

ORDINANCE NO. 14216

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
PART II, CHAPTERS 3A AND 3B, OFF-PREMISE  
ADVERTISING AND ON-PREMISE ADVERTISING.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 3, be amended by deleting  
same in its entirety and substituting in lieu thereof the following:

**Chapter 3A: OFF-PREMISE ADVERTISING**

**ARTICLE I. ADMINISTRATION AND ENFORCEMENT**

**Sec. 3-1. Exemptions from and applicability of Chapter.**

Nothing in this Chapter shall apply to any notice required by this Code or other ordinances of the City or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the City.

Nothing in this Chapter 3 shall affect the provisions of Ordinance No. 6958, the Zoning Ordinance, as amended, and the provisions of said ordinance shall have priority over the provisions of this Chapter 3. Nothing in this Chapter 3 shall affect the provisions of Chapter 18 of this Code. (Code 1986, § 3-1; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9824, § 2, 1-5-93)

**Sec. 3-2. Definitions.**

For the purposes of this Chapter, the following definitions shall apply to off-premise signs and billboards only. All on-premise signs are regulated under Chapter 3B: On-Premise Sign Code.

*Compensation.* The exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt.

*Controlled Access Facility.* Controlled access facility shall mean any highway or street especially designed for through traffic and over, from, or to which owners, or occupants of abutting land or other persons generally have no right or easement of access from abutting properties. Such highways or streets may be parkways, from which trucks, buses, and other commercial vehicles

shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, and may, if so designated, include interstate connector roadways and airport access roadways.

*Height.* Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area" as specified in this § 3-2.

*Intersection.* Intersection shall mean the center point where two (2) or more open roads, streets, or highways located within the corporate limits of the city join.

*Major Advertising Zones.* Major advertising zones shall mean the major commercial areas designated herein as follows: Rossville Boulevard from its intersection with Interstate 24 generally southward to the city limits; Brainerd Road/Lee Highway from its intersection Tunnel Boulevard generally eastward to its intersection with Shallowford Road; Signal Mountain Road the city limits with Red Bank, Tennessee to Mountain Creek Road; excluding that portion which falls within the Scenic Corridor along Highway 153; Amnicola Highway from its intersection with Riverfront Parkway to the southernmost or westernmost edge of the property presently occupied by Chattanooga State Community College, excluding that portion which falls within the Scenic Corridor along Dupont Parkway; Hixson Pike from its intersection with Ashland Terrace to its intersection with Adams Road; and Highway 153 from its intersection with Gadd Road to its intersection with Dupont Parkway. All measurements herein to an intersection of two (2) or more roads shall be to the center of such intersection.

*Off-Premise Sign.*

- (a) A sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; or
- (b) A sign located on a facility's parcel owned or operated for the primary purpose of displaying a sign for purposes set forth in subdivision (a).

*Person.* Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

*Premises.* Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor. As part of a dominant parcel of property, premises shall also include a permanent easement to the dominant parcel which (1) connects the dominant parcel to a public right-of-way, (2) is the sole means of ingress and egress to and from a public right-of-way for vehicular traffic to the dominant parcel, and (3) is regularly used for ingress and egress to the dominant parcel by vehicular traffic.

*Scenic Area.* Scenic area shall mean those areas within the city limits, as more specifically identified in Article V, which are either of uncommon visual importance or scenic attractiveness and within which the construction of off-premise signs is prohibited in accordance with the provisions of Article V.

*Scenic Corridor.* Scenic corridor shall mean those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or rights-of-way more specifically designated in Article V, which are either of uncommon visual importance or scenic attractiveness.

*Sign.* Sign shall mean any structure or wall or other object which is designed, intended, or used to advertise or inform any part of the advertising or informative contents; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage. Provided, however, that the following shall be excluded from this definition:

- (a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (b) Signs located inside a building.
- (c) Memorial plaques or tablets.
- (d) Gravestones.
- (e) Insides faces of scoreboard fences or walls on athletic fields.
- (f) Historical site plaques.
- (g) The display of street numbers.
- (h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with § 3-71 hereof.
- (i) Seasonal displays and seasonal decorations not advertising a product, service or entertainment.
- (j) Signs approved by the Board of Sign Appeals and donated to and erected by or, at the option of the city, under the supervision of the city which designate (i) a public area or public right-of-way adopted by a private entity for a program of landscaping, maintenance and/or litter control for such area or right-of-way, and (ii) the private entity responsible for such program; no such sign shall be erected without the approval of the City Engineer and City Traffic Engineer or their designees, and the city shall have the right to remove such signs at any time.
- (k) Any living display on the ground of flowers or other plants which conveys a message.

*Sign Area.*

- (a) Sign area shall mean for all signs the area within the rectangle which is defined by the larger of (i) the lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on any sign structure, or (ii) the lines which include the outer extremities of the framework or background of the sign structure. The support for the sign background, whether it be columns, or pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached. On any sign structure which has multiple sign faces, any sign faces which are separated by an angle of less than sixty (60) degrees as measured from the rear of each sign face, shall be counted separately in computing sign area; if the angle of separation of the backs of such sign faces exceeds sixty (60) degrees, then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cut-out letters is the area of the rectangle necessary to enclose all such letters.

*Spacing.* Spacing shall mean the interval between signs determined by measuring from the upright column or outermost supporting columns and extending by the most direct line perpendicular to the road to a point nearest the road right-of-way, and then proceeding in either direction along the nearest edge of the right-of-way or pavement for the prescribed distance.

*Width.* Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area" as specified in § 3-2.

(Code 1986, § 3-14; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9273, § 1, 12-5-89; Ord. No. 9702, § 1, 4-21-92; Ord. No. 10278, § 1, 8-15-95; Ord. No. 10523, § 1, 1-7-97; Ord. No. 11549, §§ 1, 2, 5-4-04; Ord. No. 13541, § 1, 3-10-20)

### **Sec. 3-3. License required for erecting off-premise signs.**

No person shall carry on the business of erecting or posting off-premise signs without having secured a business license from the City to carry on such business.

(Code 1986, § 3-2; Ord. No. 9119, § 1, 2-14-89)

### **Sec. 3-4. Marking of vehicles.**

Every person licensed to erect off-premise signs in the City shall cause his name or his company's name and the number of his license to be plainly printed in a conspicuous place on the outside of each vehicle used in such business, and such information shall be kept in a legible condition during the continuance of such license. Upon the expiration of such license, unless renewed, such person shall at once cause such name and number to be erased from such vehicle, and shall not allow such vehicle to be used with such name or number thereon.

(Code 1986, § 3-3; Ord. No. 9119, § 1, 2-14-89)

### **Sec. 3-5. Disposal of glue, paste, waste material.**

No person shall scatter, daub or leave any glue, paste or other like substance for affixing signs upon any street or sidewalk or scatter or throw any old signs or waste material removed from signs on the surface of any public property, street or sidewalk or upon any private property.

(Code 1986, § 3-5; Ord. No. 9119, § 1, 2-14-89)

### **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) Reserved.
- (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.

(Code 1986, § 3-6; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95; Ord. No. 12188, § 1, 12-2-08)

**Sec. 3-7. Application for sign permit; notification to building official; expiration; renewal of permits; and construction methods and structural requirements.**

- (a) Application for the sign permit required by the preceding Section shall be made to the Building Official or designee concurrently with an application for a Building Permit if required and shall be accompanied by such drawings, plans, specifications and engineering designs in compliance with the provisions of the International Building Code most recently adopted by the City of Chattanooga for the proposed sign as may be necessary to fully advise and acquaint the Building Official or designee and the Traffic Engineer with the proposed construction thereof. The application shall also include the owner and address of the premises where such sign is to be located, together with the size of the proposed sign, and a description of any other signs located on such premises or for which a permit has been issued and remains outstanding. Any application for a sign permit or temporary sign permit shall be approved or denied by the Building Official or designee within thirty (30) business days, excluding holidays recognized by the City of Chattanooga, after the filing of the application for such permit, and in the event the Building Official or designee does not approve or deny an application within said period, such application shall be deemed approved. Notwithstanding the provisions of the foregoing sentence, the Building Official or designee may grant contingent approval subject to on-site inspection in cases where an applicant for a temporary sign permit requires immediate attention on the application. Before processing of the application for sign permit, the applicant shall pay to the City of Chattanooga the following fees:

1.	Plans Review Fee:	\$25.00
11.	Technology Fee:	10.00
111.	Administrative Fee:	<u>5.00</u>
	Total	\$40.00

- (b) An applicant for an off-premise sign shall submit with the application for a sign permit a most recent certified survey showing property lines, easements and distance from the nearest intersection as defined in the chapter. The certified survey must have been completed within no less than five (5) years of the date the application for a sign permit is submitted as required by this chapter. An applicant for a sign permit shall additionally submit elevation drawings and engineering plans and design with the application for an off-premise sign. The drawings and designs required by this Section must be in compliance with provisions of the City's building codes, as amended.
- (c) The owner, sign contractor or other person installing any sign for which a new sign permit is required shall notify or cause to be notified the Building Official or designee of the date the erection or material alteration of the sign will begin not less than forty-eight (48) hours prior

to the beginning of such work. Such person shall also notify or cause to be notified the Building Official or designee of the completion of such work within forty-eight (48) hours after completion of such work. In the case of any sign to which electricity is provided for any reason, the sign contractor or other person installing such sign shall be responsible for the notifications required by this paragraph. The failure to give or cause to be given either of the notices set forth in this paragraph shall constitute a violation of this Chapter and shall subject any sign erected without both of the above notices having been given to abatement as a nuisance.

- (d) Any sign for which any permit has been issued but for which no substantial expenditures have been made as of the effective date of this ordinance shall only be erected in accordance with the provisions of this Chapter except that no additional initial permit charge will be required for any permit which has already been issued and for which a permit fee has been paid.
- (e) Any sign permit issued pursuant to this Chapter for the erection of a sign shall expire one hundred eighty (180) days from the date of its issuance in the event such sign has not been fully erected within said one hundred eighty (180) days, provided, that upon good cause shown to the Building Official such permit may be renewed one (1) time for a period not to exceed ninety (90) days. If a permit is requested for a location on which a valid permit is already outstanding but has not expired, and upon which no sign has been erected, and if such subsequent permit is requested by a person other than the holder of the outstanding permit, the Building Official or designee shall file, without fee, such application for the subsequent permit. In the event the outstanding permit expires without a sign being erected, as set forth above, the next valid permit application on file with the Building Official or designee shall be processed upon payment of the required fee.
- (f) For any sign requiring a state permit, such permit shall be included when making application.
- (g) A notarized letter of intent or permission from the property owner shall be submitted with the permit application.
- (h) **Structural requirements and design required.** Before a permit shall be granted, the erector of every outdoor advertising sign, with the exception of shingle signs and light cloth temporary signs, shall submit to the building official or designee a design and stress diagram or plan, containing the necessary information to enable the building official to determine that such sign complies with all the regulations of Chapter 16 of the International Building Code. In the design and erection of all outdoor advertising display signs, the effect of wind and working stresses shall be carefully considered. All signs shall be structurally constructed to withstand the wind loads and working stresses specified in Chapter 16 of the International Building Code.

**Exceptions:**

- 1. The allowable working stresses for steel and wood shall be in accordance with the provisions of Chapter 22 and Chapter 23 of the International Building Code.
  - 2. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ( $\frac{1}{5}$ ) of the ultimate strength of such chains, cables, guys, or steel.
- (i) **Electrical service and illumination.** All signs requiring illumination or having electrical service devices or wiring shall be constructed in accordance with the requirements of the National Electric Code.

(j) **Reserved.**

(k) **Reserved.**

(l) **Reserved.**

(m) **Use of plastic materials.**

1. Notwithstanding any other provisions of this code, plastic materials which burn at a rate no faster than two and one-half (2½) inches per minute (one and six-hundredths (1.06) millimeters/second) when tested in accordance with ASTM D 635 shall be deemed approved plastics and may be used as the display surface material and for the letters, decorations and facings on signs and outdoor display structures.
2. Individual plastic facings of electric signs shall not exceed two hundred (200) square feet (eighteen and six-tenths (18.6) square meters) in area.
3. If the area of a display surface exceeds two hundred (200) square feet (eighteen and six-tenths (18.6) square meters), the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet (eighteen and six-tenths (18.6) square meters) plus fifty percent (50%) of the difference between two hundred (200) square feet (eighteen and six-tenths (18.6) square meters) and the area of display surface. The area of plastic on a display surface shall not in any case exceed one thousand one hundred (1,100) square feet (one hundred two (102) square meters).
4. Letters and decorations mounted upon an approved plastic facing or display surface may be made of approved plastics.

(Code 1986, § 3-7; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, §§ 2, 12, 8-15-95; Ord. No. 11549, § 3, 5-4-04; Ord. No. 11931, § 1, 1-30-07; Ord. No. 12124, § 1, 5-6-08; Ord. No. 12364, § 1, 3-9-10; Ord. No. 12652, § 1, 10-2-12)

**Sec. 3-8. No permits to be issued in violation of ordinances; approval of traffic engineer; schedule of permit fees; inventory of certain existing signs.**

The Building Official shall not issue any sign permit for any sign which is not in conformance with the City Code of Chattanooga and applicable state laws, including all electrical codes of the City of Chattanooga and/or State of Tennessee; any permit issued which does not so conform will be null and void and any sign constructed pursuant thereto shall be removed in accordance with the provisions of this Chapter. The Building Official shall collect a permit fee with the application of each sign. The permit fee shall be as follows:

- (a) For off-premise signs, Two Hundred Dollars (\$200.00) for each such sign.
- (b) Reserved.
- (c) A logbook, list or other such public record with a chronological numbering system shall be maintained in the city building codes office for the purpose of recording all permit submittals and for providing a receipt verifying the date, time and sequence number of such applications. This record shall be considered public information available for review as a reference in considering the availability of potential permissible sign locations. The list or record shall contain all existing and pending sign locations and all

applicants shall be given a receipt bearing the time, date and sequence number of such permit applications at the time of submittal.

Every person maintaining an off-premise sign as of the effective date of this ordinance shall, within one hundred twenty (120) days of said effective date, furnish to the Office of the Building Official an inventory of all such signs; said inventory shall specify the exact location, measurements and size (including sign area as defined in § 3-2) of each sign, provided, that such persons who have previously furnished such inventory shall not be required to furnish a new inventory. In lieu of such inventory, persons maintaining such signs may furnish or mail to the Office of the Building Official a photograph of each sign for which an inventory is required together with the name of the owner of the premises on which the sign is located.

The failure to file the inventory for a sign as specified herein shall create a rebuttable presumption that such sign was erected subsequent to the effective date of this ordinance.

- (d) Location restrictions. An outdoor advertising display sign shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or as to prevent free passage from one (1) party of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for legal ventilation.
- (e) Where not otherwise specified in this section, the fees for sign permits shall be as follows:

#### **Off-Premise Permit Fees**

- 1. Failure to Obtain Permit Double Fee
- 2. Reserved
- 3. Reserved
- 4. Reserved
- 5. Reserved
- 6. Reserved
- 7. Installation—\$1,000.00 or less\$15.00
- 8. Installation—\$1,001.00—\$2,000\$20.00
- 9. Installation per \$1,000.00 over \$2,000.00\$5.00
- 10. Electrical Fee—25 sq. ft. or less\$40.00
- 11. Electrical Fee per sq. ft. over 25 sq. ft.\$0.40
- 12. Electrical Fee Non-UL listed/labeled\$25.00
- 13. Demolition\$50.00
- 14. Billboard/Off-Premise Sign\$200.00
- 15. Reserved

16. Illuminated Sign\$125.00

17. Re-Inspection Fee\$50.00

(Code 1986, § 3-8; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9382, 5-29-90; Ord. No. 10278, §§ 3, 12, 8-15-95; Ord. No. 11175, §§ 16, 17, 9-11-01; Ord. No. 11549, § 4, 5-4-04; Ord. No. 11931, § 2, 1-30-07; Ord. No. 12652, § 2, 10-2-12)

**Sec. 3-9. Power to revoke permit; remedies for violation.**

- (a) If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the Building Official shall revoke any such permit and order the removal of such sign within thirty (30) days.
- (b) If the Building Official determines that any sign erected pursuant to a permit issued under the provisions of this Chapter is in violation of any provision of this Chapter by error in the construction of the sign, the Building Official shall (i) notify the holder of the permit of the nature of the non-compliance and allow the holder a reasonable amount of time, but not less than fifteen (15) days nor in excess of sixty (60) days, to correct the defects giving rise to the non-compliance; or (ii) if such non-compliance cannot be corrected, to require the removal of the non-complying sign within thirty (30) days of the expiration of the period for correction specified above.
- (c) If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this Code, the Building Official may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such sign, provided, however, that any such permit so issued shall in no event operate to relieve the person so erecting a sign without a permit from any penalties provided by this Chapter until such permit has been issued.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

**Sec. 3-10. Owner's name required on off-premise signs.**

No sign permit shall be issued to any applicant to erect an off-premise sign unless the applicant agrees to place and maintain on each such sign the name of the person owning or in possession, charge or control thereof. The Building Official shall verify that the name of the person owning or in control of such sign is placed upon the same forthwith upon the erection of such sign and kept thereon at all times while such sign is maintained.

(Code 1986, § 3-10; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

**Sec. 3-11. Non-conforming signs.**

- (a) Nothing contained in this ordinance shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal as provided in this Article. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, but which are not in

conformance with the provisions of this ordinance are hereby designated as legal, non-conforming signs, and shall be removed hereafter in accordance with this Section.

- (b) For off-premise signs, any person owning, controlling or having a substantial ownership interest in any legal non-conforming off-premise sign(s) shall remove one (1) such non-conforming off-premise sign and its supporting structure prior to the issuance of an off-premise sign permit to such person; any such person shall remove one (1) legal non-conforming off-premise sign and its supporting structure for each off-premise sign permit issued until such person no longer owns, controls or has a substantial ownership interest in any legal non-conforming off-premise signs. Evidence of the removal of a non-conforming off-premise sign shall be furnished to the satisfaction of the Building Official. As used herein, "substantial" ownership interest shall mean any ownership interest in excess of five percent (5%) of the total ownership interest.

Notwithstanding the provisions of the foregoing paragraph, no credit shall be given for the removal of a legal, non-conforming sign and its supporting structure in the event a new legal non-conforming sign is erected on the site where the former legal non-conforming sign has been removed within ninety (90) days of the removal of the former sign. No credit shall be given for the removal of a legal non-conforming sign if such removal is done by or at the direction and expense of the City of Chattanooga. For the purposes of this paragraph, "site" shall include any portion of property designated by the same tax map parcel number maintained by the Hamilton County Tax Assessor at the time the original sign structure was erected.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

#### **Sec. 3-12. Violation declared misdemeanors; penalty.**

Any person who shall violate any provision of this Chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the Building Official within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this Chapter shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

#### **Sec. 3-13. Violations declared nuisances; preexisting violations.**

The maintenance of any unused sign and/or its supporting structure or any violation of the provisions of this Chapter by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this Article. For the purposes of this Section, "unused sign" shall include any sign which (i) has not displayed a message or messages for more than ninety (90) days or (ii) is not kept in good structural repair such that the sign could pose a risk to public health or safety. Except for temporary signs regulated by Article VIII of this Chapter, every sign to which the provisions of this Chapter shall apply that was legally erected prior to the effective date of this ordinance and was in use on said date, but which violates any of the provisions of this Chapter, shall not be subject to removal, provided, that the owner of any legal non-conforming off-premise sign shall obtain without charge within sixty (60) days of the effective date of this ordinance a permit from the Building Official which permit shall be marked on the face thereof: "non-conforming sign permit"; whenever there is a future non-use of any legal non-

conforming off-premise sign and/or its supporting structure for more than ninety (90) days, said non-conforming sign and its supporting structure shall then be removed forthwith within the time allowed in the notice required by § 3-14 or the Building Official may cause said removal to be done as provided in this Article.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95; Ord. No. 11549, § 5, 5-4-04)

**Sec. 3-14. Notice requiring abatement of violation; abatement by city; lien for costs.**

Upon ascertaining a violation of the provisions of this Chapter, the Building Official shall cause to be served upon both the offender, or his agent, and upon the owner, or his agent, or the occupant(s) of the premises, a written notice to abate which shall (i) describe the conditions constituting a nuisance under this Chapter, and (ii) state that the nuisance may be abated by the City at the expense of the offender, and/or the owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor more than sixty (60) days from the date of such notice if such condition is not corrected by the offender, or the owner, or the occupant, or the person in control of the premises. If, at the expiration of the time given to abate the nuisance in said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected or the nuisance abated by the City at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the Building Official. The City shall have a lien on the property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the 'amount expended for the abatement of such nuisance' shall include all unpaid annual maintenance and safety inspection fees and delinquent charges due to such sign.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

**Sec. 3-15. Appeals.**

An appeal to the Board of Sign Appeals from any adverse decision of the Building Official or Traffic Engineer may be filed in writing with the Building Official or the secretary to the Board within ten (10) days of any such decision; the secretary to the Board shall notify the person filing the appeal of the hearing date. The decision of the Board of Sign Appeals shall be final.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9654, § 62, 1-6-92; Ord. No. 10278, § 12, 8-15-95)

**Sec. 3-16. Obscene displays on signs.**

No person carrying on the business of bill posting, sign or bulletin painting, card, sign or banner tacking, shall post or paint, or cause to be posted or painted, so that the same can be seen from the streets or other public places of the City, any advertisements containing pictures or illustrations of any obscene character. For the purpose of this Section, "obscene" shall have the same meaning as provided in *Tennessee Code Annotated* § 39-6-1101, as amended.

