

**SIGN ORDINANCE FOR
TELLICO PLAINS,
TENNESSEE**

**September 27, 2001
(Revised May 6, 2004)**

TELLICO PLAINS, TENNESSEE

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ARTICLE I
AUTHORITY, TITLE, PURPOSE, AND JURISDICTION

Section 1.1 Authority. In accordance with Article I Section 2 of the Charter of the Town of Tellico Plains, Tennessee, the following ordinance is hereby adopted:

Section 1.2 Title. This ordinance shall be known as the “Sign Ordinance for Tellico Plains, Tennessee”.

Section 1.3 Purpose. This purpose of this ordinance is to establish reasonable and impartial regulations for the location of signs within the corporate limits of Tellico Plains, Tennessee. These regulations have been established in order to preserve the character of the town, while attracting sources of economic development and growth through flexible and diversified standards. These standards are intended to provide for adequate light, air, and open spaces, and a reduction in congestion and hazardous conditions within the town. Therefore, all new signs shall conform to the provisions of this ordinance.

Section 1.4 Jurisdiction. This ordinance shall apply to all areas within the corporate limits of the Town of Tellico Plains, Tennessee.

ARTICLE II DEFINITIONS AND TERMS

Section 2.1 Definitions.

Interpretation of Defined Terms. Terms found in this ordinance for which definitions are set out in this article shall be interpreted as always having such meaning, unless the context within which such term is used indicates otherwise.

Interpretation of Undefined Terms. Terms found in this ordinance for which no definition is included in this article shall be interpreted, if technical in nature, by reference to generally accepted planning, engineering, or other professional terminology; and if non-technical in nature, shall be interpreted according to common usage, unless the context within which such term is used clearly indicates otherwise. Certain undefined terms, however, shall be interpreted as follows, unless the context clearly indicates otherwise:

1. Day. Unless otherwise specified, the term “day” shall mean calendar day.
2. Land Use. The term “land use” and “use of the land” shall be deemed also to include building use and use of building.
3. Measurement of Distances. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. Shall, May, and Includes. The word “shall” is mandatory; the word “may” is permissive. The word “includes” shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like character.
5. State; County. The word “state” means the State of Tennessee and its authorized agents. The word “county” means the county of Monroe, Tennessee, and its authorized agents.
6. Tense; Number. Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter; words in the singular numbers can include the plural; and words in the plural can include the singular, unless the obvious construction of the word indicates otherwise.
7. Town. The word “town” means the Town of Tellico Plains, Tennessee and its authorized agents.
8. Used; Erected. The word “used” shall be deemed to also include designed, intended, or arranged to be used; the term “erected” shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.

Section 2.2 Terms.

1. Access. The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
2. Advertising. Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device, including but not limited to pennants on a cord, streamers, large inflated balloons designed, used, or intended for advertising, or to draw attention to the site on which such items are located, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man made structures.
3. Automobile Service Station. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and which may also include the servicing and repair of automobiles; and/or the sale of snack food, tobacco, drinks, newspapers, and similar convenience goods.
4. Billboard. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
5. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.
6. Commercial Development. A development in which the principal activities are carried out for economic gain.
7. Home Occupation. A use of a dwelling unit for an occupation conducted by a resident thereof and which is clearly incidental to the use of the structure for residential purposes.
8. Industrial Park. A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
9. Industrial Use. A use engaged in the processing and manufacturing of materials or products.
10. Mall. A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.
11. Mobile Home Park. A development of property in which ownership of the resulting lots are maintained by one owner (or company) and developed exclusive as mobile home rental sites.

