

11-25-08
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INDEX NO. _____

ORDINANCE NO. 12188

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 3, SECTIONS 3-6, 3-94, 3-101, 3-102, 3-
131, and 3-132, RELATIVE TO SIGNS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 3, Sections 3-6, 3-94, 3-101,
3-102, 3-131, and 3-132 be and the same are hereby amended by deleting same in their entirety
and substituting in lieu thereof the following:

Sec. 3-6. Permit required to erect, maintain sign.

(a) Except as specified in subsection (b) of this Section, any person must obtain a sign permit from the Building Official prior to the erection, installation or material alteration of any sign. As used in the preceding sentence, the term 'material alteration' shall mean any change in (i) the height of a sign, (ii) the sign area of a sign, (iii) the location of a sign, (iv) the supporting structure of a sign, (v) the number of words in excess of six (6) includes in height for an Attached Sign; such term shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. Such sign permit shall be obtained in addition to any building permit otherwise required by this Code.

(b) No sign permit shall be required for any of the following on-premise signs:

- i. Construction signs, as defined in Article VI.
- ii. Incidental signs, as defined in Article VI.
- iii. Wall graphics or wall murals, as defined in Article VI.
- iv. Signs advertising the sale or lease of real estate which are located upon the real estate offered for sale or lease, provided that such signs do not exceed one hundred (100) square feet in sign area, or which are located within one thousand (1,000) feet of the real estate offered for sale or lease, provided that such signs do not exceed thirty-two

(32) square feet in size. Such signs (advertising the sale or lease of real estate) may be placed no closer than (10) feet if greater than 36 inches in height or (5) feet if 36 inches or less in height from the nearest curb or edge of pavement of public right-of-way, provided, however, that no such sign with a height greater than 36 inches in height may be located within (40) feet of the closest edge of the right-of-way of two (2) or more public streets.

- v. Entrance and exit signs regulated by §3-96.
- vi. Landmark signs, as defined in Article VI.
- vii. Signs for special events as allowed in Article VIII.
- viii. Banners forty (40) square feet or less in sign area.

(c) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion of part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony or upon any other structure in the limits of any street or public right-of-way in the City including but not limited to any divided roadway median, traffic island and/or traffic circle/roundabout, except such as may be required by this Code or other City ordinance.

Sec. 3-94. Setback requirements for detached signs.

(a) No detached sign may be closer than ten (10) feet to any street or right-of-way; no detached sign with a sign area larger than forty (40) square feet may be closer than fifteen (15) feet to any street or right-of-way; and no detached sign which is larger than one hundred (100) square feet may be closer than twenty (20) feet to any street or right-of-way. Notwithstanding the foregoing setback limitations, any projecting sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but not over any public street and not in excess of the distance otherwise permitted hereunder. Notwithstanding the foregoing, any owner from whose property any sign may project over any public right-of-way shall, prior to erecting or installing such sign, obtain a temporary use permit from the City subject to such conditions as may be required by the City Council.

(b) Notwithstanding the provisions of paragraph (a) above, signs advertising the sale or lease of real estate for which no sign permit is required, see section 3-6(b)iv and viii for setback and location requirements.

ARTICLE X. VARIANCES AND SPECIAL PERMITS

Sec. 3-101. Board of Sign Appeals to hear requests; meetings; membership.

(a) The Board of Sign Appeals is hereby established and is hereby designated to hear and decide all requests for variances and special permits made pursuant to this Article X. Said Board shall hear such requests at the time and place fixed by said Board for its regular monthly meeting or at such other meetings of the Board as may be called by the Chairman or established by said Board. The City Attorney or his designated representative shall be present at each Board meeting.

(b) The Board of Sign Appeals shall consist of nine (9) members; each member of the City Council shall appoint one (1) member to said Board. Three (3) members of the first Board shall serve terms of one (1) year expiring on July 31, 1992; three (3) members of the first Board shall serve terms of two (2) years expiring July 31, 1993; three (3) members of the first Board shall serve terms of three (3) years expiring on July 31, 1994. The City Council shall designate the term of each member of the first Board; each member of the Board shall thereafter serve a term of three (3) years. In the event of a vacancy on the Board, the member of the City Council responsible for the appointment of that particular position shall appoint a new member to serve the unexpired term. A member of said Board may be removed from the Board upon a majority vote of the entire City Council.

Sec. 3-102. Jurisdiction of the board.

