



TOWN OF ASHLAND CITY

Planning Commission Meeting

May 06, 2024 5:30 PM

Agenda

Chairwoman: Nicole Binkley

Committee Members: Vivian Foston, Gerald Greer, JT Smith, Steve Stratton, Mike Stuart, Jerome Terrell

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. 04/01/2024 PC Meeting Minutes

PUBLIC FORUM

2. ***Procedure for Speaking Before the Board***

- * Speakers must complete the information form and submit it to the transcriber prior to the public forum. Be prepared to speak when your name is called.
- * Each speaker will be allowed 4 minutes.
- * Speakers may comment on issues scheduled for consideration at the meeting or other appropriate concerns pertinent to the operation of the town.
- * Each speaker should state the following:
 - his/her name
 - whether they are an Ashland City resident and/or property owner
- * No person shall be allowed to make obscene, derogatory, or slanderous remarks while addressing the Council/Board. Persons doing so will be asked to stop speaking and will forfeit the remainder of their time.
- * All remarks shall be directed to the Council/Board as a body only.
- * No person shall be allowed to disrupt or interfere with the procedures.
- * Remarks shall end when the speaker's allotted time has expired. No time shall be shared with other speakers.
- * Questions from the council/board members may be asked for clarification as well as council/board members may have brief comments; however, no person shall be permitted to enter any discussion or debate either directly with or through any member of the Council/Board or anyone present at the meeting.
- * No one shall make open comments during the meeting.

OLD BUSINESS

3. AO Smith/ Ashland City Plat Approval

OTHER

4. Article VII

ADJOURNMENT

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 615-792-6455, M-F 8:00 AM – 4:00 PM. The town will make reasonable accommodations for those persons.



TOWN OF ASHLAND CITY
Planning Commission Meeting
April 01, 2024 5:30 PM
Minutes

CALL TO ORDER

Chairwoman Binkley called the meeting to order at 5:43 p.m.

ROLL CALL

PRESENT

Chairwoman Nicole Binkley
Committee Member Gerald Greer
Committee Member Steven Stratton
Committee Member Vivian Foston
Committee Member Mike Stuart
Committee Member Jerome Terrell

ABSENT

Committee Member JT Smith

APPROVAL OF AGENDA

Chairwoman Binkley added Committee Member Stratton before Old Business to the agenda to address the board. A motion was made by Committee Member Greer, Seconded by Committee Member Terrell, to approve the agenda with changes. All approved by voice vote.

APPROVAL OF MINUTES

1. March 04, 2024 PC Meeting Minutes

A motion was made by Committee Member Terrell, Seconded by Committee Member Greer, to approve the meeting minutes. All approved by voice vote.

PUBLIC FORUM

None.

STATEMENT TO THE BOARD

Committee Member Stratton addressed the board regarding lights and littering.

OLD BUSINESS

3. AO Smith/ Ashland City Plat Approval

A motion was made by Committee Member Greer, Seconded by Committee Member Terrell, to defer until next meeting. All approved by voice vote.

NEW BUSINESS

4. Amend Sign Ordinance: 20-105.1(b)(2)

Mr. Gregory discussed the amendment with the board. A motion was made by Committee Member Greer, Seconded by Committee Member Terrell, to approve the recommendation to the council. Voting Yea: Chairwoman Binkley, Committee Member Greer, Committee Member Stratton, Committee Member Foston, Committee Member Stuart, Committee Member Terrell. Motion passes.

OTHER

5. Article V and Article VI

Committee Member Stuart arrived at this time.

Mr. Gregory and the Board discussed Articles V and VI of the Zoning Ordinance.

ADJOURNMENT

A motion was made by Committee Member Greer, Seconded by Committee Member Stuart, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 6:44 p.m.

CHAIRWOMAN NICOLE BINKLEY

SECRETARY

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless it is in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.

F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. It shall be unlawful to commence the excavation for, or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit thereof, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit, the building permit fee shall be double or twice the original cost of the permit, if legal compliance has been obtained as is required herein.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of buildings or other structures already on the lot, as well as the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
5. Water and sewer line locations and sizes.
6. Location and size of existing and proposed drainage structures.
7. Distance to nearest street intersection from front corner of the lot.

B. Fee:

The Mayor and City Council shall establish a schedule of fees and a collection procedure for Building Permits. This schedule of fees shall be posted in the office of the Building Inspector as well as in another public place within the City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a

Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

D. Construction Progress:

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance, or if the work authorized by the permit is suspended or discontinued for a period of six (6) months.

