

TITLE 20

LEBANON SIGN REGULATIONS

CHAPTER

1. CITY OF LEBANON SIGN ORDINANCE.

CHAPTER 1

CITY OF LEBANON SIGN ORDINANCE

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20-101. Intent and purpose. (1) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the city without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this chapter is enacted to establish regulations governing the display of signs which will:

- (a) Promote and protect the public health, safety, comfort, morals and convenience;
- (b) Promote aesthetics in the city;
- (c) Protect the environment;
- (d) Enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;
- (e) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- (f) Reduce conflict among signs and lights and between public and private information systems; and
- (g) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.

(2) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

- (a) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area.
- (b) The way in which the sign will be read, and whether its size, location, configuration and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.
- (c) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element. (as added by Ord. #01-2271, April 2003)

20-102. Definitions. (1) Definitions. For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined in this section shall have the meanings stated within this chapter. Words not defined in this chapter shall have the meaning in Webster's Ninth New Collegiate Dictionary, as revised.

- (a) "Abandoned sign, abandonment:" A sign which was erected off-site or on-site in conjunction with a particular use, that use having been subsequently discontinued, regardless of any intent to resume or not to abandoned such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign authorized by these regulations.

(b) "Animated Sign:" Any sign that uses movement or change of lighting to depict action or create special effect or scene.

(c) "Attached sign:" An attached sign is a sign that is affixed or painted to a wall, building or canopy having a permanent or changeable copy face. Any measurement of frontage shall apply only to the frontage owned or leased and occupied by the applicant but shall not include a common area. However, the property owner of the property or the property owner's tenant designee may use the measurement of the common area for his/her/its attached sign to the exclusion of all other occupants. An attached sign must be attached to the area occupied by the applicant, except the name of the business, trademark, logo, and/or trade name may be on a sign no larger than two (2) square feet attached at or near the street or sidewalk public entrance when the applicant's space in the subject building does not front on the street or sidewalk used as a public entrance; and, provided further that when two (2) or more such tenants and/or businesses utilize this provision, the design and format for all such signs shall be compatible (size, style and color) so as to appear as a commercial complex sign.

(d) "Banners:" A temporary sign made of flexible material designed to attract attention bearing a legend or motto or advertising message.

(e) "Board of Appeals:" Board of Appeals as used in Title 20, Lebanon Sign Regulations, refers to the Lebanon Board of Zoning Appeals.

(f) "Beacon:" Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source: also, any light with one or more beams that rotate or move.

(g) "Building Marker:" Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(h) "Canopy sign:" A sign attached to a vertical side of a canopy. In order for a canopy to qualify for use of a canopy sign, a canopy must

- (i) be a free standing canopy;
- (ii) cover a minimum of 500 square feet;
- (iii) the bottom of the canopy must be a minimum of 12 feet above the ground; and,
- (iv) have sides which are substantially vertical to the ground.

A canopy sign must be attached to a side of a canopy and cannot be larger than 50 square feet.

(i) "Changeable copy sign:" A sign where the frame or face is permanently attached and the copy within the frame or on the face may be made different.

(j) "City:" The City of Lebanon, Wilson County, Tennessee.

(k) "City Council:" The City Council of the City of Lebanon, Wilson County, Tennessee.

(l) "Commercial, noncommercial or multitenant complex:" A building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two (2) or more occupancies.

(m) "Commercial, noncommercial or multitenant complex sign:" A ground sign identifying a commercial or noncommercial complex and/or its tenants.

(n) "Commercial sign:" Expression related solely to the economic interests of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

(o) "Convenience sign:" A sign not exceeding two and one-half (2 1/2) square feet in surface area.

(p) "Dilapidation:" When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty (50) per cent of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

(q) "Director:" The Planning Director of the city or his or her designee.

(r) "Directional sign:" A directional sign is a temporary sign located off-site which indicates the direction to a special event such as a program, auction, open house or sporting event.

(s) "Display surface area:" The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background and against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.

(t) "Districts and zone districts:" These are synonymous and are identified and defined in Title 14 of the Lebanon Municipal Code – Planning and Zoning – and referred to as the Lebanon Zoning Ordinance.

(u) "Electronic message center signs:" A ground or attached sign conveying computerized changeable messages. Electronic message center signs with an intermittent or flashing light source used as a primary attention getting device are prohibited.

(v) "Enter/Exit sign:" A sign not exceeding eight (8) square feet in surface area and having a maximum height of three (3) feet and a maximum width of four (4) feet directing traffic movement onto and from a zone lot.

(w) "Fence:" A structure functioning as a boundary or barrier usually made of posts, boards, wire or rails.

(x) "Flag signs:" A ground sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

(y) "Flashing signs:" A sign, the illumination of which is intermittently on and off so as to flash or blink or to reflect light so as to appear to flash, blink or chase, such as metallic or mylar-type fluttering materials.

