

**ARTICLE XI, TEXT DELETED AND REPLACED BY  
ORDINANCE NO. 2007-37, FEBRUARY 7, 2008**

**ARTICLE XI  
SIGN REGULATIONS**

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## **11-101 GENERAL PROVISIONS**

### **11-101.1 Purpose**

The purpose of these sign regulations are:

- To encourage the effective use of signs as a means of communication within the City; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property;
- And to enable the fair and consistent enforcement of these sign regulations.

### **11-101.2 Applicability**

A sign may be erected, placed, established, painted, created, or maintained within the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

### **11-101.3 Protection of First Amendment Rights**

This ordinance is not intended to infringe on any individual(s), entity's or commercial endeavor's First Amendment rights.

## **11-102 DEFINITIONS AND INTERPRETATIONS**

Words and phrases used in this article shall have the meanings set forth in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

**ANIMATED SIGN:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**BANNER:** Any sign of lightweight fabric or similar material that is securely mounted to a pole or a building. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BANNER (COMMERCIAL):** Any banner on which appears any commercial message.

**BANNER (NONCOMMERCIAL):** Any banner containing no commercial message.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**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.

**BUILDING SIGN:** Any sign attached to any part of a building, as contrasted to a

freestanding sign.

**BUSINESS DAYS:** Monday through Friday excluding legal holidays.

**CANOPY SIGN:** Any 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 marquee is not a canopy.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

**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.

**DIGITAL/COMPUTERIZED SIGNS:** Digital signage, also called dynamic signage, is a specialized form in which video or multimedia content is displayed in public places for informational or advertising purposes. A digital sign usually consists of a computer or playback device connected to a large, bright digital screen such as an LCD or plasma display.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLASHING SIGN:** Any sign that uses intermittent change of lighting intensity to depict action or create a special effect or scene.

**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.

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

**MARQUEE:** Any 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 from the weather.

**MARQUEE SIGN:** Any sign attached to, in any manner, or made a part of a marquee.

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

**OFF-SITE DIRECTIONAL (LEAD-IN) SIGN:** A temporary sign used to direct pedestrian or vehicular traffic to a new residential development.

**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 series, designed to move in the wind.

**PORTABLE SIGN:** A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, but not including trailer signs (as herein defined); signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of business.

**PROJECTING SIGN:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

**RESIDENTIAL SIGN:** Any sign located in a district zoned for residential uses that contains no commercial message.

**ROOF SIGN:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. Roof signs as defined by this ordinance are not permitted.

**ROOF SIGN, INTEGRAL:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**SIGN:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN SETBACK LINE:** An imaginary line created by this ordinance to establish an easily determined setback from any public thoroughfares for the placement of signs.

**SPECIAL EVENT SIGNS:** Temporary signs that announce special events. All such signs shall conform to the requirements of Subsection 11-108.2.

**STREAMER:** A streamer is defined the same as a pennant for purposes of this ordinance

**SUSPENDED SIGN:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN:** Any sign that is used only temporarily and is not permanently mounted.

**TRAILER SIGN:** Any sign designed to be transported by means of wheels, whether or not the wheels remain attached, located on the ground and permanently attached thereto and which is usually a two sided sign and including any single or double surface painted or with a poster panel type sign or any variation thereof.

**WALL SIGN:** Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

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

**ZONE LOT:** The zone lot is a basic property designation used for zoning, relative to both uses and structures. The zone lot is the basic land unit used for review and permitting.

## **11-103 SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE**

The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable Federal, state, or local law, regulation, or ordinance;
- B. Any sign, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located;
- C. Holiday lights and decorations with no commercial message, but only in conjunction with the appropriate holiday; and
- D. Private street name and traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
- E. "No trespassing", "no hunting", "no fishing", "no loitering", and like signs not exceeding one (1) square foot in area;
- F. Incidental signs as defined by this article.
- G. Flags of the United States, the State of Tennessee, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.
- H. Other Flags such as decorative flags (Titans, Predators, etc.) and flags representing religious or charitable organizations, schools, bands, school athletic teams, competitions, clubs, and holidays do not require a permit.
- I. Public signs erected by or on behalf of a governmental body to post legal notices,

identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

- J. Bus stop signs erected by a public transit company; Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- K. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

### **11-104 SIGNS PROHIBITED UNDER THIS ORDINANCE**

All signs not expressly permitted or exempt from regulation under this ordinance are prohibited in the planning jurisdiction of the City. Such signs include, but are not limited to:

- A. Tobacco Brand Advertising: In accordance with the consolidated settlement between the State of Tennessee and the major tobacco companies, no tobacco brand outside advertising whether it is temporary or permanent, fixed to a building or stand-alone, is allowed within the City of Fairview unless such advertisement existed in its current form prior to 1999.
- B. Beacons;
- C. Pennants and streamers not in accordance with Section 11-105 and 11-108.7;
- D. Strings of lights not permanently mounted to a rigid background and Inflatable signs and tethered balloons.
- E. Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on the roofs of building visible from any public thoroughfare;
- F. Signs using the words "stop", "danger", or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;
- G. Trailer signs;
- H. Roof Signs;
- I. Flashing directional signs; signs containing strobe lights, signs containing red, blue, white or yellow flashing bulbs that are similar to emergency vehicles, and signs in general that could create a distraction and/or potential hazard in the judgment of the Planning and Codes Department.
- J. Any sign or sign structure other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roof line or canopy against which the sign is located;
- K. Residential home based business occupation.
- L. Off site Commercial Business Advertisement and Directional Signs

### **11-105 SIGN PLACEMENT RESTRICTIONS**

- A. No signs shall be allowed in the public right-of-way.
- B. The sign setback line shall be twenty-five (25) feet from the centerline of the road on state highways where the right-of-way is unknown and ten (10) feet from the edge of the payment on city roads.
- C. No sign shall be placed on any utility pole, street or traffic signs, tree, fence, etc.

### **11-106 PERMIT PROCEDURES**

## **11-106.1 Permits Required**

If a sign requiring a permit under any provision of this ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this section.

Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with this section.

No sign permit of any kind shall be issued for an existing or proposed sign, unless such sign is consistent with the requirements of this ordinance, including those protecting existing signs, and with the Master or Common Sign Plan in effect for the property.

## **11-106.2 Application and Review Procedures**

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Master or Common Sign Plans.

### **1. Application**

All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Planning and Codes Department on an application form or in accordance with the application specifications established by the Planning and Codes Department.

### **2. Fees**

Each application for a sign permit or for approval of a Master or Common Sign Plan shall be accompanied by the applicable fees, which shall be established by the Board of Commissioners.

### **3. Completeness**

Within five (5) working days of receiving an application for a sign permit or for a Master or Common Sign Plan, the Planning and Codes Department shall review it for completeness. If the Planning and Codes Department finds that it is complete, the application shall then be processed. If the application is incomplete, the Planning and Codes Department shall provide to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

### **4. Action on Plan**

On any application for approval of a Master or Common Sign Plan, the Planning and Codes Department shall take action on one of the following dates:

- a. Ten (10) days after the submission of a complete application if the application is for signs for existing buildings; or
- b. On the date of final action on any related application for a building permit, site plan, or development plan for signs involving new construction.

### **5. Failure to Act on Plan**

Failure by the Planning and Codes Department to take action within the time periods indicated above shall not be construed so as to relieve the applicant from

compliance with all provisions of this article on or before such date, the Planning and Codes Department shall either:

- a. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this ordinance; or
- b. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this ordinance. In case of a rejection, the Planning and Codes Department shall specify in the rejection the section or sections of the ordinance with which the plan is inconsistent.

### **11-106.3 Permits to Construct or Modify Signs**

Signs may be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Planning and Codes Department. Such permits shall be issued only in accordance with the following requirements and procedures.

#### **1. Permit for New Sign or for Sign Modification**

An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimension, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master or Common Signage Plan then in effect for the zone lot. One (1) application and permit may include multiple signs on the same zone lot.

#### **2. Inspection**

The Planning and Codes Department shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued on or before six (6) months from the date of issuance of such. If the construction is not substantially complete within six (6) months from the date of issuance, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and electrical codes, the Planning and Codes Department shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete, but not in full compliance with this ordinance and applicable codes, the Planning and Codes Department shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Planning and Codes Department shall affix to the premises the permanent symbol described above.

### **11-106.4 Permits to Remain Current and in Force**

The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding, the fact that a particular zone lot may be included with other zone lots in a Common Sign Plan.

#### **1. Initial Sign Permit**

An initial sign permit shall be issued by the Planning and Codes Department covering the completed sign installation, construction, or modification.

**2. Lapse of Sign Permit**

Within sixty (60) days of the termination of a business, commercial or industrial enterprise, the permit automatically becomes void and all signs relating to such activity shall be removed.

**3. Assignment of Sign Permits**

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Planning and Codes Department may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

**11-107 FEE STRUCTURE**

APPENDIX contains the current fee structure as determined by the Board of Commissioners for sign permits in the City of Fairview.