12. Multi-Family Dwelling. A residential building containing three (3) or more separate rental or owner occupied dwelling units located on a single lot.
13. Premises. Any unit of land including any buildings or structures thereon.
14. Roof Line. The juncture of the roof and the perimeter wall of a structure.
15. Shopping Center. For the purposes of this ordinance, a shopping center shall be considered as an enterprise which is internally separated or segregated into individual shops or separate, distinct business functions. Individual ownership is not a factor.
16. Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.
 - a. Sign, Awning, or Marquee. A sign that is mounted or painted on, or attached to, an awning, or marquee.
 - b. Sign, Banner. Any sign intended to be hung either with or without frames, possessing characters, letters, illustration, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this ordinance.
 - c. Sign, Canopy. A sign that is mounted or painted on, or attached to a single side of a canopy.
 - d. Sign, Construction. A temporary sign erected on the premises on which construction is taking place, during the period of such construction. Generally included on the sign are the names of the architects, engineers, landscape architects, contractors, owners, financial supporters, and similar individuals or firms having a role or interest with respect to the structure or product.
 - e. Sign, Directory. A sign on which the names and locations of businesses, occupants, or the use of a building are given.
 - f. Sign, Ground. Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.
 - g. Sign, Nonconforming. Any sign that does not conform to the provisions of this ordinance.

- h. Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
 - i. Sign, On-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, or other activity that is conducted, sold, or offered on the premises on which such sign is located.
 - j. Sign, Pole. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is nine (9) or more feet above grade.
 - k. Sign, Projecting. Any sign attached to a building or other structure, which projects in such a manner that both sides thereof are visible.
 - l. Sign, Roof. A sign which is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building.
 - m. Sign, Temporary. A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
 - n. Sign, Vehicle. Any sign mounted on a vehicle and used for advertising or promotional purposes.
 - o. Sign, Wall. Any sign which is placed against a building or other structure and attached thereto in such a manner that only one side is visible. On wall mural signs containing advertising, only that portion of the sign with advertising shall be calculated in determining maximum area allowance.
 - p. Sign, Wall Mural. A pictorial representation or work of art not specifically identifying goods or services offered on the premises, which does not contain letters, trademarks, moving parts, or lights. Any portion of a wall mural containing advertising shall be evaluated as a wall sign.
 - q. Sign, Window. Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.
17. Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
18. Subdivision. The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction.

ARTICLE III GENERAL PROVISIONS

Article 3.1 General Provisions.

The following provisions shall apply to all signs within the corporate limits of the Town of Tellico Plains, Tennessee:

- a. Plans Required. The Sign Enforcement Official shall be provided with plans and specifications identifying the location, type, and design of any sign requiring a permit under the provisions of this ordinance.
- b. Height. No part of any sign shall exceed fifteen (15) feet in height. The height of the sign shall be determined by measuring from ground level at the base of the sign to the maximum height of the structures. The announcement portion of all permanent poll signs shall be located at least nine (9) feet above the ground. Signs placed above a walkway shall have a minimum clearance of nine (9) feet. Signs located above a driveway shall not be permitted.
- c. Setback. No part of any sign shall be placed closer than five (5) feet to any public right of way or access, except that the planning commission may require a greater distance if it is determined that a 200' site distance can not be met as a result of the location of the sign; signs of no more than three (3) square feet may be located at the right of way to designate entrances and exits provided that such signs will be less than three (3) feet higher than the driveway to prevent any obstruction of clear visibility to vehicles exiting the premises.
- d. Number of Signs. No business shall have more than two (2) signs requiring a permit, but not two (2) signs of the same type; except on lots which extend between parallel streets, businesses may have three (3) signs, two (2) of which may be of the same type provided they do not front on the same parallel street. Additionally automobile service stations may have two additional canopy signs, provided the maximum square feet of all signs does not exceed the maximum sign area permitted for the street classification upon which the use is located. Entrance and exit signs shall not be included in the total number of signs allowed.
- e. Continuance of Nonconforming Signs. A lawful nonconforming sign existing at the time of the passage of this ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:
 1. When a non-conforming sign is discontinued or abandoned for a period of six (6) consecutive months, the sign shall be deemed to have been abandoned, and at such time shall be removed.

2. Any non-conforming sign which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed as before, if it is done within six (6) months of such damage, unless damaged to an extent of more than sixty (60) percent of its value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

Article 3.2 Signs Not Requiring a Permit.