(z) "Freestanding wall sign:" Any self-supporting sign not attached to a building that is painted on, incorporated in or affixed to a freestanding masonry wall, used primarily as development identification signs containing only the name of the occupant or complex.

(aa) "Frontage:" All the building fronting on a street or sidewalk from which public ingress and egress to the building is available. A drive-in window for customers shall satisfy the public ingress and egress requirement. If the building is a commercial, noncommercial, or multi-tenant complex then frontage is measured from the side of the building affording ingress and egress to the public.

(bb) "Frontage Road:" A minor street, parallel to and adjacent to an arterial street, whose primary purpose is to provide access to abutting properties.

(cc) "Front of building:" Any portion of the building wall containing the main entrance.

(dd) "Governmental sign:" A sign erected and maintained by the federal, state, or local government or agency thereof for a governmental purpose. A governmental sign shall not exceed sixty (60) square feet, unless it is a traffic control sign. For the purpose of this chapter a "traffic control sign" is a sign for the purpose of regulating, warning, or guiding traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

(ee) "Ground level:" The first floor above ground. The ground level floor in a building with two (2) or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in a building with only one (1) story excluding the basement, extends to the lowest point on the roof on the side to which the sign is attached. When a building is located on a sloping lot and has ground level street frontage on two or more streets, then the building may have two (2) ground level floors, but the ground

level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

(ff) "Ground sign:" A sign which is supported by uprights or braces and permanently attached to the ground excluding a temporary pole sign.

(gg) "Height:" See sign height.

(hh) "Highest adjacent grade:" The highest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(ii) "Indirect illumination:" A source of light which is not seen directly.

(jj) "Inflatable signs:" A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

(i) An inflatable stationary sign is anchored in such a fashion that it does not allow it to move.

(ii) An inflatable mobile sign is one that is tethered so that it moves and free floats.

(kk) "Interstate on-site sign:" An on-site ground sign located within a Three Thousand Two Hundred (3,200) foot radius of the center of an interstate interchange or within One Thousand (1,000) feet of the interstate right-of-way. An interstate on-site sign must be a minimum of seventy-five (75) feet and a maximum of one hundred twenty (120) feet above the ground. Any other type of sign attached to the interstate on-site sign support which does not exceed the maximum height for its type of sign shall not be considered in calculating the signage of the interstate on-site sign, but it is subject to regulation by this sign ordinance. Should the applicant be entitled to two or more ground signs, the support of the interstate on-site sign may be used in lieu of a separate ground sign support.

(ll) "Lot:" Lot of record.

(mm) "Lot of record:" A tract of land whose existence, location, boundaries and dimensions have been legally recorded in a deed or plat and filed as a legal record and including any that is filed of record in the Register's Office of Wilson County, Tennessee. If a building sits on two (2) or more lots, it is considered one (1) lot of record for purposes of this chapter.

(nn) "Lowest adjacent grade:" The lowest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(oo) "Maintenance:" To keep in existing state of repair; preserve from decline; the upkeep of property.

(pp) "Marquee:" Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(qq) "Marquee Sign:" Any sign attached to, in any manner, or made a part of a marquee.

(rr) "Moving sign:" Signs which swing, undulate or otherwise attract attention through the movement of parts or through the impression of movement.

(ss) "Name plaques, address plaques and home occupation identification sign:" An attached sign, not exceeding three (3) square feet of surface area, indicating the name of the occupant, the address of the premises and identification of any legal single business or operation which may exist at the premises.

(tt) "Noncommercial sign:" Any sign that is not a commercial sign. If a sign could reasonably be construed as either commercial or noncommercial, this chapter shall be liberally construed in favor of free speech and the sign shall be construed as noncommercial.

(uu) "Nonconforming sign:" Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter).

(vv) "Occupant:" "Occupant" as used herein in conjunction with a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) is for the purpose of distinguishing one business entity from another unrelated business entity. An "occupant" in a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) may not be related to another business entity which is also an "occupant", except for the fact each business entity is in the same commercial or noncommercial multi-tenant complex. A business entity shall not be considered an occupant for purposes of this sign ordinance when the location is classified commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) if:

(i) the business entity has common partners or ownership with another business entity at that location;

(ii) one business entity is a partner with another business entity at that location;

(iii) any officer or director of one business entity is common with any officer or director of another business entity at that location;

(iv) any officer or director of one business entity is a partner in another business entity at that location.

(ww) "Off-site sign:" An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the

same lot of record. The term "off-site sign" shall not include an off-site permanent (billboard) sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate Section 20-124.

(xx) "Off-site permanent (billboard) sign:" A surface on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or zone lot on which the billboard is situated.

(yy) "Overlay district:" A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

(zz) "Parapet:" A vertical false front or wall extension above the roof-line.

(aaa) "Pennant:" A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag or drape, suspended or projecting from a private light pole, perimeter poles or dedicated poles.