**11-108 TEMPORARY SIGNS**

Permits for temporary signs shall be subject to the following requirements:

**11-108.1 Political Signs and Banners**

Temporary political signs and banners shall be allowed subject to the following requirements:

1. Term

Political signs are permitted for a period not to exceed forty-five (45) days prior to an election and removed within three (3) days following such election. This time period shall include weekends and each day shall begin and end at 12:00 noon.

2. Size

Temporary political signs shall not exceed sixteen (16) square feet.

3. Special Fees

The political candidate or his authorized representative shall deposit with the Planning and Codes Department a fee as established by the Board of Commissioners as a guarantee that all signs will be removed within three (3) days after the date of the election to which the signs relate. If all such signs are not removed at the end of a three (3) day period following the election the city shall have them removed and keep the full sum deposited as reimbursement of expenses thereby incurred.

**11-108.2 TEMPORARY COMMERCIAL BUSINESS SIGNS**

Temporary Commercial Business signs shall be allowed with a temporary sign permit for a time not to exceed fourteen (14) days each calendar quarter. There shall not be more than (1) sign permitted at a time. Sign may not exceed four (4) square feet, must be kept in good repair, and in the ground securely so not to lean. Sign must be on the property of the business making application. Sign shall not be placed in any public right-of-way at any time.

**11-108.3 Garage/yard Sale Signs**

Advertising is limited to one sign on premises and no more than 4 off-site signs. Upon payment of the permit fee, the applicant will receive three (3) directional signs that should be used on highways 96 and 100. Only these City of Fairview issued garage/yard sale signs will be allowed on these main thoroughfares. For other locations, only signs limited to 4 square feet may be used. Signs may be placed no earlier than 4:00 pm on the day before the first day of the sale and must be removed by 7:00 pm on the last day of sale.

**11-108.4 Banners**

Temporary permits for banners shall be allowed upon the issuance of a temporary sign permit, subject to the following requirements:

1. Term

A temporary sign permit shall allow the use of a banner for a period not to exceed twenty-eight (28) days in each calendar quarter.

2. Size and Number

Temporary banners shall not exceed thirty-six (36) square feet. No more than one (1) banner shall be permitted for each business or other tenant occupying any zone lot.

3. In Lieu of Permanent Signage

A banner may be used in lieu of permanent signage for a period not to exceed six (6) months. All criteria concerning area and dimensions for permanent signage shall apply.

**11-108.5 For Sale Signs**

A sign of not more than six (6) square feet may be displayed which announces the sale, lease or rental of the real property on which such sign is located. If the said property is five acres or larger in area such sign may be increased to sixteen (16) square feet. If the said property faces more than one street, one sign may be allowed for each frontage.

**11-108.6 Nonresidential Construction/Development Signs**

A sign of not more than thirty-two (32) square feet indicating the names, addresses and telephone numbers of the contractors, engineers, developers, sales and leasing agents, and/or architects of a construction project. Two types of "Nonresidential Construction/Development Signs" are permitted.

1. Future Development Signs are signs announcing the intended future development of a site and the availability for lease or purchase of portions of the proposed development. Future development signs may indicate the name of the developer and/or the sales and leasing agent. Temporary shall mean in connection with this sign the period of time commencing with initial approval by the planning commission of the proposed development and terminating with initiation of construction of the project.

2. Construction Signs are signs announcing the construction or development of a building site. Construction signs may indicate the name of the contractors,

engineers, developers, and/or architects employed in the construction project. Temporary shall mean in connection with this sign the period of time commencing with initial construction and terminating with completion of the project.

### **11-108.7 Flags and Streamers**

This section repealed in its entirety by ordinance #758 June 4, 2009

### **11-108.8 Directional Real Estate Signs**

Temporary directional real estate signs may be posted only between Friday at noon and Monday at noon. Temporary directional "Realty for Sale" or similarly worded (home for sale, open house, etc.) signs are permitted according to the following design standards:

- A. Signs may be no larger than four (4) square feet in area nor greater than four (4) feet in height.
- B. Signs are in conformance with setback provisions of this ordinance.
- C. No sign shall be illuminated by any means.
- D. Signs may include company identification and be of different colors.

### **11-108.9 New Subdivision/Off-Site Directional Signs**

- A. A permit is required for this type of sign. New subdivision directional signs may be allowed according to the following design standards:
- B. Signs cannot exceed three (3) feet in height or four (4) square feet in area including any advertising copy or sign additions.
- C. Signs shall be limited to "A-Frame", "T-Stand", or "Wire H Stand" type supports.
- D. Signs may include directional arrows, the name of the development or when only one builder is operating within the development, the name of that builder.
- E. Signs may have colors.
- F. Signs must remain in good condition and be constructed of weather resistant material.
- G. Signs may be installed no earlier than noon on Friday and must be removed by noon on the following Monday except when Monday is a legal holiday. Then Tuesday noon will be the removal deadline.
- H. No sign may be attached to any of the prohibited items listed in this ordinance.
- I. No sign shall be placed in any median, between the sidewalk and curb, and must be placed in accordance to the setback restrictions of this ordinance.
- J. Each sign must contain the contact information of the sign company and or developer/builder responsible for the installation of the sign. This information shall not exceed one (1) inch in height.