7.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, SECTION 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Mayor and City Council. Such schedule shall be posted in the office of the Building Inspector as well as on a public bulletin board at City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing giving the cause for such refusal.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, as well as all pertinent information as cited within Section 3.120.A. of this ordinance which is necessary to properly evaluate the effect that the request will have on adjacent and nearby properties, as per the various criteria cited herein in Section 7.060.C. All such applications shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting. All plans submitted as a part of this application shall be prepared by a licensed surveyor or, architect, or engineer certified to do business in the State of Tennessee.

B. General Requirements: A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1. above, and the economic, noise, vibrational, glare and/or, or odor effects of the special exception on adjoining properties, and properties generally in or nearby.
3. Refuse and service areas, with particular reference to the Items in 1, and 2, above.
4. Utilities, with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, as well as the compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The following additional rules apply for upper story residential development proposals:
 - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.

- b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Ashland City Municipal Code.
10. The ability to provide adequate fire protection to the site.

D. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval process of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date wherein such application is officially entertained by the Board, and the applicant shall be provided with either a written notice of approval or denial.

7.061. Conditional Use Permits. In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060.C, a conditional use permit shall be granted for the activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone districts.

It shall be unlawful to issue any building permit or conditional use permit under Sections 7.030 and 7.060, of this ordinance, to any use of land, if such a request for said permit is officially made after a period of twelve (12) months has lapsed between the date wherein the plans for said conditional use (special exception) were officially approved, and the date wherein a building permit for said use is officially requested. After this period of time has elapsed, all previously approved plans shall be considered null and void. Thereafter, a new set of plans prepared by either a licensed professional surveyor, architect, or engineer certified to practice in Tennessee, shall be prepared utilizing the current date, which must be resubmitted to the board of appeals under the requirements of Sections 7.060 and 7.061, for approval. No applicable permits shall be issued concerning said request until approval of such plans is obtained from the board of zoning appeals. Performance bonds or letters of credit for such plans shall be provided according to the following provisions:

- 1. All plans presented for review and approval as conditional uses (special exceptions) to the Ashland City Board of Zoning Appeals shall subsequently be bonded by way of either a performance bond or letter of credit, as per provision 4, below. This surety instrument shall cover improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements.

2. Said improvements shown on such plans may include, but are not limited to, existing road improvements, buffer strips, landscaping requirements, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, and/or any other improvements required by the Board of Zoning Appeals before such plans are approved.
3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
4. The performance bond or letter of credit may be retained for a period of one year from the date wherein the building permit is issued for the structure/site requiring previous site plan approval as a conditional use (special exception). If improvements have been made within the one year period, the Mayor and City Council shall release the bond after the inspection of all required improvements, and approval of those improvements by the board of zoning appeals, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall retain and cash the performance bond to facilitate the completion of such improvements.

7.061.1 Special Conditions for Education Facilities:

- A. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site. In this respect, educational facilities shall be located either on major arterial or collector streets.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this ordinance in Article IV, Section 4.010 shall apply.

7.061.2 Special Conditions for Religious Facilities:

- A. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- C. Such facilities shall be located only on major arterial or collector streets.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.

7.061.3 Special Conditions for Cultural and Recreational Services:

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.
- C. The off-street parking requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.
- F. The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

7.061.4 Special Conditions for Administrative Services:

- A. All of the bulk regulations of the zone district shall apply.
- B. The off-street parking requirements shall be as follows:
 - A minimum of one (1) space for each vehicle belonging to any agency or department, as well as one (1) space for each two (2) employees, plus additional spaces for the public, as determined to be necessary. The loading requirements in Article IV, Section 4.020. shall be met.
- C. The location of such facility shall be determined such that the most efficient services to the community are provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping, may be required as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the planning commission taking into account the above factors as well as any other pertinent factors.

7.061.5 Special Conditions for Intermediate and Extensive Impact Facilities:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment.
- D. The off-street parking requirements shall be based upon a recommendation from the planning commission.
- E. The site plan for such facilities shall first be approved by the planning commission taking into account the above conditions, as well as any other pertinent factors related to the use and operation of such facility.

7.061.6 Special Conditions for Essential Public Transport, Communication, and Utility Services:

- A. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- B. All of the bulk regulations of the zone district shall apply.
- C. The location of such facility shall not materially increase traffic on surrounding streets.
- D. The location of such facility shall not have an adverse effect on surrounding properties.
- E. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

7.061.7 Special Conditions for Special Personal and Group Care Facilities.

1. Family Day Care Homes:

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. One accessory off-street parking space for each five children accommodated in this child care facility shall be provided.
- D. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to exit the zone lot.