(bbb) "Permanent structure:" A structure that is built of materials that would commonly be expected to remain useful for a substantial period of time.

(ccc) "Person:" Any individual, firm, partnership, corporation, company, association or joint stock association and includes any trustee, receiver, assignee or other similar representative thereof.

(ddd) "Pole sign:" A limited use on-site sign which is used for promotional-type advertising temporarily attached to perimeter poles, private light poles, canopy poles or other similar poles, but not including flag poles.

(eee) "Portable sign:" Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(fff) "Residential Sign:" Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

(ggg) "Right-of-way line:" The boundary line or margin of the area adjacent to public streets, roads and highways over which exists an

easement or easements or other right to install and maintain public improvements including, but not limited to, over head and underground power lines, telephone lines, water lines, sewer lines, drainage facilities including open ditches and storm water sewers and culverts, regardless of whether the right to construct those public improvements in the area was acquired by grant, by prescription or by exercise of power of eminent domain. The right-of-way line will usually be parallel to the margin of the public street, road or highway but exceptions to this general rule may exist for each separate parcel of real property. This sign ordinance does not superseded any right-of-way requirement of the state.

(hhh) "Roof:" the exterior upper covering of the top of a building.

(iii) "Roof sign:" An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

(jjj) "R.O.W.:" Right-of-way line.

(kkk) "Setback:" The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly from the property line.

(lll) "Sign:" Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting (attached neon tubing), flashing lights, and chasing lights in commercial, industrial, and multi-family zones and/or uses are included in the definition of "sign".

(mmm) "Sign area:" The total number of signs and/or display surface areas on any one (1) premises or lot of record or commercial industrial developments and complexes.

(nnn) "Signable area:" The total number of signs and/or display surface areas permitted in this chapter on any one (1) premises or lot of record or commercial industrial developments or complexes.

(ooo) "Sign Height:" See Section 20-122(2)

(ppp) "Sign Structure:" The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or v-type or otherwise.

(qqq) "Size:" Refers to display surface area.

(rrr) "Streamer:" A series of long, narrow banners, flags or pennants attached to a cord.

(sss) "Street Frontage:" The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

(ttt) "String lighting:" String lighting of rigid or flexible construction used to outline a building structure and used to attract attention for commercial purposes.

(uuu) "Strip lighting:" Attached neon tubing that is of constant intensity which is placed on the exterior of a building for the purpose of attracting the attention of the general public to any place of business.

(vvv) "Subdivision, commercial, noncommercial, industrial, or multifamily development identification sign:" A sign located at the entrance utilized to designate a residential subdivision or commercial, noncommercial, industrial or multi-family development.

(www) "Temporary sign:" Any sign which is by reason of construction or purpose to be used for a limited period of time.

(xxx) "Temporary window sign:" A sign in contact with or within three (3) feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday sign painted on a window for thirty (30) days or less shall be treated as a temporary window sign.

(yyy) "Theater sign:" A ground sign used for the purpose of advertising motion pictures shown in a theater.

(zzz) "Traffic sign:" A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.

(aaaa) "Window:" An opening in a wall or door of a building for admission of light that is usually closed by casements or sashes containing transparent material (as glass).

(bbbb) "Window Sign:" Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(cccc) "Zone Lot:" A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations. (as added by Ord. #01-2271, April 2003)

20-103. Administration and enforcement. The chief building official is hereby designated as the enforcement officer for this chapter. In addition to all other authority conferred by statute, ordinance, or resolution, the chief

building official and/or his authorized representative shall have the following duties and powers:

(1) Review and issue permits. Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this chapter.

(2) Conduct inspection. Conduct location, footing, and final construction inspections, and to conduct such other inspections of all permanent and temporary signs displayed in the city as necessary to require compliance with the provisions of this chapter.

(3) Issue notices of violation. Issue notices of violation or citation regarding any sign which is found to be in noncompliance with one (1) or more of the provisions of this chapter.

(4) Cause removal of certain signs. After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one (1) or more of the provisions of this chapter.

(5) Administrative interpretation. Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the city.

(6) Maintenance of records. Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variances and appeals. (as added by Ord. #01-2271, April 2003)

20-104. Violations and penalties. (1) Violation and penalty defined. Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation and subject to the penalties hereinafter provided, and each day that such violation continues shall constitute a separate and additional violation for each day. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a sum not to exceed fifty dollars (\$50.00) for each violation.

(2) Signs placed in the right-of-way. Signs that exist in a non-conforming status placed in the public right-of-way shall be immediately confiscated by the city and the owner or responsible party for the sign shall be fined twenty-five dollars (\$25.00) for each sign in violation for the signs return, in addition to paragraph(1).

If the sign is not claimed within thirty (30) days, the city may consider it abandoned and destroy same.