- K. Signs representing an individual builder/development may be placed no closer than 1320 feet (1/4 mile) apart unless there are directional changes requiring additional signs and may not exceed 2 signs in any intersection.
- L. Signs shall be allowed until the last unit is sold. Additional phases of developments will require application and issuance of a new permit.
- M. In accordance with the enforcement provisions of this ordinance the Planning and Codes Department may remove any sign deemed to be unsafe, defective, or that creates an immediate hazard to persons or property.

#### **11-108.10 Auction Sales**

Temporary announcement signs for auction sales which do not exceed a maximum size of sixteen (16) square feet. A maximum of five (5) such signs shall be permitted. Such signs may be posted no more than fifteen (15) days prior to the auction and shall be removed on the business day following the auction. Temporary directional pointers not exceeding two (2) square feet in area may be permitted on the day of the auction.

#### **11-108.11 Special Event Signs**

Temporary event signs may be approved for a time period not to exceed three (3) weeks and all such signs shall be removed no later than the next business day following conclusion of the event. Location and design of special event signs shall be approved by the Planning and Codes Department. The maximum size of such signs shall be thirty-two (32) square feet and the maximum height shall be six (6) feet. There shall be no more than one (1) ground sign per event. Banners as regulated by Subsection 11-105.3.

#### **11-108.12 Off-Site Development Signs**

Development signs, which do not exceed twenty-four (24) square feet, may be permitted. Only one (1) such sign may be permitted per development. Only one (1) such sign may be permitted per street intersection. Up to four (4) developments shall be permitted per sign. Signs shall only be permitted until the last remaining unit is sold. The location and configuration of such sign shall be presented along with the final plat of such development.

#### **11-108.13 Commercial Flags**

Commercial Flags which present the name, corporate symbol, logo or other means of identification of any private for profit commercial enterprise are deemed to be are deemed to be banners and are regulated by the provisions of Subsection 11-105.3.

### **11-109 PERMANENT SIGNS**

#### **11-109.1 Freestanding Signs**

The number, location and spacing of freestanding signs shall be governed by the provisions of this section.

1. Residential and Office Subdivision

Residential and office subdivisions may erect freestanding identification and

information signs. Such signs shall be located at the primary entrance(s) to the development/subdivision or at the beginning of the street upon which the development/subdivision connects directly to an arterial or collector street as shown on the Major Route Plan. Upon approval by the Planning Commission, a subdivision sign may be erected in the right-of-way provided that, in the opinion of the Planning and Codes Department, it does not pose a traffic hazard. Such signs shall be administered and maintained by an established property owners' association or maintenance organization and in no way shall be the responsibility of the city or county. These signs shall not exceed sixty-four (64) square feet in area.

#### 2. Other Freestanding Signs

Freestanding signs other than those regulated by Subpart 1 (above) of this section, shall be limited to one (1) sign per entrance, but no more than a total of two (2) such signs for the development, subject to the spacing distance limitations noted in Subpart 3 (below) of this section.

#### 3. Spacing Limitations of Freestanding Signs

Freestanding signs on any premises shall be spaced at minimum intervals of two hundred (200) feet along each public way which fronts the premises. In the event that less than two hundred (200) feet of any premises is visible from any one public way, only one (1) sign shall be permitted along that public way.

### **11-109.2 Computerized/Digital Signs**

A permit is required for this type of sign if located outside of the building. These types of signs located inside the building (if they can be seen from the outside of the building will require a permit and will be considered part of the overall signage allowed for the premises). Inside signs shall not exceed one-fourth of the window space in which they are located.

Computerized or digital signs located outside of the building either as stand-alone or as part of another sign may not exceed 50% of the available sign square footage as determined under the appropriate section of this ordinance. In addition to text, graphics may be used; however sequencing of change should allow sufficient intervals as to not create a distraction to passing motorists.

If in the judgment of the Planning and Codes Department the sequencing of the changes are such they are creating a hazard then the sign owner will be requested to increase the interval of the sign but in no case will that interval be set at a level that negate the potential effectiveness of the computerized/digital media.

### **11-110 SIGNS SIZES, LIMITS, AND COMPUTATIONS**

The following principles shall control the computation of sign area and sign height.

