

ORDINANCE NO. 578

RECOMMENDATION BY CPC: X FOR ADOPTION
_____ AGAINST ADOPTION;

DATE: January 10, 2011

PUBLIC HEARING HELD: February 28, 2011

PUBLIC NOTICE PUBLISHED: March 20, 2011
in Clinton Courier-News

1st READING: January 31, 2011

2nd READING: April 25, 2011

WHEREAS, the Clinton City Council, in accordance with Sections 13-7-203 and 13-7-204 of *Tennessee Code Annotated*, may from time to time amend the City's zoning ordinance and associated maps; and

WHEREAS, the Clinton Municipal/Regional Planning Commission reviewed proposed zoning amendments on *January 10, 2011* and recommended amending the zoning ordinance accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON, TENNESSEE THAT:

Section 1. Section 14-204.46. of the *Zoning Ordinance of the City of Clinton, Tennessee* pertaining to signage definitions shall be deleted in its entirety.

Section 2. Section 14-309.1 of the *Zoning Ordinance of the City of Clinton, Tennessee* is hereby amended to include the sign definitions as follows:

DYNAMIC SIGN. A non-static sign employing actual motion or the illusion of motion by artificial means. Dynamic signs constitute a broad category of which are differentiated from manually changeable signs as defined and regulated by these regulations and include the following types:

ELECTRONIC DISPLAY SCREEN. A sign, or portion of a sign, that displays an electronic image, which may or may not include text. This definition includes television screens, multi-prism screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

ELECTRONIC MESSAGE CENTER. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes electronic changeable copy signs and menu boards.

ELECTRONIC MESSAGE DISPLAY. A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operations:

1. Static. Signs which include no animation or effects simulating animation.
2. Fade. Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. Dissolve. Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.
4. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
5. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

MENU BOARD. A permanently mounted dynamic sign displaying the bill of fare sign associated with drive-through windows and oriented toward drive-through traffic.

Section 3. Section 14-309.5 of the *Zoning Ordinance of the City of Clinton, Tennessee* is hereby amended to include a section pertaining to the following type uses:

SECTION 14-309.5d SHOPPING CENTERS, OFFICE PARKS, NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS & MULTI-USE BUILDINGS

14-309.5d(1) Shopping centers shall be allowed one (1) on premise freestanding Major Directory Sign not to exceed two hundred (200) square feet. The Major Directory Sign shall advertise all occupants within the shopping center and/or afford spacing on such sign for potential full occupancy of the center.

14-309.5d(2) The Major Directory Sign may not be used to advertise for only one (1) occupant regardless of any agreement between occupying owners.

14-309.5d(3) In addition to the permissible Major Directory Sign, each individual business shall be allowed one (1) wall or roof sign not to exceed fifteen (15) percent of the total square footage of the front façade of the business.

14-309.5d(4) In addition to the landscaping requirements of Section 11-313, there shall be a minimal landscaped area around the base of the Major Directory Sign of at least ten percent (10%) of the total square footage of the sign or a minimum of fifty (50) square feet in area.

14-309.5d(5) Office Parks shall be required to submit a Common Signage Plan for the entire development. Such plan shall include a minimum, overall layout of the office park with sign and building locations, parking, existing streets, sign sizes and allocation of signs for multiple tenants. Such plan may be superimposed onto a site plan for convenience. Multiple Directory Signs may be permitted upon approval of the Common Signage Plan.

14-309.5d(6) Multi-use buildings shall be allowed one (1) freestanding ground sign not to exceed the district standards that the building is located in. In addition to the permissible freestanding signs, each business establishment shall be allowed one (1) wall or one (1) roof sign for on-premise advertising provided that such sign shall not exceed forty (40) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the business establishment, whichever is less. No such sign shall exceed twenty-five (25) feet in height.

14-309.5d(7) No part of any on-premise freestanding sign shall be closer than five (5) feet from any street right-of-way.

Section 4. Section 14-309.5 of the *Zoning Ordinance of the City of Clinton, Tennessee* is hereby amended to include a section pertaining to dynamic (digital) signs as follows:

SECTION 14-309.5e DYNAMIC SIGNS

Based on technological advances in the sign industry that now employ digital technology, the city seeks to maximize public safety and aesthetics by establishing minimal regulations that oversee dynamic signs. The objective of such regulations is to minimize driver distraction associated with message duration, message transition, illumination, brightness and special effects and preserve the unique characteristics of Clinton. These regulations are considered the minimal standards necessary to achieve the long range planning policies of the city.

14-309.5e(1) Zoning Districts Permitted: On-premise dynamic signs, in accordance with all applicable requirements, *are permitted as a "use by right" within the B-2 and B-4 Districts and as a special exception within the M-1 and M-2 Districts.*

14-309.5e(2) Dynamic signs shall not constitute the principal on-premise sign, but shall be permitted not to exceed *fifty percent (50%)* of the total sign area the digital portion is attached to and area devoted to the dynamic portion does not to exceed *one hundred (100) square feet.*

14-309.5e(3) There shall be a minimum one hundred (100) feet of separation from individual dynamic signs.

14-309.5e(4) Dynamic signs shall be oriented away from residential neighborhoods.

14-309.5e(5) The letter size for the advertising on the sign face, measured in inches from top to bottom of individual letters, shall be a minimum of seven (7) inches high.

14-309.5e(6) Each message displayed on an electronic message center must be static or depicted for a minimum of ten (10) seconds. Transition from one message to another shall be continuous without fade-outs, animation or other type of movement between messages. Animated video or continuous scrolling of messages is prohibited *unless otherwise specified*.

14-309.5e(7) Dynamic signs shall be designed and equipped to immediately freeze or discontinue the device in one position if a malfunction occurs.

14-309.5e(8) No dynamic sign shall be brighter than necessary for clear and adequate visibility or of such intensity that it interferes with the effectiveness of an official traffic control device.

14-309.5e(9) The owner is responsible for making any adjustments to the brightness of the dynamic sign following notice by the city of non-compliance with these requirements.

14-309.5e(10) Conversions to a dynamic sign for the principal sign shall be considered the same as new signage.

14-309.5e(11) The addition of any electronic message center to any nonconforming freestanding sign is prohibited.

Section 4. This ordinance shall become effective April 25, 2011, the public welfare requiring it.

City Recorder

Mayor