- E. All regulations of the State of Tennessee that pertain to the use shall be met.
 - F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
 - G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
2. Special Conditions for All Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Family and Group Care Facilities, Nursing Homes, Retirement or Rest Homes:
- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
 - B. All bulk and setback regulations of the district shall be met.
 - C. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010, shall apply.
 - D. All regulations of the State of Tennessee shall be met.
 - E. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewer, and site and architectural plans for such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

7.061.8 Special Conditions for Scrap Operation Activity (junk yard, salvage yard, etc.), in the I-3 District:

- A. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
- B. The scrap operation shall not include any open burning activity on the site.
- C. The bulk regulations and performance standards of this ordinance shall apply.
- D. Insect and rodent control measures shall be provided as approved by the County Health Department.
- E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
- F. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

7.061.9 Special Conditions for Group Assembly Activities:

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the planning commission; and
- D. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- E. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:
 - (1) The minimum size site shall be twenty-five (25) acres;
 - (2) The minimum setback of all structures from all public roads shall be one hundred (100) feet;
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
 - (4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential streets;
 - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
 - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
 - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
 - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

- (9) A comprehensive traffic impact study must be prepared by a licensed engineer, in order that any necessary signalization improvements, or public way access improvements be facilitated.

7.061.10 Special Conditions for Feedlots and Stockyards:

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
- C. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall indicate the following:
 - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed keeping of animals is to be conducted.
 - (3) Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the animal pens.
 - (5) Proposed fencing of the site.
 - (6) Insect, rodent, and odor control measures shall be provided to the satisfaction of the board of appeals.
- D. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- E. In any instance where sales of any type are to be conducted at the site, the board shall assure that adequate parking is available.

7.061.11 Special Conditions for Mining Quarrying Activity.

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed quarrying activity is to be conducted.
 - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the quarry area.
 - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
 - (9) A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system. This study must be prepared by a licensed traffic engineer.
- C. Approval for Mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- D. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- E. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and

- F. The site plan as required in ARTICLE III, SECTION 3.120, herein, is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.12 Special Conditions for Intermediate Manufacturing (Commercial Storage of Explosives, etc.):

- A. The location of such an activity shall be in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility, or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Ashland City Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- E. The site plan shall be approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.13 Adult Oriented Business Establishments as Defined in Article II, Subject to the Following Additional Restrictions:

- A. No adult-oriented establishment shall be operated or maintained in the City within two thousand (2,000) feet, measured from building to building, of a school, church, public recreation facility, day care facility, playground, or park.
- B. No adult-oriented establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from intended building to property line, of a boundary of a residential zone (R-1, R-2, R-3, R-4, and R-5) or a lot devoted to residential use.
- C. No adult-oriented business establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from building to building, of another adult-oriented business establishment.

7.061.14 Special Conditions for Special Institutional Care Facilities

In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the special institutional care activity type:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

- B. The traffic generated by such facility shall be safely accommodated along, designated arterial or collector streets as shown on the official major thoroughfare plan without traversing local minor streets.
- C. The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).
- D. The facility providing residence facilities shall have resident twenty-four (24) hour staff and appropriate professional services shall be supplied.
- E. The off-street parking requirements shall be determined by the Board of Appeals.
- F. The minimum side and rear yards shall be one hundred (100) feet for a one (1) and two (2) story building, increased by ten (10) feet for each additional story.
- G. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
- H. No facility permitted under the provisions of this section shall be located within one thousand (1,000) feet of any church, day care center, nursery school or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the main entrance of the church, day care center, nursery school or public park, where the centerline intersects with the margin of the public road.

7.061.15. Outdoor Firearms Training Facilities, Excluding Skeet Shooting, Subject to the Following Additional Restrictions: In those districts where authorized as a conditional use, the following language shall apply:

The purpose of these facilities is to safely train individuals in the handling of firearms in an urban setting with minimal impact to adjacent properties. Such facilities shall have a minimum of ten (10) acres and the rear of the firing range is setback a minimum of one-thousand (1,000) feet from any occupied structures or roads. An existing natural berm shall be present at least twenty (20) feet in height or the Board of Zoning Appeals may require a man-made berm no less than twenty (20) feet in height. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate. There shall be an evergreen buffer a minimum of fifty (50) feet wide on three sides of the firing range provided by the developer/owner if a natural buffer does not exist. The hours of operation shall be limited from 7:00 a.m. to 8:00 p.m. Decibel levels measured at the property lines shall be limited during hours of operation to seventy (70) dB. The developer/owner of a firearms training facility shall provide documentation that all Federal, State, and Local regulations have been met. The developer/owner shall provide two (2) parking spaces per firing point or firing lane. A site plan shall be required pursuant to the plot plan requirements Article III, Section 3.120, of the Zoning Ordinance. In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

7.061.16. Special Conditions for Bed and Breakfast Home Residences In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the bed and breakfast home residence activity type:

- A. Bed and breakfast residences shall be established only within preexisting single family residences.
- B. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- C. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
- D. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
- G. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than four (4) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
- H. One and one-half (1 1/2) off-street parking spaces shall be provided for each rentable room in addition to the required two (2) spaces required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
- I. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
- J. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
- K. An evacuation plan must be approved by the city's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
- L. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
- M. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the city's public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

7.070. Board of Zoning Appeals. In accordance with 13-7-205, Tennessee Code Annotated, a Ashland City Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the Mayor and City Council.

