

AN ORDINANCE TO AMEND ORDINANCE NO. 85-5, THE ZONING
ORDINANCE OF THE SPRING HILL, TENNESSEE, PLANNING REGION
BY THE REVISION OF SECTION 10, ARTICLE IV, THEREOF

WHEREAS, it has been determined that a need exists for an improved mechanism for the control of signs within the Spring Hill Planning Region (the "Planning Region"); and

WHEREAS, it is the opinion of this body that the public safety and economy are dependent upon the reasonable control of graphics displayed along public ways; and

WHEREAS, a public hearing was conducted on this ordinance on the 16th day of December, 1985.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE:

SECTION 1.

That the existing provisions contained within Article IV, Section 10, of Ordinance 85-5 entitled "Signs" shall be stricken in its entirety along with all subsequent references thereto, and the following language substituted therefor:

SECTION 10. STREET GRAPHICS.

SECTION 10.1 STATEMENT OF PURPOSE.

10.1(1) The purpose of this provision is to create the legal framework for a comprehensive but balanced system of street graphics, and thereby to facilitate an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this ordinance to authorize the use of street graphics which are:

- (a) compatible with their surroundings;
- (b) appropriate to the type of activity to which they pertain;
- (c) expressive of the identity of individual proprietors or of the community as a whole; and
- (d) legible in the circumstances in which they are seen.

SECTION 10.02 TABLE OF BASIC DESIGN ELEMENTS.

10.2(1) A Table of Basic Design Elements for street graphics is hereby attached to and made a part of this ordinance. Except in Areas of Special Control, no street graphic may be erected, displayed, or substantially altered or reconstructed except in conformance with the Table of Basic Design Elements. For purposes of this ordinance, a "street graphic" is any letter, symbol, number, or combination of these, which can be seen from the right-of-way of a street or highway. "Street graphics" include signs, other than public information signs, but do not include buildings.

SECTION 10.3 APPLICATION OF TABLE OF BASIC DESIGN ELEMENTS.

10.3(1) The Table of Basic Design Elements which is attached to and made a part of this ordinance is to be of full force and effect immediately upon enactment of this ordinance.

10.3(2) In order to better facilitate the administration of this ordinance and the Table of Basic Design Elements, the Spring Hill Regional Planning Commission (the "Commission"), as soon as practicable following the enactment of this ordinance, is authorized to and may:

(a) publish and from time to time revise regulations specifying which activities are to be assigned to the commercial, industrial and institutional categories of the Table of Basic Design Elements. In so doing, the Commission may consult and use:

(1) the Standard of Industrial Classification categories developed by the Office of Statistical Standards of the United States Office of Management and Budget; and

(2) the definitions of commercial, industrial, and institutional uses contained in the zoning ordinance of the Planning Region.

(b) publish and from time to time revise a list of all of the streets and highways in the Planning Region, indicating whether they are two-lane, four-lane, six-lane, or expressways. For purpose of this ordinance, an "expressway" is a limited-access highway to which access is restricted except by ramps or interchanges;

(c) publish and from time to time revise a list of the average traffic speeds on all streets, highways, and expressways, indicating whether those speeds are 15, 30, 45 or 55 miles per hour;

(d) publish and from time to time revise a map of the Planning Region indicating all areas of the Planning Region which are residential or institutional in character. The Commission may base its determination of residential and institutional areas on either of the following:

(1) land uses as permitted in the zoning map of the Planning Region, or as permitted by variance, special exception, or other administrative action of the zoning agencies; or

(2) the nature and character of the land uses in such areas.

SECTION 10.4 CHARACTERIZATION OF SURROUNDING AREAS.

10.4(1) For purposes of applying the Table of Basic Design Elements, the area surrounding any commercial or industrial use shall be considered residential or institutional wherever there is a residential or institutional area within five hundred (500) feet of the property line of such commercial or industrial use. If commercial uses occupy an area twenty (20) acres or more in size, or if industrial uses occupy an area one hundred (100) acres or more in size, only that part of the commercial or industrial area which is within five hundred (500) feet of a residential or institutional area shall be considered adjacent to a residential or institutional area.

SECTION 10.5 ITEMS OF INFORMATION ALLOWED.

