fifteen (15) feet in height.
- (c) A development sign shall not be lighted.
- (d) Any development sign shall be set back from the street right-of-way a minimum of fifteen (15) feet.

104.3 Residential Entrance Identification Signs

- (a) Residential identification signs may be permitted at the entrance(s) to a subdivision or to a planned unit or multi-family development subject to the approval of the planning commission at the time final plans are reviewed.
- (b) Two (2) signs may be permitted, one (1) on either side of the entrance if both are on private property located in a joint user access easement or private platted sign easement.
- (c) Residential identification signs shall be integrally designed as a part of an attractive brick, stone or similar material architectural feature, permanently constructed and maintained and shall be a ground sign. All such areas shall be attractively landscaped.
- (d) The maximum display surface area of a residential identification sign shall not exceed twenty-five (25) square feet in size.

- (e) The maximum height of such signs shall be seven (7) feet.
- (f) All residential identification signs and the attendant landscaped areas shall be owned and maintained either by the owner/developer or by a legally established property owner's association.
- (g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

104.4 Residential Signs

- (a) Any single- or two-family residential activity or any vacant parcel may have one (1) residential sign that may be located anywhere on the lot of the activity.
- (b) A residential sign shall not exceed six (6) square feet in size.
- (c) Residential signs shall not be illuminated in any way.

20-105 Signs Permitted in Commercial, Industrial Districts, and Professional Office

Within the commercial districts, commercial, professional office and office planned unit development districts and industrial districts, as delineated by the Ashland City Zoning Ordinance and Map, the following regulations shall apply. Accessory signs are permitted subject to the standards and provisions as set forth herein.

105.1 COMMERCIAL, INDUSTRIAL, AND PROFESSIONAL OFFICE

Within the Town of Ashland City, the following provisions shall apply.

- (a) Projecting signs are permitted subject to the following standards:
 - (1) A use may be permitted to have one (1) projecting sign attached to the front of the building.
 - (2) Such sign shall not exceed forty (40) square feet in display surface area.
 - (3) Such sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of pavement of the travelway.
 - (4) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - (5) Such sign shall clear the established grade by a minimum of ten (10) feet.
 - (6) Such sign shall be no closer than twenty (20) feet to any other projecting sign.
- (b) Wall signs are permitted subject to the following standards:
 - (1) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached up to a maximum of two hundred (200) square feet.
 - (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall considered to be the front of the use shall be used for location of such signage.

- (3) Such sign shall not extend above the roofline of the building to which it is attached or the parapet nor shall such sign project outward from the building more than six (6) inches. Any parapet constructed as a part of the building wall or added to an existing building shall match the architecture of the building, be of the same thickness and be on the same plane as the wall of which it is a part. Parapets or additions thereto shall not be braced back to the roof.
 - (4) Such sign placed in the horizontal space between windows of a two-story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
 - (5) Such sign shall not cover or interrupt major architectural features of the building. Architectural features or details shall not be removed to accommodate a sign.
 - (6) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.
 - (7) Signs attached to the inside of windows and intended to be visible from the exterior of the building shall not be counted as a wall sign; provided, however, that such window signs shall not cover more than twenty-five (25) percent of any window.
 - (8) Any canopy sign shall be included in the calculations for total permitted sign area for wall signs and deducted from the total. A canopy sign may be internally illuminated or have back lighting.
- (c) Pole or ground signs are permitted subject to the following standards:
- (1) A use shall be permitted to have one (1) ground or pole sign for each street frontage. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted with a minimum separation of one hundred (100) feet between the signs. Pole signs subject to a minimum set back of twenty feet from the street right of way line.
 - (2) Such sign shall have a maximum display surface area of fifty (50) square feet.
 - (3) Between a distance of ten (10) feet and twenty (20) feet from the street right-of-way line, all signs shall be ground signs. The maximum height of a ground sign shall be four (4) feet. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty (20) feet. The maximum height of a pole sign shall be thirty (30) feet.
 - (4) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet. An accessory sign and a changeable copy sign may be integrated into one (1) sign and shall be no larger than seventy (70) square feet for a pole sign and fifty (50) square feet for a ground sign.
 - (5) Any changeable copy sign may be electronically or mechanically controlled. Such sign shall not flash on and off, scroll across the copy area or change colors sporadically. The electronically controlled copy shall remain static for a minimum of six (6) seconds before changing.
 - (6) Such signs shall be set back from the right-of-way a minimum of ten (10) feet.
- (d) The following provisions and standards shall apply to commercial complexes.
- (1) A commercial complex may be permitted one (1) pole or ground sign for each street

frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted with a minimum separation of two hundred (200) feet between the signs. The maximum size of each such sign shall be a ratio of 1/2 to 1 of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum display surface area of one hundred (100) square feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