A. Term of Office of Board Members, Removal, and Vacancies:

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the Mayor and City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon which shall be public records.

C. Appeals to the Board:

An appeal to the Ashland City Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance. **(Amended by Deleting E, from this Section by Ordinance 329, January 9, 2007)**

A. Application:

After written denial of a permit, a property owner may make application for a variance, using the proper form which is required for requests before by the Board of Zoning Appeals.

All applications must contain all pertinent information as cited in Section 3.120, A, within this ordinance necessary to clearly ascertain the relationship of the applicable land use to it's subject property, as well as to all adjacent properties, along with any necessary supporting information as required, in order that the board be able to clearly analyze and evaluate said variance request. Furthermore, said request or application shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting.

B. Fee:

A fee of fifty (\$50.00) payable to the Town of Ashland City shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within sixty (60) days of such hearing and in accordance with the standards provided below.

Standards for Variances

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

The variance will not authorize activities in a zone district other than those permitted by this ordinance.

Financial returns only shall not be considered as a basis for granting a variance.

The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.

The variance is the minimum that will make possible the reasonable use of the land, building, or structure.

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic

character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.090. Amendments to the ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and City Council of the Town of Ashland City. Any member of the Mayor and City Council may introduce such legislation, or any official, board, or any other person may present a petition to the Mayor and City Council requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Ashland City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description, and scale drawing of the land illustrating topographic contours at five (5) foot intervals and existing buildings shall be submitted with said application no later than the end of the working day twenty (20) days prior to the regularly scheduled meeting date of the planning commission.

The planning commission shall review and make recommendations to the Mayor and City Council on all proposed amendments to this ordinance.

The planning commission in its review and recommendation and the Mayor and City Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ashland City Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Mayor and City Council to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held on all proposed amendments to this Title prior to second reading by the Board of Mayor and City Council. Notice of such hearing shall be given by the City Manager or City Recorder in a newspaper of general circulation within the city at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration area.

In addition at least fourteen (14) days prior to the date of the scheduled hearing, the building inspector shall place a free standing notification sign, visible and readable to persons of ordinary vision from the abutting street, on property that is the subject of the re-zoning hearing by the board.

Such sign shall state the date, time and place of the hearing by the board and shall briefly state the existing zoning classification of the property and the requested re-zoning classification. The sign shall remain in place until the hearing. Such sign shall at all times remain the property of the city.

Upon enactment of an amendment to the zoning map which is part of the Title, the building inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment, shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and City Council, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

7.100. Penalties. Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

7.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the City Attorney, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability. Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

7.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern. Moreover, whenever there is a conflict between any portion(s) of this ordinance, that portion(s) containing the more restrictive requirements shall govern.

TITLE 20

MISCELLANEOUS

1. SIGN ORDINANCE.

CHAPTER 1

SIGN ORDINANCE

SECTION

20-101. Purpose, scope.

20-102. Definitions.

20-103. General provisions.

20-104. Permitted signs in residential districts.

20-105. Permitted signs in commercial and industrial districts.

20-106. Temporary sign provisions.

20-107. Nonconforming and noncomplying sign provisions.

20-108. Administration.

20-109. Legal status provisions.

20-101. Purpose, scope. (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signage is adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon;
- (d) Permit signs that are appropriate to their surroundings;
- (e) Assure that signs are constructed and maintained in a safe condition;
- (f) Encourage design that enhances the readability and effectiveness of signs;
- (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) Reduce traffic hazards;
- (i) Eliminate obsolete signs; and
- (j) Provide an efficient and effective means of administration and enforcement.

(2) Scope. Except for signs permitted in all districts in section 20-103(4) herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

This chapter shall not apply to any property that is residential and in no way restricts signs on residential property, except for prohibited signs in all districts. These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this chapter. (Ord. #180, April 1998)

20-102. Definitions. For the purpose of this chapter the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

"Appeals board." The duly appointed board authorized by the city council to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

"Building face or wall." All window and wall area of a building in one place or elevation.

"Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

"City." When used herein shall mean the Town of Ashland City, Tennessee.

"Commercial complex." A building or group of buildings located upon a lot used or designated to be used for two or more occupancies.

"Copy." The wording or graphics on a sign surface.

"Copy area." The smallest area within a contiguous single perimeter composed of one or more circles, triangles and/or rectangles that enclose the extreme limits of the actual copy of the sign.

"Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

"District." A zoning district as defined and established by the Ashland City Zoning Ordinance.

"Enforcing officer." The chief enforcing officer or official appointed to enforce the terms of this chapter.

"Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

"Facade." The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

"Footcandle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

"Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign.

"Item of information." The name of a business, service, product, or individual.

"Lambert." The cgs unit of brightness of a perfectly diffusing surface that radiates or reflects light at a rate of one lumen per square centimeter.

"Major street or thoroughfare." Any street shown as such on the official major thoroughfare plan.

"Major street or thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Ashland City Planning Commission.

"Noncomplying (sign)." Any sign which does not comply with (1) or more standards or regulations in this chapter, as of the effective date of this chapter.¹

"Nonconforming (sign)." Any sign which is not permitted within the district in which is located, as of the effective date of this chapter.¹

"Occupancy or premises site." Any principal or accessory use of or activity occurring upon the subject premises (zone lot).

"Right-of-way." The proposed right-of-way as indicated on the official major street or thoroughfare land, or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the property meets the public street or public roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

"Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant but excluding any governmental flag); inflatable devices; or any other figure of similar character, which:

- (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (2) is used to announce, direct attention to, or advertise; and
- (3) is visible from outside a building.

"Sign, abandoned." Any sign in which the function of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

¹These provisions were taken from Ordinance No. 180 which passed second reading April 14, 1998.

"Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

"Sign, advertising (billboards)." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign, provided the establishment offering the product is not associated with the brand or trade name of the product being advertising.

"Sign, animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

"Sign, area." The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

"Sign, back to back." A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

"Sign, balloon." Any inflatable, non-stationary, animated type of advertising sign.

"Sign, banner." A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

"Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

"Sign, business." A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

"Sign, changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

"Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types. More specifically such signs shall include:

(1) a sign, permanently erected or permitted in the public right-of-way or private property by the Town of Ashland City, Cheatham County, State of Tennessee, or other government agency to denote the name of any thoroughfare; the route to any city, town, village, educational institution, public building, historical place, shrine or hospital; to direct and regulate traffic; and to denote

any railroad crossing, bridge, or other transportation or transmission company for the direction of safety of the public.

(2) an on-premise temporary sign which contains information regarding the time and place for regular meetings of civic or religious groups.

"Sign, development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

"Sign, direct illumination." All illuminated signs not included in the definition of "sign," "luminous background" or "sign," indirect illumination.

"Sign, directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed four (4) square feet in size nor forty eight (48) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

"Sign directory." A sign which lists the names of individuals, businesses, or products available at a single site.

"Sign, dilapidated." Any sign which is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

"Sign, double-faced." A sign with two (2) faces which are usually but not necessarily parallel.

"Sign, electrical." A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Sign, expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs.

"Sign, festoon." A wreath of paper, flowers, leaves, strings of fringe or flags, etc., hanging in a loop or curve, or any carved or molded decoration resembling this, as hung or strung on poles, street furniture, buildings, or any object.

"Sign, flashing." Any lighted or electrical sign which emits light in sudden transitory bursts.

"Sign, face." The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

"Sign, ground." A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not

attached to any building. For the purposes of this chapter monument signs shall be considered as constituting ground signs.

"Sign, handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

"Sign, height." The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction exclusive of any filling, mounting and/or berming which occurs directly due to the construction of the sign.

"Sign, illuminated." A sign designed to give forth any artificial light or reflect such light from an artificial source.

"Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than (4) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs, and expressive signs.

"Sign, indirect illumination." Any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

"Sign, inflatable." A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

"Sign, large residential." A type of accessory sign larger than three (3) square feet that indicated the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned unit development that contains more than twelve (12) dwelling units.

"Sign, luminous background." A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

"Sign, monument." (See definition of sign, ground).

"Sign, moving message board." Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

"Sign, neon wall sign." Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

"Sign, off-premises." Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For the purpose of this chapter, easements and other appurtenances shall be considered to be inside such platted parcel of land. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the enforcing officer (sign) are exceptions to this definition.

"Sign, off site industrial." An off-site sign no larger than six (6) square feet located only in an industrial zoning district, which draws attention to an adjacent industrial use or activity. Only one (1) such sign shall be displayed for any given industrial activity.

"Sign, on-premises." Any sign located or proposed to be located at any place, if otherwise permitted by this chapter, within the plat of record for the business or other activity identified on such sign.

"Sign, pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

"Sign, permanent." Any sign which is fixed and stable. Portable signs, handtacked signs and other types of temporary signs such as festoons, balloons, banners and inflatable signs shall not be considered as permanent signs.

"Sign, pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

"Sign, political." A sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate regarding an issue on which there will be a public vote.