(3) Persons subject to penalty. The owner, tenant and /or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided. (as added by Ord. #01-2271, April 2003)

20-105. Appeals. (1) Authority. An appeal may be taken to the Board of Appeals by any person aggrieved by an order, requirement, decision, determination or interpretation of the chief building official and/or his authorized representative acting within the authority of this chapter.

(2) Petition for appeal on decision. (a) Time limitation. An appeal shall be filed within thirty (30) days from the date of the alleged erroneous order, requirement, decision, determination or interpretation. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative bearing.

(b) Filing to be in writing accompanied by documentation. Such appeal shall be filed in writing with the chief building official and shall be accompanied by such documents and information as Board of Appeals may by rule require.

(c) Fee. Each appeal to the Board of Appeals shall be accompanied by a fifty dollar (\$50.00) fee to be paid at the time of filing of the appeal.

(d) Transmittal of record. The chief building official shall, at the time of filing an appeal, forthwith transmit to the Board of Appeals all of the documents constituting a record upon which the action appealed from was taken.

(e) Information necessary for appeal. An appeal of alleged erroneous order, requirement, decision, determination or interpretation shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(ii) Decision being appealed.

(iii) Description of the requested appeal.

(iv) Questions to be raised on appeal.

(v) Justification of the requested appeal.

(vi) The location of the building, structure or zoning lot on which the sign is erected, to be erected or affixed.

(vii) If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon of the sign involved.

(viii) A blueprint, ink drawing or photograph of the sign involved.

(ix) Written consent of the owner of the building, structure or property on which the sign is erected or to be erected or affixed.

(x) Such other information as the chief building official may require to determine full compliance with his decision.

(f) Effect of appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the chief building official certifies to the Board of Appeals, after the appeal has been filed with the chief building official, that, by reason of the facts stated in the application, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.

(g) Board of Appeals, public hearing; timing and attendance. The appeal shall be filed forty-five (45) days prior to a public hearing by the Board of Appeals. The board shall set any such appeal for hearing, giving such notice to the public or to the persons concerned as the board deems advisable. The petitioner and chief building official and/or their authorized representatives shall attend those meetings of the Board of Appeals at which an appeal is to be heard.

(h) Board of Appeals determination. Following the hearing of any such appeal, the board may affirm, reverse or modify the action of the chief building official and/or his representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the board on any such appeal shall be final and conclusive.

(i) Effect of board denial. No appeal which has been denied wholly, or in part, by the Board of Appeals, in accordance with the provisions established herein, may be resubmitted for a period of one (1) year from the date of such denial, and then only if there has been significant change in the conditions on which the appeal is being sought and found to be valid by the board.

(j) Maintenance of records. The chief building official shall maintain complete records of all findings of fact and recommendations of the Board of Appeals and all determinations of the board relative to an appeal. All such records shall be open to the public for inspection. (as added by Ord. #01-2271, April 2003)

20-106. Variance condition. (1) Authority to Grant. Where, by reason of extraordinary and exceptional situations or conditions of such parcel of real estate, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Appeals may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided

(a) such relief may be granted without substantial detriment to the public good;

(b) such relief may be granted without substantially impairing the intent and purpose of the sign ordinance, zone plan, and zoning ordinance;

(c) all of the conditions set forth in subsection 20-106(4) "Standards for Variance" are satisfied;

(d) the resolution or motion of the Board of Appeals shall specifically address each of the conditions set forth in 20-106(4) (a) through (d), and explain how each condition was met or satisfied by the evidence. (The applicant has the burden of proof as to each condition);

(e) the provisions of subsection 20-106(2) have been substantially and materially satisfied by the applicant; and,

(f) the request of the applicant does not violate the limitations set forth in subsection 20-129(4).

(2) Petition of variance: (a) Standing. A petition for a variance from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variance is requested.

(b) Information necessary for variance. A variance request shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(ii) A description of the requested variance.

(iii) Justification of the requested variance.

(iv) The location of the building, structure or zoning lot on which the sign is to be erected or affixed.

(v) If variance involves a ground sign, a site plan of the property involved, showing dimensions of the lot, improvements thereon, accurate placement thereon of the proposed sign.

(vi) A blueprint, ink drawing or photograph of the sign involved.

(vii) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.

(viii) Such other information as the chief building official may require to determine full compliance with this and other applicable ordinances of the city.

(c) Fee. Each variance request to the Board of Appeals shall be accompanied by a fifty dollar (\$50.00) fee to be paid at the time of filing of the variance request.

(3) Board of Appeals' public hearing, timing and attendance. The Board of Appeals shall hold a public hearing on a variance request at the next regular meeting or special meeting called for such purpose following forty-five (45) days after the filing of an appeal thereof. The petitioner and chief building official and/or their authorized representatives shall attend those meetings of the Board of Appeals at which a variance is to be heard.