The Board of Sign Appeals shall have the following powers:

(a) To hear and rule on requests for variances to permit not more than one (1) on-premise sign per premises to be constructed on premises where such signs are otherwise permitted to a height greater than allowed by this Chapter and/or to be located nearer to a public right-of-way than otherwise allowed by this Chapter if, in the opinion of said Board, a severe and substantial hardship is imposed by the provisions of this Chapter with respect to the particular property subject to the request and the conditions of §3-105 have been satisfied. The Board shall require a showing of substantial economic hardship prior to granting any variance. The Board shall grant only minimum relief necessary to remedy the particular hardship. In no event may the Board permit any such

sign to be constructed to a height greater than eighty (80) feet within six hundred sixty (660) feet of either side of a controlled access facility or any such sign to be constructed to a height greater than fifty (50) feet in any other area. The provisions of this Section are to be strictly construed.

(b) To hear and rule on requests for variances to permit an attached sign greater in size than allowed by Article IX, Section 3-92(e) of this Chapter, if, in the opinion of said Board, a severe and substantial hardship is imposed by the provision of this Chapter. The Board shall require a showing of such hardship with respect to circumstances of a unique site location, which may include, but not limited to: (i) setback of building right-of-ways, or, (ii) building heights or other visual impediments that would prevent visibility of said sign to (the) traveling public.

(c) To hear and rule on requests for special permits for on-premise message centers. A special permit may be granted for: (i) on-premise message center for premises having facilities which provide a location for public events or gatherings, whether sporting, cultural, civic, or entertainment, and which provide a fixed seating capacity of not less than 1,200 persons, or (ii) the message center is an attached sign which is placed in a manner to be viewed by persons in a drive-through line on the same premises and the message or scrolling of which cannot be seen from any public right-of-way, or (iii) a special permit may be granted for two attached on-premise message centers for premises having facilities located in the C-3 Central Business District that have an occupancy rating of not less than 20,000 persons. The Board may in its discretion impose such reasonable conditions on the operation, size, and placement of message centers as it deems appropriate for traffic safety; in imposing any such conditions, the Board may consider any recommendations by the Office of the City Traffic Engineer. Any message center operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such message center is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(d) To hear and rule on requests for special permits for signs for special events in excess of three (3) days but no longer than thirty (30) days. The Board may in its discretion impose such reasonable conditions on the number, size and placement as it deems appropriate for traffic safety; in imposing any such

conditions, the Board may consider any recommendations of the Office of the Traffic Engineer.

(e) To hear and rule on requests for special permits for off-premise traffic directional signs for licensed facilities offering twenty-four hour emergency medical and/or psychiatric care; no such sign shall be permitted with any message thereon other than ordinary and customary traffic directions to such facility. The Board in its discretion may impose such reasonable conditions on the size, height and placement of such traffic directional signs as it deems appropriate for traffic safety. Any such traffic directional sign operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such sign is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(f) To hear and rule on requests for special permits for the use of certain banners not otherwise permitted, including banners (i) which are in excess of the number permitted for a building under Section 3-84 of this ordinance, (ii) which extend more than eighteen (18) inches but not more than thirty-six (36) inches from the side of a building while still being considered as an "attached sign" under Section 3-61 of this ordinance, and/or (iii) which exceed forty (40) square feet in size, notwithstanding the limitations in Section 3-71(2) of this ordinance. The Board may grant special permits for any one or more of the foregoing exceptions, but only if all of the following conditions are satisfied with respect to each such exception:

- (1) The building for which a special permit is requested shall not be less than two (2) stories in height;
- (2) The building for which a special permit is requested shall be a retail shopping facility or mixed-use facility containing at least twenty-five percent (25%) retail shopping area by square footage;
- (3) The banners for which a special permit is requested may contain only the following information (or any combination thereof): the name of a special event (as defined in §3-61) to be carried on within the building for a temporary period not exceeding sixty (60) consecutive days, the name of the building and/or the name of the owner or occupants within the building. No special permit shall be given for a banner

containing any other message or information other than the foregoing;

- (4) No banner shall extend more than thirty-six (36) inches from the side of the building to which it is attached, and banners within this limitation shall be considered as "attached signs" within the meaning of Section 3-61 of this ordinance;
 - (5) No banner permitted by this Section may exceed sixty (60) square feet in sign area;
 - (6) The application for a special permit under this Section shall be made by the owner of the premises and shall illustrate the approximate placement of the requested banners along each side of the building for which a permit is requested, and the number of banners on any side of a building shall not exceed one (1) banner for each twenty (20) linear feet along the ground level of that side of the building. The owner or lessor of a building may allow banners to be utilized by occupants within such building, but such use by any occupant shall not increase the total number of banners allowed along the side of a building. Once the total number of permissible banners along the side of a building is determined, the banners may be placed along such side in any location the owner/occupant chooses (subject to the remaining limitations of this ordinance), and such banners are not required to be placed twenty (20) linear feet apart from one another; and
 - (7) Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size, height, placement and numbers of banners, such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.
- (g) To hear and rule on requests for special permits for the use of certain on-premise message centers not otherwise permitted, if and only if such message centers are attached to a building and are designed and constructed not to be read by persons off the premises on which they are located. The application for a special permit under this subsection shall be made by the owner of the premises and shall illustrate the approximate placement of the

requested message center for which the special permit is requested. Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size, height and placement of the message center such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.