#### **11-110.1 Computation of Area of Individual Signs**

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle,

triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

#### **11-110.2 Computation of Area of Multi-Faced Signs**

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

#### **11-110.3 Computation of Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public street, normal grade shall be construed the grade of the adjacent public street. Adjacent public street shall mean the street providing approved vehicle access to the property and which does or would bear the street address for the property.

Under no circumstances may any primary outside signage exceed ten feet (10) in height or apex of the roof line of the establishment it is identifying whichever is less.

#### **11-110.4 Computation of Maximum Total Permitted Sign Area for a Zone Lot**

The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in TABLE 11-107-B, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

### **11-111 MASTER OR COMMON SIGN PLAN REQUIREMENTS**

No permit shall be issued for an individual sign requiring a permit unless and until a Master = or a Common Sign Plan for the zone lot on which the sign will be erected has been submitted to and approved by the Planning and Codes Department as conforming to this section.

#### **11-111.1 Master Sign Plan**

For any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone lot is included in a Common Sign Plan, the owner shall submit to the Planning and Zoning Department, a Master Sign Plan containing the following:

1. An accurate plot plan of the zone lot, at such scale as the Zoning Administrator may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance; and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs and signs not regulated by this ordinance need not be shown.
5. The name of the owner of the property and the name of the applicant (if different from the owner).

### **11-111.2 Common Sign Plan**

If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the Planning and Codes Department for such zone lots a Common Sign Plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus may be allocated within each zone lot as the owner(s) elects.

### **11-111.3 Provisions of Common Sign Plan**

The Common Sign Plan shall contain all of the information required for a Master Sign Plan and shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to:

- Color Scheme;*
- Lighting;*
- Location of Each Sign on the Buildings;*
- Material; and*
- Sign Proportions*

### **11-111.4 Limits on Freestanding Signs under Common Sign Plan**

The Common Signage Plan, for zone lots with multiple uses or multiple users, shall generally limit the number of freestanding signs to a total of one (1) for the street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs... Upon corner lots or in any instance where the properties included within a Common Sign Plan may contain an intervening street, the number of freestanding signs shall be limited to one (1) for each street where such lots have two hundred (200) or more linear feet of street frontage and such properties shall be treated as a unified zone lot.

### **11-111.5 Other Provisions of Master or Common Sign Plans**

The Master or Common Sign Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

#### **11-111.6 Consent**

The Master or Common Sign Plan shall be signed by all owners or their authorized agents in such form as the Planning and Codes Department shall require.

#### **11-111.7 Joint Processing**

A Master or Common Sign Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

#### **11-111.8 Amendment**

A Master or Common Sign Plan may be amended by filing a new Master or Common Sign Plan that conforms with all requirements of the ordinance then in effect. In general, amendments shall be reviewed and acted upon by the Planning and Codes Department. Provided, however, that any amendment of a common sign plan which affects those items governed by Subsection 11-103.3, Provisions of Common Sign Plan, of this section shall be acted upon in a like procedure to the original plan.

#### **11-111.9 Existing Signs Not Conforming to Master or Common Sign Plan**

When a Master or Common Sign Plan is filed for a property on which existing signs are located; it shall include a schedule for bringing into conformance, within one (1) year, all signs not conforming to the proposed amendment plan or to the requirements of this ordinance in effect on the date of submission.

#### **11-111.10 Binding Effect**

After approval of a Master or Common Sign Plan, 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 such plan and any other provision of this ordinance, the ordinance shall control.

### **11-112 DESIGN, CONSTRUCTION, AND MAINTENANCE**

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. All signs whether temporary or permanent will be designed, purchased, created and displayed in manner that promotes a professional appearance. Hand created and lettered signs are not prohibited in their entirety, but are subject to removal if under the opinion of the Planning and Codes Department the sign does not meet the spirit of this ordinance. For example, a sign with misspelled words would be inappropriate.
- B. Except for banners, flags, or temporary signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent

materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and sound structural condition.

1. To prevent rust, peeling, flaking, fading or rotting, all signs and supports shall be painted, unless they have been anodized or similarly treated.
2. Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint, and other damage to a sign shall be replaced or repaired.
3. Signs that include references to closed or abandoned establishments must be altered in such a way as to not detract from the overall appearance of the sign but does result in the removal of the reference to the closed establishment. Exposed lighting, such as occurs with the removal of a transparent panel, and is not acceptable under any circumstance.

## **11-113 SIGN ORDINANCE ENFORCEMENT**

Except, as otherwise provided herein, the owner of any zone lot or other premises on which a sign exists that does not conform to the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this ordinance.