(4) Standards for variance. It is the intent of this chapter to use variances only to modify the application of any of the provisions of this chapter where there are practical difficulties or where unusual hardships may result. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

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

(b) If the condition complained of by the appellant is a general or widespread condition, then a variance shall not be permissible. Financial factors alone shall not be considered as a basis for granting a variance.

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

(d) The proposed variance will not increase the danger of fire or endanger the public safety.

(5) Board determination. The board may grant, deny, wholly, in part, or modify such variance request as it determines appropriate.

(6) Effect of denial. No requested variance which has been denied wholly or in part by the board in accordance with the provisions established herein may be resubmitted for a period of six (6) months from the date of such denial and then only when based on new evidence or proof of changed conditions found to be valid by the board.

(7) Board revocation. In any case, where a variance has been granted, and where no work pertinent thereto has been initiated within six (6) months from the date of the board approval of the requested variance, then, without further action by either the chief building official or Board of Appeals, such variance shall become null and void.

(8) Maintenance of records. The chief building official shall maintain complete records of all findings of fact and recommendations of the Board of Appeals and all determinations to the public for inspection. (as added by Ord. #01-2271, April 2003)

20-107. Other remedies. In addition to all other remedies, the city may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter. (as added by Ord. #01-2271, April 2003)

20-108. Conflicting codes and ordinances. If any provision or requirement of this chapter is found to be in conflict with any other provision or requirement of this chapter or of any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the most restrictive shall in all cases apply. (as added by Ord. #01-2271, April 2003)

20-109 – 20-119. (Reserved). (as added by Ord. #01-2271, April 2003)

20-120. Sign permits and fees. (1) Permit and fee required. It shall be unlawful for any person, corporation or association to erect, prepare, alter, relocate or keep within the city any sign or other advertising structure, as defined in this chapter, on a lot of record without first obtaining a sign permit from the building inspections department and paying the permit fee required by this section.

(2) Application for sign permit. Application for a sign permit shall be made upon forms provided by the building inspections department and shall include required information as set forth below:

- (a) Name, address and phone number of the owner.
- (b) Name, address and phone number of the contractor.
- (c) The proposed use of the sign.
- (d) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(e) For attached signs a dimensional sketch showing the position of the sign in relation to the building or structure to which it will be attached. The linear footage of the building frontage and signs in existence at the time of the application shall be included. Roof signs shall submit plans to show compliance with the applicable provisions of the adopted Standard Building Code, as amended.

(f) For all ground signs the following information is required: Two (2) dimensional sketches showing the height, shape, and surface area display of the sign, two (2) dimensional sketches of the foundation and structural components (poles) for the sign and two (2) dimensional site plans, showing the location of the sign on the site plan. The setbacks from the property lines and power lines shall be included, as well as the spacing from other ground sign in existence at the time of application.

<u>Height</u>	<u>Design Criteria/Inspection Required</u>
0' to <24'	Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. No inspection of foundation required.
24' to ≤ 40'	Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.

>40' Same as 24' to \leq 40' with the additional requirement that all plans must be sealed by a registered Tennessee engineer certifying that the design is adequate for the local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.

(g) For off-site ground sign scaled site plans showing the same as subsection (f), plus location plans showing spacing of existing off-site permanent ground signs within one thousand (1,000) feet on the same side of the street or interstate highway in both directions.

(h) Before any sign permit can be issued, a copy of the application requesting the electrical permit for the proposed sign must be obtained and filed with sign permit application and filed with the building inspector. A separate electrical permit will not be required if specifically included in any other electrical permit.

All electrical signs shall be manufactured to Underwriter Laboratory (UL) standards and feature the UL label. The UL number will be provided as part of the application information.

(3) Schedule of sign permit fees: (a) The fee for all signs not exempt from the fee shall be ten dollars (\$10.00) plus fifty cents (\$0.50) per square foot of surface display.

(b) The fee for strip lighting shall be ten dollars (\$10.00) plus twenty-five cents (\$0.25) per linear foot.

(c) For the relocation or moving of any sign or sign structure, the fee shall be fifteen dollars (\$15.00), except that no fee shall be required if such move is being made in order to comply with this chapter where prior to such move the sign was legally nonconforming. To relocate on a different lot of record the other provisions of this section shall apply.

(4) Location to be marked. Before any sign permit can be issued, the proposed location shall be marked by stake or chalk line or other similar manner for location inspection.

(5) Installation. All signs must be installed in compliance with the applicable provisions of the adopted Standard Building Code, as amended.

(6) Issuance of sign permit. It shall be the duty of the clerk and inspectors from the Chief Building Official's office, upon the filing of an application for a permit to erect a sign, to examine such plans and specifications and other data regarding the proposal to erect or maintain the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the city, the building inspections clerk shall then refer to the building inspector for location inspection. Upon approval of the building inspector of the application for sign permit, the building inspections clerk shall issue the permit.