"Sign, portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

"Signs, projecting." Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

"Sign, public service." A type of sign which is noncommercial that provides community service information or identification and includes church directional signs and civic club symbol or identification signs.

"Sign, realty." A type of incidental sign that temporarily provides information regarding the sale, lease, or rent of the premises or any improvements thereon which is no larger than six (6) square feet.

"Sign, roof." Any sign attached to or mounted on any surface defined as a roof.

"Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

"Sign, temporary." Any sign that has a specific limitation in the amount of time that it can be displayed.

"Sign, vehicle." A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

"Sign, wall." A type of building mounted sign (1) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (2) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (3) in which the sign face is parallel to the plan of the surface to which it is attached.

"Street banner." A banner sign crossing a public way or street with the purpose of promoting a special festival, celebration, or holiday.

"Tent." A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

"Travelway." That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

"Zone lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance. (Ord. #180, April 1998)

20-103. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in section 20-103(4) shall be erected until a permit has been obtained in accordance with section 20-108 of this chapter.

(b) No sign shall resemble or approximate the size, shape, form, and/or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection. Traffic control signs may be an exception to this standard.

(e) No sign shall be erected or maintained within any public street right-of-way except traffic control and governmental directions signs.

(f) No sign shall be painted on or attached to any trees, rocks, fence post, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, passage, or fire escape.

(h) The light from any illuminated sign shall be so directed, shaded, or shielded so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Lights shall not be obtrusive and interfere with a residential structure.

(i) All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given thirty (30) days written notice to comply with this chapter. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this chapter.

(j) Signs shall conform to all national state, and local electrical codes. All required permits shall be obtained.

(2) Calculation of display surface area. (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.

(c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(e) In any district which permits advertising signs, the computation of display surface area shall include both advertising and accessory signs.

(f) On a corner lot, a permitted sign may be located along each street frontage according to the rules as cited within this chapter.

(3) Height of signs. The following general rules shall apply in the determination of the height of signs.

(a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports, or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(4) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, and local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty, provided such sign does not exceed four (4) square feet per face;

(b) Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist;

(c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;

(d) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development, provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.

(f) Incidental signs subject to the following restrictions:

(i) Political signs shall be removed no later than fifteen (15) calendar days after the election;

(ii) Yard or garage sale signs shall be removed within two (2) calendar days after the sale, and shall not be erected longer than five (5) calendar days;

(iii) Expressive signs shall be removed within (15) calendar days after an election, campaign, or event;

(g) Directional signs not exceeding six (6) square feet per face;

(h) Works of art that do not include any commercial messages, symbols, or references;

- (i) No trespassing, no hunting, no fishing, no loitering, and like signs not exceeding one (1) square foot in area;
- (j) Residential or commercial real estate signs not exceeding six (6) square feet per face, and two faces.
- (5) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.
 - (a) Any sign is abandoned, deteriorated, or unsafe. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation;
 - (b) Signs which are made structurally sound by guy wires or unsightly bracing;
 - (c) Signs which contain any kind of strobe or pulsating lights;
 - (d) Animated signs;
 - (e) Banner signs, festoons, and tents except as specifically permitted in section 20-106;
 - (f) Any sign with direct illumination provided by exposed bulbs or lamps;
 - (g) Flashing signs;
 - (h) Portable signs;
 - (i) Roof signs;
 - (j) Inflatable signs or tethered balloons of all shapes and types;
 - (k) No signs advertising goods and products not being sold on the occupancy site or property (see definition of occupancy), with the exception of advertising signs (billboards), and off-site industrial signs as defined herein; and
 - (l) Pole signs when utilized as permanent signs. (Ord. #180, April 1998)

20-104. Permitted signs in residential districts. Within the residential districts as delineated by the Ashland City Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

- (1) Large residential signs. (a) Large residential signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing twelve (12) or more dwelling units subject to the approval of the planning commission.
 - (b) One (1) sign may be permitted, on either side of the entrance, if such sign is on private property. If there is a median in the entrance street, such sign may be located in the median.
 - (c) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
 - (d) A large residential sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(f) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure. (Ord. #180, April 1998)

20-105. Permitted signs in commercial and industrial districts.

(1) Signs other than advertising signs (billboards). With the commercial and industrial districts, as delineated by the Ashland City Zoning Ordinance, the total amount of on-premises signage (display surface area) allowable on any zone lot shall be calculated based on a ratio of one (1) square foot of signage per two (2) linear feet of street frontage not to exceed eighty (80) square feet of signage, subject to the following provisions:

(a) Projecting signs are permitted subject to the following standards:

(i) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed thirty (30) square feet in display surface area.

(iii) Such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travelway, or no less than fifteen (15) from the right-of-way, whichever is more restrictive.