(Code 1986, § 3-11; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-17. Signs over streets, sidewalks; where other advertising prohibited.**

- (a) No sign of any kind shall be permitted to project over or be suspended over or across any street or sidewalk except in accordance with the provisions of § 3-94 of this Chapter.

- (b) 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, except such as may be required by this Code or other City ordinance.
- (c) When any sign of the type enumerated in this Section is found in any place prohibited by this Section, it shall be *prima facie* evidence that such sign was so placed contrary to the provisions of this Section by the person to whom reference is thereby made.

(Code 1986, § 3-13; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-18. Change of sign classification—Removal.**

If for any reason an off-premise sign becomes an on-premise sign, such on-premise sign and its supporting structure shall receive notification from the City allowing thirty (30) days to comply with all of the provisions of this Chapter governing on-premise signs. If for any reason such sign cannot be brought into compliance, it shall be removed within ninety (90) days of the change of classification unless such sign is in compliance with all of the provisions of this Chapter governing on-premise signs. If for any reason an on-premise sign becomes an off-premise sign, such off-premise sign and its supporting structure shall receive notification from the City allowing thirty (30) days to comply with all of the provision of this Chapter governing off-premise signs. If for any reason such sign cannot be brought into compliance, it shall be removed within ninety (90) days unless such sign is in compliance with all of the provisions of this Chapter governing off-premise signs. For the purpose of this section, a legally placed billboard, whether conforming to current regulations or allowed as a legal nonconforming use and situated on any parcel of land containing five (5) or more acres or with at least five (5) businesses shall be allowed to contract to advertise businesses located on the same tract of land without being considered to be an on-premise sign.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, § 6, 5-4-04)

**Sec. 3-19. Signs distracting to motor vehicle operators prohibited.**

- (a) Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or is distracting to drivers and thereby hazardous and dangerous to the traveling public.
- (b) No off-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except as follows: (i) that tri-vision and electronic light emitting display off-premise signs with moving parts shall be permitted provided that the message on must change in no less than two (2) seconds and shall remain static for no less than nine (9) seconds.
- (c) No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.

- (d) Any signs which contain light emitting diode (LED), liquid crystal display (LCD) illumination or any sign capable of its message/display being changed by electronic/remote means shall comply with the following requirements or equivalent:
- i. All LED signs and off-premise message centers shall be mounted on permanent sign structures only. Vehicle-mounted LED displays of any type, including parked or moving vehicles, are prohibited.
  - ii. All LED signs and off--premise message centers shall have static images only. Flashing signs, scrolling message signs, or any form of animated images are prohibited. Audible signs are also prohibited.
  - iii. LED images shall be displayed a minimum of ten (10) seconds.
  - iv. Transitions between images shall be a minimum of two (2) seconds and shall be a fade out/fade in image change only. Scrolling transitions or abrupt image changes are prohibited.
  - v. Automated light intensity and dimming controls for LED signs shall be required.
  - vi. Using industry standards, daytime brightness levels should be no more than ninety percent (90%) of maximum intensity. Nighttime brightness shall be reduced to thirty percent (30%) of the maximum light intensity for the LED sign. The Traffic Engineer shall establish daytime and nighttime brightness levels based upon (mCd) levels which are approved by the City Council on all LED signs. [A millicandela (mCd) is the unit of measure commonly used to describe LED brightness.]
  - vii. All LED sign permit requests shall be reviewed and approved by the City Traffic Engineer.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11700, 7-5-05; Ord. No. 12192, § 1, 12-9-2008)

### **Sec. 3-20. Lighting and illumination.**

Off-Premise advertising faces using external illumination shall use a maximum of two (2) luminaries per sign face. All luminaries will use a type of lenses that will direct the light to only illuminate the intended bulletin or poster face. Lamp and ballast watts shall not exceed two (2) watts per square foot of advertising area. Lighting fixtures illuminating signs and billboards shall be aimed and shielded so that properties are protected from light trespass or spillage to the maximum extent practicable.

(Ord. No. 11549, § 7, 5-4-04)

## **ARTICLE II. GENERAL OFF-PREMISE SIGN REGULATIONS**

### **Sec. 3-21. General off-premise sign regulations.**

Unless otherwise provided in this Chapter, the following regulations shall govern the construction and maintenance of any off-premise sign within the City:

- (a) No sign shall exceed twelve (12) feet in height or thirty-six (36) feet in width.
- (b) Sign area shall not exceed three hundred seventy-eight (378) square feet.

- (c) The highest portion of a sign or sign structure shall not exceed fifty (50) feet above the lower of (i) the closest point on the top of the finished grade of the public road nearest thereto, or (ii) the closest point on the top of the finished grade of the public road towards which the sign is principally oriented and from which it is principally intended to be viewed.
- (d) Sign structures supporting an off-premise sign or signs with a sign area greater than seventy-five (75) square feet shall be spaced not less than seven hundred (700) feet apart regardless of the direction in which any such sign is facing; said spacing shall only apply to signs on the same side of the street, provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty (350) feet in all directions from any other sign of any size.
- (e) Sign structures supporting an off-premise sign or signs with a sign area less than seventy-five (75) square feet in size shall be spaced not less than three hundred fifty (350) feet from any other off-premise sign of any size; said spacing shall apply only to signs on the same side of the road regardless of the direction in which any such sign is facing, provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.
- (f) Signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet to the closest edge of any public right-of-way. All signs with a sign area exceeding seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.
- (g) Signs with a sign area less than seventy-five (75) square feet shall be erected so that the lowest portion of the sign face is not less than ten (10) feet above ground level at the base of the sign structure and so that the highest portion of the sign face is no more than eighteen (18) feet above ground level at the base of the sign structure.
- (h) No sign shall be permitted on top of any building or rooftop.
- (i) No sign face shall be permitted atop or beneath another sign face, i.e., no "stacked" signs are permitted on any sign structure, building or rooftop; provided, however, that if any off-premise sign is used merely to identify the tenants and/or the location of any commercial development located within six hundred (600) feet of said off-premise sign and contains no other commercial messages, then such sign may utilize "stacked" faces to identify the names of the tenants within and the location of such commercial development, so long as the total sign area of all such stacked faces when added together complies with the sign area and sign dimension limitations otherwise set forth herein.
- (j) No sign shall be located where prohibited or not permitted by Zoning Ordinance No. 5149, as amended, or as may hereafter be amended.
- (k) Off-premise traffic directional signs for licensed facilities offering twenty-four (24) hour emergency medical and/or psychiatric care shall be permitted without regard to the provisions of subsections (d), (e) and (g) of this Section 3-21, provided, that any person desiring to erect such a sign shall first obtain a special permit from the Board of Sign Appeals pursuant to the provisions of Section 3-102 of this Chapter.

- (l) Construction type. All new or rebuilt billboards shall be constructed using single mono pole design unless otherwise prohibited by other Governmental Entities. All legal conforming or legal non-conforming signs in all areas or zones may be rebuilt using newly adopted rules and regulations including height, provided that no sign may be expanded in advertising area beyond its originally permitted standard size classification. For example, a sign originally permitted under "General off-premise sign regulations " with a maximum advertising area of three hundred seventy five (375) square feet may not exceed the amended maximum of three hundred seventy eight (378) square feet and off-premise signs with a sign area of less than seventy five (75) square feet may not under this provision advance to a larger area, etc.

(Code 1986, § 3-21; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9611, § 1, 9-10-91; Ord. No. 11549, §§ 8, 9, 10, 5-4-04)

**Sec. 3-22. Maintenance of off-premise signs and sign structures.**

All off-premise signs shall be properly maintained. Off-premise signs which are not properly maintained are declared to be a nuisance and are subject to removal in accordance with the provisions of this Chapter. Rusted surfaces and/or components of signs shall be promptly repaired. Exposed surfaces of signs shall be clean and painted if paint is required. Defective parts of signs shall be replaced. The Sign Inspector shall order the removal of any off-premise sign which is defective, damaged or substantially deteriorated pursuant to Article I of this Chapter. For the purposes of this section 3-22, "sign" shall include signs and their supporting structures.

(Ord. No. 10624, 10-7-97)

**Secs. 3-23—3-30. Reserved.**

**ARTICLE III. CONTROLLED ACCESS FACILITY SIGN REGULATION**

**Sec. 3-31. Controlled access facility sign regulation.**

This Article shall govern the placement, location and size of both and off-premise signs along controlled access facilities. Except where provisions differing from those in Article II are set forth in this Article III, all provisions of Article II shall otherwise continue to be applicable.

(Code 1986, § 3-31; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-32. Control districts established.**

There is hereby established a sign control district, which shall consist of a strip of land six hundred sixty (660) feet wide on each side of the right-of-way of all controlled access facilities, as defined herein, within the City, within which district all signs that are primarily oriented toward and are designed or situated to be observed from the controlled access facility are hereby regulated. For the purposes of this Article, "right-of-way" shall include all entrance and exit ramps of controlled access facilities.

(Code 1986, § 3-32; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-33. Standards and restrictions.**

The following standards and requirements shall govern signs within the sign control districts:

- (a) Off-premise signs and their supporting structures shall be set back a minimum of twenty (20) feet from the right-of-way of all controlled access facilities.
- (b) Off-premise signs and their supporting structures shall extend no higher than fifty (50) feet above the roadway of the controlled access facility at the nearest point.
- (c) Reserved
- (d) Reserved
- (e) The sign area of an off-premise sign shall not exceed six hundred seventy-five (675) square feet, and such sign shall not exceed fourteen (14) feet in height or forty-eight (48) feet in width, excepting the addition of temporary graphic embellishments extending beyond the edge of rectangular sign face, provided that the addition of such embellishments does not increase the total sign area, as defined in § 3-2, to greater than seven hundred fifty (750) square feet.
- (f) When two (2) off-premise signs are placed back-to-back on the same structure, with an angle between the backs of each sign face of not more than sixty (60) degrees, only one (1) facing shall be measured in computing sign area; provided, that the second facing shall be no larger than the facing computed.
- (g) Off-premise signs shall be located not less than one thousand (1,000) feet apart, as measured from the next adjacent sign on the same side of the controlled access facility. For the purposes of this Article, two (2) off-premise sign faces placed back-to-back on the same structure with an angle between the backs of each sign face of not more than sixty (60) degrees shall be construed as one (1) sign.
- (h) Any off-premise sign located within three hundred (300) feet of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.

(Code 1986, § 3-33; Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, §§ 11, 12, 5-4-04)

**Secs. 3-34—3-40. Reserved.**

**ARTICLE IV. MAJOR ADVERTISING ZONE SIGN REGULATION**

**Sec. 3-41. General provisions.**

This Article shall govern the placement, location and size of off-premise signs located in Major Advertising Zones as defined in § 3-2. Except where provisions differing from those in Article II of this Chapter are set forth in this Article IV, all provisions of Article II shall otherwise continue to be applicable.

(Code 1986, § 3-41; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-42. Standards and regulations.**

- (a) Off-premise signs with a sign area in excess of seventy-five (75) square feet in size shall be located not less than one thousand (1,000) feet apart on the same side of the road and located not less than three hundred fifty (350) feet from any off-premise sign with a sign area of less than seventy-five (75) square feet as measured on the same side of the right-of-way. In the event a sign is within twenty-five (25) feet of a building which completely obscures the sign from view from the right-of-way in one (1) direction, a companion sign may be located within twenty-five (25) feet of the opposite end of such building; in such event, both signs shall be spaced no less than one thousand (1,000) feet from any other adjacent sign as measured on the same side of the road; provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.
- (b) The sign area of an off-premise sign shall not exceed six hundred seventy-five (675) square feet, and such sign shall not exceed fourteen (14) feet in height or forty-eight (48) feet in width, excepting the addition of temporary graphic embellishments extending beyond the edge of rectangular sign face, provided that the addition of such embellishments does not increase the total sign area, as defined in § 3-2, to greater than seven hundred fifty (750) square feet.
- (c) The highest portion of an off-premise sign or its supporting structure shall not exceed fifty (50) feet above the lower of (i) the closest point on the top of the finished grade of the public road nearest thereto, or (ii) the closest point on the top of the finished grade of the public road toward which the sign is principally oriented and from which it is intended to be viewed, provided that signs with a sign area of less than seventy-five (75) square feet shall be governed by § 3-21.
- (d) Off-premise signs with a sign area of less than seventy-five (75) square feet shall not be located less than three hundred fifty (350) feet from any other off-premise sign of any size; said spacing shall apply only to signs on the same side of the road regardless of the direction in which any such sign is facing, provided, however that any such sign located within three hundred (300) feet of the center of any intersection of two (2) or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.
- (e) Off-premise signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet from the closest edge of any public right-of-way; all signs with a sign area in excess of seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.
- (f) For the purposes of this Article, two (2) off-premise sign faces placed back-to-back on the same structure with an angle between the backs of each sign face of not more than sixty (60) degrees shall be construed as one (1) sign.

(Code 1986, § 3-42; Ord. No. 9119, § 1, 2-14-89)

**Secs. 3-43—3-50. Reserved.**

## **ARTICLE V. SCENIC AREAS AND SCENIC CORRIDORS**

### **Sec. 3-51. Scenic areas and scenic corridors.**

Notwithstanding the provisions of Article III and Article IV, this Article shall govern the erection of off-premise signs in Scenic Areas and Scenic Corridors. Except where provisions differing from those in Article II of this Chapter are set forth in this Article V, all of the provisions of Article II shall otherwise continue to be applicable.

(Code 1986, § 3-51; Ord. No. 9119, § 1, 2-14-89)

### **Sec. 3-52. Scenic areas.**

There are hereby established the following Scenic Areas, in which off-premise signs shall be prohibited as set forth in this Article V:

- (a) The entirety of that portion of downtown Chattanooga which is bounded on the north and west by the Tennessee River, on the south by Main Street from its westernmost extremity (and extended by an imaginary line from such extremity directly to the Tennessee River) to its intersection with Market Street, and on the east by Market Street from its intersection with Main Street northwardly to King Street, and further on King Street from its intersection with Market Street to its intersection with 8th Street, thence westwardly along 8th Street to its intersection with Houston Street, thence northwardly along Houston Street to its intersection with 3rd Street and extended therefrom by an imaginary line directly to the Tennessee River.
- (b) The entirety of the slopes of all ridges and mountains identified herein to the extent that such are located within the city limits, and including those areas more specifically illustrated in yellow on the topographic map attached hereto and specifically adopted as part of this ordinance. (Topographic map is located in the Office of the Clerk of the City Council.) The mountains and ridges included within such Scenic Areas are Lookout Mountain, Signal Mountain/Waldens Ridge, Elder Mountain/Raccoon Mountain, Missionary Ridge, Stringers Ridge, Godsey Ridge and Big Ridge.
- (c) Barton Avenue to its intersection with Hixson Pike; Hixson Pike from its intersection with Barton Avenue to its intersection with Lupton Drive; Cherokee Boulevard from its intersection with Market Street to the Stringers Ridge Tunnel; Amnicola Highway from its intersection with the east side of Chattanooga State to Access Road; Hixson Pike from its intersection with Middle Valley Road to the City limits; Main Street from its intersection with Market Street to Holtzclaw Avenue; Holtzclaw Avenue to its intersection with Houston Street; East Brainerd Road from its intersection with Concord Drive to the City limits.

(Code 1986, § 3-52; Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, § 13, 5-4-04)

### **Sec. 3-53. Off-premise signs prohibited in scenic areas.**

No off-premise signs shall be erected or established within any Scenic Area.

(Code 1986, § 3-53; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-54. Scenic corridors established.**

There are hereby established Scenic Corridors, which shall consist of certain strips of land six hundred sixty (660) feet on either side of the outermost edge of the right-of-way of all of the roads, routes and rivers specified in this Article, within which Scenic Corridors all off-premise signs are regulated as set forth herein.

(Code 1986, § 3-54; Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-55. Off-premise signs along scenic corridors prohibited.**

No off-premise signs shall be permitted within the Scenic Corridors established along the following roads, routes, and rivers, and no off-premise signs shall be permitted outside of any such Scenic Corridors which are principally oriented toward and are designed or situated to be observed from any of the following roads, routes or rivers:

- (a) Interstate 24 from the city limits south and west of the Tiftonia area to the center of its junction with U.S. Highway 27, except for an area one thousand three hundred twenty (1,320) feet on either side of the intersection of Interstate 24 and U.S. Highway 41 at the Tiftonia exit (Cummings Highway).
- (b) Cummings Highway/Lookout Mountain Pike from the City limits west of Lookout Valley to its intersection with Highway 58.
- (c) Highway 27 and any extension thereof, including the "Corridor J" roadway, from the southern bank of the Tennessee River northward to the northernmost Chattanooga city limits to the extent that said extension is within the city limits of Chattanooga.
- (d) The Tennessee River from Chickamauga Dam downstream to the city limits.
- (e) Within the area of Veterans Bridge and its approaches beginning at the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at the Tennessee River to its intersection with Fourth Street.
- (f) Along Interstates 24 and 75 from one hundred fifty (150) feet east of Dodds Avenue eastward to the city limits as they now exist or may hereafter be expanded, except for an area one thousand three hundred twenty (1,320) feet in either direction along Interstate 75 from the intersection with Lee Highway (U.S. Highway 11 and 64) at Ooltewah and State Route 2 (Bonny Oaks Drive).
- (g) The Dupont Parkway from its north end, at the center of its intersection with Highway 153, generally south and east across Access Road and across the C.B. Robinson Bridge to the center of its intersection with Amnicola Highway, including all entrance and exit ramps thereto on the north side of Amnicola Highway.
- (h) The airport connector road from State Highway 153 generally southward to Airport Road.
- (i) Shallowford Road from its intersection with Gunbarrel Road to the intersection of Jenkins Road.
- (j) Riverside Drive generally northwardly and eastwardly from its intersection with Broad Street to the point where it crosses Citico Creek.

- (k) All of Jenkins Road lying within the Chattanooga city limits.
- (l) East Brainerd Road from its intersection with Concord Road and extending South and East to the City Limits.
- (m) Highway 153 from its intersection with Amnicola Highway to its intersection with Hamill Road.
- (n) Cassandra Smith Road from its intersection with Hixson Pike to its intersection with Hamill Road.
- (o) Hamill Road from its intersection with Hixson Pike to Big Ridge Road.
- (p) Highway 153 from its intersection with Grubb Road going north to the City limits.
- (q) Hickory Valley Road in its entirety;
- (r) Jersey Pike in its entirety;
- (s) Shallowford Road in its entirety;
- (t) Bonny Oaks Drive from its intersection with Highway 58 eastwardly to its intersection with Old Lee Highway at Interstate 75;
- (u) Highway 58 from its intersection with Jersey Pike northwardly to the City limits;
- (v) All of Harrison-Ooltewah Road lying within the Chattanooga City limits;
- (w) All of Old Lee Highway lying within the Chattanooga City limits;
- (x) All of Old Cleveland Pike lying within the Chattanooga City limits;
- (y) All of Hunter Road lying within the Chattanooga City limits;
- (z) All of Mountain View Road lying within the Chattanooga City limits;
- (aa) All of Snow Hill Road lying within the Chattanooga City limits;
- (bb) All of Ooltewah-Georgetown Road lying within the Chattanooga City limits;
- (cc) Lee Highway from its intersection with Hunter Road southeastwardly to the City limits towards Bradley County; and
- (dd) Apison Pike.

