

**ORDINANCE NO. 06-145**

**AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF THE TOWN OF UNICOI, TENNESSEE FOR THE PURPOSE OF AMENDING ARTICLE IV, SECTION 409, SIGNS, BY DELETING THE EXISTING SIGN REGULATIONS AND ADDING NEW SIGN REGULATIONS.**

**WHEREAS**, Sections 13-7-201 – 13-7-211 of the Tennessee Code Annotated provides the Town of Unicoi, Tennessee with the powers and authority to enact local municipal zoning codes and;

**WHEREAS**, said sections provide a process for the amendment of local municipal zoning codes and;

**WHEREAS**, the Town of Unicoi, Tennessee Mayor and Board of Aldermen feels it to be in the best interest and to the best general welfare of the citizens of the Town of Unicoi, Tennessee to amend the local municipal zoning codes;

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Board of Aldermen of the Town of Unicoi, Tennessee that Article IV, Section 409, Signs, of the Town of Unicoi Municipal Zoning Ordinance are hereby amended to read as follows:

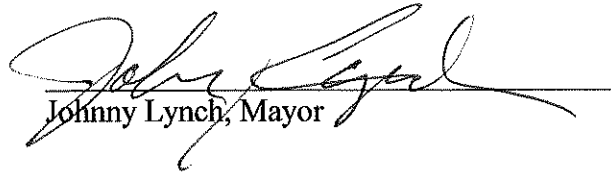
**409. Signs.** The purpose and intent of this Section is to provide a comprehensive system of sign regulations which will promote the best development of the Town of Unicoi through the establishment of regulations which regulate the type, placement, and size of signs and other graphic devices within the town; protect and enhance the scenic beauty of the natural environment in the town; emphasize the assets of community appearance and high environmental quality in promoting economic development; promote the public health, safety, and welfare by prohibiting improperly designed or located signs which could distract, confuse, mislead, or obstruct vision; ensure safe construction and maintenance of signs; protect and enhance public and private property; ensure equity in the distribution of the privilege of using the public visual environment to communicate private information; and improve the appearance of the town's business areas, especially along major thoroughfares.

**Definitions**

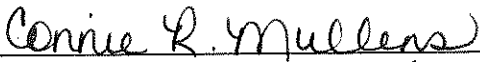
**Freestanding Sign:** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

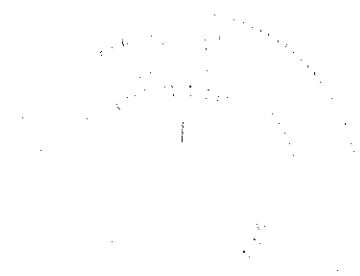
**Internally Illuminated Sign:** A sign that is lighted by a source concealed behind a translucent sign panel.

**Off-Premise Sign:** Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained.

  
Johnny Lynch, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie R. Mullins, Town Recorder



Portable Sign: Any sign not permanently attached to the ground or some type of permanent structure; or a sign designed to be transported by wheels.

Sign Area: The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. If the sign consists of more than one (1) section or module, each section and module will be added together in the computation of the sign area. In all cases, the maximum square footage as permitted in these regulations shall be the sum total of all signage displayed on the supporting structure.

Temporary Sign: Any sign, except for a window sign, that is used for a period as specified and is not permanently mounted.

Temporary Off-Premise Real Estate Yard Sign: Any yard sign visible from a public right-of-way advertising the sale, rental or lease of the premises or part of the premises, not located on the premises where the sign is located.

1. No freestanding or portable advertising sign shall be erected, replaced, reconstructed, expanded, or relocated without first securing a building permit from the Municipal Building Inspector. No permit shall be required for customary maintenance or a change of copy on a sign, the customary use of which involves frequent and periodic changes of copy, e.g., reader boards with changeable letters, and service station price signs. Other signs do not require a permit, but shall conform to applicable regulations of this Section.
2. The Town of Unicoi Building Inspector is hereby authorized and empowered to revoke any permit upon failure of the holder to comply with any provision of this Section or with the terms of the permit at the time of its issuance.
3. At any time deemed necessary, the Town of Unicoi Building Inspector, or designee, may inspect each sign regulated by this Section to ensure that such sign conforms to this Section and to all other applicable regulations of the town.
4. The following signs shall be permitted in all zoning districts; however, no such sign shall obstruct vision to vehicular traffic.
  - a. Political Campaign Signs. Each sign not to exceed thirty-two (32) square feet in all districts may be erected on private property or twelve (12) square feet within the public right-of-way, no more than *sixty (60) days* prior to the election. All campaign signs shall be removed by the property owner within *seven (7) days* after the results of an election are certified.
  - b. Event Signs.
    - i. Temporary special event signs or banner signs not exceeding sixteen (16) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than *thirty (30) days* prior to the event. All special event signs shall be removed by the property owner within *seven (7) days* of the conclusion of an event.
    - ii. Temporary banner signs announcing the grand opening of a new business, or the closing of an existing business, but in no event, shall such signs remain more than *thirty (30) days*. These signs shall be limited to thirty-two (32) square feet in size.