(iv) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) Such sign shall clear the established grade by a minimum of ten (10) feet.

(vi) Such sign shall be no closer than thirty (30) feet to any other projecting sign.

(b) Wall signs are permitted subject to the following standards:

(i) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached, and occupy more than forty (40) square feet of said surface area.

(ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall considered to be the front of the use shall be used for location of such signage.

(iii) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.

(iv) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds ($2/3$) of the distance between top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building.

(vi) If a use utilizes both wall and projecting signs, the total, combined display surface area for each type of sign shall not exceed forty (40) square feet.

(c) Ground signs are permitted subject to the following standards:

(i) One (1) ground sign is permitted for each zone lot.

(ii) Such sign shall have maximum display surface area of forty (40) square feet.

(iii) Any ground sign shall be set back from the right-of-way a minimum of fifteen (15) feet and any monument sign shall be set back from the right-of-way a minimum of fifteen (15) feet.

(d) Development signs are permitted subject to the following standards:

(i) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the enforcing officer, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be a ground sign.

(ii) A development sign shall not exceed forty eight (48) square feet in size or eight (8) feet in height.

(iii) A development sign shall not be lighted.

(iv) Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

(e) The following provisions and standards shall apply to commercial complexes.

(i) A commercial complex may be permitted one (1) ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of

two hundred-fifty (250) feet in length, one (1) additional sign shall be permitted. The maximum size of each such sign shall be a ratio of $\frac{1}{2}$ to 1 square footage of sign area to the length of the street frontage, or the front facade of the building, whichever is greater, with a maximum aggregate sign area of one hundred fifty (150) square feet. No single type of sign shall exceed fifty (50) square feet in size. Four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants, with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.

(iii) In lieu of a ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel.

(iv) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. If there is a median, a sign may be located in the median. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size nor seven (7) feet in height.

(f) Signs may be illuminated subject to the following standards:

(i) Exposed bulbs are prohibited, with the exception of neon lights meeting the illumination requirements as cited hereunder.

- (ii) No sign shall change color or intensity.
- (iii) The brightness and surface illumination shall not exceed:

Luminous background - 150 foot lamberts

Indirect illumination - 50 foot candles

- (iv) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line or any lot that is zoned residential.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not be obtrusive nor interfere with a residential structure.

(g) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

- (i) Each such use shall be permitted:

(A) One (1) permanent price sign per zone lot. Such sign shall be affixed to or made part of the permitted sign and shall not exceed twenty (20) square feet in size. Such sign shall be setback from the right-of-way a minimum of fifteen (15) feet.

(B) Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than eighty (80) square inches per sign shall be allowed on each pump.

(h) This section shall be applicable only to movie houses or theaters. The following additional (supplemental) provisions shall apply:

(i) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curb or edge of pavement. See section 20-105(1)(b) for applicable developmental standards.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of thirty (30) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

(2) Advertising signs (billboards). No new billboard or off-site sign can be located within the corporate limits of Ashland City. Billboards existing at the time this chapter is passed are considered non-conforming, non-complying and are "grandfathered in." See section 20-107. Such "grandfathered" signs must be kept in good repair and may not be moved or altered in such a way as to enlarge or heighten them. (Ord. #180, April 1998)

20-106. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirement. (a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each three hundred (300) feet of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner or festoon announcing a fair, festival, parade, Christmas festivities, or similar activity that will be open to the general public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.

(h) Tents, but only when fireworks may legally be sold within the city limits. These are subject to all provisions related to fireworks within the city code.

(j)¹ Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval. See section 20-105(1)(d) for applicable design standards.

(2) Duration of temporary signs. (a) Display of temporary signs shall be limited as follows:

(i) Construction signs permitted in section 20-106(1)(g) shall be removed upon completion of the project.

(ii) Signs for special events open to the general public shall be limited to thirty (30) days.

¹Ordinance No. 180 (April 1998) from which this chapter was taken, did not have a subsection (i) at this point.

(iii) Signs for special sales or business promotions shall be limited to fifteen (15) days.

(iv) Display of all temporary signs on a lot or parcel except for those in section 20-106(2)(a)(i) shall be limited to a maximum of sixty (60) days per calendar year.

(v) Temporary development signs shall be limited to the period of time that the project is under development, as limited by the Zoning Ordinance, Subdivision Regulations, and/or Standard Building Code.

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty (30) square feet except for street banners which shall not be limited.

(b) Maximum height shall be twelve (12) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet. This shall also apply to festoons and lights during the Christmas season.

(c) Temporary signs shall not be illuminated except in commercial or industrial districts, with the exception of the Christmas season.

(d) The maximum display surface area for a temporary development sign shall be forty eight (48) square feet.