If it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the city, he shall then be issued the sign permit within the next three (3) working days. If the applicant is not in compliance with this chapter, then within the next three (3) working days the building inspector shall state his refusal to the applicant.

Upon issuance of the sign permit, the building inspector will examine the premises for a footing inspection as indicated in Section 20-120(2)(f). It is the responsibility of the contractor to call the building inspections office at 444-3647 and request said inspection. Construction shall not proceed until inspection is made. Every effort shall be made to complete the inspection within one (1) working day of the request.

Final inspections are required to be done by the building inspector upon installation of the proposed sign. It is the responsibility of the contractor to call the building inspections office and request a final inspection for the sign. It is the responsibility of the contractor to call the State Electrical Inspector to request a final electrical inspection when applicable.

If work authorized under a permit to erect a sign has not been completed within six (6) months after the date of issuance, the permit shall become null and void. The issuance of a sign permit shall in no instance be construed as waiving any provisions of this chapter.

(7) Failure to obtain permit. Failure to obtain a permit prior to beginning construction shall automatically result in a penalty of double the permit fee. Failure to obtain an inspection shall automatically result in a penalty double the permit fee. No additional permits will be issued to an applicant who has any outstanding penalties.

(8) Labels to be affixed. If, upon examination, the building inspector's office determines that a sign has been installed in conformance with the provisions of this chapter, he shall cause a label to be issued bearing the number of the permit and further identifying specifically the sign which the permit authorizes. This label shall then be affixed to the sign by the permittee in a manner so that the permit will be readily visible for inspection purposes. Absence of such a label upon any sign constructed or installed within the municipal limits shall be prima facie evidence of failure to meet the requirements of this chapter.

(9) Permit revocation. Permits issued under this chapter shall be valid for the life of the sign approved. However, any permit may be revoked by the chief building official upon his determination that the sign is not in full compliance with the provisions of this chapter. (as added by Ord. #01-2271, April 2003)

20-121. Districts and zoned districts defined: sign map adopted. All signs permitted to be constructed, erected and maintained under this chapter shall be permitted only in the designated districts. "District" or "zone

district", when used herein, shall be and mean those areas which are zoned as and identified as such in the Lebanon Zoning Ordinance as amended, and as may be amended hereafter. For further reference and for further identification of the "districts" and "zoned districts", the official zoning map (or sometimes referred to as the zoning atlas) of the city, as amended, and as may be amended hereafter, and which is a part of the Lebanon Zoning Ordinance, is incorporated and adopted herein by reference, as if set forth verbatim. The map or a copy of the same shall be on file for reference for the administration of this chapter in the building inspector's office. (as added by Ord. #01-2271, April 2003)

20-122. Computation of sign area and power line setbacks. (1) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(a) When two (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign. When two (2) signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, each such face shall be included in computing the total display surface area of the sign.

(b) The display surface area of an attached sign consisting of word(s), image(s), logo(s) or trademark(s) not enclosed by a box or outline shall be the sum of the area(s) within an imaginary rectangular box around each word, image, logo or trademark, with the size of the box being the area within same, calculated by multiplying the height by the width. The height of the box shall be the vertical distance between the tallest and lowest letter or image, logo, or word; or the distance between the top and bottom of an image, logo, or trademark which is not part of a word. The width shall be the horizontal distance between the outermost distant letter(s), image(s), logo(s), trademark(s) or combination thereof within a word; or the horizontal distance between the outermost edge of any image, logo or trademark not a part of a word.

(c) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline of any kind shall be the total area of the sign including the background, box or outline.

Example: +-----+
 | S I G N |
 +-----+

(d) The display surface area of a multifaced sign shall be one-half of the sum of all surface area forming a part of the display.

(2) Sign height measurement: Sign height shall be measured from the ground at the center of the sign to the highest point of the highest element of the sign, excluding any incidental structural element. Notwithstanding any other provision of this chapter, when a sign is located within two hundred (200) feet of a residential zone, the maximum height for the sign shall be sixteen (16)

feet. Ground signs shall not exceed the height requirements as set forth in Section 20-126. However, when calculating the minimum height of a sign, the measurement is to the lowest part of the sign face; and, when calculating the minimum height of a canopy, the measurement is to the lowest part of the canopy that is not part of a support.

(3) Clearance from electrical power lines. The closest part of a sign shall not be any closer than eight (8) feet from the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight (8) feet from a conductor not attached to the sign.

As an exception to the foregoing, when the measurement is from the sign to an insulated secondary conductor not exceeding six hundred (600) volts, no portion of the sign may be within eight (8) feet of the insulated secondary conductor measured horizontally, vertically or diagonally.