The following types of signs are permitted, subject to the conditions set forth below and other applicable provisions of this ordinance. Such signs do not require a permit.

- a. Changes to Sign Face/Content. For an existing business, when the face or content of a sign is altered, but the area of the sign is not increased and no changes in the physical structure of the sign occur, then no sign permit shall be required.
- b. Window Signs. Window signs do not require a permit.
- c. Political Campaign Signs. One (1) sign per candidate per premise, each sign not to exceed sixteen (16) square feet, may be erected on private property no more than thirty (30) days prior to the election. All campaign signs shall be removed by the property owner within seven days after the results of an election are certified. Political campaign signs are not permitted on public property, including utility poles.
- d. Temporary Special Event Signs. Signs not exceeding seventy-five (75) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected no more than thirty (30) days prior to the event. All special event signs shall be removed within seven (7) days of the conclusion of an event.
- e. Parking Areas/Directional Signs. Signs internal to parking areas, which direct vehicular or pedestrian traffic but bear no advertising, shall be no larger than three square feet each.
- f. Construction Site Signs. One sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to the building being occupied.
- g. Real Estate Sale/Lease Signs. Signs up to a total area of nine (9) square feet advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease of said premises.
- h. Temporary Portable Signs. Portable signs may be used to announce the grand opening of a new business, the closing of an existing business, or special

promotional events, but in no case shall such signs remain more than thirty (30) days. These signs shall be limited to thirty-two (32) square feet in size.

- i. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to four (4) square feet in area is permitted.

Article 3.3 Signs Requiring a Permit.

- a. Signs for subdivisions, multi-family developments, and mobile home parks shall consist of one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor twelve (12) feet in height is permitted.
- b. Signs for shopping centers, malls and commercial developments shall not exceed one hundred and fifty (150) square feet in area and each business within such developments shall be limited to one (1) wall sign containing no more than one (1) square foot of area per linear foot of wall which faces a public street and or customer parking area. Separate businesses on out parcels with public road frontage developed or marked along with a shopping center, mall, or commercial development may have a maximum of three (3) wall and three (3) ground signs provided the combined square footage for all signs in a category shall not exceed the size established for ground and wall signs set out in Article III, Section 4. No individual sign may contain more than 40% of the square footage allowed for a category. A sign containing two (or more) sides viewable by the public shall be considered two (or more) signs. Entrance and exit signs shall not be included when determining total square footage of sign area.
- c. Wall Mural Signs Containing Advertising
 1. On wall mural signs, only that portion of the sign considered advertising shall be calculated in determining maximum area allowance.
- d. Small directional signs no greater than four (4) square feet in area, limited to two (2) per business or institution.
- e. Industrial Uses
 1. The maximum identification sign area permitted for separate establishments on individual lots shall be seventy-five (75) square feet per separate industrial use; except that no ground sign or wall sign shall be greater than seventy-five (75) square feet in area.
 2. Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed seventy five (75) square feet.
- f. The maximum sign area permitted per business shall be as follows except that total sign area shall not exceed seventy-five (75) square feet:

Article 3.4 - Maximum Sign Area Permitted.

Type of Street	Posted Speed Limit	Wall Sign Size	Ground Sign Size	Projecting Sign Size
2-Lanes	15 mph & below	50 square feet	15 square feet	15 square feet
	20 mph	50 square feet	15 square feet	15 square feet
	25-30 mph	50 square feet	20 square feet	20 square feet
	35 mph	50 square feet	25 square feet	25 square feet
	40 mph	75 square feet	75 square feet	Not Permitted
	45-55 mph	75 square feet	75 square feet	Not Permitted
4-Lanes	20 mph	50 square feet	15 square feet	15 square feet
	25-30 mph	50 square feet	30 square feet	25 square feet
	35 mph	50 square feet	65 square feet	40 square feet
	40 mph	75 square feet	75 square feet	Not Permitted
	45-55 mph	75 square feet	75 square feet	Not Permitted
4-Lanes with Median or Turning Lane	30 mph	50 square feet	65 square feet	25 square feet
	35 mph	50 square feet	75 square feet	40 square feet
	40-65 mph	75 square feet	75 square feet	Not Permitted

Article 3.5 Prohibited Signs and Advertising Devices.