10.5(1) Each land use is entitled to display street graphics containing up to ten (10) items of information on each street or highway to which it has access. However, if the name of the proprietor occupying the building and its premises contains more than ten (10) items of information, the name may be displayed once on each street frontage on any allowable street graphic, provided no other graphic is displayed on the building or its premises to that frontage.

10.5(2) An "item of information" means any of the following: a syllable of a word; an abbreviation; a number; a symbol; a geometric shape. In addition, graphics combining several different geometric or non-geometrical shapes or shapes of unusual configuration are to be assessed one additional item for each noncontinuous plane.

10.5(3) In computing items of information, the following lettering is not to be included:

(a) lettering less than three (3) inches in height, if it is contained in a wall graphic;

(b) letters less than nineteen (19) inches in height carved into or securely attached in such a way that they are an architectural detail of a building, provided;

(1) they are not illuminated apart from the building, are not made of a reflecting material, and do not contrast sharply in color with the building; and

(2) do not exceed one (1) inch in thickness.

10.5(4) Provided the items of information allowance authorized by this section is not exceeded, street graphics may be displayed as ground graphics, wall or roof graphics, or projecting graphics, within the limitations and restrictions as further provided by this ordinance.

SECTION 10.6 GROUND GRAPHICS.

10.6(1) Any activity may display one or more ground graphics of the area and height indicated in the Table of Basic Design Elements, provided:

(a) the activity is accessible by automobile and has off-street parking on the premises; or

(b) the edge of the building or structure in which the activity is conducted is set back at least thirty-five (35) feet from the edge of the adjacent street or highway right-of-way. The height of a ground graphic shall be measured from the grade at the edge of the right-of-way.

10.6(2) Ground graphics are also subject to the following additional limitations:

(a) a ground graphic which is six (6) square feet or more in area may be displayed only on a frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to any other ground graphic which is six (6) square feet or more in size;

(b) an activity may have both ground and projecting graphics if only one of these graphics is six (6) square feet or more in size.

10.6(3) Ground graphics for industrial activities are subject to the following special area and height requirements, provided the industrial activity has a frontage of at least three hundred (300) feet and a setback of at least seventy-five (75) feet:

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simple, inexpensive



with a flourish!

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(a) the area of the ground graphic may be no larger than the signable wall area of the building, as determined under Section 10.7;

(b) the height of the ground graphic may be five (5) feet in institutional or residential surroundings, otherwise ten (10) feet.

SECTION 10.7 WALL AND ROOF GRAPHICS.

10.7(1) Subject to the requirements of the Table of Basic Design Elements, any activity may display wall or roof graphics, or a combination of both. Wall graphics may be attached flat to or pinned away from the wall, and may not project from the wall by more than twelve (12) inches. For purposes of this ordinance, a "roof graphic" is a street graphic which is displayed above the eaves and under the roof line, and an "above-roof graphic" is a street graphic which is displayed above the roof line.

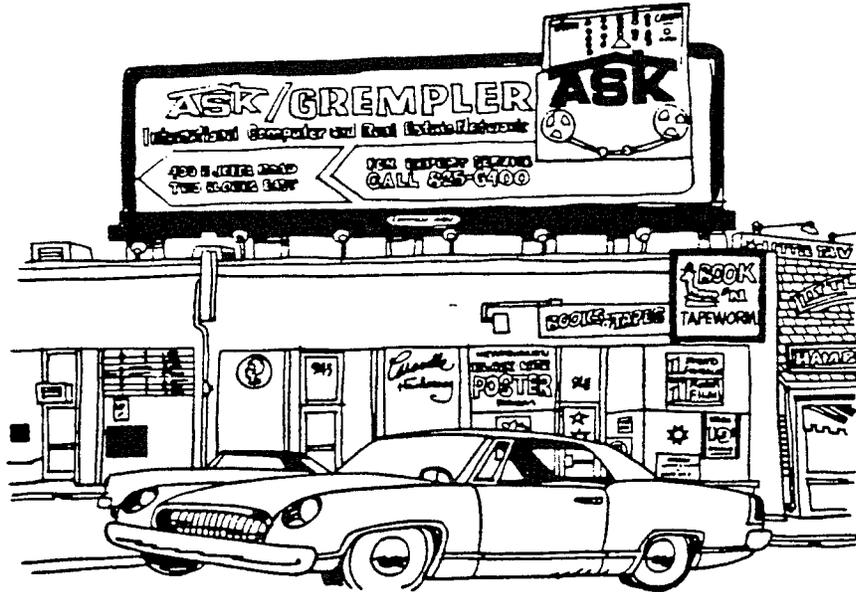
10.7(2) The permitted area of wall and roof graphics is shown by the Table of Basic Design Elements, which indicates the percentage of the signable area of the building or structure which may be utilized for wall and roof graphics. "Signable area" of the building means an area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail. The person displaying the wall or roof graphic may determine the signable area by choosing one such area on the building facade below the height limits for wall and roof graphics established by paragraph 10.7(4),(c), of this section, and by then calculating the number of square feet which are enclosed by an imaginary rectangle or square which is drawn around this area. The signable area for one-story commercial activity above the roof line shall be calculated as the distance between the roof line and the maximum height permitted for a ground graphic at that location times the length of any one facade.