(Code 1986, § 3-55; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10949, § 1, 1-11-00; Ord. No. 11549, §§ 14, 15, 16, 5-4-04; Ord. No. 12420, § 1, 8-17-10; Ord. No. 12689, § 1, 2-12-13)

**Secs. 3-56—3-60. Reserved.**

## **ARTICLE VI. RESERVED**

**Secs. 3-61—3-70. Reserved.**

## **ARTICLE VII. RESERVED**

**Secs. 3-71—3-80. Reserved.**

## **ARTICLE VIII. RESERVED**

**Secs. 3-81—3-90. Reserved**

## **ARTICLE IX. RESERVED**

**Secs. 3-91—3-100. Reserved.**

## **ARTICLE X. VARIANCES AND SPECIAL PERMITS**

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

- (a) The Board of 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 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.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9593, 8-6-91; Ord. No. 12188, § 1, 12-2-08)

### **Sec. 3-102. Jurisdiction of the board.**

The Board of Appeals shall have the following powers:

- (a) Reserved.
- (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) Reserved.
- (d) Reserved.
- (e) To hear and rule on requests for special permits for off-premise traffic directional signs for licensed facilities offering twenty-four (24) 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.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9611, § 2, 9-10-91; Ord. No. 9703, § 1, 4-21-92; Ord. No. 9822, § 1, 1-5-93; Ord. No. 9823, § 1, 1-5-93; Ord. No. 10337, 11-21-95; Ord. No. 10620, § 1, 9-30-97; Ord. No. 10623, § 1, 10-7-97; Ord. No. 10818, § 1, 1-12-99; Ord. No. 10950, § 1, 1-11-00; Ord. No. 11006, § 1, 4-18-00; Ord. No. 11700, § 6, 7-7-05; Ord. No. 12188, § 1, 12-2-08; Ord. No. 12290, § 1, 9-29-09; Ord. No. 12974, § 1, 8-18-15)

### **Sec. 3-103. Applications to the board.**

Persons desiring consideration by the Board shall apply to the Secretary of the Board of Sign Appeals and shall supply such information as the Board may require to identify the premises and proposed location of the sign in question and to determine the reason for the request. Each application shall be accompanied by a receipt for a fee of One Hundred Dollars (\$100.00) paid to the City Treasurer to cover the City's cost of handling the application, no part of which fee is refundable. Persons objecting to the application or interested in the determination made by the Board may likewise set forth their views and actual evidence in writing. The application and any objection shall be submitted to the Board within the time provided in its rules of procedure.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11175, § 19, 9-11-01)

### **Sec. 3-104. Notices.**

A notice of the public hearings held by the Board of Sign Appeals shall be sent by regular mail to each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily newspaper at least seven (7) days before the hearing. The names of each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board shall be supplied by the applicant to the secretary of the Board concurrently with the filing of any application for a variance, special permit or special exception; failure to provide a complete list of such property owners shall, in the discretion of the Board, constitute grounds for denial of the application.

(Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-105. Conditions for granting variances.**

Before a variance may be granted, the Board must find that the following conditions exist:

- (a) That by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of this Chapter would result in peculiar and practical difficulties or undue hardships upon the owner. If the ground level of the premises for which a variance is sought is higher than the ground level of the public right-of-way at its nearest point from the proposed location of such sign, the Board shall not consider topographical conditions as contributing to such peculiar and practical difficulties or undue hardships upon the owner.
- (b) That the relief of the peculiar and practical difficulties or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of this Chapter.
- (c) That the peculiar and practical difficulties or undue hardship is not created as a result of any act upon the part of the applicant.
- (d) That the conditions upon which the petition for which a variance is based would not be applicable generally to other property and that the difficulty complained of by the applicant is not a general or widespread condition throughout the City.
- (e) That the condition or hardship is not simply the presence of a legal or illegal nonconforming sign on a nearby premises. The presence of a nonconforming sign on another parcel of property shall not by itself be sufficient cause for granting of a variance.
- (f) That the proposed variance will not increase the danger of fire or electrical hazard, obscure sight lines for motorists or otherwise endanger the public safety.
- (g) That the peculiar hardship is related to specific qualities of the property as noted in (a) above, and not simply to the financial expectations of the applicant. Financial factors alone shall not be considered as a basis for granting a variance.

(Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-106. Conditions for granting special permit for message center.**

Before a special permit for a message center may be granted, the Board of Sign Appeals must find that the granting of the special permit will not result in substantial distraction to traffic on any adjacent public right-of-way or increase substantially the obstruction of an approach to a scene of unusual attractiveness or detract from an area that has been determined to be unusually scenic or attractive.

(Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-107. Rehearings; termination of variances and special permits.**

The Board shall not rehear any request for a variance or special permit for a message center within a minimum period of one (1) year from its previous hearing date. If a decision of the Board to grant a variance or special permit for a message center has not been fully utilized and confirmed by the completion of the construction of the sign contemplated by the applicant within a period of one (1) year from the date of the Board's decision, such variance or special permit previously granted shall be considered void.

(Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-108. Records; administration.**

The Board shall keep a duplicate record of its proceedings, findings and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.

The mayor shall name the secretary to the board. The secretary shall conduct all official correspondence subject to the rules and directions of the Board and shall send out all notices and attend all meetings or cause the same to be done. The secretary shall keep the Minutes of the Board, compile the records and maintain the official files of the Board or cause the same to be done.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9654, § 63, 1-6-92)

**Sec. 3-109. Appeals from Board's decision.**

The action of the Board shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party.

(Ord. No. 9119, § 1, 2-14-89)

**Sec. 3-110. Reserved.**

**ARTICLE XI. VETERANS BRIDGE SIGN-CONTROL DISTRICT**

**Sec. 3-111. Reserved.**

**Sec. 3-112. Established; boundaries.**

There is hereby established a Veterans Bridge Sign-Control District which shall be defined as follows: Within the area of Veterans Bridge and its approaches beginning as the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at that Tennessee River and continuing along four hundred seventy-five (475) feet on either side of the centerline of Georgia Avenue to Fourth Street; thence continuing westward to include an area four hundred seventy-five (475) feet on either side of the centerline of Fourth Street to Interstate Highway 124.

(Code 1986, § 3-72; Ord. No. 9119, § 2, 2-14-89)

### **Sec. 3-113. Special Regulations.**

Within the specific control district, the following special regulations shall apply:

1. *Off-premises signs:* Within the specified control district, off-premises attached signs shall be permitted, subject to the following limits:
  - a. *Sign:* Not regulated except that:
    1. Signs shall not extend above the eave line or roof line or parapet wall (if any) of the building;
    2. No more than twenty percent (20%) of a wall shall be covered with signs;
  - b. *Number:* Except as provided above, there are no limits on the number of attached signs.
  - c. *Exceptions:* On-premises signs for businesses fronting on Market and Broad Streets are excepted from these limitations.
2. Reserved.
3. *Off-premises, detached:* Within the specified control district, off-premises detached signs shall be prohibited.
4. Reserved
5. Reserved
6. *Lighted and animated signs:* Within the specified control district, signs with flashing lights or moving parts shall be prohibited. Furthermore, no amber, blue, red or green lights shall be permitted, and any direct lighting shall not exceed sixty (60) watts in an incandescent bulb or seventy-five (75) watts in a fluorescent fixture.

(Code 1986, § 3-73; Ord. No. 9119, § 2, 2-14-89)

### **Sec. 3-114. Existing signs.**

Signs existing within the control district as of June 12, 1984, which may fail to conform with these new regulations may continue to be used so long as they are not enlarged, lighted in not low lighted, or otherwise materially altered, except that such signs may be replaced, remodeled or otherwise improved if, in the opinion of the Building Official, such work does not violate the intent of this provision. Examples of permitted improvements might include: replacement of a wooden structure with a steel structure; replacement of multiple supports with a single steel post, and other such modifications which result in a cleaner, less cluttered appearance.

(Code 1986, § 3-74; Ord. No. 9119, § 2, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

### **Secs. 3-115—3-120. Reserved.**

## **ARTICLE XII. RESERVED<sup>1</sup>**

**Secs. 3-121—3-130. Reserved.**

**ARTICLE XIII. RESERVED**

**Secs. 3-131-132. Reserved.**

**CHAPTER 3B: ON-PREMISE ADVERTISING**

**AS AMENDED**

**ARTICLE XIV. - PURPOSE AND APPLICABILITY**

**Sec. 3-133. - Intent and Purpose**

1. To promote the creation of an attractive visual environment that encourages a healthy economy by:
  - a. Permitting businesses to inform, identify, and communicate effectively.
  - b. Assist the public with wayfinding using signs while maintaining attractive and harmonious application of signs on the buildings and sites.
2. To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
  - a. Encouraging the appropriate context and design, scale, and placement of signs.
  - b. Encouraging the orderly placement of signs on the building while avoiding regulations that are so rigid and inflexible that all signs in a series are monotonously uniform.
  - c. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible, and readable so that the sign achieves the intended purpose.
3. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
4. To provide administrative review procedures that are the minimum necessary to:
  - a. Balance the community's objectives and regulatory requirements with the reasonable advertising and wayfinding needs of businesses.
  - b. Allow for consistent enforcement of the Sign Code.
  - c. Minimize the time required to review a sign application.

### **Sec. 3-134. – Applicability**

1. The regulations of Chapter 3B (Sections 3-133-204) are applicable in zoning districts without sign and other sign structure requirements exclusive to a specific zoning district. Where sign requirements are provided in a specific zoning district, those requirements control.
2. The provisions of Chapter 3B shall apply to all on-premises signs erected within the corporate limits of the City that are directed to be viewed from the right-of-way. All erection, construction, reconstruction, enlargement, moving, altering, or converting of signs in the City shall be performed in compliance with the requirements of this Chapter.
3. If any provision or requirement of Chapter 3B is found to conflict with any other provision or requirement of Chapter 3B or of any other applicable ordinance or regulation of any kind, the regulation which established the more restrictive rule or higher standard shall govern.
4. The provisions of Chapter 3B shall be deemed to be severable. If any part or provision of Chapter 3B is found to be illegal, invalid, or unenforceable as a matter of law, all other provisions of Chapter 3B shall remain in full force and effect.
5. Illustrations, photographs, and graphics are included in this Sign Code to illustrate the intent and requirement of the text. In the case of a conflict between the text of this Sign Code and any illustrations, photographs and graphics, the text governs.

### **Sec. 3-135. - Current Versions and Citations**

1. All references to other regulations, documents, maps, or manuals in this Code refer to the most current version and citation for those regulations, documents, maps, or manuals, unless expressly indicated otherwise.
2. If the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.
3. Whenever a provision of this Code refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.

## **ARTICLE XV. – DEFINITIONS, RULES OF MEASUREMENT, AND SIGN TYPES**

### **DIVISION 1. – RULES OF INTERPRETATION AND GENERAL ABBREVIATIONS**

#### **Sec. 3-136. - Rules of Interpretation**

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- (a) The singular number includes the plural, and the plural the singular.
- (b) The present tense includes the past and future tenses, and the future tense includes the present.
- (c) The terms “must,” “shall,” and “will” are mandatory.
- (d) The terms “may” and “can” are permissive.
- (e) The terms “must not,” “will not,” “cannot,” “may not,” and “shall not” are prohibiting.
- (f) Any gender includes all genders.
- (g) Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage unless the words have a specific definition under the International Building Code or Sign Research Foundation’s Sign Glossary, in which case the International Building Code or Sign Research Foundation’s Sign Glossary definition shall apply.

**Sec. 3.137. - General Abbreviations**

The following abbreviations may be used within this Code:

**AHO:** Administrative Hearing Officer  
**BOZA:** Board of Zoning Appeals  
**EMC:** Electronic Message Center  
**LCD:** Liquid Crystal Display  
**LED:** Light Emitting Diode  
**MSP:** Master Sign Plan  
**SF:** Square Feet  
**R-O-W:** Right-of-way

**DIVISION 2. - DEFINITIONS**

*Abandoned or Dilapidated Sign.* A sign which for a period of at least 180 consecutive days or longer no longer advertises or identifies a legal business establishment, product, or activity. For the purpose of this Section, “dilapidated” shall mean a condition of decay, deterioration, or partial ruin especially through neglect or misuse.

*Alteration.* Any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign.

*Animated Sign.* A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any

means that move, change, flash, oscillate, or visibly alters in appearance in a manner that is not permitted by these regulations.

*Attached Sign.* Attached sign shall mean an on-premises sign painted onto or attached to a building, canopy, awning, marquee, or mechanical equipment located outside a building.

*Awning.* A roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole or other supporting structure to which the awning is attached.

*Backlit (Halo Letters) Sign:* An internally illuminated sign with letters or graphics that have an opaque face where only the back of the sign is illuminated. These signs are also often referred to as “reverse channel letters.”

*Building.* Building shall mean any structure that encloses a place for sheltering any occupancy that (a) contains not less than three hundred (300) square feet of enclosed space at the ground level or (b) is routinely used for human occupancy in the ordinary course of business.

*Building Identification Sign:* A sign that contains only the building name or identification.

*Canopy.* A permanent roof-like structure providing protection against the weather, either attached to or detached from a building, but excluding any column, pole, or other supporting structure to which the canopy may be attached.

*Channel Letter.* Three-dimensional individually cut letters or figures affixed to a sign.

*Compensation.* The exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt.

*Detached Sign.* An on-premises sign not attached to or painted on a building, but which is affixed to the ground.

*Directional Sign:* A sign that points the way for pedestrians or drivers when a business is not clearly seen from the entrance to a building. They can also be called wayfinding signs.

*External Illumination:* Illumination by an artificial source of light not internal to the sign face.

*Facade.* An exterior building wall, from grade to the top of the parapet or eaves. A façade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation. The front facade is the principal elevation of a building and contains the building’s main entrance; the rear facade is the building’s rear exterior wall; and the side facades are a building’s side exterior walls.

*Flashing Sign:* A sign (i) the illumination of which is intermittently on and off so as to appear to flash, blink, chase, travel or stream; (ii) which resembles zooming, twinkling or sparkling; (iii)

which fluctuates in light intensity or uses intermittent, strobe or moving light or lights; (iv) which reflects light so as to appear to flash, blink, chase, sparkle or flutter, such as but not limited to metallic or mylar-type fluttering materials; (v) which changes color; (vi) which displays any movement or simulates movement; or (vii) which displays any form or appearance of animation.

*Footcandle.* A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

*Governmental Sign.* A sign erected and maintained pursuant to, and in discharge of, any governmental functions, or required by law, ordinance, or other governmental regulation.

*Holiday Decorations.* Displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

*Illegal Sign.* Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

*Illuminated Sign.* Any sign for which an artificial source of light is used to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

*Incidental Sign.* An on-premises sign, emblem or decal mounted flush with the facade to which it is attached informing the public of goods, facilities, or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premises sign which is affixed to mechanical equipment used to dispense a product.

*Inflatable Signs.* A temporary inflated sign, which may be stationary or mobile, that is used to attract attention.

*Internal Illumination:* A light source that is concealed or contained within the sign or letter and becomes visible in darkness through a translucent surface.

*Landmark Sign.* A sign that exemplifies the cultural, architectural, or commercial identity of Chattanooga and Hamilton County, is iconic in its location, and contributes to the surrounding neighborhood character.

- a. *Historic Sign.* A landmark sign that identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument, or listed under any similar local, state or national historical or cultural designation.
- b. *Vintage Sign.* A landmark sign that is iconic and culturally significant and was constructed between fifty and twenty-five years before the date of application.
- c. *Replica Sign.* A landmark sign that is an exact reproduction of an historic sign which no longer exists.

*Logo, Logogram, or Logotype.* An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

*Mansard.* The lower portion of a roof with two (2) pitches, including a flat-top roof with a mansard portion.

*Mansard Sign.* Any sign attached to the mansard portion of a roof.

*Marquee.* A permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

*Master Sign Plan.* A Master Sign Plan shall include all proposed signs or sign locations for the entire multiple-tenant non-residential development, including defined wall sign spaces for tenants (tenant sign space), a ground sign or multiple tenant sign, directional signs, etc.

*Menu Board.* A sign associated with drive-through windows that is oriented toward drive-through traffic.

*Mural.* A painted picture on an exterior surface of a structure. A mural is a sign only if it contains the business name and/or logo of the business. See Mural Painted Wall Sign.

*Mural Painted Wall Sign.* A picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall that contains a business name and/or logo of the business.

*Neon Sign.* A sign with tubing that is internally illuminated by neon or other electrically charged gas.

*Nonconforming Sign.* A sign that was validly installed under laws or ordinances in effect at the time of its installation, but which conflicts with the current provisions of this Code.

*Occupant.* Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

*On-Premises Sign.* A sign that is operated or owned by a person or entity that is earning no compensation directly or indirectly from a third party or parties for the placement of a message on the sign.

*Parapet.* An extension of a false front or wall above a roof line.

*Person.* An individual, company, corporation, association, partnership, joint venture, business, proprietorship, or any other legal entity.

*Premises.* Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street, alley, or right-of-way. As part of a dominant parcel of property,

premises shall also include a permanent easement to the dominant parcel which (1) connects the dominant parcel to a public right-of-way, (2) is the sole means of ingress and egress to and from a public right-of-way for vehicular traffic to the dominant parcel, and (3) is regularly used for ingress and egress to the dominant parcel by vehicular traffic.

*Pole Sign.* A freestanding sign erected and maintained on a mast(s) or pole(s) and not attached to any building.

*Portable Sign.* Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

*Public Right-of-Way.* For the purposes of this Code, public right-of-way (R-O-W) shall mean any street, sidewalk, parking lot, or public entrance that is primarily oriented towards a pedestrian entrance into a building. For the purposes of this Code, "public street", "public right-of-way" and "public road" shall include any private street which is open to and regularly used by the public and which is constructed to City standards set forth in the Subdivision Regulations adopted by the City.

*Reader Board.* Any on-premises sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located.

*Reflectorized Sign.* A sign made with highly reflective material to enhance visibility, especially at night or in low-light conditions. The purpose of a reflectorized sign is to improve safety and visibility by reflecting light from vehicle headlights or other sources, making the sign more noticeable to drivers and pedestrians.

*Scenic Area.* Scenic area shall mean those areas within the city limits, as more specifically identified in Article VI, which are either of uncommon visual importance or scenic attractiveness and within which the construction of off-premise signs is prohibited in accordance with the provisions of Article VI.

*Scenic Corridor.* Scenic corridor shall mean those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or rights-of-way more specifically designated in Article VI, which are either of uncommon visual importance or scenic attractiveness.

*Sign.* Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

*Snipe Sign.* Any on-premises sign for which a permit has not been issued which is attached in any way to a utility pole, building column, tree, rock, fence, or fence post.

*Spacing.* The interval between signs determined by measuring from the upright column or outermost supporting columns and extending by the most direct line perpendicular to the road to a point nearest the road right-of-way, and then proceeding in either direction along the nearest edge of the right-of-way or pavement for the prescribed distance.

*Special Event.* A short-term event of unique significance not in excess of thirty (30) days; such terms shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shots clinic, blood donation drives, chest x-ray clinic, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity runs, festivals, religious celebrations, charity fundraisers, or similar type of events and shall not include other sales or promotions in the ordinary course of business.

*Temporary Sign.* Any sign which is installed for a period not to exceed one hundred twenty (120) days.