- a. Billboards.
- b. Roof Signs.
- c. Signs which include action, motion, moving materials, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted; or interface with the view of traffic or could be confused with any authorized traffic control sign, signal or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.
- d. Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located.
- e. Signs that are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure.
- f. Signs on public property including utility poles. Except those erected by an authorized public entity.
- g. All signs which are not expressly permitted by this ordinance or any other ordinance of the town.

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

Article 4.1 Sign Permit Required. It shall be unlawful to commence the excavation for or the construction of any sign requiring a permit, as established in Article III until the Sign Enforcement Official has issued for such work a sign permit, including a statement that the plans, specifications, and intended use of such sign in all respects conforms with the provisions of this ordinance. Application for a sign permit shall be made to the Sign Enforcement Official.

Article 4.2 Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Sign Enforcement Official. The Sign Enforcement Official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.

Article 4.3 Application for/Issuance of Sign Permits. For all newly constructed signs requiring a permit, a sign plan prepared in accordance with the provisions of Article III shall be submitted with an application for a sign permit. If the request for issuance of a sign permit is refused, the Sign Enforcement Official shall state the reason for the refusal in writing.

Article 4.4 Expiration/Extension of Sign Permit Approvals. Sign permits shall be null and void after one (1) year from the date of issuance, if, in the opinion of the Sign Enforcement Official substantial progress is not being made toward completion of the sign as it was approved. Upon the showing of good cause by the permit holder, the Sign Enforcement Official may grant an extension of one (1) and only one (1) three (3) month period, so long as the permit holder applies for such an extension at least three (3) weeks prior to the expiration date of the permit.

Article 4.5 Final Site Inspection. In order to ensure that a sign has been constructed in accordance with the approved sign plan, the Sign Enforcement Official shall make a final inspection upon notification by the owner that construction on the sign has been completed. Within three working days of such application, the Sign Enforcement Official shall make a final inspection of the property in question, and shall issue a Certificate of Compliance with Sign Ordinance if the sign is found to conform to the provisions of this ordinance and the statements made in the application for the sign permit. If such certificate is refused, the Sign Enforcement Official shall state the reason(s) for such refusal in writing.

Article 4.6 Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provisions of this ordinance, permits any such violation, or fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, or other final authorization or approval hereunder, or who erects, constructs or reconstructs any sign in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.

Article 4.7 Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to such penalties as may be provided for by law. Each day of such violation shall constitute a separate offense.

Article 4.8 Appeals.

1. The applicability of this ordinance or the validity of applicability of a regulation promulgated pursuant to this ordinance may be determined in a hearing before the Tellico Plains Board of Mayor and Alderman. The Board shall grant a hearing to aggrieved persons upon request. The complaint shall file a written petition. The Board of Mayor and Alderman shall hold a hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.

The Tellico Plains Board of Mayor and Alderman may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Sign Enforcement Official or any other administrative official in the carrying out or enforcement of any provision of this ordinance.

Additionally, the Tellico Plains Board of Mayor and Alderman may by reason of exceptional topographic conditions or other extraordinary and exceptional condition or situation of such a piece of property, find that a strict application of this ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, authorize a variance from such strict application so as to relieve such difficulties or undue hardship; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

2. After an appeal to the legislative body, the complainant may seek judicial review.

**ARTICLE V
ADOPTION AND EFFECTIVE DATE**

This ordinance shall take effect immediately after its adoption, the public welfare requiring it.

Passed on first reading: _____, 2004

Passed on second reading: _____, 2004

Public hearing held: _____, 2004

Certified by Planning Commission: _____, 2004

Mayor

City Recorder

Planning Commission
Secretary