A sign setback of ten (10) feet from the street right-of-way line shall be observed. Between a distance of ten (10) feet and twenty (20) feet from the street right-of-way line, all signs shall be ground signs. The maximum height of a ground sign shall be four (4) feet. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty (20) feet. The maximum height of a pole sign shall be thirty (30) feet.

- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.

Wall or projecting signs shall be subject to the requirements of Section 305.1(a) and 305.1(b) above.

- (3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel.
- (4) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.
- (5) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance, and both shall be on private property in a joint user access easement or private platted sign easement. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No such sign shall exceed twenty-five (25) square feet in size or seven (7) feet in height.

- (e) Signs may be internally or externally illuminated subject to the following standards:

- (1) Exposed bulbs are prohibited.
 - (2) No sign shall change color or intensity.
 - (3) The brightness and surface illumination shall not exceed:
 - Internal illumination - 150-foot lamberts
 - External Illumination - 50-foot candles
 - (4) In no event shall the light from any illuminated sign exceed one-half ($\frac{1}{2}$) foot-candle at the property line of any lot that is zoned residential.
 - (5) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure and is subject to review by the building official.
- (f) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. In addition to the requirements in Section 305.1, the following provisions shall apply:
- (1) One (1) permanent price sign per street frontage. Such sign shall be affixed to or made a part of the permitted pole sign and shall not exceed twenty (20) square feet in size. Such sign shall be set back from the right-of-way a minimum of ten (10) feet.
 - (2) Two (2) non-illuminated self-service or full-service signs per pump island may be displayed. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island.
 - (3) Federal and State stamps, octane ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities may be displayed. Such signs shall be located on the body of the pump.
 - (4) Petroleum product pumps or dispensers may display signs on the pumps not to exceed two (2) square feet and designed to be viewed by customers operating the pumps.
- (g) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
- (1) In lieu of a wall sign or in combination therewith, a marquee sign may be permitted. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
 - (2) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of fifty (50) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

105.2 Other Signs

Vacant parcels of land may have erected thereon one (1) sign of any type that is not otherwise prohibited by Section 303.6. The maximum size sign shall be twenty (20) square feet, and the

maximum height shall be ten (10) feet. All other pertinent provisions of Section 305.1 remain as applicable.

105.3 Commercial Planned Unit Development Districts

(a) Within the Commercial Planned Unit Development Districts, the following standards for accessory signs shall apply. Accessory business and civic signs are permitted as follows:

- (1) A lot or site may be permitted one (1) pole or ground sign for each street frontage identifying the building, establishment or office complex. In the event a street frontage is in excess of two hundred and fifty (250) feet in length, one (1) additional such sign may be permitted. The maximum size of each such sign shall be fifty (50) square feet. The maximum height of any pole sign shall be twenty (20) feet. The maximum height of a ground sign shall be four (4) feet. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

A sign setback of ten (10) feet from the street right-of-way line shall be observed. Between a distance of ten (10) feet and twenty (20) feet from the street right-of-way line, all signs shall be ground signs. Pole signs shall observe a minimum setback from the street right-of-way line of twenty (20) feet.

- (2) An office complex may, in lieu of the above, be permitted entrance identification signage. Two signs may be permitted, one (1) on either side of the entrance, and both shall be on private property. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped. No sign shall exceed twenty-five (25) square feet in size or seven (7) feet in height.
- (3) Where more than one (1) building is located on a lot or within an office complex, each building may be permitted an identification sign. Such signage may be located flat against the wall of the building and shall not exceed ten (10) square feet in size, or may be a ground sign and shall not exceed eight (8) square feet in size or three (3) feet in height.

Each business within an office building may be permitted an identification sign which may be attached to the wall of the building or be painted onto glass entrances and shall not exceed five (5) square feet.

Any wall or projecting signs shall be subject to the requirements of Section 305.1(a) and 305.1(b) above.