### **11-113.1 Signs Existing on Effective Date**

Signs existing in the planning jurisdiction which were made nonconforming by the adoption of this ordinance shall be permitted to remain in place and be maintained, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign which lists the various tenants located within a building or complex of buildings expressly allowed. In any instance where a business shall cease to operate and a new firm wishes to occupy the building or space a new master or common signage plan shall be required.

### **11-113.2 Sign Removal Required**

A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed, should be removed within 30 days of the vacancy occurring. Failure to adhere to this requirement may result in action without notice from the City.

### **11-113.3 Signs Forfeited**

Any sign installed or placed on public property, except in conformance with the requirements of this ordinance, shall be forfeited to the public and subject to removal and disposal. In addition to other remedies herein under, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

#### **11-113.4 Signs Creating Safety Hazards**

Any sign which presents an immediate danger to the public may be removed at the direction of the Planning and Codes Department without notice.

#### **11-113.5 Removal Procedures**

- A. If a determination is made by the Planning and Codes Department that any sign is unsafe, not secure, in violation of this section, or is in violation of any applicable law, notice of such violation shall be given to the property owner and/or occupant where such sign is located.
- B. The property owner and/or occupant shall have ten days (10) to begin repairs and thirty (30) days from the date of said notice to completely remove, repair or remedy said violation.
- C. If such remedial action or removal does not occur, the Planning and Codes Department may cause the removal of the sign. The property owner and/or occupant shall be responsible for the cost of removal after notification of such costs. Any costs that continue to go unpaid, including attorney and court costs, shall cause a lien to be set against the affected property.

#### **11-114 APPEALS AND VARIANCES**

Decisions and enforcement of the provisions contained in this ordinance by the City of Fairview Planning and Codes Department can be appealed to the Board of Zoning Appeals by filing a written request for a hearing with the Planning and Codes Department. This appeal however does not preclude the Planning and Codes Department from taking appropriate action to remove a sign that has the potential to cause harm to person or property during the time the appeal is pending. Request for variances should be filed with the City of Fairview Planning Commission.

#### **11-115 CONFLICTS**

It is the intent of this Section that no conflicts exist between this Section and other Sections of the City of Fairview Municipal Code or any directives of the City; however, should any conflict(s) arise between the provisions of this Section and any other Section(s) of the City of Fairview Municipal Code or any directive of the City the provisions of this Section shall prevail.

#### **11-116 SEVERABILITY**

If any sentence, clause, phrase or paragraph of this Article XI, Sign Regulations is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Article.

(Amended by Ordinance No. 509, August 16, 2001)

**A KEY TO TABLE 11-107-A THROUGH 11-107-E**

**THE TABLES APPEARING IN THIS CHAPTER, WITH DISTRICT HEADINGS, HAVE THE FOLLOWING MEANINGS:**

**RESIDENTIAL DISTRICTS**

A&R	Agricultural and Residential, One- and Two-Family Districts <sup>1</sup>
R-M	Residential, Multi-Family Districts <sup>2</sup>
R-MHP	Residential, Manufactured Home Parks

**COMMERCIAL AND MIXED USE DISTRICTS**

CG	Commercial-General Districts
CI	Commercial Interchange Districts
CMC	Commercial Mixed Use District
CNS	Convenience Neighborhood Service Districts
OPS	Office/Professional Service Districts
CC	Commercial Community Districts
OG	Office General
MSMU	Main Street Mixed Use

**INDUSTRIAL DISTRICTS**

IR	Restrictive Industrial Districts
IG	General Industrial Districts
IS	Special Industrial Districts

**NOTES**

- (1) Districts Include AR-15A, AR-5A, RS-40, RSM-40, R-20, RS-15, RS-8, and RS-5, Residential Districts.**
- (2) Includes all RM Districts**