(h) To hear and rule on requests for special permits for on-premise signs and/or banners located upon commercial, predominantly retail, developments which are: under the same management, not less than twenty-five thousand (25,000) square feet of usable retail floor area, not less than two (2) stories in height, and located in the downtown/northshore area as described in Section 3-52(a) of this chapter and areas along Manufactures Rd. zoned C-3 located in the Northshore area, or (2) under the same management, not less than six hundred thousand (600,000) square feet of usable retail floor area two (2) stories in height, and located outside the downtown area as described in 3-52(a) of this chapter. Any such special permit may be granted only after the Board has reviewed and approved all signs and/or banners for the development. The Board may authorize signs and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter, subject to the following limitations:

- (1) The Board may not authorize any increase in the maximum sign area for any permitted free-standing sign;
- (2) The Board may authorize not more than one (1) projecting sign per retail occupant or retail tenant of the development, and any such projecting sign shall not be considered as a detached sign for the purposes of 3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed thirty (30) square feet in sign area, and provided further that such projecting signs shall only be located directly outside the space occupied by the occupant or tenant to which the sign refers or directly outside a common entrance for two or more tenants; and
- (3) Roof signs shall not be permitted.

For the purposes of this subsection (h), "retail," shall include restaurants. Nothing in this subsection (h) shall require the Board to grant any relief to or issue any special permit to any applicant.

(i) To hear and rule on requests for special permits for on-premise and off-premise signs and/or banners located upon any stadium with seating capacity in excess of five thousand (5,000) persons. Any such special permit may be granted only after the Board has reviewed and approved all signs for the development. The Board may authorize signs, flags and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter. The Board may authorize projecting signs which shall not be considered as detached signs for the purposes of §3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed fifty (50) square feet in sign area.

ARTICLE XIII. POLITICAL SIGNS

Sec. 3-131. Scope of Article - definition of political sign.

Notwithstanding anything in this Chapter to the contrary, the provisions of this Article shall govern the use and placement of political signs. "Political signs" shall mean any sign which supports or opposes the candidacy of any candidate for public office or urges action on any other issue on the ballot of a primary, general or special election.

Sec. 3-132. Political signs regulated.

Political signs with a sign area of more than thirty-two (32) square feet shall be subject to the provisions of the Chapter governing off-premise signs, provided that any political signs at a campaign headquarters shall be governed as on-premise signs. Political signs with a sign area of thirty-two (32) square feet or less shall be subject to the following restrictions:

(a) No such political sign less than 36 inches in height may be placed closer than five (5) feet or (10) feet if greater than thirty-six (36) inches to the closest edge of the pavement or curb of any public or private street.

(b) No such political sign may be placed closer than twenty-five (25) feet to the closet edge of the pavement or curb of two (2) public or private streets.

(c) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion of part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony or upon any other structure in the limits of any street or public right-of-way in the City including but not limited to any divided roadway median, traffic island and/or traffic circle/roundabout, except such as may be required by this Code or other City ordinance.

(d) No such political sign may be placed upon or attached in any way to any tree, fence, fence post, utility pole, light pole or rock.

(e) All such political signs shall be removed within fifteen (15) days after the election to which they refer has been held. Such signs erected for a primary election may remain only if they continue to be valid for the next general election.

(f) The Office of the Building Official or the Traffic Engineer may order the removal or relocation of any such sign which may constitute a hazard to the public traveling on public streets.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

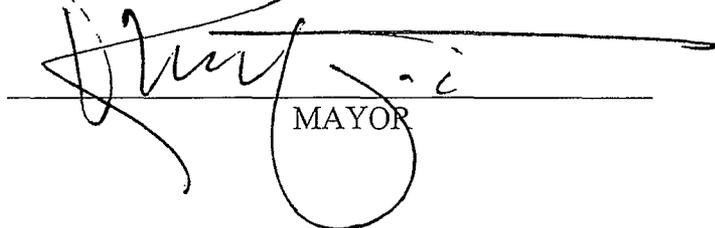
PASSED on Second and Final Reading

December 2, 2008.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: Dec. 5, 2008


MAYOR

PAN/add