A directory sign identifying individual businesses may be permitted at the entrance to the parking lot of an office building or at another suitable location. The letters within such sign shall not exceed three (3) inches in height. The maximum height shall be four (4) feet.

All signs shall be designed to be compatible with the architecture of the building(s) and with the character of the development as determined by review of the planning commission.

- (4) The illumination standards contained in Section 305.1 (e) shall apply.

- (b) Within the Commercial Planned Unit Development Districts, the sign standards in Section 305.1 shall apply; provided however, that the planning commission may impose, as a part of the approval of the master plan, additional design requirements and/or more restrictive standards to assure compatibility with the style of the building and the character of the area.

20-106 Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

106.1 General Requirements

- (a) A permit shall be required for all temporary signs.
- (b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.
- (c) One (1) temporary sign may be permitted for each two hundred fifty (250) feet of street frontage on a public street.
- (d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- (e) No temporary sign shall be displayed on a roof.
- (f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the public.
- (g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc.
- (h) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has approval of either a site or preliminary master plan.

106.2 Duration of Temporary Signs

Display of temporary signs shall be limited as follows:

- (a) Construction signs permitted in Section 306.1(g) above shall be removed upon completion of the project.
- (b) Signs for special events open to the general public shall be limited to thirty (30) days.
- (c) Signs for special sales or business promotions shall be limited to thirty (30) days.
- (d) Display of all temporary signs on a lot or parcel except for those in Section 306.2(a) and Section 306(b) above shall be limited to a maximum of thirty (30) days per calendar year.
- (e) Temporary development signs shall be limited to the period of time that the project is under development.

106.3 Display Surface Area, Height, and Illumination

- (a) Maximum display surface area shall be thirty-five (35) square feet except for banner signs that have been specifically authorized by the City Council, which shall not be limited.
- (b) Maximum height shall be twelve (12) feet except that banner signs displayed over a public

street shall have a minimum clearance of fifteen (15) feet.

- (c) Temporary signs shall not be illuminated except in commercial or industrial districts.
- (d) The maximum display surface area for a temporary development sign shall be fifty (50) square feet.

106.4 Location of Temporary Signs

- (a) No temporary sign shall be located closer than ten (10) feet from any public right-of-way or the front building line whichever is less.
- (b) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
- (c) No temporary sign shall be closer than fifty (50) feet from any permanent sign.

20-107 Nonconforming Sign Provisions

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district, or which fails to meet the standards on regulations shall be classified as a nonconforming as per definitions. The continued use of nonconforming signs shall be governed by the regulations included herein. Any billboard type advertising sign that is regulated under the Federal Highway Beautification Act and oriented to a Federal highway shall be governed by the Federal regulations provided however that local regulations shall apply to the extent they are not in conflict with Federal law.

107.1 Continuation of Use

A nonconforming sign may continue to be used for the duration of the use or activity that is located on the property.

107.2 Alterations to Nonconforming Signs

A nonconforming sign may be altered subject to the following conditions:

- (a) The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its current replacement cost. In the event the proposed alteration is greater than fifty (50) percent of the above conditions, the sign shall be brought into compliance with current regulations and or as permissible under Tennessee Code Annotated 13-7-208.
- (b) The total copy of any sign may be changed in accordance with normal business practices.
- (c) The proposed alteration conforms to the provisions of this Ordinance.
- (d) No new nonconformity is created.

107.3 Damage or Destruction of Nonconforming Signs

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this Ordinance.

20-108 Administration and Enforcement

108.1 Enforcing Officer

The administration and enforcement of this Ordinance is vested with the Building and Codes Office. Said official shall have the power to issue permits and make inspections of all signs

and premises where signs are situated or to be situated thereon and make such other inspections as are necessary to carry out this Ordinance. Full authority to enforce any and all provisions of this Ordinance is hereby granted to said official.