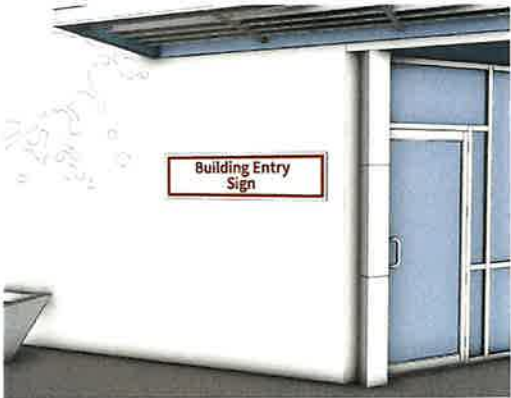
*Traffic Sign:* A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.




*Vehicle Sign.* Any sign permanently or temporarily attached to or placed on a vehicle or trailer.



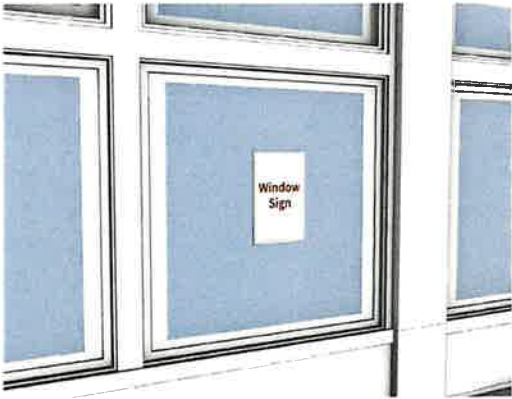
*Window Art.* A picture or graphic on a window that does not display the business name, logos, or trademarked symbols.

### DIVISION 3. – Sign Types


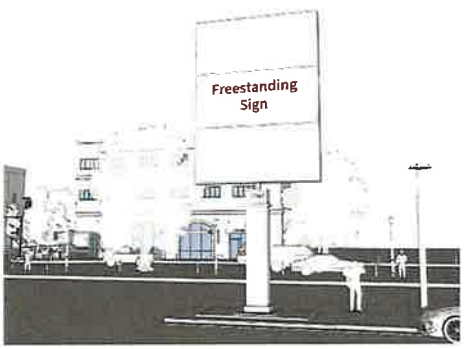
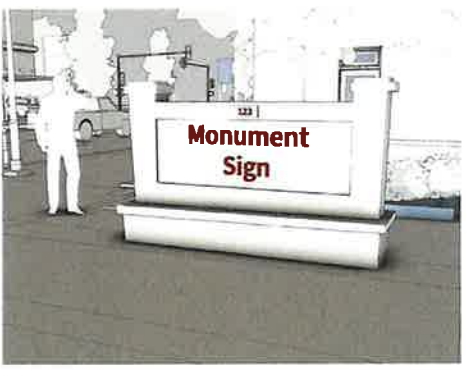
#### Sec. 3-138. – Attached Signs

Name	Definition	Graphic
<b>Awning Sign</b>	Any sign painted on or attached to or supported by an awning.	
<b>Building Entry Sign</b>	An attached sign that is located near a primary pedestrian entrance of a building that identifies the interior uses of the building that are accessible from that entrance. This sign is not included in the total number of attached signs.	



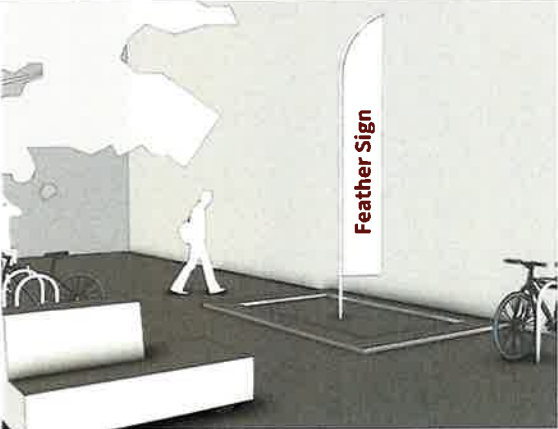
<p><b>Canopy Sign</b></p>	<p>Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure that extends over the pedestrian walkway, which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. See Also Projecting Sign.</p>	 <p>An illustration showing a storefront with a large blue glass door and windows. A white canopy extends over the entrance. A sign with the words "Canopy Sign" in red is mounted on the underside of the canopy. A person is walking on the sidewalk under the canopy.</p>
<p><b>Marquee Sign</b></p>	<p>Any sign painted on or attached to or supported by a marquee.</p>	 <p>An illustration of a storefront with a white marquee sign above the entrance. The sign has the words "Marquee Sign" in black. The storefront has large blue glass windows and doors.</p>
<p><b>Projecting Sign</b></p>	<p>A sign that hangs from beams, brackets, or poles or that projects from poles or brackets from the building.</p>	 <p>An illustration showing a storefront with a sign that projects from the building. The sign is rectangular and has the words "Projecting Sign" in black. A person is walking on the sidewalk in front of the building.</p>

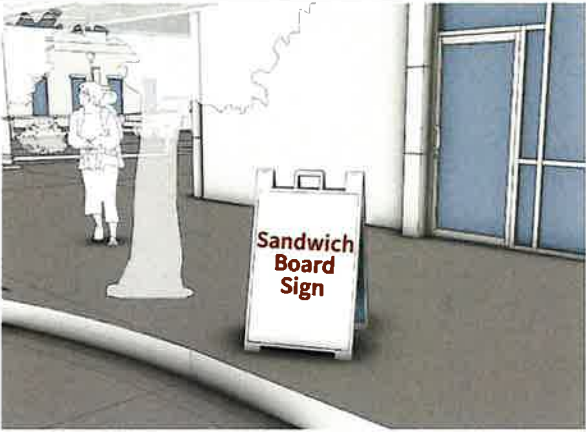

<p><b>Roof Sign</b></p>	<p>Any sign erected upon or above a roof line or parapet wall of a building or placed above the apparent flat roof or eaves of a building.</p>	
<p><b>Wall Sign</b></p>	<p>A sign that is flat against the building façade and mounted or applied directly to the building.</p>	
<p><b>Window and Door Sign</b></p>	<p>Any sign affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.</p>	

## Sec. 3-138-2. – Detached Signs



Name	Definition	Graphic
<b>Message Center Sign</b>	A sign on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a Commercial Electronic Variable Message Sign and Electronic Message Center.	
<b>Freestanding Sign</b>	Any sign that is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.	
<b>Monument Sign</b>	An advertising or identification device that is ground mounted and constructed so that there is no space between the ground and the bottom of the device.	

**Sec. 3-138-3. – Temporary and Portable Signs**

Name	Definition	Graphic
<b>Balloon Sign</b>	A lighter-than-air gas-filled balloon, tethered in a fixed location, which has a sign with a message on its surface or attached in any manner to the balloon.	
<b>Banner</b>	An on-premises sign which is made of fabric or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.	
<b>Feather Sign</b>	A wind activated feather, blade or teardrop shaped sign of flexible material attached to a support pole that is normally inserted into a receptacle in the ground.	

<p><b>Sandwich Board Sign</b></p>	<p>A stationary, double faced temporary sign that is ground supported; also known as an A-frame sign.</p>	
<p><b>Yard Sign</b></p>	<p>A type of temporary sign such as garage sale, political sports league, and contractor signs, that is neither permanently anchored to the ground, nor permanently affixed to a structure. Yard signs are constructed of cloth, canvas, corrugated plastic, light fabric, cardboard, wallboard, or other similar materials, with or without frames and are intended to be displayed for a limited period.</p>	

## DIVISION 4. – LIGHTING TYPES

Sign Lighting Type	Definition	Example
<b>Direct Lighting</b>	A specific style of illumination where the source of light is internal and integral to the sign structure and where the resultant illumination radiates out in the direction of the viewer. This designation includes neon lighting, face-lighted channel letters and sign panels with routed and push-through graphics (backlit).	
<b>Indirect Lighting</b>	A specific style of illumination where the source of light is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer. This includes goose neck, linear sign lights, and ground mounted spotlights.	

## DIVISION 5. - RULES OF MEASUREMENT

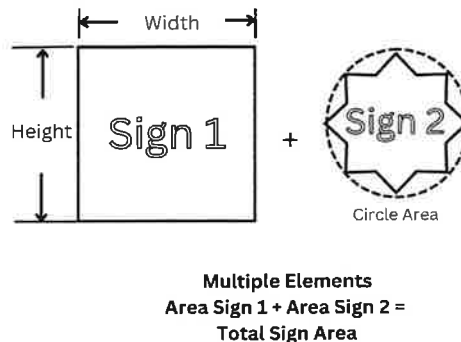
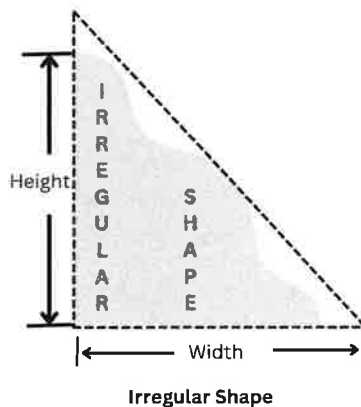
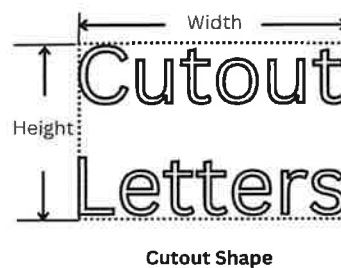
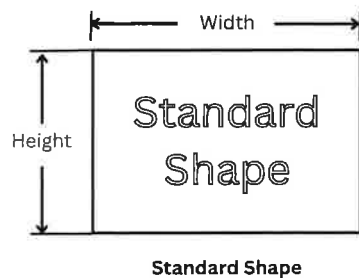
### Sec. 3-139. - Sign Area

1. *Determining Sign Area.* In determining the square footage of allowable signage for any business, use, or tenant space, the area of each sign face will be added together excluding identical double-faced signs.
2. *Measuring Sign Area.* Sign area is the entire surface area of a sign, including the frame. The supports, uprights, or structures on which any sign is mounted shall not be included in determining sign area.
  - a. *Standard Geometric Shapes.* When the surface area of a sign consists of a conventional geometric shape, such as a circle, an oval, a rhombus, a trapezoid, or a triangle, the accepted mathematical formulas for calculating area will be used to determine the surface area of a sign.
  - b. *Cutout Letters.* Sign area for cutout letters or display applied directly to the building surface and lacking a defined border or trim shall be determined by including the

total area within the periphery of the cutout letters on display, which can be enclosed within a rectangle or the closest geometric shape with a maximum of two enclosing shapes.

- c. *Irregular Geometric Shapes.* If a sign consists of a symbol, or an irregular geometric shape without an accepted mathematical formula for calculating area, the entire surface area of the symbol, which can be enclosed within a rectangle or the closest geometric shape with a maximum of two enclosing shapes, shall be determined as the sign area.
- d. *Multiple Elements.* If a sign consists of a symbol, graphic or text with multiple elements that are an irregular geometric shape the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all the display areas, including the space between different elements.
- e. *Multi-Faced Sign.* When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of the largest display surface or surfaces that are visible from any single direction.

#### MEASURING SIGN AREA DIAGRAM



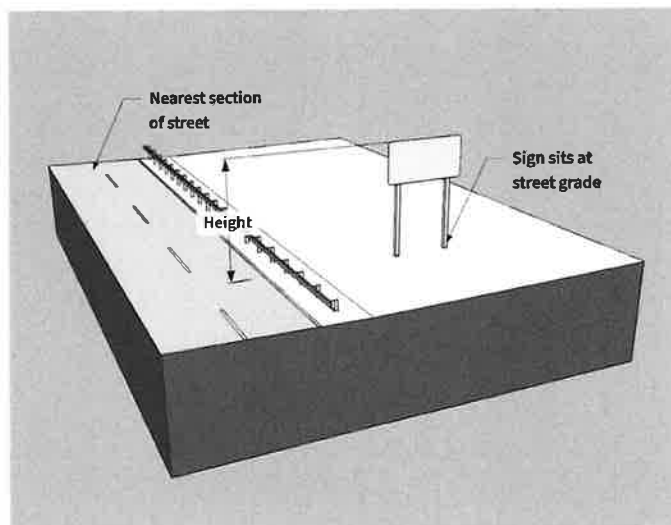
### Sec. 3-140. - Sign Width

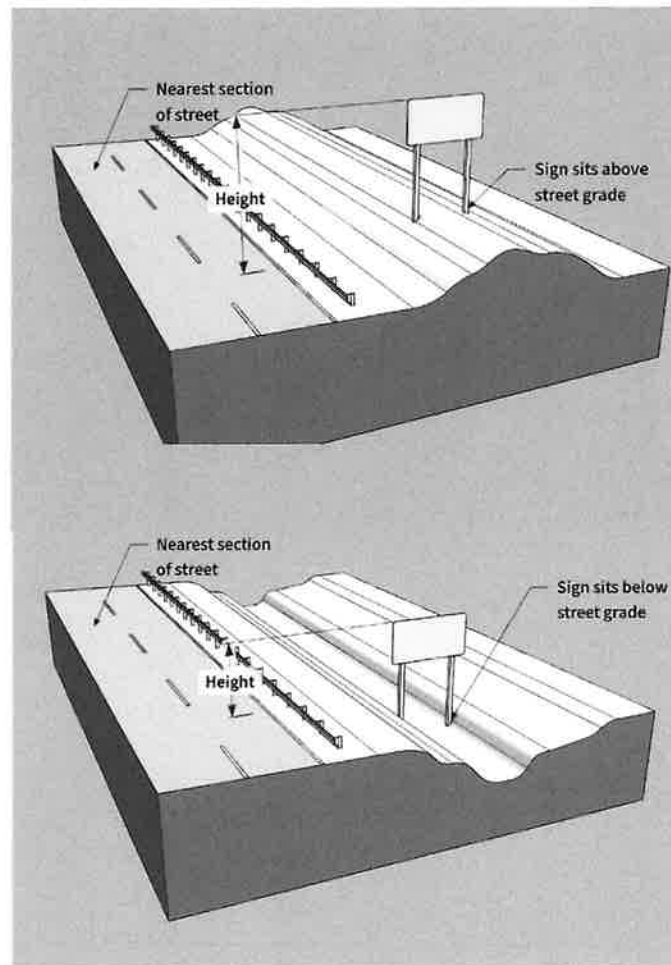
1. *Width.* Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area".

### Sec. 3-141. - Sign Height

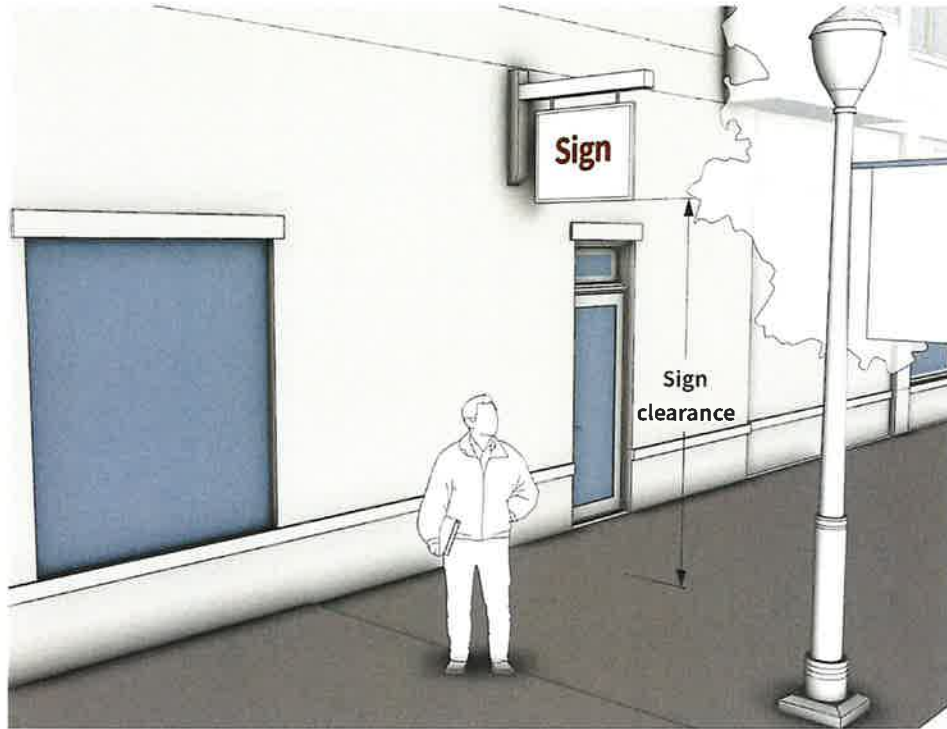
1. *Height.* Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area".
2. *Determining Sign Height.*
  - a. *Freestanding Signs.* The height of a sign or sign structure shall be measured from finished grade to the highest point of the sign or sign structure. When a sign is located on a graded earth mound or in an area lower than the adjacent public street, the sign shall be measured from a surveyed point located at the horizontal line of sight from the paved surface of the nearest section of street.

#### SIGN HEIGHT DIAGRAM





3. *Awning, Canopy, Marquee, and Projecting Signs.* Clearance for signs shall be measured at the smallest vertical distance between the ground and the lowest point of the sign, including any framework or other embellishments.



4. *Wall Signs.* Heights shall not exceed the height of the building wall to which the sign is affixed.

## **ARTICLE XVI. PROHIBITED SIGNS**

### **Sec. 3-142. - Prohibited Signs**

It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

1. Signs which by color, location, and/or design resemble or conflict with traffic control signs or signals.
2. Signs which are attached or otherwise affixed to trees or other living vegetation, lampposts, and/or utility poles.
3. Vehicle signs, when the vehicle is parked on or otherwise utilizing a public right-of-way, public property, or on private property so as to be intended to be visible from the street right-of-way for the primary purpose of providing advertisement of products or services or directing people to a business or activity and is not regularly used in the conduct of the business.
4. Abandoned or dilapidated signs.
5. Banners greater than forty (40) square feet in sign area, except where specifically permitted for an authorized temporary use in accordance with the provisions of Article IIVV.
6. A sign placed in a right-of-way (including roadway median, traffic island and/or traffic circle/roundabout), except as required by appropriate federal, state, city or county governmental authorities or otherwise stated in this Chapter.
7. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.

8. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement.
9. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way.
10. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
11. Signs with moving parts.
12. Roof signs and signs painted on a roof.
13. Balloon Signs except when permitted as a temporary sign for special events in accordance with Article IV.
14. Snipe Signs.
15. Inflatable Signs.
16. Animated Signs.

## **ARTICLE XVII. EXEMPT AND TEMPORARY SIGNS**

### **DIVISION 1. – EXEMPT SIGNS**

The following signs shall not require a sign permit but may be subject to other applicable laws and regulations outside of this Chapter. Refer to Table 1 below for exempt sign standards.

1. Banners forty (40) square feet or less in sign area. Only one banner per business is permitted.
2. Building entry and building identification sign
3. Entrance and exit signs regulated by the International Building Code
4. Feather Signs. Not permitted in the Residential Character Area.
5. Incidental Signs not exceeding two (2) square feet in sign area.
6. Landmark signs
7. Signs and other devices erected, posted, or otherwise established by any governmental agency regulating traffic, public purpose/safety, or any other notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.
8. Sandwich Board Signs, subject to the following regulations:
  - a. Sandwich board signs are not permitted in the Residential Character Area-Residentially zoned parcels see Article VI for more information.
  - b. A sandwich board sign must be placed on the ground or paved surface and may be placed on a sidewalk within public right-of-way or public property within fifteen (15) feet of the entry to a business or outdoor space associated with the business.
  - c. Such signs cannot be located within any designated fire lane or obstruct vehicular, bicycle, or pedestrian traffic, must comply with ADA clearance and accessibility standards, and must be removed from the sidewalk at the close of business each day.
9. Yard signs including but not limited to garage sale, temporary signs for political, construction or real estate purposes, and sports leagues.
10. Works of art, including murals, that are not considered mural painted wall signs.