(4) Location of temporary signs. (a) No temporary sign shall be located closer than fifteen (15) feet from a public right-of-way.

(b) The minimum distance between any two (2) such signs on he same zone lot shall be one hundred fifty (150) feet.

(c) No temporary signs shall be closer than fifty (50) feet from any permanent sign. (Ord. #180, April 1998)

20-107. Nonconforming and noncomplying sign provisions. Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, except those described below, and shall be removed only when the enforcing officer utilizing certain appropriate sections of the Standard Building Code, the City Code of Ashland City and/or various provisions of this chapter deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within 660 feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law. Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) calendar days, and nonconforming flashing or animated signs shall be caused

to stop flashing or animation within forty-five (45) calendar days from the passage of this chapter.

(1) Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.

(a) That the degree of nonconformance or noncompliance is not increased as apply to on-premises signs. Such alterations are limited to the changing of a copy of permitted changeable copy sign, or the painting or refinishing of the surface of sign face or sign structure so as to maintain an adequate appearance. The alteration of advertising signs which are nonconforming or noncomplying must adhere to all the requirements cited in section 20-105(2). In all cases, the business owner shall obtain a sign permit in accordance with the terms of this chapter.

(b) If any nonconforming sign is removed as per the requirements cited in section 20-107 above or for any other reason, it shall not be allowed to be replaced.

(c) If any noncomplying sign is removed, it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this chapter.

(2) Removal of nonconforming and noncomplying signs. Nonconforming and noncomplying signs shall be removed under the following circumstances:

(a) Whenever a land use changes (as defined in Ashland City's Zoning Ordinance), any previously nonconforming/noncomplying sign must be modified so as to be in full compliance with these regulations; and

(b) Whenever any modifications (i.e. relocation, increase in area, and sign type as defined in this section) are made to previously nonconforming/noncomplying sign, other than normal maintenance and painting, the sign must be modified so as to be in full compliance with these regulations. (Ord. #180, April 1998, as amended by Ord. #391 Dec. 2004)

20-108. Administration. (1) Sign permitted application. (a) An application for a sign permit must be filed at city hall at the enforcing officers office.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a signage plan for the lot which shall include all signs, existing and proposed.

(c) For any lot on which the owner proposes to erect any sign requiring a permit. Signage plan shall be submitted containing the following:

(i) An accurate plot plan of the lot;

- (ii) Location of all buildings on the lot;
- (iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
- (iv) Standards for consistency among all signs and proportions;

(d) The signage plan may contain such other restrictions as the owner of the lot may determine which are in conformity with the provisions of this chapter and shall be signed by all owners of the property.

(e) A signage plan may be amended by filing a new plan with the enforcing officer which conforms to all requirements of the chapter.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this chapter and the provisions of any sign plan, this chapter shall control.

(g) An application for a sign permit shall contain the following:

(i) Name, address, and phone number of the property owner;

(ii) Name of persons or firms, as well as city business license number thereof erecting the sign and all structures;

(iii) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.

(iv) The approximate value of the sign to be installed including the installation cost.

(h) The permit fee shall be as established by resolution of the city council. Said fee may cover all signs included on the plan or may apply to any sign being changed. See section 20-108(7) of this chapter for the penalties associated with a failure to obtain a sign permit.

(i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

(2) Exceptions. The following signs shall be exempt from the payment of fees:

(a) Incidental signs, with the exception that a cash bond or escrow must be filed with the enforcing officer to ensure that such signs will be removed promptly as mandated in section 20-103(4)(f) of this chapter.

(b) Official federal, state, and local government signs.

(c) Commemorative or historical plaques.

(3) Appeals. Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty

(30) calendar days, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(4) Creation of the board of sign appeals. There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the board.

(5) Powers and duties of the board. The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.

(b) To hear and decide requests for variances from the provisions of this chapter according to the criteria cited within section 20-107(6) herein.

(6) Standards for appeal decisions. Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this chapter.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign which is not permitted by this chapter.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this chapter.

(7) Violations and penalties. Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a city ordinance violation, and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) calendar days, the owner of a sign fails to contact the enforcing officer in order to bring said sign into compliance with this chapter, or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(8) Impoundment of signs. The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this chapter, and to impound them for a period of fifteen (15) calendar days. The owner of a sign impounded may recover same upon the payment of fifty (\$50) dollars for each sign, prior to the expiration of fifteen (15) calendar days. Once a sign is impounded, the enforcing officer shall notify the owner of said sign of this situation by register mail or by personal service.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein. (Ord. #180, April 1998)

20-109. Legal status provisions. (1) Exercise of police power. This entire chapter shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of section 6-19-10, Tennessee Code Annotated for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court or competent

jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provisions shall in all cases apply.

(4) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (Ord. #180, April 1998)