(4) When

(a) a zone lot is adjacent to a frontage road satisfying the conditions herein, has a minimum of one hundred (100) feet frontage on the frontage road, and the principal entrance to the building faces the major thoroughfare;

(b) the permissible square footage of the signage varies based upon the distance from the street right-of-way;

(c) there is a frontage road substantially parallel to a major thoroughfare, which major thoroughfare is a minimum of four (4) lanes; and

(d) the frontage road right-of-way is adjacent to the major thoroughfare right-of-way, then for the purpose of measuring the distance from the street right-of-way in order to determine the maximum number of square feet of attached signage, the right-of-way of the major thoroughfare shall be used rather than the right-of-way of the frontage road. When the right-of-way between the frontage road and major thoroughfare is indistinguishable, then the frontage road shall be assumed to have a fifty (50) foot right-of-way and the centerline of the frontage road is presumed to be the center of the frontage road right-of-way for purposes of measurement. (as added by Ord. #01-2271, April 2003)

20-123. Exemptions. (1) Compliance with applicable provisions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. All signs within the city must comply with property line setbacks, electrical setbacks, maintenance provisions and electrical permits and inspections as required by Section 20-120, except for governmental signs which may be zero setback.

(2) Signs exempt from sign permit or permit fee requirements.

(a) Three (3) flags per zone lot;

- (b) Enter/exit signs 3' high or less;
- (c) Banners, except a permit without a fee is required for banners in the B-2 Central Business District;
- (d) Convenience signs;
- (e) Traffic signs;
- (f) (reserved)
- (g) (reserved)
- (h) Pennants;
- (i) (reserved)
- (j) Noncommercial permanent signs not exceeding three and one-half (3½) square feet in surface area;
- (k) (reserved)
- (l) (reserved)
- (m) Streamers;
- (n) Temporary signs, except inflatable and portable signs;
- (o) Vehicle signs, except as prohibited in Section 20-124.

(3) Nothing in this section shall favor a commercial sign over a noncommercial sign. A noncommercial message may be displayed on any of the signs or types of signs set forth in subsection (2). (as added by Ord. #01-2271, April 2003)

20-124. Prohibited signs and other regulations. (1) Prohibitions and restriction pertaining to signs, fixtures and supporting features. It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

- (a) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.
- (b) A sign or illumination that causes any direct glare into any building other than the building which the sign may be accessory.
- (c) Flashing signs in commercial, industrial, and multifamily zones and/or uses. Flashing signs which are visible at any public street or sidewalk in the B-2 Central Business District, are prohibited.
- (d) Roof signs painted on the roof or which extend above the highest point of the roof, except inflatable signs.
- (e) Signs placed on or affixed to vehicles and/or trailers which are parked on the R.O.W., public property or private property so as to be visible from a public R.O.W. where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motor vehicles where the sign is incidental to the

primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or trailer sign as a sign in circumvention of this chapter.

(f) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.

(g) A sign placed in a R.O.W., except as required by appropriate federal, state, city or county governmental authorities.

(h) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving or fluttering devices. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty (30) days following the opening or start up of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.

(i) Signs which revolve or rotate or use revolving or rotating elements.

(j) Signs incorporating any noisy mechanical devices.

(k) String lighting in a commercial or industrial zone except as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.

(l) Signs displaying obscene matter.

(i) "Obscene" means:

(i) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest:

(ii) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct, and,

(iii) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(ii) "Community" means Wilson County, Tennessee.

(iii) "Matter" means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

(iv) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters.

(v) "Prurient interest" means a shameful or morbid interest in sex.

(vi) "Sexual conduct" means:

(A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

(B) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.

(m) Temporary signs which violate Section 20-125.

(n) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

(o) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electric Code, as amended.

(p) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, sidewalk or in any utility and drainage easement except as excluded.

(q) No advertising signs shall be allowed on trash receptacles or benches.

(r) No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached.

(s) The placing of banners across the street right-of-way will be allowed only by permission of the owner of the street right-of-way.

(t) (reserved)

(u) (reserved)

(v) (reserved)

(w) Portable signs as defined in Section 20-102(1)

(x) Signs which contain false, misleading or deceptive information.

(y) Signs which are not expressly permitted by this chapter.

(z) Nothing herein shall prohibit non-commercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.

(2) Owner's consent. Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public R.O.W. without the consent of the public authority having jurisdiction over the property is prohibited.

(3) Obstructions. No signs nor any means of supporting or staying such signs shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

(4) Terminated activity. Conforming and non-conforming signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one-hundred eighty (180) days, such sign structure may remain in place for not more than two (2) years from the date the vacancy began.

Illegal signs shall be removed immediately.

(5) Unlawful cutting of trees and shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

(a) Within the R.O.W. of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.

(b) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by his site plan without first obtaining approval of an amendment to the site plan by the Lebanon Municipal Regional Planning Commission.