Table 1 – Exempt Sign Standards						
Sign Type	Max Size	Max Number	Max Height	Illumination Type	Display Period	Removal Required
Banner	40 SF	1 per business	Can't exceed height of building wall	None	N/A	N/A
Feather Sign	25 SF	1 per street frontage & shall not be within 100' along the same street frontage of any other temporary sign providing the same information	12'	None	Dawn to dusk	Stored inside each evening after dusk
Sandwich Board Sign	7.5 sf, signs can be double sided & only 1 side is counted toward the sign area	1 per business	36"	None	When the business is open for business	Remove signs during non-business hours
Yard Sign	32 SF	1 per street frontage	10'	None	N/A	N/A

## DIVISION 2. – TEMPORARY ON-PREMISES SIGNS

### Sec. 3-143. - Authorized use of temporary signs.

1. *Purpose.* Limited on-premises temporary signs are allowed to provide reasonable opportunities for communication while protecting the aesthetics of the city and avoiding confusion and clutter.
2. *Sign Types Allowed.* A temporary sign may be an on-premises ground or on-premises building sign but may not be constructed of or operated by electrical, electronic, or mechanical parts. Banners, balloon signs, and feather signs are defined as being temporary signs.

### Sec. 3-144. - Limitations.

1. *Limit on Use of Temporary Signs.* No occupant shall be eligible for issuance of a temporary sign permit for more than a total of one hundred twenty (120) days during any calendar year.
2. *Time Limit for Display of Temporary Signs.* All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued only for fifteen (15) day

increments. Any temporary sign and its supporting structure permitted under this Article shall be removed at or before 11:59 p.m. of the expiration date on the temporary sign permit notwithstanding any other provision of this Chapter, unless the temporary sign permit for such sign is renewed.

3. *Temporary Signs for Occupants Which Have Relocated.* Any occupant which has relocated may obtain a temporary sign permit for a period not to exceed one hundred twenty (120) days. No renewal shall be permitted for any such temporary sign, and not more than one (1) such temporary sign shall be permitted per occupant. Any such temporary sign shall be permitted and maintained only on the premises at which the occupant was located prior to relocation and only with the permission of the owner of the premises.

#### **Sec. 3-145. - Permitting**

1. *Permit Required.* All temporary signs other than political signs must be permitted in accordance with Section 3-195 prior to placement or erection of such sign or banner.
2. *Renewal of Permit.* A temporary sign permit may be renewed once for an additional consecutive fifteen (15) day period; such renewal may be made by the Land Development Office prior to the expiration date of the initial permit and shall require an additional fee.

#### **Sec. 3-146. - Temporary Sign Types**

1. *Banners.* An occupant may display one (1) banner (whether attached or detached) at a time. In no event may any banner be displayed unless it is secured on all corners in a manner designed to prevent excessive movements in the wind.
2. *Special Events.*
  - a. The sponsor of a special event lasting three (3) days or less shall not be required to obtain a sign permit. The sponsor of a special event lasting more than three (3) but no more than thirty (30) days shall obtain a special permit from the Land Development Office prior to the beginning of such an event. Such special permits shall be granted only in increments of fifteen (15) days.
  - b. The sponsor of a special event may use temporary on-premises signs, flags, lights, pennants, streamers, balloons, and banners during the special event and must meet any conditions placed upon such use by the Land Development Office where a special permit must be obtained.
  - c. All signs and other devices for a special event shall be promptly removed after the end of the special event and in no case shall such signs and devices remain on display longer than forty-eight (48) hours after the end of the special event.
  - d. No sponsor may display signs and devices for special events pursuant to this Section on the same premises for more than a cumulative total of thirty (30) days per calendar year. No occupant may display signs and devices for special events

pursuant to this Section for more than a cumulative total of thirty (30) days per calendar year. Each special event lasting three (3) days or less shall be counted as three (3) days for the purposes of this Section.

3. *Yard Signs.* All yard signs including but not limited to garage sales, construction or real estate purposes, and sports leagues and excluding political signs shall be limited to fifteen (15) days before and no more than thirty (30) days following the event. Yard signs shall have a sign area of thirty-two (32) square feet or less and shall be subject to the following restrictions:

- (a) No such yard sign less than thirty-six (36) inches in height may be placed closer than five (5) feet or ten (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 yard sign may be placed closer than twenty-five (25) feet to the closest 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 yard 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 yard 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 Chattanooga Department of Transportation may order the removal or relocation of any temporary sign which may constitute a hazard to the public traveling on public streets.

#### **Sec. 3-147. - Temporary Sign Standards**

Temporary signs shall comply with the following standards:

- 1. No temporary sign may be placed in any handicapped parking space, or any parking space required by any provision of the Chattanooga City Code, the Chattanooga Zoning Ordinance, or state law.

2. Signs may be placed on the sidewalk if four feet (4') of unobstructed sidewalk is provided. Signs may not block driveways or be affixed to utility poles, trees, or traffic control devices, and may not block vision clearance areas.

## **ARTICLE XVIII. SIGN LIGHTING**

### **DIVISION 1. – ILLUMINATION STANDARDS**

#### **Sec. 3-148. - General Requirements**

1. The type of lighting allowed is determined by the sign type and character area. Please reference those tables in Article VII for that information.
2. Exterior illumination, such as floodlights or spotlights, shall be positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians.

#### **Sec. 3-149. - Indirect Illumination**

1. Indirectly illuminated signs must be shielded from adjacent buildings and streets and cannot cause glare or other nuisances to adjacent land uses or traffic.
2. Projecting light fixtures used for indirectly illuminated signs must not obscure the sign.

#### **Sec. 3-150. - Direct Illumination**

1. Direct illumination must provide steady, stationary lighting through translucent materials.

#### **Sec. 3-151. - Electrical Wiring**

1. All signs requiring illumination or having electrical service devices or wiring shall be constructed in accordance with the requirements of the National Electric Code and International Building Code standards.

### **DIVISION 2. – DIGITAL SIGNS**

Any sign which contains light emitting diode (LED), liquid crystal display (LCD) illumination, electronic messaging center (EMC), or any sign capable of its message/display being changed by electronic/remote means shall comply with the following requirements or equivalent:

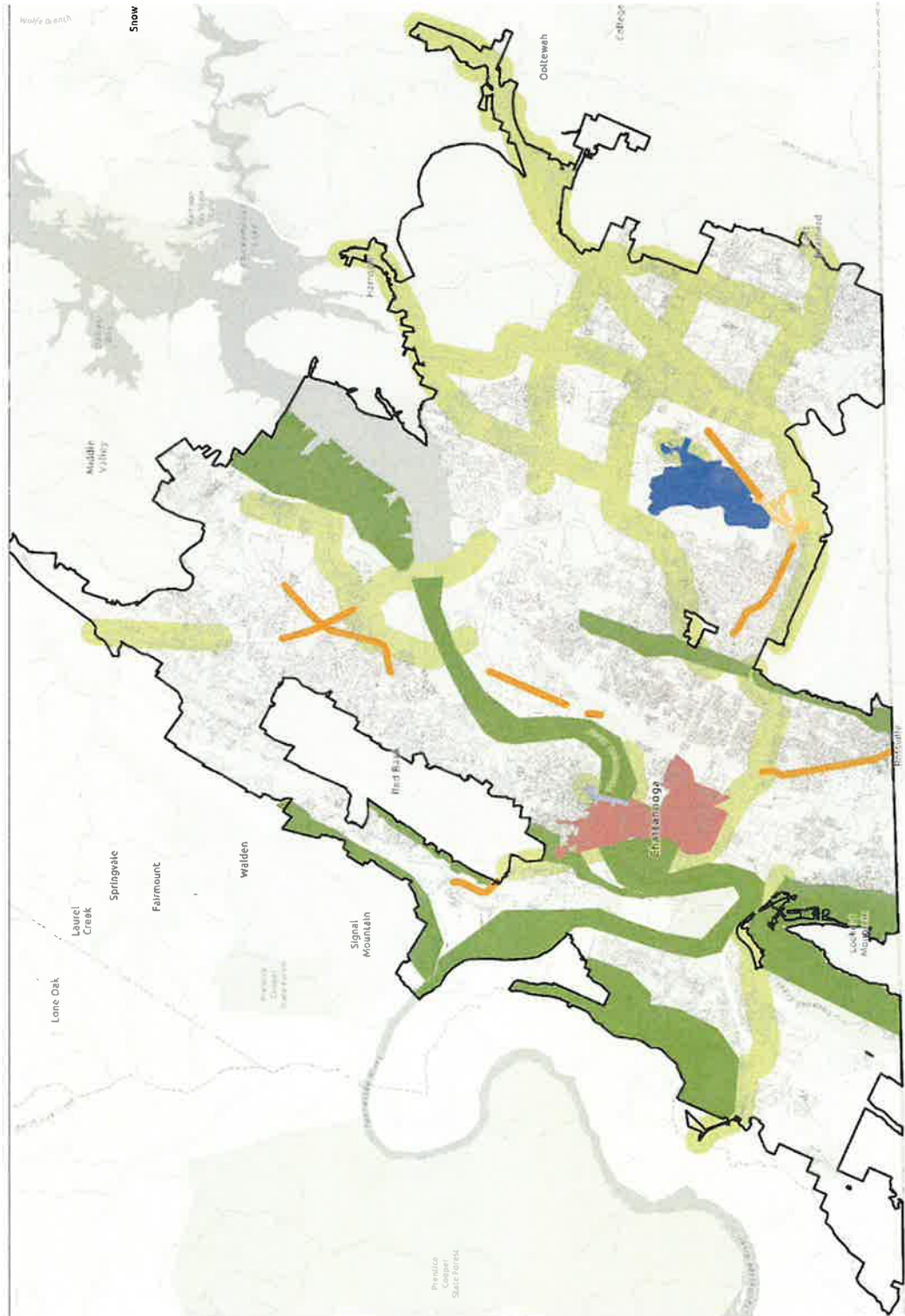
1. No on-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except as follows:
  - a. Tri-vision and digital signs with moving parts shall be permitted provided that the message shall remain static for no less than eight (8) seconds.
2. Digital signs shall be mounted on permanent sign structures only. Vehicle-mounted LED displays of any type, including parked or moving vehicles, are prohibited.

3. All LED signs and on-premises message centers shall have static images only. Flashing signs, scrolling message signs, or any form of animated images are prohibited. Audible signs are also prohibited.
4. Automated light intensity and dimming controls for LED signs shall be required. Using industry standards, daytime brightness levels should be no more than ninety percent (90%) of maximum intensity. Nighttime brightness shall be reduced to thirty percent (30%) of the maximum light intensity for the LED sign.
5. An EMC must be equipped with an automatic dimmer device and controlled by a light detector. It is the responsibility of the sign owner to demonstrate compliance with brightness/intensity and dimming settings.








<b>Table 2 - Electronic Messaging Center</b>				
<b>Character Area</b>	<b>Permitted</b>	<b>Min Hold Time</b>	<b>Size Limitation</b>	
			<b>EMCs as a Maximum Percentage of the Total Sign Area Permitted on the Site</b>	<b>EMCs as a Maximum Percentage of a Single Sign</b>
<b>General</b>	Y	8 Seconds	50%	80%
<b>Highway Commercial</b>	Y	8 Seconds	80%	100%
<b>Brainerd Overlay</b>	N	-	-	-
<b>Lovell Field Gateway Overlay</b>	N	-	-	-
<b>Residential</b>	N	-	-	-
<b>Scenic Areas/Corridors</b>	N	-	-	-
<b>Veterans Bridge</b>	N	-	-	-

Maps and legal descriptions of the character areas in Table 2 – Electronic Message Center are included in Article XIX.

# **ARTICLE XIX. - REGULATIONS – CHARACTER AREAS** **DIVISION 1. – OVERVIEW MAP**



Legend.

	City of Chattanooga Boundary
	Highway Corridor
	Form Based Code
	Veterans Bridge
	Scenic Corridors (With Buffers)
	Scenic Areas
	Brainerd Overlay
	Lovell Field Gateway Overlay

The Character Areas Are as follows:

1. Brainerd Overlay
2. General Character Area
3. Highway Commercial Corridors
4. Lovell Field Gateway Overlay
5. Residential Character Area
6. Scenic Corridors and Areas
7. Veterans Bridge

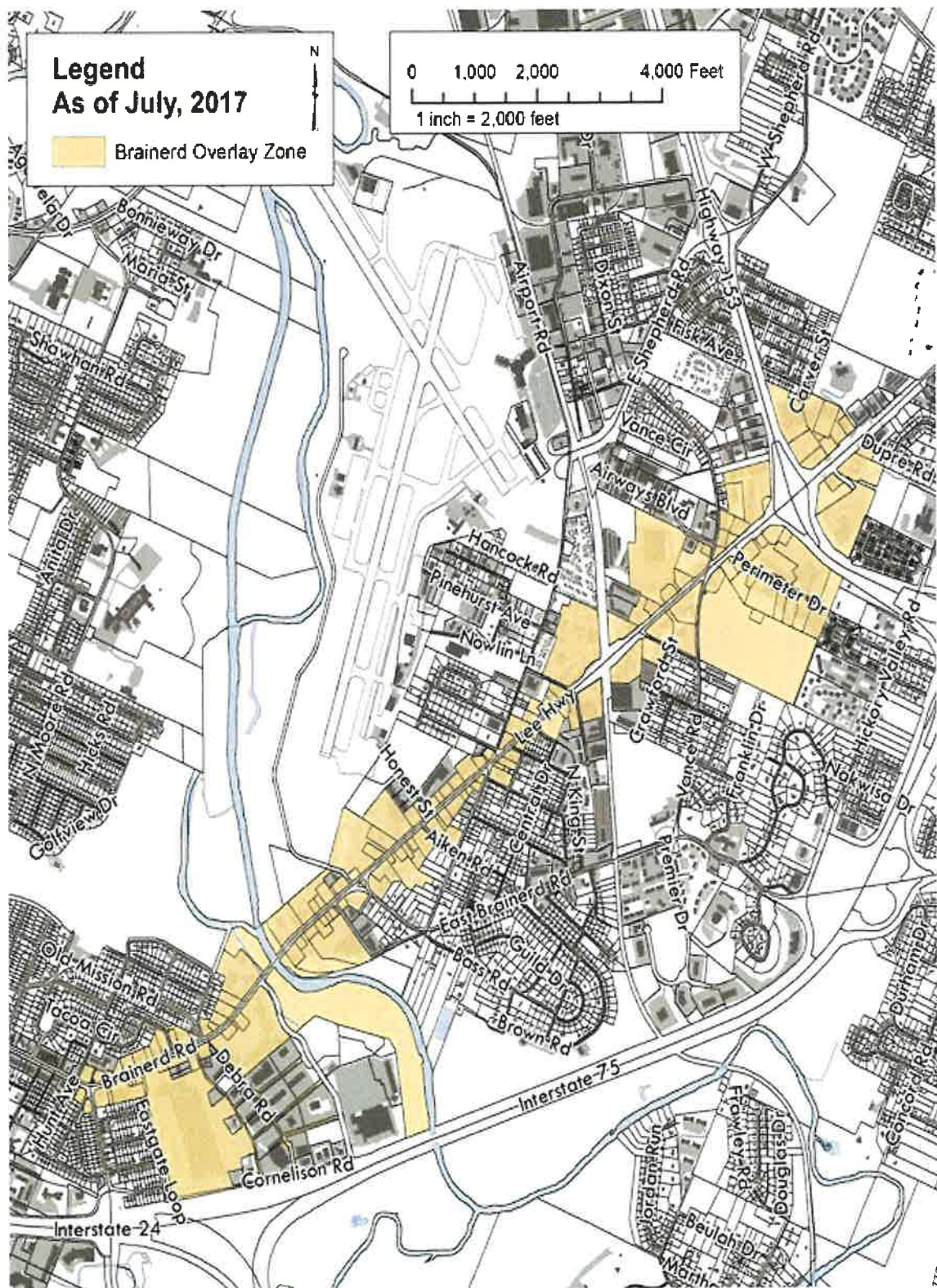
## **DIVISION 2. – BRAINERD OVERLAY**

### **Sec. 3-152. - Purpose**

The intent of the Brainerd Road Overlay Zone is to realize the primary objectives of "BRAINERD . . . a vision for Today" - the community's master plan. Adopted by the Chattanooga City Council in 2011, the Plan's goal is to create a vibrant town center along Brainerd Road that is well connected to adjacent neighborhoods. Specific issues identified in the community's master plan and in meetings by the Brainerd community include:

1. Poor visual quality in the corridor attributed to sign clutter, overhead utility poles and electrical lines, lack of street trees, varying building setbacks, and poor-quality building designs.
2. Poor walkability and pedestrian connectivity due to large parking lots and multiple curb cuts, gaps in the sidewalk network, and lack of landscaping along the street and in parking lots.
3. Unsafe cycling conditions due to multiple car/bicycle conflict points from numerous curb cuts, high traffic speeds, and lack of dedicated bike lanes.

**Sec. 3-153. – Brainerd Overlay Zone Map**



**Sec. 3-154.- Legal Description**

All properties along Brainerd Road and Lee Highway from the Spring Creek Road intersection to the TN-153 intersection highlighted yellow in Brainerd Overlay Zone Map.

**Sec. 3-155. - Standards/Regulations**

Regulations are stated in Article XX.

**DIVISION 3. – GENERAL CHARACTER AREA****Sec. 3-156. – Legal Description**

The General character area includes all parcels that are:

1. Not included in any overlay (Brainerd, Lovell Field, Veteran's Bridge)
2. Not included in Scenic Corridors or Areas
3. Not included in the Highway Commercial Corridor
4. Not included in Form Based Code
5. Not residentially zoned.

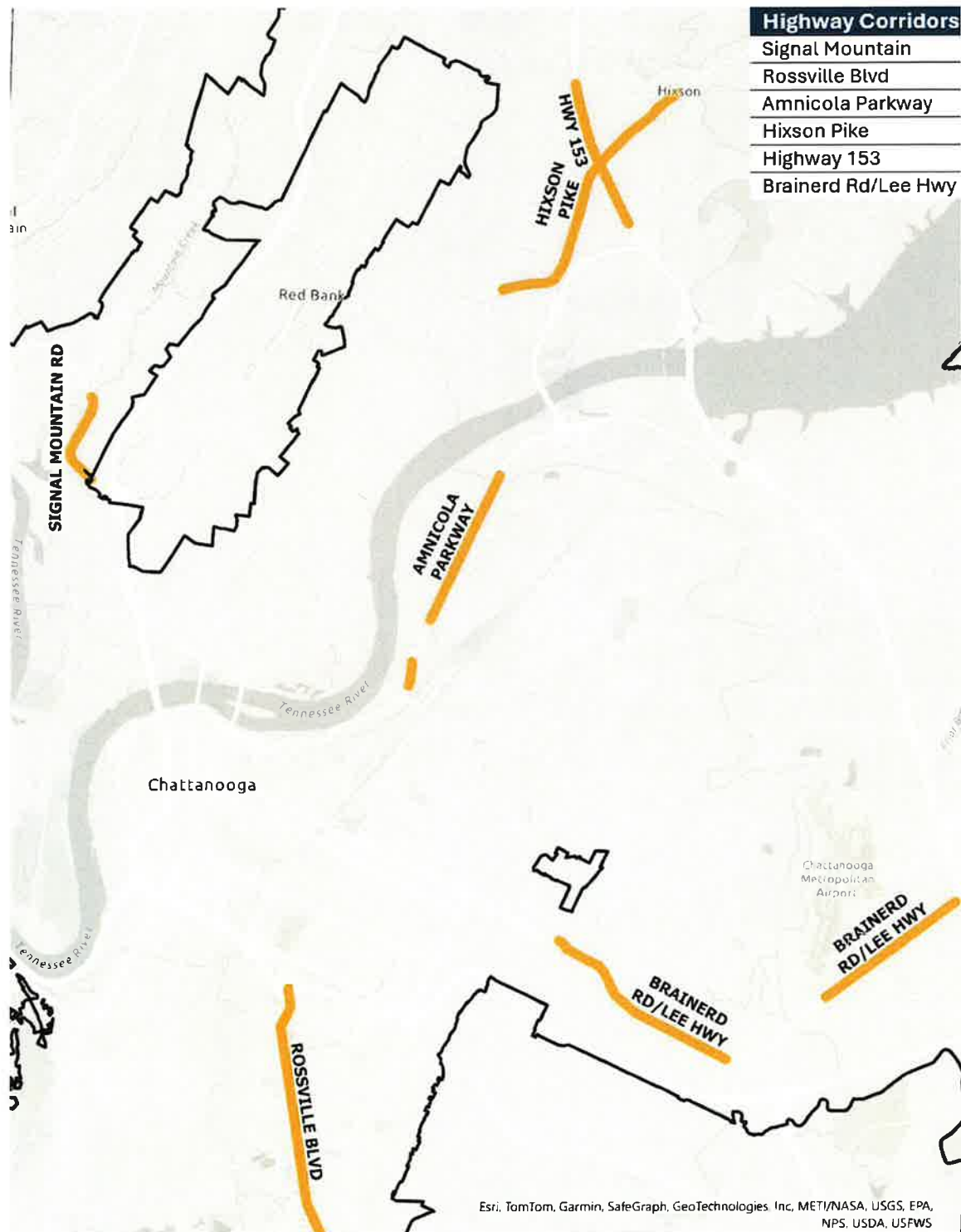
The General Character Area regulates all other parcels that do not fit into the above.