108.2 Permits, Signage Plan and Fees

- (a) Prior to the installation, erection, or modification of any permanent or temporary sign permitted by this Ordinance, with the exception of those permitted without a permit, the business owner or sign contractor shall obtain a sign permit in accordance with the terms of this Ordinance.
- (b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a Signage Plan for the lot which shall include all signs, existing and proposed. The review of the plan and application for a sign permit shall be for the purpose of determining if all proposed signs meet the size, location, height and similar requirements of this ordinance. The enforcing officer shall approve or disapprove the Signage Plan within thirty (30) days after its submittal, and if disapproved, shall state the reasons for the disapproval in writing. After approval of the plan, the permit shall be issued in a timely manner.
- (c) For any lot on which the owner proposes to erect any sign requiring a permit, a Signage Plan shall be submitted containing the following:
 - (1) An accurate plot plan of the lot;
 - (2) Location of all buildings on the lot;
 - (3) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
 - (4) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, material, location on buildings, and proportions;
- (d) The Signage Plan may contain such other restrictions as the owner of the property may determine which are in conformity with the provisions of this Ordinance and shall be signed by all owners of the property.
- (e) A Signage Plan may be amended by filing a new plan with the enforcing officer that conforms to all requirements of this Ordinance.
- (f) After approval of a Signage Plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of this Ordinance and the provisions of any sign plan, the Ordinance shall control.
- (g) The application for the sign permit shall contain the following:
 - (1) Name, address, and phone number of the property owner;
 - (2) Name of persons or firms erecting the sign and all structures;
 - (3) Written consent of the owner of the building or property, if different from the applicant, where such sign is to be erected or attached.
- (h) The permit fee shall be as established by resolution of the City council. Said fee may cover all signs included on the plan or may apply to any sign being changed.
- (i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

108.3 Exceptions

Any sign permitted to be erected without a permit as stipulated in Section 303.5 shall be exempt from the payment of fees.

108.4 Appeals

Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty (30) days of denial, appeal for a variance or other relief in writing to the Board of Sign Appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said Board on the appeal. The Board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the Board deems advisable and in keeping with state law.

108.5 Creation of the Board of Sign Appeals

There is hereby created a Board of Sign Appeals. Said Board shall consist of five (5) members appointed by the Mayor for a term of four (4) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two-year term and two (2) members a three-year term. The Board shall elect a chairman from its members. The Board of Sign Appeals may be the same members as the Board of Zoning Appeals.

The city shall provide a secretary to keep all records of the Board.

108.6 Powers and Duties of the Board

The Board of Sign Appeals shall have the following powers and duties:

- (a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.
- (b) To hear and decide requests for variances from the provisions of this ordinance.

108.7 Standards for Appeal Decisions

Before granting any relief from the application of the provisions of this, the Board shall make specific findings of fact justifying the case under appeal.

- (a) For a finding of error, the Board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.
- (b) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
- (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
- (3) The hardship has not been created by any person having an interest in the property.
- (4) Financial returns only shall not be considered as a basis for granting the variance.
- (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
- (6) The variance does not confer a special privilege to the applicant that is denied to

others.

- (c) Under no circumstances shall the Board grant a variance to allow a sign that is not permitted by this ordinance.
- (d) The Board may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

108.8 Violations and Penalties

Any person, firm, or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided by law. Each day that a violation continues shall be considered a separate offense and an additional violation.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

Whenever a violation involves a temporary sign, such sign shall be removed within ten (10) days of the date of the notice of violation.

20-109 Legal Status Provisions

109.1 Exercise of Police Power

This entire ordinance shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of Sections 6-19-101 and 6-20-205, Tennessee Code Annotated, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

109.2 Severability

If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance, which is not of itself invalid or unconstitutional.

109.3 Conflict with Other Ordinance

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing or future Ordinance of the city, the most restrictive provision shall in all cases apply.

109.4 Repeal of Other Sign Provisions

The adoption of this ordinance shall repeal all provisions, regulations, and references for signs contained in Ordinance No. 291 known as the Ashland City Sign Ordinance adopted as a part of Title 20 of the Ashland City Municipal Code.

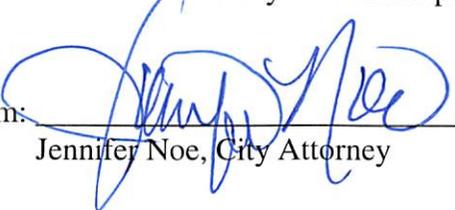
109.5 Interpretation

Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

109.6 Effective Date

This ordinance shall be effective 20 days after final passage, the public welfare requiring it.

Approved as to Legality and Form:


Jennifer Noe, City Attorney

Recommended by Planning Commission: April 2, 2018

Passed First Reading: April 10, 2018

Passed Second Reading: 5-8-18


Richard Johnson, Mayor


Kellie Reed, City Recorder