- c. Construction Site Signs. One sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be removed upon completion of the construction project, and prior to the issuance of a Certificate of Occupancy.
  - d. Parking Areas. Signs internal to parking areas which direct vehicular or pedestrian traffic but bear no advertising. They shall be no larger than three (3) square feet each. These signs can indicate "Entrance," "Exit," "Handicapped Parking," fire lanes, loading zones, and other information to enable the safe and orderly flow of traffic.
  - e. Real Estate Sale/Lease Signs. Signs up to a total area of nine (9) square feet in residential zones or up to a total area of thirty-two (32) square feet in commercial and manufacturing zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within *fourteen (14) days* of the sale, rental, or lease.
  - f. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to two (2) square feet in area, is permitted.
  - g. Other Permitted Signs. Yard signs, including religious or political statements, quilt trail signs, notices of lost pets, are permitted in all zoning districts and shall not exceed 18"X24" in total sign area.
5. The following signs shall be prohibited in all zoning districts:
- a. If the Building Inspector shall find that any sign is unsafe or insecure, or is a hazard to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Section, the Building Inspector shall give written notice to the owner of the sign and/or of the property and/or the architect, builder, contractor, or agent requiring that the sign be made safe and secure or to be removed. If the sign is not removed or altered so as to render it safe and secure, the Building Inspector shall proceed with action for its removal as provided by law. The Building Inspector may cause any sign, which is an immediate danger to persons or property to be removed immediately and without notice.
  - b. Any sign located within or upon the public right-of-way, except government signs, political signs, and special event banners in the B-2 and B-3 District.
  - c. Any sign located on a tree, telephone pole, power pole, or street light pole, except special event banners in the B-2 and B-3 District.
  - d. Any sign which contains flashing or intermittent red, blue, green, or amber illumination.
  - e. Illuminated signs within one hundred (100) feet of a residential district, unless the illumination is designed so as not to shine, reflect or direct light onto the residential district.
  - f. Any sign which constitutes a traffic hazard. No sign or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape,

color, type, or illumination or reflectance it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. Any such sign shall be removed immediately at the direction of the Building Inspector.

6. Off-Premise Signs

- a. No freestanding off-premise signs shall be permitted.
- b. Temporary off-premise real estate yard signs are permitted, not to exceed 18"X24" in total sign area.
- c. Other temporary directional signs are permitted, not to exceed 18"X24" in total sign area, no more than *sixty (60) days*.

7. For permitted uses, the following regulations shall apply for Agriculture and Residential Zoning Districts; however, no such sign shall obstruct vision to vehicular traffic.

- a. For Subdivisions, Group Housing Projects, Planned Unit Developments, Apartments, and Condominiums: two (2) permanent identification/entrance signs (one (1) on each side of entrance area), not to exceed twenty (20) square feet each in area nor twelve (12) feet in height, is permitted. Any such sign shall be placed in such a manner as to not obstruct vision to the traveling public. Individual buildings within a Group Housing Project, Planned Unit Development, Apartment or Condominium complex may have one (1) identification sign not exceeding nine (9) square feet in area.
- b. While under development, a Subdivision, Group Housing Project, Planned Unit Development, Apartment or Condominium complex may have one (1) temporary sign, not exceeding 20 square feet in area or twelve (12) feet in height. Such sign is permitted in addition to any permanent identification sign, but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first.
- c. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.
- d. Signage for businesses within the Agriculture Zoning District (A-1) shall meet the provisions of section numbers 8, 9, or 10.

8. For permitted uses, the following regulations shall apply for B-1 Zoning Districts; however no such sign shall obstruct vision to vehicular traffic.