**Sec. 3-157. – Standards/Regulations**

Regulations are stated in Article XX.

## DIVISION 4. – HIGHWAY COMMERCIAL CORRIDORS (BILLBOARDS)

### Sec. 3-158. – Highway Commercial Corridor Map



**Sec. 3-159. - Legal Description**

Highway Commercial Corridors shall mean the major commercially zoned parcels designated herein as follows:

1. Rossville Boulevard from its intersection with Interstate 24 generally southward to the city limits.
2. Brainerd Road/Lee Highway from its intersection Tunnel Boulevard generally eastward to its intersection with Shallowford Road.
3. Signal Mountain Road the city limits with Red Bank, Tennessee to Mountain Creek Road; excluding that portion which falls within the Scenic Corridor along Highway 153.
4. Amnicola Highway from its intersection with Riverfront Parkway to the southernmost or westernmost edge of the property presently occupied by Chattanooga State Community College, excluding that portion which falls within the Scenic Corridor along Dupont Parkway.
5. Hixson Pike from its intersection with Ashland Terrace to its intersection with Adams Road.
6. Highway 153 from its intersection with Gadd Road to its intersection with Dupont Parkway.

All measurements herein to an intersection of two (2) or more roads shall be to the center of such intersection.

**Sec. 3-160. - Standards/Regulations**

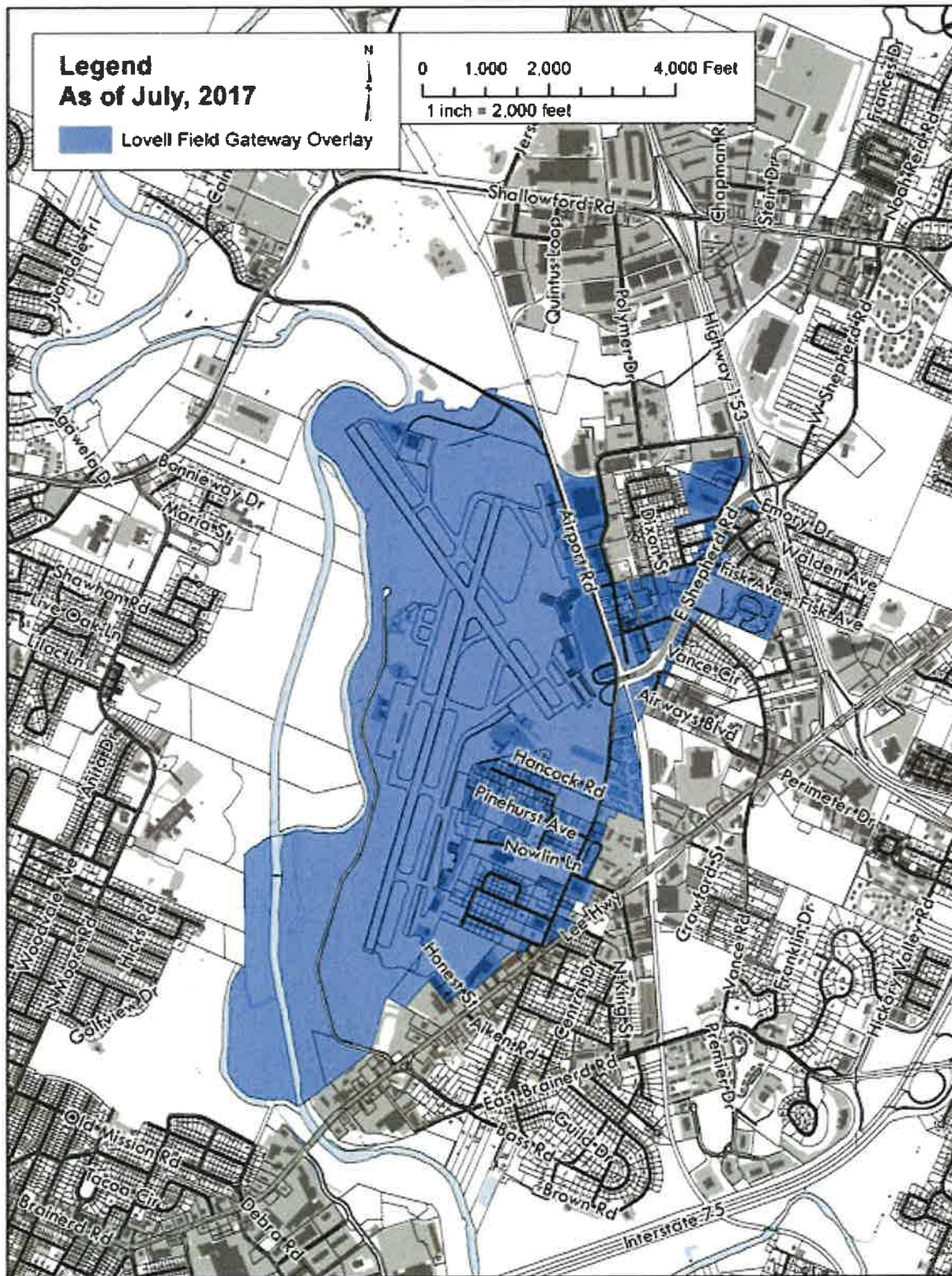
Regulations are stated in Article XX.

**DIVISION 5. – LOVELL FIELD GATEWAY OVERLAY****Sec. 3-161. – Purpose**

The purpose of the Lovell Field Gateway Overlay Zone is to realize the primary objectives of "BRAINERD . . . a vision for Today" - the community's master plan. Adopted by the Chattanooga City Council in 2011, the Plan's goal is to create a vibrant town center along Brainerd Road that is well connected to adjacent neighborhoods. Specific issues and opportunities identified in the community's master plan and in meetings by the Brainerd community include:

- a. Poor visual quality in the corridor attributed to sign clutter, overhead utility poles and electrical lines, lack of street trees, varying building setbacks, and poor-quality building designs.
- b. Poor walkability and pedestrian connectivity due to large parking lots and multiple curb cuts, gaps in the sidewalk network, and lack of landscaping along the street and in parking lots.
- c. Unsafe cycling conditions due to multiple car/bicycle conflict points from numerous curb cuts, high traffic speeds, and lack of dedicated bike lanes.
- d. Enhance the corridor as it acts as a Gateway into the City of Chattanooga.

Sec. 3-162. – Lovell Field Gateway Map



**Sec. 3-163.– Legal Description**

That portion of the area indicated as the "FAA Aviation Overlay District" on the AOD Map, which is located within the jurisdictional limits of the City of Chattanooga.

**Sec. 3-164.– Standards/Regulations**

Regulations are stated in Article XX.

**DIVISION 6. – RESIDENTIAL**

**Sec 3-165. – Legal Description**

All properties with zones listed under Residential Zones in Chapter 38 Article III Section 38-11.  
– Zones.

**Sec 3-166. – Standards/Regulations**

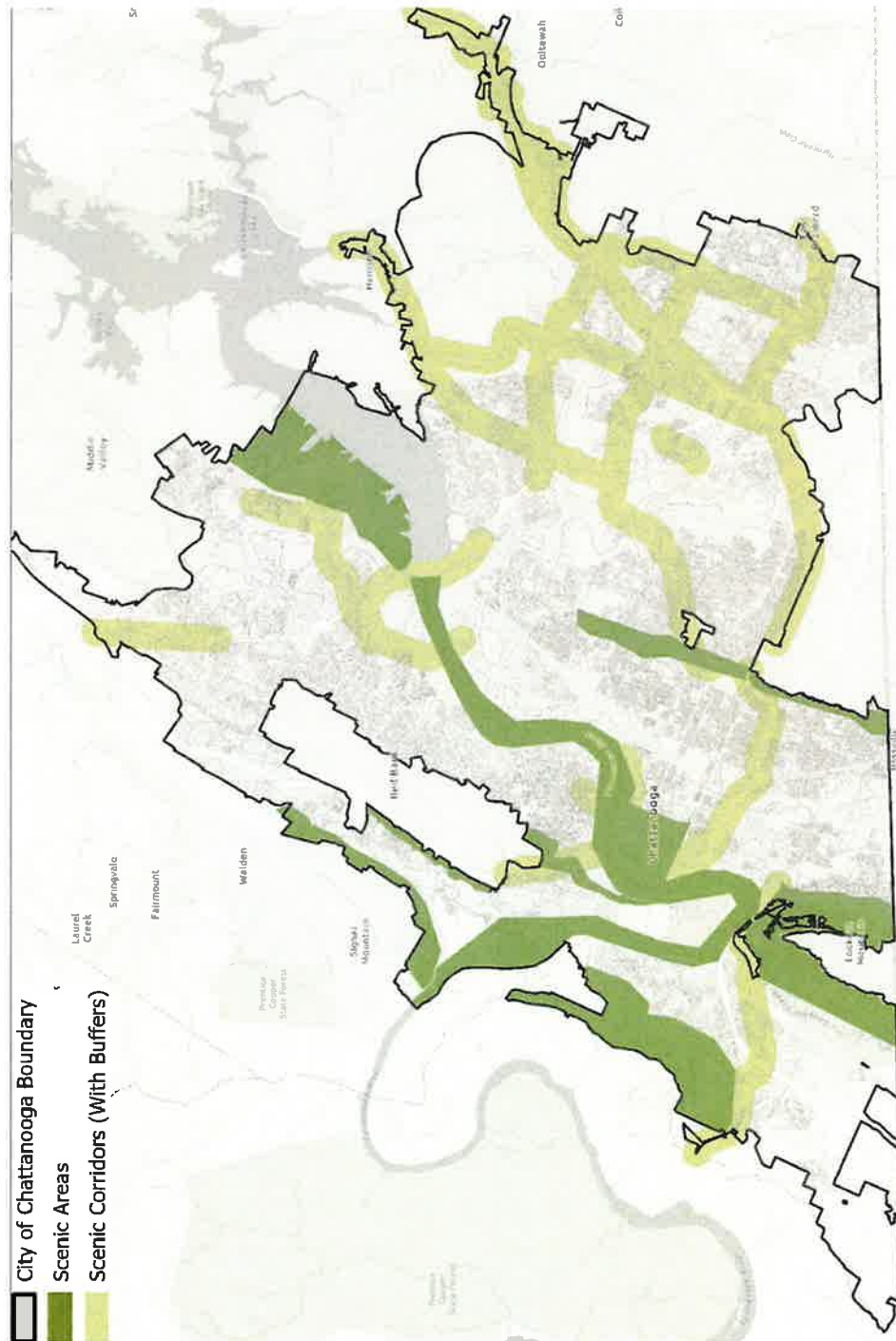
Regulations are stated in Article XX.

## DIVISION 7 - SCENIC AREAS AND CORRIDORS

### Sec 3-167. – Purpose

To preserve the scenic nature of the City of Chattanooga.

### Sec 3-168. – Map



### Sec 3-169. – Legal Description

1. *Scenic Corridors.* There are hereby established Scenic Corridors, which shall consist of certain strips of land six hundred sixty (660) feet on either side of the outermost edge of the right-of-way of all of the roads, routes and rivers specified in this Article, within which Scenic Corridors all off-premise signs are regulated as set forth herein.
  - a. Interstate 24 from the city limits south and west of the Tiftonia area to the center of its junction with U.S. Highway 27, except for an area one thousand three hundred twenty (1,320) feet on either side of the intersection of Interstate 24 and U.S. Highway 41 at the Tiftonia exit (Cummings Highway).
  - b. Cummings Highway/Lookout Mountain Pike from the City limits west of Lookout Valley to its intersection with Highway 58.
  - c. Highway 27 and any extension thereof, including the "Corridor J" roadway, from the southern bank of the Tennessee River northward to the northernmost Chattanooga city limits to the extent that said extension is within the city limits of Chattanooga.
  - d. The Tennessee River from Chickamauga Dam downstream to the city limits.
  - e. Within the area of Veterans Bridge and its approaches beginning at the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at the Tennessee River to its intersection with Fourth Street.
  - f. Along Interstates 24 and 75 from one hundred fifty (150) feet east of Dodds Avenue eastward to the city limits as they now exist or may hereafter be expanded, except for an area one thousand three hundred twenty (1,320) feet in either direction along Interstate 75 from the intersection with Lee Highway (U.S. Highway 11 and 64) at Ooltewah and State Route 2 (Bonny Oaks Drive).
  - g. The Dupont Parkway from its north end, at the center of its intersection with Highway 153, generally south and east across Access Road and across the C.B. Robinson Bridge to the center of its intersection with Amnicola Highway, including all entrance and exit ramps thereto on the north side of Amnicola Highway.
  - h. The airport connector road from State Highway 153 generally southward to Airport Road.
  - i. Shallowford Road from its intersection with Gunbarrel Road to the intersection of Jenkins Road.
  - j. Riverside Drive generally northwardly and eastwardly from its intersection with Broad Street to the point where it crosses Citico Creek.
  - k. All of Jenkins Road lying within the Chattanooga city limits.
  - l. East Brainerd Road from its intersection with Concord Road and extending South and East to the City Limits.
  - m. Highway 153 from its intersection with Amnicola Highway to its intersection with Hamill Road.
  - n. Cassandra Smith Road from its intersection with Hixson Pike to its intersection with Hamill Road.
  - o. Hamill Road from its intersection with Hixson Pike to Big Ridge Road.
  - p. Highway 153 from its intersection with Grubb Road going north to the City limits.
  - q. Hickory Valley Road in its entirety.

- r. Jersey Pike in its entirety.
  - s. Shallowford Road in its entirety.
  - t. Bonny Oaks Drive from its intersection with Highway 58 eastwardly to its intersection with Old Lee Highway at Interstate 75.
  - u. Highway 58 from its intersection with Jersey Pike northwardly to the City limits.
  - v. All of Harrison-Ooltewah Road lying within the Chattanooga City limits.
  - w. All of Old Lee Highway lying within the Chattanooga City limits.
  - x. All of Old Cleveland Pike lying within the Chattanooga City limits.
  - y. All of Hunter Road lying within the Chattanooga City limits.
  - z. All of Mountain View Road lying within the Chattanooga City limits.
  - aa. All of Snow Hill Road lying within the Chattanooga City limits.
  - bb. All of Ooltewah-Georgetown Road lying within the Chattanooga City limits.
  - cc. Lee Highway from its intersection with Hunter Road southeastwardly to the City limits towards Bradley County; and Apison Pike.
2. *Scenic areas.* There are hereby established the following Scenic Areas, in which off-premise signs shall be prohibited:
- a. The entirety of that portion of downtown Chattanooga which is bounded on the north and west by the Tennessee River, on the south by Main Street from its westernmost extremity (and extended by an imaginary line from such extremity directly to the Tennessee River) to its intersection with Market Street, and on the east by Market Street from its intersection with Main Street northwardly to King Street, and further on King Street from its intersection with Market Street to its intersection with 8th Street, thence westwardly along 8th Street to its intersection with Houston Street, thence northwardly along Houston Street to its intersection with 3rd Street and extended therefrom by an imaginary line directly to the Tennessee River.
  - b. The entirety of the slopes of all ridges and mountains identified herein to the extent that such are located within the city limits, and including those areas more specifically illustrated in yellow on the topographic map attached hereto and specifically adopted as part of this ordinance. (Topographic map is in the Office of the Clerk of the City Council.) The mountains and ridges included within such Scenic Areas are Lookout Mountain, Signal Mountain/Walden's Ridge, Elder Mountain/Raccoon Mountain, Missionary Ridge, Stringers Ridge, Godsey Ridge and Big Ridge.
  - c. Barton Avenue to its intersection with Hixson Pike; Hixson Pike from its intersection with Barton Avenue to its intersection with Lupton Drive; Cherokee Boulevard from its intersection with Market Street to the Stringers Ridge Tunnel; Amnicola Highway from its intersection with the east side of Chattanooga State to Access Road; Hixson Pike from its intersection with Middle Valley Road to the City limits; Main Street from its intersection with Market Street to Holtzclaw Avenue; Holtzclaw Avenue to its intersection with Houston Street; East Brainerd Road from its intersection with Concord Drive to the City limits.

### **Sec. 3-170. - Standards/Regulations**

- 1. Regulations are stated in Article XX.



### **Sec. 3-173. - Legal Description**

Within the area of Veterans Bridge and its approaches beginning as the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at that Tennessee River and continuing along four hundred seventy-five (475) feet on either side of the centerline of Georgia Avenue to Fourth Street; thence continuing westward to include an area four hundred seventy-five (475) feet on either side of the centerline of Fourth Street to Interstate Highway 24.

### **Sec. 3-174.- Standards/Regulations**

1. *Existing signs.* Signs existing within the control district as of June 12, 1984, which may fail to conform with these new regulations may continue to be used so long as they are not enlarged, lighted in not low lighted, or otherwise materially altered, except that such signs may be replaced, remodeled or otherwise improved if, in the opinion of the Code Official, such work does not violate the intent of this provision. Examples of permitted improvements might include replacement of a wooden structure with a steel structure; replacement of multiple supports with a single steel post, and other such modifications which result in a cleaner, less cluttered appearance.
2. *Exclusions from Article.* The following shall not be subject to the provisions of this Article:
  - a. Signs provided or required by a duly constituted governmental body, including traffic or similar regulatory devices, or legal notices.
  - b. Flags or emblems of a political, philanthropic, educational, or religious organization.
  - c. Memorial plaques or tablets.
  - d. Holiday decorations which are clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

## **ARTICLE XX. – ON-PREMISES PERMITTED SIGN REGULATIONS**

### **DIVISION 1. – OVERVIEW**

#### **Sec. 3-175. - General Regulation of On-Premises Signs.**

1. Other than signs which are prohibited under the provisions of Article III, or which are permitted as temporary signs pursuant to Article IV, this Article shall regulate the general use of on-premises signs.
2. Signs that are not explicitly noted under permitted signs within this Article are prohibited.

### Sec. 3-176. – Permitted Signs by Character Area

Sign Types	Brainerd Overlay	General	Highway Commercial	Lovell Field Overlay	Residential	Scenic Areas/ Corridors	Veterans Bridge
<b>Awning</b>	Y	Y	Y	Y	N	Y	Y
<b>Banner</b>	Y	Y	Y	Y	N	Y	Y
<b>Canopy</b>	Y	Y	Y	Y	N	Y	Y
<b>Freestanding</b>	O	Y	Y	O	N	Y	Y
<b>Marquee Sign</b>	Y	Y	Y	Y	N	Y	Y
<b>Monument</b>	Y	Y	Y	Y	Y	Y	Y
<b>Projecting Signs</b>	Y	Y	Y	Y	N	Y	Y
<b>Wall Signs</b>	Y	Y	Y	Y	N	Y	Y
<b>Window &amp; Door</b>	Y	Y	Y	Y	Y	Y	Y

Y – Permitted

N - Not Permitted

O – Some Permitted

### Sec. 3-177. – Number of Signs and Sign Types

1. The number of attached signs for a premises, or for each occupant of a premises, shall not be limited, but the total sign area of attached signs shall not exceed 20% of the wall facade.
2. In the event there is more than one (1) tenant on the premises, attached signs on the premises for a particular tenant shall be located only on the portions of the building directly outside the area occupied by that tenant or on portions of the building which are common areas.
3. Buildings where there are multiple tenant centers, each business may not be entitled to its own freestanding sign.
4. Retail commercial developments that contain a min of 25 acres under the same ownership shall be allowed one (1) freestanding sign at each primary entrance of development as long as the entrance is controlled by a traffic signal.
5. For premises which have frontage along any single public road or public right-of-way more than three hundred fifty (350) linear feet along such road or right-of-way and which have more than two (2) occupants, all of the provisions of this Article shall apply, except that the sign area of a freestanding sign located along such frontage shall not exceed three hundred (300) square feet. In addition, if any premises which has more than two (2) occupants has less than three hundred fifty (350) linear feet of frontage along a public road or public right-of-way but has a developed store or building frontage of greater than five hundred (500) linear feet, then the sign area of a detached sign shall not exceed three hundred (300) square feet.