10.7(3) In calculating the signable wall area of a building which may be used for wall and roof graphics the following provisions also apply:

(a) if the graphic is enclosed by a box or outline, the total area of the graphic, including the background, is counted as part of the signable area. If the graphic consists of individual letters, only the area of the letters is counted as part of the signable area;

(b) if individual letters or a box graphic is placed between window spandrels, the height of the letters or box may not exceed two-thirds (2/3) of the height of the spandrel;

(c) a graphic may not cover or interrupt major architectural features.



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10.7(4) Wall and roof graphics are subject to the following height limitations:

(a) wall graphics placed in the space between windows may not exceed in height more than two-thirds (2/3) of the distance between the top of a window and the sill of the window above, or major architectural details related thereto;

(b) all or a portion of the signable area may be contained in a roof graphic. If no wall graphic is displayed, an industrial activity may display roof graphics above the roof line no larger than the signable wall area. For commercial activities no roof or above the roof graphic may be higher than the ground graphic permitted for the same activity at the same location permitted by the Table of Basic Design Elements;

(c) wall graphics may extend to the roof line. (If the building consists of two (2) or more stories, wall graphics for places of entertainment and places of assembly seating two hundred (200) or more persons may extend to the roof line, but wall graphics for all other activities may not extend above the second story.)

SECTION 10.8 PROJECTING GRAPHICS.

10.8(1) Any commercial or institutional activity may display one projecting graphic on each street frontage. The permitted area of projecting graphics is shown in the Table of Basic Design Elements.

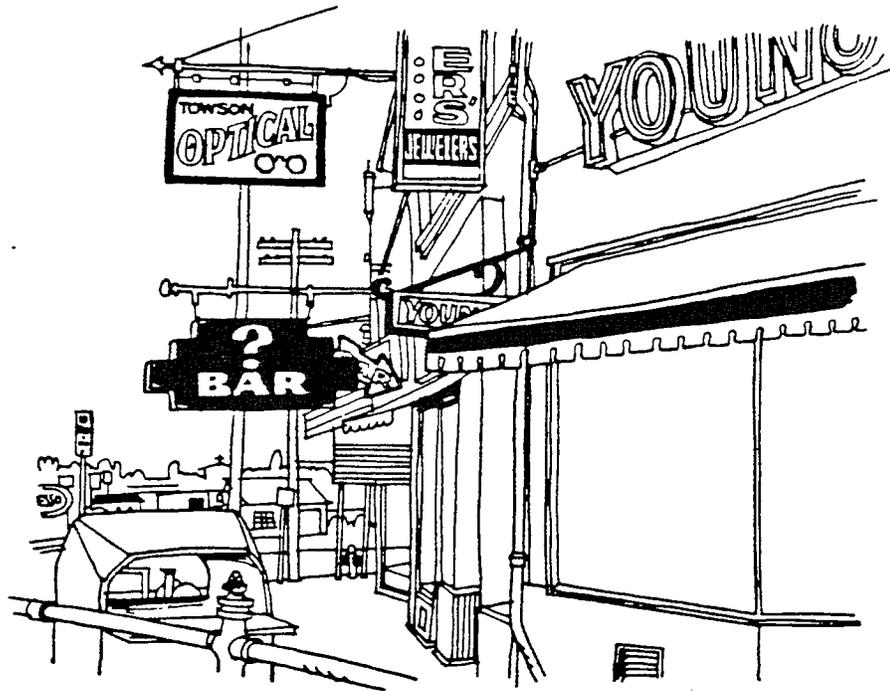
10.8(2) The following additional regulations also apply to projecting graphics:

(a) projecting graphics must clear sidewalks by at least eight (8) feet, and may project no more than four (4) feet from the building (marquee graphics are excluded from this constraint) or one-third (1/3) the width of the sidewalk, whichever is less;

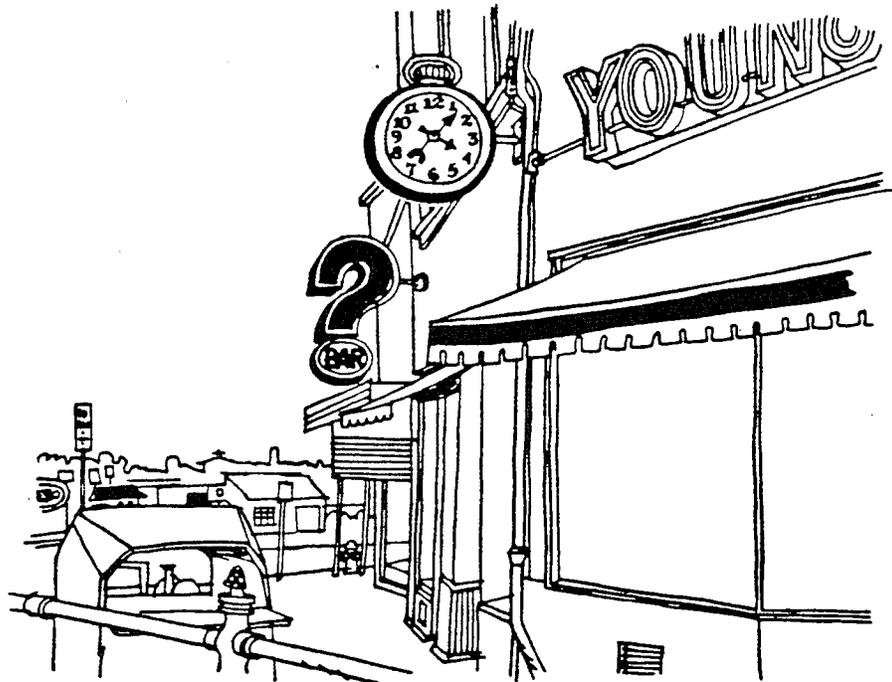
(b) projecting graphics must be pinned away from the wall at least six (6) inches;

(c) projecting graphics are not permitted at the intersection of corners, except at right angles to a building front;

(d) projecting graphics may extend to the bottom of the eaves of a building. (If the building consists of two (2) or more stories, projecting graphics for places of entertainment and places of assembly seating two hundred (200) or more persons may extend to the roof line, but projecting graphics for all other activities may not extend above the second story.)



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(e) no projecting graphic may be displayed unless the building to which it is attached is twenty (20) feet or more in width, and no projecting graphic may be closer than fifty (50) feet to any other projecting graphic.

SECTION 10.9 SPECIAL SITUATIONS.

10.9(1) Buildings in Joint Occupancy or Multiple Use. When a building (a) is occupied by a single occupant who carries on more than one activity within the building, or (b) contains two or more activities carried on by different occupants, the building shall be assigned to only one of the activity categories established under the provisions of Section 10.3(2),(a). The owner of the building shall determine to which activity category the building is to be assigned.

10.9(2) Off-Street Parking. Street graphics may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is forty (40) feet or more in width. However, the side or rear of the building adjacent to the off-street parking area may not be included when calculating the signable wall area allowable to wall graphics under this ordinance.

10.9(3) Multiple Frontages. If a building has frontage on or access to two or more streets, highways, or expressways, each side of the building is to be separately considered for purposes of determining compliance with the provisions of this ordinance and of the Table of Basic Design Elements. Area allowances for street graphics may be utilized only on the side of the building from which they are calculated.

SECTION 10.10 AMORTIZATION.