- a. One (1) freestanding sign for each street frontage granting access to the premises. Maximum height of each such freestanding sign shall be fifteen (15) feet. Maximum area of each such sign shall be thirty-two (32) square feet. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.
- b. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct vision to vehicular traffic, but in no event, shall such sign remain more than *thirty (30) days*.
- c. No sign shall have or consist of any rotating, revolving, blinking or otherwise moving part. No sign shall be animated.

d. No sign shall advertise a product, service, or other business not situated on the same premises.

9. For permitted uses, the following regulations shall apply for B-2, B-3 and Manufacturing Zoning Districts:

a. One (1) freestanding sign for each street frontage granting access to the premises shall be permitted. Maximum height of each such freestanding sign shall be twenty-five (25) feet. Maximum area of each such sign shall be thirty-two (32) square feet. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

b. No sign shall have or consist of any rotating, revolving, blinking or otherwise moving part. No sign shall be animated.

c. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct vision to vehicular traffic, but in no event, shall such sign remain more than *thirty (30) days*.

d. No sign shall advertise a product, service, or other business not situated on the same premises.

10. For permitted uses, the following regulations shall apply for the B-4 and PBD Zoning Districts:

a. One (1) freestanding sign for each street frontage granting access to the premises shall be permitted. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

b. No sign shall have or consist of any rotating, revolving, blinking or otherwise moving part. No sign shall be animated.

c. The maximum height of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street according to the following table:

<u>Setback Distance</u>	<u>Maximum Height</u>
10 ft. to 25 ft.	20 ft. plus setback (in ft.)
25 ft. or greater	45 ft.

d. The maximum area of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street according to the following table:

<u>Setback Distance</u>	<u>Maximum Area</u>
10 ft. to 45 ft.	2 ft. x (setback - 10 ft.) + 100 sq. ft.
45 ft. or greater	250 sq. ft.

e. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct vision to vehicular traffic, but in no event, shall such sign remain more than *thirty (30) days*.

- f. No sign shall advertise a product, service, or other business not situated on the same premises.
11. Any sign advertising a discontinued use, occupant, product or service after a period of one (1) year shall not be reestablished or changed in any way not in conformity with provisions of this Section.
  12. Any proposed freestanding sign not addressed by the preceding provisions of this article shall conform to the requirements of Number 8(a).
  13. Special signs may be permitted on review by the planning commission, provided however that no permit may be issued except with the written approval of the planning commission and subject to such conditions as the planning commission may require to preserve and protect the character of the district in which the proposed sign is to be located.
  14. When an appellant, owner, or authorized representative is unable to meet the provisions of this Section, an appeal may be made to the Board of Zoning Appeals. In granting a variance, the Board may attach thereto such conditions regarding the location, size, character, and other features of the proposed sign provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Section. Prior to any variance being granted, the Board shall be shown evidence that special circumstances are attached to the property, e.g. topography, narrowness, shallowness, or other physical constraints, which do not generally apply to other property in the neighboring area.

**NOW, THEREFORE BE IT FURTHER ORDAINED**, by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee that this ordinance shall be effective from and after its passage, the public welfare requiring it.

Approved by the Planning Commission: August 28, 2006

Voting by the Board, as follows, on September 25, 2006:

First Reading:

	<u>AYE</u>	<u>NAY</u>
Dwight Bennett	<u>✓</u>	___
Doug Hopson	<u>✓</u>	___
Ruby McLaughlin	___ Absent	___
Mark Ramsey	<u>✓</u>	___
Mayor Johnny Lynch	<u>✓</u>	___

Voting by the Board, as follows, on October 16, 2006:

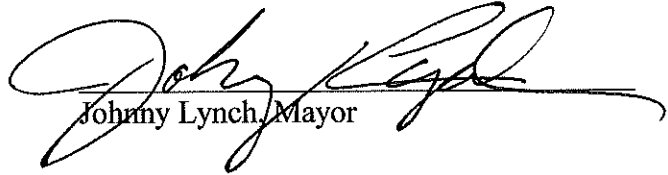
Second and Final Reading:

	<u>AYE</u>	<u>NAY</u>
Dwight Bennett	<u>✓</u>	___
Doug Hopson	<u>✓</u>	___
Ruby McLaughlin	<u>✓</u>	___

Mark Ramsey  
Mayor Johnny Lynch

absent  
✓     

Public Hearing Held: 10/16/06

  
Johnny Lynch, Mayor

Attest:

Connie R. Mullins  
Town Recorder

Approved as to Form:

J. B. Sullivan - Du  
Town Attorney