**Sec. 3-178. – Use of Combustible Materials**

1. Sign materials must comply with Section H107 of the 2018 International Building Code.

**DIVISION 2. – ATTACHED SIGNS**

Within the Character Areas, the sign types within this Division are categorized as attached signs.

**Sec. 3-179. - Attached Sign Regulations**

1. *Signs Extending Over Public R-O-W.* Notwithstanding the foregoing setback limitations, any 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 greater than 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 Transportation Department.

## Sec. 3-180. – Awning

### SIGN TYPE: AWNING



REGULATION	GENERAL   HIGHWAY COMMERCIAL   SCENIC   VETERANS BRIDGE	BRAINERD OVERLAY   LOVELL FIELD OVERLAY
<b>Sign Count</b>	1 per building at the main pedestrian entrance; or 1 per tenant suite with an exterior pedestrian entrance, if applicable.	
<b>Sign Area</b>	75% valance area maximum 25% sloping portion area maximum	
<b>Sign Height/ Placement</b>	Minimum clearance of 10' between the ground & the lowest portion of the awning	
<b>Maximum Width</b>	Cannot exceed width of tenant space or building wall	
<b>Illumination Type</b>	Indirect	
<b>Setback from R-O-W</b>	If attached to a building whose building line adjoins a public sidewalk or public R-O-W may extend out over, but not over any public street.	
<b>Materials</b>	N/A	Materials that complement the materials of the associated building shall be used.  Signs shall be located to fit within the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building.
<b>Additional Notes</b>	Lettering may not extend beyond the awning and a single row of lettering may not cover both the valance and sloping portion.	

**Sec. 3-180.1 – Additional Regulations:**

1. Prohibited in Residential Character Areas.
2. All measurements shall be in accordance with Sec. 3-139.

**Sec. 3-181. – Canopy**

**SIGN TYPE: CANOPY**



REGULATION	GENERAL   HIGHWAY COMMERCIAL   SCENIC   VETERANS BRIDGE	BRAINERD OVERLAY   LOVELL FIELD OVERLAY
<b>Sign Count</b>	1 per building at main pedestrian entrance, or 1 per tenant suite with an exterior pedestrian entrance, if applicable.	
<b>Sign Area</b>	1 SF per linear foot of width of ground floor glazing over which the awning is located or 1 SF per linear foot of width tenant suite pedestrian entrance doors, whichever is bigger.	
<b>Height</b>	Minimum clearance of 10' between the ground & the lowest portion of the Canopy	
<b>Placement</b>	Affixed above or on front face of Canopy.	
<b>Illumination Type</b>	Indirect & Direct	
<b>Setback from R-O-W</b>	If attached to a building whose building line adjoins a public sidewalk or public R-O-W may extend out over, but not over any public street.	
<b>Materials</b>	N/A	Materials that complement the materials of the associated building shall be used.

**Sec. 3.49.1. – Additional Regulations:**

1. Prohibited in Residential Character Areas.

## Sec. 3-182. – Marquee Signs

### SIGN TYPE: MARQUEE



REGULATION	GENERAL   HIGHWAY COMMERCIAL   SCENIC   VETERANS BRIDGE	BRAINERD OVERLAY   LOVELL FIELD OVERLAY
<b>Sign Count</b>	1 per building at main pedestrian entrance.	1 per building at main pedestrian entrance.
<b>Sign Area</b>	1 SF per linear foot of width of ground floor glazing over which the awning is located or 1 SF per linear foot of width tenant suite pedestrian entrance doors, whichever is bigger.	1 SF per linear foot of width of ground floor glazing over which the awning is located or 1 SF per linear foot of width tenant suite pedestrian entrance doors, whichever is bigger.
<b>Placement</b>	Minimum clearance of 10' between the ground & the lowest portion of the Marquee	Minimum clearance of 10' between the ground & the lowest portion of the Marquee
<b>Illumination Type</b>	Indirect & Direct	Indirect & Direct
<b>Setback from R-O-W</b>	If attached to a building whose building line adjoins a public sidewalk or public R-O-W may extend out over, but not over any public street.	If attached to a building whose building line adjoins a public sidewalk or public R-O-W may extend out over, but not over any public street.
<b>Materials</b>	N/A	Metal or noncombustible materials that complement the materials of the associated building shall be used.
<b>Additional Notes</b>	N/A	Signs shall be located to fit within the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building.

## Sec. 3-183. – Projecting Signs

### SIGN TYPE: PROJECTING SIGN



REGULATION	GENERAL	HIGHWAY COMMERCIAL	VETERANS BRIDGE	SCENIC AREAS/ CORRIDORS	BRAINERD OVERLAY   LOVELL FIELD GATEWAY OVERLAY
<b>Sign Count</b>	1 for each public R-O-W or 1 per building, or 1 building mounted sign per tenant suite with an exterior pedestrian entrance, if applicable.		1 per building, or 1 building mounted sign per tenant suite with an exterior pedestrian entrance, if applicable.		
<b>Max Sign Area (Per Sign Face)</b>	175 SF		32 SF		16 SF
<b>Sign Faces</b>	2		2		
<b>Sign Height/ Placement</b>	Min clearance of 10' between the ground and the lowest portion of the sign.		Min clearance of 10' between the ground and the lowest portion of the sign and located a min of 12" below the 2nd story windowsill or top of the building, whichever is lower.		
<b>Angle at Facade</b>	90 degrees		90 degrees		
<b>Projection</b>	4' Maximum		Projects outward from a building or other structure & extends more than 24" horizontally from the plane of the building wall. Maximum of 4' from the building façade, inclusive of bracket depth.		
<b>Illumination Type</b>	Direct & Indirect	Direct & Indirect	Direct & Indirect	Indirect	Indirect
<b>Setback from R-O-W</b>	If attached to a building whose building line adjoins a public sidewalk or public R-O-W may extend out over, but not over any public street.				
<b>Materials</b>	N/A	N/A	N/A	N/A	Materials that complement the materials of the associated building shall be used.

					Signs shall be located to fit within the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building
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### Sec. 3-183.1 – Additional Regulations:

1. Prohibited in Residential Character Areas.

### Sec. 3-184. – Wall Signs

#### SIGN TYPE: WALL SIGN



REGULATION	BRAINERD OVERLAY   LOVELL FIELD GATEWAY OVERLAY	GENERAL   HIGHWAY COMMERCIAL	RESIDENTIAL	SCENIC AREAS/CORRIDORS   VETERANS BRIDGE
Sign Area	1.5 SF per linear foot of building facade	20% of Wall Facade		
Sign Height/ Placement	Cannot exceed height of building wall			
Projection	Max of 1' from the building facade			
Illumination Type	Indirect	Direct & Indirect	Indirect	Indirect
Materials	Materials that complement the materials of the associated building shall be used.	N/A		

<b>Additional Notes</b>	<p>Signs shall be located to fit within the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper facade, on the upper facade walls, or projecting from the face of the building.</p> <p>Banners shall only remain in place for 30 days and require a sign permit</p>	N/A
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**Sec. 3-184.1 – Additional Regulations:**

1. Prohibited in Residential Character Areas.
2. Attached banners and mural painted wall signs fall under wall signs and shall adhere to the same standards.

**Sec. 3-185. – Window and Door Signs**

**SIGN TYPE: WINDOW AND DOOR**



REGULATION	BRAINERD OVERLAY   GENERAL   HIGHWAY COMMERCIAL   LOVELL FIELD GATEWAY OVERLAY   RESIDENTIAL   SCENIC   VETERANS BRIDGE
<b>Sign Area</b>	25% of Window/Door Area
<b>Sign Height/ Placement</b>	Cannot exceed height of window
<b>Illumination Type</b>	None

**Sec. 3.185.1 – Additional Regulations:**

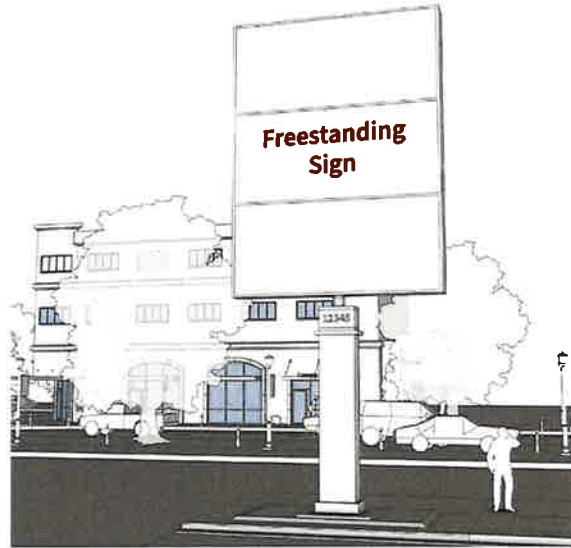
1. Signage must be maintained in a clean and orderly condition.
2. Window signage shall not obstruct the visibility through the window in a manner that impairs pedestrian or vehicular safety.
3. Signage must be placed in a manner that allows for clear visibility through the window for security and safety purposes.

**DIVISION 3 – DETACHED SIGNS**

1. The sign types within this Division are categorized as detached signs.
2. Detached Electronic Messaging Centers must be within the cabinet or facade. Projecting is prohibited.

## Sec. 3-186. – Freestanding

### SIGN TYPE: FREESTANDING



REGULATION	GENERAL   HIGHWAY COMMERCIAL	VETERANS BRIDGE	SCENIC AREAS/CORRIDORS
<b>Sign Count: Max Number per Building</b>	1 Per R-O-W	1 Per R-O-W	1 Per R-O-W
<b>Sign Area</b>	175 SF	A max of 30 SF or 1 SF of sign area for every 3 lineal feet of public street frontage, whichever is greater.	60 SF
<b>Sign Height/ Placement</b>	5' R-O-W setback: 20' in height max  For each additional foot of setback beyond 5' from R-O-W, a freestanding sign can extend an additional one foot in height up to a max of 30.	A max of 20' above finished grade at the base of the sign or curb level at the nearest frontage on a public street, whichever provides greatest height, shall be permitted on the south side of the river; on the north side of the river such signs shall not project above the road level of Veterans Bridge, or 20' above finished grade at the base of the sign or curb level at the nearest frontage on a public street, whichever is greater.	6'

<b>Illumination Type</b>	Direct & Indirect	No amber, blue, red or green lights shall be permitted.	Indirect
<b>Setback from R-O-W</b>	<b>Sign Area &lt; 40 SF:</b> 5' from R-O-W <b>Sign Area &gt; 40 SF:</b> 10' from R-O-W <b>Sign Area &gt; 100 SF:</b> 15' from R-O-W		
<b>Max Sign Faces</b>	2		
<b>Additional Notes</b>	If a detached sign is maintained on premises which fronts upon 2 or more public streets and any part of such sign is located within 50' of the closest edge of the R-O-W of 2 or more public streets, 1 detached sign shall be allowed for such premises		

**Sec. 3-184.1– Additional Regulations:**

1. Freestanding signs are prohibited in the Brainerd Overlay, Lovell Field Gateway Overlay, and Residential character areas.
2. Detached banners and pole signs fall under freestanding signs.
3. Measurements are in accordance with Section 3-139.

## Sec. 3-187. – Monument

### SIGN TYPE: MONUMENT



REGULATION	BRAINERD OVERLAY   LOVELL FIELD GATEWAY OVERLAY	GENERAL   HIGHWAY COMMERCIAL	RESIDENTIAL	SCENIC AREAS/C ORRIDOR S	VETERANS BRIDGE
<b>Min Setback</b>	18'	<b>Sign Area &lt; 40 sq. ft.: 5' from R-O-W</b> <b>Sign Area &gt; 40 sq. ft.: 10' from R-O-W</b> <b>Sign Area &gt; 100 sq. ft.: 15' from R-O-W</b>			
<b>Max Width</b>	10'	N/A			10'
<b>Max Number of Signs per Building</b>	1 Per R-O-W	1 Per R-O-W  Retail commercial developments that contain a min of 25 acres under the same ownership shall be allowed 1 freestanding sign at each primary entrance of said development as long as the entrance is controlled by a traffic signal	1 double-faced sign or 2 single-faced signs may be placed at an entrance to a residential subdivision	1 Per R-O-W	
<b>Sign Area</b>	25 SF per face and 50 SF for a two-sided monument sign	100 SF	<b>&lt; 8 acres or 30 lots: 40 sf</b> <b>&gt; 8 acres or 30 lots: 100 sf</b>	60 SF	
<b>Sign Height</b>	6'	5' from R-O-W: 20'  For each additional foot of set-back, a freestanding sign may extend an additional 1' in height, up to a max of 30' in height	<b>&lt; 8 acres or 30 lots: 5'</b> <b>&gt; 8 acres or 30 lots: 10'</b>	6'	5' from R-O-W: 20'  For each additional foot of set-back, a freestanding sign may extend an additional 1' in height, up to a max of 30' in height

<b>Illumination Type</b>	Indirect	Direct & Indirect	Indirect	Direct & Indirect	Indirect, lighting fixtures illuminating signs and billboards shall be aimed and shielded so that properties are protected from light trespass or spillage to the max extent practicable
<b>Additional Notes</b>	<p>Monument signs shall not be located in the sight distance triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.</p> <p>Materials that complement the materials of the associated building shall be used.</p>	<p>If a detached sign is maintained on premises which fronts upon 2 or more public streets and any part of such sign is located within 50' of the closest edge of the R-O-W 2 or more public streets, only one 1 detached sign shall be allowed for such premises</p>			

**Sec. 3-187.1 – Additional Regulations:** Prohibited in Residential Character Areas.

**DIVISION 3. – SPECIAL PURPOSE SIGNS**

**Sec. 3-188. – Business Directional Signage**

1. For a location at the intersection of a minor street and a through street where a business, which is located on a minor street and which is within one thousand (1,000) feet of the major thoroughfare, is not visible from the through street upon approaching the intersection, a business directional sign may be placed upon the public right-of-way subject to the following provisions:
  - a. Such directional signs shall be constructed by the City and shall be of the type determined by the Chattanooga Department of Transportation.
  - b. Businesses otherwise complying with all provisions of this Chapter may request that their sign be placed on the business directional sign.
  - c. No such sign shall be erected without the approval of the Chattanooga Department of Transportation.
  - d. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.

**Sec. 3-189. – Drive-Thru**

DRIVE-THRU DETACHED SIGNS		
REGULATION	BRAINERD OVERLAY   LOVELL FIELD OVERLAY	GENERAL   HIGHWAY COMMERCIAL   SCENIC   VETERANS BRIDGE
Sign Area	90 SF per "Drive-Thru" window or "Drive-Thru" lane	90 SF per "Drive-Thru" window or "Drive-Thru" lane
Sign Height	8'	8'
Illumination Type	Indirect	Direct & Indirect
Setback from R-O-W	On-premises & situated to be viewed by customers in the drive-thru lane only	On-premises & situated to be viewed by customers in the drive-thru lane only
Additional Notes	Max Distance Between Signs: pre-sale sign located <25' from primary menu sign	Max Distance Between Signs: pre-sale sign located <25' from primary menu sign

**Sec. 3-189.1. – Additional Regulations:**

1. Prohibited in Residential Character Areas.
2. In the Character Areas where allowed, any premises where goods and/or services are offered on a "drive-thru" basis which may be purchased or obtained by a person without the necessity of exiting their motor vehicle, two (2) additional detached sign per "drive-thru" window or "drive-thru" lane shall be permitted with one (1) sign to be the primary menu sign and the second to be designated as a pre-sale menu sign to be located within twenty-five (25) feet of the primary menu sign and situated to be viewed by customers in the drive-thru lane only. It is the intent to allow businesses offering "drive-thru" services to use such additional detached sign(s) to list the services and/or goods offered to their customers while such customers are on the premises, and it is not the intent of this subsection to allow any additional detached sign(s) which are primarily designed and oriented to be read by customers or prospective customers who are not on the premises. The Director of the Land Development Office shall not approve any such additional detached sign which does not conform to the intent of this subsection.

**Sec. 3-190. – Directional Signs on Hospital Premises**

1. The restrictions of Article VII shall not apply to on-premises directional signs located on the premises of any hospital, medical center or clinic which offers emergency medical care.
2. Prohibited in Residential Character Areas.

**Sec. 3-191. – Traffic directional signs.**

1. The number, height and setback limitations above shall not apply to on-premises entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty (30) inches in height nor more than six (6) square feet in sign area, and further provided that no such signs shall provide customary motor vehicle or pedestrian traffic directional instructions.
2. On premises with land area in excess of seven (7) acres which have two (2) or more occupants, signs marking a one-way entrance to the premises, including the name(s) of the occupant(s) of the premises, shall not exceed fifty (50) square feet in sign area nor exceed nine (9) feet in overall height but shall be located no closer than ten (10) feet from the closest edge of the pavement of any public right-of-way but in no event on a public right-of-way.
3. In no event shall there be permitted more than two (2) traffic directional signs per entrance or exit to the premises.
4. On premises traffic directional signs which are within six hundred sixty (660) feet of a controlled access facility, which have a detached sign which is taller than fifty (50) feet and which are not adjacent to a public right-of-way, one (1) such traffic directional sign shall be permitted not in excess of forty (40) square feet in sign area and not in excess of twelve (12) feet in overall height; any such sign shall be located no closer than ten (10) feet from the closest curb or edge of any public street but in no event on any public right-of-way, and any such sign may be placed on an access easement to such premises, provided that this sentence shall not apply to premises which are permitted more than one (1) detached sign.

**ARTICLE XXI. ADMINISTRATIVE PROVISIONS, VARIANCES, AND APPEALS**

**DIVISION 1. – ADMINISTRATIVE PROVISIONS**

**Sec. 3-192. – Permit Administration.**

1. *Application Required.* Applicants intending to erect a new permanent or temporary sign must obtain a sign permit from the Director of the Land Development Office prior to the erection, installation, or material alteration of any sign. The term 'material alteration' shall mean any change in the following:
  - a. The height of a sign.
  - b. The sign area of a sign.
  - c. Change to sign face.
  - d. The location of a sign.
  - e. The supporting structure of a sign.

Material alternation shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. A sign permit shall be obtained in addition to any building permit otherwise required by this Code.

2. *Time Limits.* All completed sign applications shall be reviewed for compliance with these regulations within fifteen (15) business days, excluding holidays recognized by the City of Chattanooga, from the time a completed application has been accepted by the Director of the Land Development Office. In the event the Land Development Office does not approve or deny an application within said period, such application shall be deemed approved.
3. *Issuance of permit.* A sign permit shall not be issued until the application has been approved, any conditions stated in the approval have been satisfied, any required electrical or building permit has been issued, and any required permit fee has been received. For any sign requiring a state permit, such permit shall be included when making the application. Construction shall not begin until after issuance of the sign permit.
4. *Inspections.* It is the responsibility of the owner, sign contractor, or other person installing any sign to schedule with the Land Development Office and request all required site, footing, final and any other inspections required by the sign permit. It is the responsibility of the electrical contractor, if any, to schedule with the Department and request all required electrical inspections. Whenever any work is required to be inspected by this Chapter, no additional work can be undertaken until the required inspection is completed and the work approved. If additional work is undertaken prior to an inspection, the sign contractor shall, at the sign contractor's expense, tear out, remove or demolish such additional work as may be necessary in order to conduct the required inspection, provided that the Director of the Land Development Office may, in such Official's sole discretion, accept a letter of indemnity, in form and substance satisfactory to the Code Official in lieu of such tear out, removal or demolition.
5. *Expiration of Sign Permit.* If work authorized under a sign permit has not been completed within 180 days after the date of issuance, the permit shall expire and immediately become null and void. Any work in process shall immediately stop and no additional work shall be initiated until a new sign permit is issued. The Director of the Land Development Office may extend an existing sign permit under which substantial work has been accomplished before expiration. A new sign permit shall not be issued without a new application and payment of applicable fees.
6. *Permit Fees.* No sign permit may be issued until the applicable fee, if any, has been paid. Sign permit fees shall be established and may be amended from time to time by resolution of the City Council.