10.10(1) All nonconforming street graphics must be removed, changed, or altered to conform to the provisions of this ordinance according to the following schedule:

<u>Original cost of graphic</u>	<u>Amortization Period</u>
Less than \$500	6 months
\$500 to \$1,000	12 months
\$1,000 to \$3,000	24 months
\$3,000 to \$6,000	48 months
More than \$6,000	60 months

10.10(2) If more than one street graphic permitted for an activity is or becomes nonconforming, the original cost of all the street graphics so displayed shall be aggregated for purposes of determining the applicable amortization period.



**SCENIC, HISTORIC, ARCHITECTURAL AREAS
CALL FOR SPECIAL GRAPHICS**

10.10(3) A street graphic is or becomes "nonconforming" if it is not in conformance with the provisions of this ordinance and the Table of Basic Design Elements on either of the following dates:

- (a) the date of original enactment; or
- (b) any date on which this ordinance or the Table of Basic Design Elements is amended.

The amortization period prescribed in Subsection 10.10(1) of this ordinance shall begin to run on the date on which the street graphic becomes nonconforming.

SECTION 10.11 AREAS OF SPECIAL CONTROL.

10.11(1) It is recognized that the regulations provided in this ordinance cannot sensitively handle all of the street graphic situations in an area as diverse as that covered by the Planning Region. Therefore, the Board of Mayor and Aldermen, by ordinance and following notice and hearing, may designate any of the following areas as areas of special control:

- (a) architectural, historic, or scenic areas;
- (b) commercial plazas (urban, strip, or billboard).

The Commission shall prepare a map showing all areas of special control which have been designated by the Board of Mayor and Aldermen.

10.11(2) An architectural, historic or scenic area is an area whose special and unique visual characteristics or whose natural beauty requires special street graphic regulations to insure that all street graphics used within the area are compatible with each other. Generally, it is expected that street graphics regulations in these areas will be more restrictive than those which would otherwise be applicable under this ordinance. Unless otherwise permitted by rule or ordinance, only projecting and ground graphics permitted in institutional surroundings will be allowed in these areas.

10.11(3) Urban and strip plazas are intensive commercial areas whose character indicates that street graphics should be permitted under regulations which are less restrictive than those which would otherwise be applicable under this ordinance.

- (a) An urban plaza may be either of the following:
 - (1) a street intersection, square, or similar area which is devoted to intensive commercial uses, provided right angle distances between buildings are two hundred (200) feet or more, and provided driving speeds do not exceed twenty-five (25) miles per hour; or

(2) a regional or community shopping center which is twenty (20) acres or more in area.

(b) A strip plaza is a street or thoroughfare having commercial activities on each side of the right-of-way and which is:

- (1) adjacent to an urban plaza;
- (2) not more than one mile in length; and
- (3) does not carry traffic moving at speeds exceeding twenty-five (25) miles per hour.

10.11(4) A billboard plaza is an area in which a street graphic is displayed as a free-standing billboard. For purposes of this ordinance, a "billboard" is a street graphic which is not displayed as accessory to another activity on the same premises.

10.11(5) In areas of special control, the Board of Mayor and Aldermen by ordinance may establish, or by ordinance may authorize the Commission by rule to establish special regulations for street graphics which are either more restrictive or less restrictive than those provided by this ordinance and the Table of Basic Design Elements, and the Table of Auxiliary Design Elements, if any, having regard to the character of the area of special control to which the special regulations will apply.

SECTION 10.12 PERMITS.

10.12(1) The Board of Mayor and Aldermen may require that no street graphic other than temporary window graphics may be displayed unless application to display the street graphic is made to the Commission, and the Commission has by permit authorized the display of the street graphic. The Commission may determine the manner in which application to display a street graphic is made; may require that the application be accompanied by a site plan, drawings, or other suitable illustrations sufficient to indicate the character of the graphic and of the surroundings in which it is to be displayed; and may attach to its approval of an application to display a street graphic those conditions which in its judgment are reasonable, having regard to the character of the street graphic and of the surroundings in which it is to be displayed. The Board of Mayor and Aldermen may also require that any permit issued by the Commission under the provisions of this section must be submitted to the Commission for review and renewal after a period or periods to be specified by the Board of Mayor and Aldermen. Permits are not required for temporary window graphics included under Section 10.13.

SECTION 10.13 AUXILIARY DESIGN ELEMENTS.