**(Amended by Ordinance No. 509, August 16, 2001)**

**TABLE 11-107-A**

**PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

<b>SIGN TYPE</b>	<b>All A&amp;R</b>	<b>All RM</b>	<b>R-MHP</b>	<b>COM FAC., (a)</b>	<b>CNS OG &amp; OPS</b>	<b>CI</b>	<b>CG</b>	<b>CMC</b>	<b>CC</b>	<b>MSMU</b>	<b>All Ind.</b>
<b><u>FREESTANDING</u></b>											
Residential, (b)	P	P	P	N	N	N	N	N	N	S	N
Other	N	S	S	S	S	S	S	S	S	S	S
Incidental, (c)	P	P	P	P	P	P	P	P	P	P	P
<b><u>BUILDING</u></b>											
Banner (Commercial) (i)	N	N	N	N	N	S	S	S	N	S	S
Building Marker, (c)	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	S	N	S	S	S	S	S	S	P	S
Identification, (d)	P	P	P	P	P	P	P	P	P	P	P
Incidental, (c)	P,(e)	P,(e)	P,(e)	P,(e)	P	P	P	P	P	P	P
Marquee	N	N	N	N	S	S	S	S	S	S	S
Projecting, (f)	N	N	N	N	S	S	S	S	S	S	S
Residential, (b)	P	P	N	P	N	N	N	N	N	N	N
Roof	N	N	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	S	S	S	S	S	S
Suspended, (f)	N	N	N	N	S	S	S	S	S	S	S
Temporary, (g)	S	S	S	S	S	S	S	S	S	S	S
Wall	P,(b)	P,(b)	P,(b)	P,(b)	S	S	S	S	S	S	S
Window	N	N	N	N	S	S	S	S	S	S	S
<b><u>MISCELLANEOUS</u></b>											
Banner, (Noncommercial)	P	P	P	P	P	P	P	P	P	P	P
Flag, (h)	P	P	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	S	S	S	S	S	S
Trailer	N	N	N	N	N	N	N	N	N	N	N

**P = Allowed Without Sign Permit**  
**S = Allowed Only with Sign Permit**  
**N = Not Allowed**

**(Notes on Following Page)**

**(Amended by Ordinance No. 509, August 16, 2001)**

**TABLE 11-107-A (Continued)**

**PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

- (a) This column does not represent a zoning district. It applies to Community Facility Activities permitted under the zoning ordinance.
- (b) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises. One (1) sign only is permitted. Occupant may select either freestanding sign or wall sign.
- (c) No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.
- (d) Only address and name of occupant allowed on sign.
- (e) No commercial message of any kind allowed on sign.
- (f) If such a sign is suspended or projects above a public right-of-way, the issuance of and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the Zoning Administrator may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least five hundred thousand dollars (\$500,000) per occurrence per sign.
- (g) The conditions of Section 11-105, of this ordinance shall apply.
- (h) See Subsection 11-105.2, for provisions applicable to flags.
- (i) See Subsection 11-105.3, for provisions applicable to commercial banners as temporary signs.
- (j) The term "Banner, Noncommercial" shall include all banners utilized by any public or nonprofit group or institution in conjunction with temporary nonprofit events, including sporting events, bazaars, etc. **(Added by Ordinance No, 500, May 17, 2001)**

**(Amended by Ordinance No. 509, August 16, 2001)**

**TABLE 11-107-B**

**MAXIMUM TOTAL SIGN AREA  
PER ZONE LOT BY ZONING DISTRICT**

The maximum total area of all signs on a zone lot except incidental, building marker, temporary signs in compliance with Section 11-105, and identification signs, and flags, (b), shall not exceed the lesser of the following:

	<b>All A&amp;R</b>	<b>All RM</b>	<b>R-MHP</b>	<b>COM FAC., (a)</b>	<b>CNS OG &amp; OPS</b>	<b>CI</b>	<b>CG</b>	<b>CMC</b>	<b>CC</b>	<b>I-R</b>	<b>I-G &amp; I-S</b>	<b>MSMU</b>
<b>Maximum Area (in sq. ft.)</b>	8	64	64	64	64	400	400	200	100	100	200	100
<b>Percentage of Ground Floor Area of Principal Building</b>	NA	NA	NA	NA	4%	6%	5%	4%	2%	2%	2%	2%
<b>Square Feet of Signage per Linear Foot of Street</b>	NA	.5	.5	.5	2.0	3.0	2.0	3.0	1.0	NA	NA	1.0

**NOTES:**

- (a) This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, parks, and hospitals. (See ARTICLE III, for full listing).
- (b) See Subsection 11-106.2, for provisions applicable to flags.

**(Amended by Ordinance No. +) , , >i bY( , 200- )**

**TABLE 11-107-C**

**NUMBER, DIMENSIONS, AND  
LOCATION OF INDIVIDUAL SIGNS BY DISTRICT**

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on TABLE 11-107-D.

<b>SIGN TYPE</b>	<b>All A&amp;R</b>	<b>All RM</b>	<b>R-MHP</b>	<b>COM FAC., (a)</b>	<b>CNS OG &amp; OPS</b>	<b>CI(b)</b>	<b>CG</b>	<b>CMC</b>	<b>CC</b>	<b>I-R</b>	<b>I-G &amp; I-S</b>	<b>MSMU</b>
<b>FREESTANDING</b>												
<b>Area (sq. ft.)</b>	8	12	12	32	32	80	80	80	32	80	80	10
<b>Height (ft.), (f)</b>	5	5	5	10'.c	10'	10'.b	10'	10'	10'	10'	10'	10'
<b>Setback (ft.)</b>	10	10	10	10.c	10.c	10.c	10	10	10	10	10	
<b>Number Permitted</b>												
<b>1. Per Zone Lot</b>	1	NA	NA	1	NA	NA	NA	NA	NA	NA	NA	1
<b>2. Per Feet of Street Frontage</b>	NA	1 per 200	1 per 200	NA	1 per 100	1 per 200	1 per 100	1 per 200	1 per 200	1 per 800	1 per 200	NA
<b>BUILDING</b>												
<b>Area (Maximum sq. ft.)</b>	8	12	12	10	NA	NA	NA	NA	NA	NA	NA	NA
<b>Wall Area (Percent), (e)</b>	NA	NA	NA	NA	25	25	25	25	25	25	25	15