Administrative Processing Fees	
Plans Review Fee	\$25
Technology Fee	\$20
Administrative Fee	\$5
Sign Type Fees	
On-Premise Sign: Electric	\$330
On-Premise Sign: Non Electric	\$70
Digital (Electric Message Center) Sign	\$500
Temporary Sign	\$50
Master Sign Plan	\$500 + \$3 per SF of Signage
Other Fees	
Failure to Obtain Permit	Double Fee
Re-inspection Fee	\$50

7. *Permit Revocation.* Unless it expires pursuant to this Section, sign permits are valid for the life of the sign. However, it is the responsibility of the owner to ensure that the owner's architect or engineer and the owner's contractor(s) follow all applicable provisions of this Chapter in the design, construction, and installation of a sign. The issuance of a sign permit or the passing of an inspection through inadvertence, mistake, or oversight shall in no event be construed as waiving any provisions of this Chapter. Any sign permit may be revoked by the Director of the Land Development Office upon determination that the sign is not in full compliance with the provisions of this Chapter.
8. *Appeals.* An appeal to the Board of Zoning Appeals from any adverse decision of the Director of the Land Development Office may be filed in writing with the Land Development Office within ten (10) days of any such decision; the secretary to the Board shall notify the person filing the appeal of the hearing date. The decision of the Board of Zoning Appeals shall be final.

#### **Sec. 3-193. – Power to Revoke Permit, Remedies for Violation**

1. If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the Director of the Land Development Office shall revoke any such permit and order the removal of such sign within thirty (30) days.
2. If the Director of the Land Development Office determines that any sign erected pursuant to a permit issued under the provisions of this Chapter is in violation of any provision of

this Chapter by error in the construction of the sign, the Director of the Land Development Office shall (i) notify the holder of the permit of the nature of the non-compliance and allow the holder thirty (30) days, to correct the defects giving rise to the non-compliance; or (ii) if such non-compliance cannot be corrected, to require the removal of the non-complying sign within thirty (30) days of the expiration of the period for correction specified above.

3. If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this Code, the Director of the Land Development Office may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such sign, provided, however, that any such permit so issued shall in no event operate to relieve the person of erecting a sign without a permit from any penalties provided by this Chapter until such permit has been issued.

#### **Sec. 3-194. – Master Sign Plan**

1. *Purpose.* Master Sign Plans (MSP) are authorized under this section to allow, within parcels as this section deems applicable the following:
  - a. The unified presentation of signage throughout applicable parcels;
  - b. The authorization to deviate from the existing rules relating to the number, dimensions, locations, or design characteristics of attached and detached signs within the MSP area when the design and quality components of signs proposed in the MSP area exceed the existing rules in other aspects;
  - c. The flexibility to provide for unique environments; and
  - d. A pre-approval of designs and design elements process that will make subsequent applications for sign permits under an approved MSP more efficient.
2. *Applicability.* An application for a MSP Permit is authorized only for those developments that meet the criteria that follows:
  - a. Single-use development: a single use development that exceeds 100,000 square feet of gross floor area; or
  - b. Multi-tenant development: A multi-tenant development that exceeds 150,000 square feet of gross floor area.
3. *Authorized Deviation from Applicable Rules.* Deviation from the applicable rules that may be authorized under an approved MSP are as follows:
  - a. Maximum Sign Area;
  - b. Number of Signs; and
  - c. Location of Signs
4. *Permit Application.* The requestor must pay an application fee and fill out an application on forms provided by the city and filed in such quantity and with such submittals as required by the instructions.

5. *Prohibited Signs and Sign Elements.*

- a. Except as otherwise authorized in this Section, signs and sign elements prohibited by the applicable rules are prohibited from inclusion in a MSP.
- b. Nonconforming Signs. Existing non-conforming signs are not permitted within a development that is subject of Master Sign Plan. A MSP permit issued for a development on which an existing non-conforming sign is located shall require that the existing non-conforming sign be eliminated or brought into conformance with the standards of the approved MSP before installation of any new signs under the approved MSP.

6. *Permit Approval.*

- a. Permit application shall be reviewed by the Land Development Office. Upon determination that the application is administratively complete, and the fee has been paid, the Land Development office may issue a MSP permit if the Land Development Office finds the application demonstrates that the MSP will:
  - a. Result in a substantially improved, comprehensive, and unified use of signs within the applicable single or multi-tenant development, compared to what is allowed through strict compliance with the applicable rules and
  - b. Provides for all signs to be architecturally integrated into or complimentary to the design of the buildings and character of the site, and use similar and coordinated design features, materials, and colors; and plans for multi-tenant developments provide for uniformity of signs.

7. *Amendment.*

- a. A valid MSP may be amended upon application by the permittee and approval by the Land Development Office. An amendment application may seek to alter the design, materials, locations, placements, orientations, and specifications of a sign or signs designated within an approved MSP; provided the amendment does not attempt to increase the area of any freestanding or wall sign subject to the original MSP by more than ten percent (10%).

8. *Expiration.* An approved permit shall expire two (2) years from the date of approval if no progress has been made toward the completion of the placement of signs pursuant to the MSP.

**Sec. 3-195. – Administrative Modifications**

1. *Purpose.* The purpose of the administrative modification is to provide relief from carrying out a requirement of this Code that may cause a minor practical difficulty.
2. *Initiation.* The owner, tenant and/or occupant of a building or part thereof in the City may file an application for an administrative modification.

3. *Authority.* The Director of the Land Development Office is authorized to grant certain administrative modifications, as defined below. Only those items listed below are eligible for an administrative modification; all other requests for relief are considered variances.
4. *Eligible Administrative Modifications.* Eligible Administrative Modifications are defined below:
  - a. A 10% or less dimensional standard in this Code.
  - b. A 10% or less setback standard in this Code.
  - c. A revokable zero-foot (0') setback variance for properties directly facing the TN Highway 58 corridor from a point beginning at TN Highway 153 eastward to the City limits (Intersection with Harrison-Ooltewah Rd).
5. *Procedure.*
  - a. The requestor must pay an application fee and fill out an application on forms provided by the city and filed in such quantity and with such submittals as required by the instructions.
  - b. The Director of the Land Development Office may decide that an application for an administrative modification, even if it meets the thresholds established in this section, is by its nature a variance to be decided by the Board of Zoning Appeals. The applicant must resubmit the application to the Board of Zoning Appeals as a variance. No additional fees are required.
  - c. The Director of the Land Development Office must review and evaluate the complete administrative modification application, pursuant to the standards of this Section.
  - d. The Director of the Land Development Office must render a decision within thirty (30) days of the date listed on the required notice and either approve, approve with modifications, or deny the application. If the Director of the Land Development Office fails to act within 30 days, the administrative modification will be resubmitted to the Board of Zoning Appeals as a variance. No additional fees are required.
  - e. If an objection is filed to the administrative modification application in writing, prior to the date indicated on the notice that the Director of the Land Development Office may render a decision, the application must be resubmitted as a variance. No additional fees are required.
  - f. The Director of the Land Development Office may impose such restrictions upon the administrative modification as deemed necessary for the protection of the public health, safety, and welfare.
  - g. The Director of the Land Development Office may grant an administrative modification that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.
  - h. If the administrative modification is denied, it may be resubmitted as a variance. If resubmitted as a variance, payment of associated fees is required.

6. *Evaluation Criteria.* The decision of the Land Development Office must make findings to support each of the following criteria:
  - a. That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the sign regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, the strict application of this Code would result in peculiar and practical difficulties or undue hardships upon the owner, tenant, and/or occupant of the building, or any part thereof, to erect signage.
  - b. The modification will not significantly impact adjacent property owners, the character of the area, traffic conditions, parking, public infrastructure, water quality management, and other matters affecting the public health, safety and general welfare.
  - c. The applicant meets the burden of presenting an alternative means of compliance that clearly demonstrates how the code exception would equal or exceed the existing standard.
  - d. The modification will add value to the animation and pedestrian walkability of the street edge or enhance the building facade.
7. *Limitations.*
  - a. Administrative Modifications may not authorize any increase in the maximum sign area for any permitted freestanding sign.
  - b. If an applicant has been denied a variance by the Board of Zoning Appeals, such cannot be resubmitted as an administrative modification for the same dimensional standard or setback standard for a period of one year.
  - c. Such request for an administrative modification for the same dimensional standard or setback standard may be resubmitted as an administrative modification one year later if it qualifies as such per the Eligible Administrative Modifications Section above.
8. *Expiration.* An approved administrative modification will expire two years from the date of approval unless a sign permit is obtained or applied for within such period. The Director of the Land Development Office may grant an extension for a period of validity so long as the applicant applies in writing for an extension of time prior to the date of expiration. No public hearing is required for approval of such extension of time.

#### **Sec. 3-196. – Variances**

1. *Purpose.* The purpose of the variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of the sign regulations of this Code that create practical difficulties or hardships.
2. *Initiation.* An owner, tenant, and/or occupant of any building or a part thereof, and any architect, builder, contractor, agent, or other person in the City may file an application for a variance.

3. *Authority*
  - a. The Board of Zoning Appeals will take formal action on variances of the sign regulations.
  - b. Certain types of modifications are eligible for approval under the administrative modification process in Section 3-195.
4. *Procedure.* The requestor must pay an application fee and fill out an application on forms provided by the city and filed in such quantity and with such submittals as required by the instructions. Once the application is complete and the fee is paid, the staff will schedule the application for consideration by the Board of Zoning Appeals.
  - a. Upon receipt of a complete application, the Board of Zoning Appeals will consider the variance at a public hearing.
  - b. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals will approve, approve with modifications, or deny, whole or in part, the variance.
  - c. The Board of Zoning Appeals may grant a variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variance application.
5. *Criteria.* The Board of Zoning Appeals may authorize a variance from the strict application of this Code to relieve such difficulties or hardship only in accordance with the following criteria:
  - a. That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, the strict application of this Code would result in peculiar and practical difficulties or undue hardships upon the owner, tenant and/or occupant of the building, or any part thereof, to erect signage.
  - b. The relief of the peculiar hardships, practical difficulties, or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of this code.
  - c. That the peculiar hardship, practical difficulties, or undue hardship apply to the particular land or building regardless of the owner.
  - d. That the peculiar hardship, practical difficulties, or undue hardships relate only to the premises for the benefit of which the variance is sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.
6. *Limitations.*
  - a. No variance may allow a sign type that is prohibited in the code, applicable character area, or overlay.
  - b. The variance granted is the minimum adjustment necessary to remedy the particular hardship.
  - c. Only one (1) sign per premise may receive a setback and/or height variance.

- d. In no event may BOZA 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.
  - e. The BOZA may not authorize any increase in the maximum sign area for any permitted freestanding sign.
7. *Expiration of Variance.* An approved variance will expire two years from the date of approval unless a sign permit is obtained or applied for within such period. The Board of Zoning Appeals may grant an extension for a period of validity so long as the applicant applies in writing for an extension of time prior to the date of expiration. No public hearing is required for approval of such extension of time.

### **Sec. 3-197. – Appeals**

1. *Purpose.* This appeals process is intended to provide appropriate checks and balances on the administrative authority of the Director of the Land Development Office.
2. *Initiation.*
  - a. An owner, tenant, and/or occupant of any building or a part thereof, and any architect, builder, contractor, agent, or other person in the City that is directly affected by a determination of the Director of the Land Development Office may file an appeal of the Director of the Land Development Office decision on an administrative modification, sign code interpretation, temporary sign permit, or other administrative sign decision related to this Code.
  - b. A decision of the Director of the Land Development Office may only be appealed if an application is filed within thirty (30) days of the date the decision is made.
3. *Procedure.* The requestor must pay an application fee and fill out an application on forms provided by the city and filed in such quantity and with such submittals as required by the instructions. Once the application is complete and the fee is paid, the staff will schedule the application for consideration by the Board of Zoning Appeals.
4. *Information Necessary for Appeal.* An appeal of alleged erroneous order, requirement, decision, determination, or interpretation shall be filed in writing with the Director of the Land Development Office and shall include the following information:
  - a. The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
  - b. Decision being appealed.
  - c. Description of the requested appeal.
  - d. Questions to be raised on appeal.
  - e. Justification of the requested appeal.
  - f. The location of the building, structure, or zoning lot on which the sign is erected, to be erected or affixed.

- g. If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon and showing accurate placement thereon of the sign involved.
  - h. A blueprint, ink drawing or photograph of the sign involved.
  - i. Written consent of the owner of the building, structure, or property on which the sign is erected or to be erected or affixed.
  - j. Such other information as the Director of the Land Development Office may require determining full compliance with the decision.
    - I. Upon receipt of a complete application, the Board of Zoning Appeals will consider the appeal at a public hearing.
    - II. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing.
    - III. Following the close of the public hearing, the Board of Zoning Appeals must either confirm or overturn the Director of the Land Development Office decision.
5. *Effect of Appeal.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of the Land Development Office certifies to the BOZA, after the appeal has been filed with the Director of the Land Development Office, that, by reason of the facts stated in the application, a stay would, in the Code Official's opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.
6. *Board of Zoning Appeals, Public Hearing, Timing, and Attendance.* Not more than forty-five (45) days after a notice of appeal is filed, the BOA shall hold a public hearing thereon. Written notice of such hearing shall be given to the person who filed the appeal and to such other persons as the BOZA deems advisable. The petitioner and Director of the Land Development Office and/or their authorized representatives shall attend those meetings of the BOA at which an appeal is to be heard.
7. *Board of Zoning Appeals Determination.* Following the hearing of any such appeal, the BOZA may affirm, reverse, or modify the action of the Director of the Land Development Office and/or representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the BOZA on any such appeal shall be final and conclusive.
8. *Effect of Board of Zoning Appeals Denial.* No appeal which has been denied, wholly or in part, by the BOZA, in accordance with the provisions established herein, upon which no variance has been granted, may be resubmitted for a period of one year from the date of such denial except on grounds of new evidence or proof of changed conditions found to be valid by the BOZA.

## **DIVISION 2. – NOTICES**

### **Sec. 3-198. – Administrative Modifications.**

1. Administrative Modifications do not require public notice.

### **Sec. 3-199. – Variances.**

1. *Published Notice.* A notice of the public hearings held by the Board of Zoning Appeals must be published in a daily newspaper no less than seven (7) days in advance of the scheduled action.
2. *Mailed Notice.* The Land Development Office will mail written notice at least seven (7) days in advance of the first scheduled action to all property owners within three hundred feet (300') of the property line of the subject property. The notice must include:
  - a. Date
  - b. Time
  - c. Place
  - d. Purpose of such action
  - e. Name of applicant
  - f. Address of the subject property
3. *Posted Notice.* The names of the property owners within a minimum of two hundred feet (200') of each property in question before the Board shall be supplied by the applicant to the secretary of the Board concurrently with the filing of any application for a variance, special permit or special exception; failure to provide a complete list of such property owners shall, in the discretion of the Board, constitute grounds for denial of the application.

## **ARTICLE XXII. - ENFORCEMENT**

### **DIVISION 1. – ENFORCEMENT AND PENALTIES**

#### **Sec. 3-200. – Administration and Enforcement**

The Director of the Land Development Office is hereby designated as the enforcement officer for this Code. In addition to all other authority conferred by statute, ordinance or resolution, the Director of Land Development Office shall have the following duties and powers:

1. *Review and Issue Permits.* Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this Code.

2. *Conduct Inspections.* Conduct location, footing and final construction inspections, and conduct such other inspections of all permanent and temporary signs displayed in the City as necessary to require compliance with the provisions of this Code.
3. *Issue Notices of Violation.* Issue notices of correction or citation regarding any sign which is found to be in noncompliance with one or more of the provisions of this Code.
4. *Cause Removal of Certain Signs.* After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one or more of the provisions of this Code.
5. *Administrative Interpretations.* Render, when called to do so, administrative interpretations regarding the provisions of this Code and their effect on the display of any sign located or to be in the City.
6. *Maintenance of Records.* Maintain all records necessary to the appropriate administration and enforcement of this Code, including applications for variances and appeals.

**Sec. 3-201. – Sign Maintenance**

1. The owner, tenant, and/or occupant of the building or any part thereof shall maintain the sign and their supporting structure; in a condition appropriate to the intended use; to all City standards; and has a continuing obligation to comply with all building code requirements.
2. Defective parts of signs, including but not limited to printed or painted surfaces, trims, poles, and text integrity shall be replaced or repaired.

**Sec. 3-202. – Violation and Penalties**

1. *Violations Declared Misdemeanors.* Any person who shall violate any provision of this Code, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the Land Development Office within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this Chapter shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).
2. *Violations Declared Nuisances.* Upon ascertaining a violation of the provisions of this Code, the Director of the Land Development Office shall cause to be served upon both the offender, or their agent or the occupant(s) of the premises, a written notice to abate which shall (i) describe the conditions constituting a nuisance under this Code, and (ii) state that the nuisance may be abated by the City at the expense of the offender, and/or the owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor

more than sixty (60) days from the date of such notice if such condition is not corrected by the offender, or the owner, or the occupant, or the person in control of the premises. If, at the expiration of the time given to abate the nuisance in said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected, or the nuisance abated by the City at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the Director of the Land Development Office. The City shall have a lien on the property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the 'amount expended for the abatement of such nuisance' shall include all unpaid annual maintenance and safety inspection fees and delinquent charges due to such sign.

3. *Signs Placed in the Right-of-Way.* Signs that exist in a nonconforming status placed in the public R-O-W shall be immediately confiscated by the City and the owner or responsible party for the sign shall be fined for each sign in violation for the sign's return.
4. *Persons Subject to Penalty.* The owner, tenant and/or occupant of any building, structure, premises, or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided.
5. *Sign Maintenance Violation.* The maintenance of any unused sign and/or its supporting structure or any violation of the provisions of this Code by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this Article. For the purposes of this Section, "unused sign" shall include any sign which (i) has not displayed a message or messages for more than ninety (90) days or (ii) is not kept in good structural repair such that the sign could pose a risk to public health or safety.
6. *Penalties.* All penalties for violations described in the paragraphs above shall be administered by the Administrative Hearing Officer.

## **ARTICLE XXIII. – NON-CONFORMING SIGNS**

### **Sec. 3-203. – Purpose**

1. *Purpose.* For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the City, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting a positive community appearance as part of a concerted citywide effort to protect and enhance the aesthetics of the City for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the overconcentration, improper placement and excessive height, bulk, enlargement, number, and area of signs. It is

intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein signs are located and to conserve property values in these areas.


**Sec. 3-204. – General Provisions**

1. Nothing contained in this ordinance shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal as provided in this Article. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, but which are not in conformance with the provisions of this ordinance are hereby designated as legal, non-conforming signs, and shall be removed hereafter in accordance with this Section.
  - a. For on-premises signs, any occupant who applies for a new sign permit for any on-premises detached sign shall be required to either remove all legal non-conforming detached signs and the devices on the area of the property occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this Chapter before any new permit may be issued.
  - b. Any occupant who applies for a new sign permit for any on-premises attached sign shall be required to either remove all legal non-conforming attached signs and the devices on the area of the premises occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this Chapter before any new sign permit may be issued.

Notwithstanding any other provision of this Chapter, any person using a portable sign, balloon sign or banner for which a temporary sign permit must be obtained on the effective date of this ordinance must obtain a temporary sign permit as required by Article VIII within sixty (60) days of the effective date of this ordinance and thereafter may use temporary signs only in accordance with the provisions of this Chapter.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two  
(2) weeks from and after its passage.

Passed on second and final reading: April 8, 2025

  
\_\_\_\_\_  
CHAIRPERSON  
APPROVED: ☒ DISAPPROVED: ☐

  
\_\_\_\_\_  
MAYOR

PAN/KCM/mem/Alternate Version/v4