10.13(1) The Board of Mayor and Aldermen may authorize the Commission to adopt rules governing the display of Auxiliary Design Elements for activities, having regard to the limitations established by this section and the character of the activity and of the surroundings in which it is located.

10.13(2) Rules may be enacted for the following Auxiliary Design Elements, subject to the limitations established for each graphic.

(a) Awnings, canopies, and marquees are permitted for all activities in all areas. However, any letters over three (3) inches in height which are displayed on an awning or canopy are debited against the items of information allowance established by Section 10.5. Awnings and canopies may extend to within one (1) foot of the vertical plane formed by the curb.

(b) Time-and-temperature devices are permitted for all except industrial activities in all areas. They may be on the ground, projecting, or attached to the wall, and are subject to the regulations applicable to ground, projecting, and wall graphics.

(c) Sidewalk showcases are permitted for all commercial activities, but may be placed only on sidewalks which are fifteen (15) feet or more in width.

(d) Temporary window graphics are permitted for all except industrial activities in all areas. They may not exceed more than 15 percent (15%) of the area of the window in which they are displayed. Temporary window graphics are not debited against the items of information allowance established by Section 10.5.

(e) Banners are permitted only for commercial and institutional activities located in areas of special control designated as commercial plaza (urban).

10.13(3) Rules may be adopted to permit the following types of illumination and mechanical movement for all activities in all areas, subject to the limitations indicated in this section.

(a) Colored light. White is the only color of light which is permitted:

(1) in areas designated as institutional or residential, or within five hundred (500) feet of such areas;
or

(2) for institutional activities.

(b) Flashing graphics. A flashing graphic is a light which is intermittently on and off. Flashing graphics are permitted only for motion picture theaters and for amusement and recreation services, and are not permitted:

(1) in areas designated as residential or institutional, or within five hundred (500) feet of such areas; or

(2) on streets and highways on which the traffic speed is in excess of twenty-five (25) miles per hour.

(c) Mechanical movement refers to animation, revolution, movement up and down, or movement sideways. Graphics which move mechanically may be permitted only for motion picture theaters, amusement and recreation services, or as permitted in areas of special control. Wind-blown devices such as pennants, spinners, and streamers are not permitted for any activity.

(d) Illuminated surface colors.

Internal illumination, i.e., a light source concealed or contained within the graphic, and which becomes visible in darkness through a translucent surface.

(e) Indirect illumination, i.e., a light source not seen directly.

(f) Floodlight illumination, provided that the floodlight or spotlight is positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians.

(g) Bare bulb illumination, except in areas designed as residential or institutional, or within five hundred (500) feet of such areas.

(h) Neon tube illumination, i.e., a light source supplied by a neon tube which is bent to form letters, symbols, or other shapes.

(i) Flame as a source of light is permitted for eating and drinking places and for hotels and lodging places.

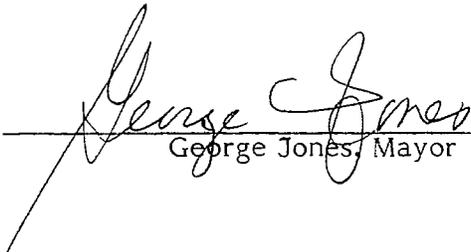
SECTION 10.14 LEGAL STATUS PROVISIONS.

10.14(1) Conflict with other Ordinances. In case of conflict between this ordinance or any part thereof and the whole or part of any existing ordinance, or any future ordinance of the Town of Spring Hill pertaining to the Planning Region, the most restrictive shall, in all cases, apply.

10.14(2) Validity. If any section, clause, provision or portion of this ordinance shall be 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.

10.14(3) Effective Date. This ordinance shall take effect and be in force fifteen (15) days from and after its adoption and publication, the public welfare demanding it.

PASSED AND ADOPTED by the Board of Mayor and Aldermen of the Town of Spring Hill, Tennessee this 7 day of 6, 1986.


George Jones, Mayor

ATTEST:


June Quirk, City Recorder

LEGAL FORM APPROVED:

Robin Courtney, Attorney

Passed on First Reading: 11-18-85

Passed on Second Reading: 12-16-85

Passed on Third Reading: 1-6-86

(PROCEDURE OF PASSAGE TO BE COMPLETED UPON ADOPTION)