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. For locations within CI zone districts which are situated within two hundred (200) feet of a interstate or limited access highway the maximum height of freestanding signs shall be one hundred (100) feet and the maximum area shall be two hundred fifty (250) square feet.
- c. Maximum sign height is ten (10) feet, and minimum setback is ten (10) feet from the existing right-of-way
- d. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entrance way. Exception to this setback requirement contained in Section 11-105.
- e. The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel. Provided, however, that the area of such signs shall not exceed the area of a freestanding sign permitted for the property, **except when that property is located within the Town Center Overlay District.**
- f. See Subsection 11-103.4, for limitations on the number and height of freestanding signs located within developments covered by common signage plans.
- g. A minimum clearance of ten (10) feet shall be provided between the bottom edge of a sign and the finished grade of an underlying sidewalk.

**TABLE 11-107-D**  
**NUMBER AND DIMENSIONS OF**  
**CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE**

Vertical Clearance

	Number Allowed	Minimum Sign Area	From Sidewalk, Private Drive or Parking	From Public Street
No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.				
<b>FREESTANDING</b>				
Residential, Other and Incidental	See Table 11-106-C	See Table 11-106-C	NA	NA
<b>BUILDING</b>				
Banner	See Subsection 11-105.3	See Subsection 11-105.3	9 Feet	12 Feet
Building Marker	1 per Building	4 Square Feet	NA	NA
Canopy	1 per Occupant	25% of Vertical Surface of Canopy	9 Feet	12 Feet
Identification	1 per Occupant	NA	NA	NA
Incidental				
Marquee	1 per Occupant	NA	9 Feet	12 Feet
Projecting	NA	NA	NA	NA
Residential	1 per Zone Lot	NA	NA	NA
Roof Integral	2 per Principal Building	NA	NA	NA
Suspended	1 per Entrance	NA	9 Feet	NA
Temporary	See Section 11-105	NA	NA	NA
Wall	NA	NA	NA	NA
Window	NA	25% of Total Window Area	NA	NA
<b>MISCELLANEOUS</b>				
Banner	See Subsection 11-110.2	See Subsection 11-110.2	9 Feet	12 Feet
Flag	NA	NA	9 Feet	12 Feet
Portable	1 Where Allowed	20 Square Feet	NA	NA

**(Amended by Ordinance No. 509, August 16, 2001)**

**TABLE 11-107-E**

**PERMITTED SIGN  
CHARACTERISTICS BY ZONING DISTRICT**

<b>Sign Type</b>	<b>All A&amp;R</b>	<b>All RM</b>	<b>R-MHP</b>	<b>COM FAC., (a)</b>	<b>CNS OG &amp; OPS</b>	<b>CI</b>	<b>CG</b>	<b>CMC</b>	<b>CC</b>	<b>I-R</b>	<b>I-G &amp; I-S</b>	<b>MSMU</b>
<b>Animated</b>	N	N	N	N	N	N	N	N	N	N	N	N
<b>Changeable Copy</b>	N	N	N	A	N	A	A	A	A	A	A,(c)	A
<b>Flashing</b>	N	N	N	N	N	N	N	N	N	N	N	N
<b>Illumination, Internal</b>	N	N	N	A,(b)	A,(b)	A	A	A	A	A	A	A
<b>Illumination, External</b>	N	N	A	A,(b)	A,(b)	A	A	A	A	A	A	A
<b>Illumination, Exposed Bulbs</b>		N	N	N	N	A	A	A	A	A	A	A
<b>Neon</b>		N	N	N	N	A	A	A	A	A	A	A

**A = Allowed**  
**N = Not Allowed**

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.

**BE IT FINALLY ORDAINED**, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it

Recommended by the City of Fairview, Tennessee, Municipal Planning Commission

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

APPROVED AS TO FORM:

\_\_\_\_\_  
**CITY ATTORNEY**

**Passed First Reading** \_\_\_\_\_

**Passed Second Reading** \_\_\_\_\_