(c) In any area where such trees or shrubs are required to remain under a permit issued under this or any other chapter of the Lebanon Municipal Code. (as added by Ord. #01-2271, April 2003)

20-125. Temporary Signs. The total combined use of the following temporary signs shall not exceed three (3) signs per lot at any given time. The maximum signable area shall not exceed the size set forth below herein. It shall be unlawful to erect or maintain temporary signs in violation of the following:

(1) Banners:

(a) Number - 2 per lot maximum on-site, except only one is permitted in the B-2 Central Business District.

(b) Size - 120 sq. ft. combined maximum area display.

(c) Setback - 5' property line, 8' power lines minimum.

(d) Height - N/A

(e) Timing - There shall be no banner attached to a building for more than forty-five (45) days in any calendar year.

(f) Permit/fee - N/A, except a permit is required for a banner in the B-2 Central Business District, without any fee.

(g) Method of display - Attached to building or canopy only.

(h) Zone - All zones except residential/agricultural zones and PUD districts.

(2) Directional signs:

- (a) Number - 4 per event off-site, 2 per lot.
 - (b) Size - 16 sq. ft. maximum.
 - (c) Setback - 5' property line
 - (d) Height - 3.5' maximum.
 - (e) Timing -
 - (i) Erection: 10 days before the event.
 - (ii) Removal: 2 days after the event.
 - (f) Permit fee - None.
 - (g) Zones - All.
- (3) Inflatable signs - Stationary:
- (a) Number - 1 per lot maximum on-site.
 - (b) Size - N/A
 - (c) Setback - 15' property line, 8' power lines minimum plus the distance to its inflated height minimum.
 - (d) Height - N/A
 - (e) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights.
 - (f) Permit/fee - Permit & fee required.
 - (g) Zone – B-4, M-2, and M-3 districts.
- (4) Inflatable signs - Mobile:
- (a) Number - 1 per lot maximum on-site.
 - (b) Size - N/A
 - (c) Setback - 15' property line, 8' power lines plus the distance to its extended height minimum.
 - (d) Height - 120 feet maximum.
 - (e) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights.
 - (f) Permit/fee - Permit & fee required.
 - (g) Zone – B-4, M-2, and M-3.
- (5) Pennants:
- (a) Number - 1 every 50 feet of frontage.
 - (b) Size - 9 sq. ft. maximum.
 - (c) Setback - 5' property line, 8' power lines minimum.
 - (d) Height - 35' maximum.
 - (e) Timing - N/A
 - (f) Permit/fee - N/A
 - (g) Zone – B-4, M-2 and M-3 districts.
- (6) Pole signs:
- (a) Number - 3 per lot maximum on-site.
 - (b) Size - 21 sq. ft. maximum.
 - (c) Setback - 5' property line, 8' power lines minimum.
 - (d) Height - N/A
 - (e) Timing - N/A
 - (f) Permit/fee - N/A

- (g) Zone – B-1, B-3, B-4, M-2 and M-3 districts.
- (7) Streamers:
 - (a) Number - On-site, 3 linear feet of streamers for every 1 of road frontage maximum.
 - (b) Size - N/A
 - (c) Setback - 5' property line, 8' power lines minimum.
 - (d) Height - 35' maximum.
 - (e) Timing - N/A
 - (f) Permit/fee - N/A
 - (g) Zone – B-1, B-3, B-4, M-2 and M-3 districts.
- (8) Other temporary signs:
 - (a) Number - 3 per lot maximum on-site.
 - (b) Size:
 - (i) B-1, B-3, B-4, B-5, M-1, M-2, M-3, M-4, and Commercial PUD zones - 64 sq. ft. maximum.
 - (ii) Residential, Residential PUD's, CU, OPD and Agricultural zones - 16 sq. ft. maximum.
 - (c) Height:
 - (i) B-1, B-3, B-4, B-5, M-1, M-2, M-3, M-4 and Commercial PUD zones - 12' maximum.
 - (ii) Residential, Residential PUD's, CU, OPD and Agricultural zones - 6' maximum.
 - (d) Setback - 5' property line
 - (e) Timing - Until 10 days following conclusion of the temporary purpose of which the sign was used.
 - (f) Permit fee - None.
- (9) Temporary Realty Signs. Temporary realty signs are limited in size, spacing and number of signs allowed. All Temporary Realty Signs shall be ground signs.
 - (a) Temporary On-Site Realty Signs
 - (i) Temporary Real Estate signs do not require a sign permit.
 - (ii) May be located adjacent to each separate street frontage of a lot plus one "Open House" sign, when appropriate.
 - (iii) Located entirely within the property to which the sign applies.
 - (iv) No illumination allowed.
 - (v) Removed within 7 days after deed has been recorded for sale, or a lease signed for the rental or lease of the property. Realtors shall provide copies of such documents to the building official if questions concerning these time frames arise.
 - (vi) Signage size is to be a maximum of no larger than fifty-two (52) inches in width and forth (40) inches from top of sign to the bottom of the sign or signs within a single sign frame. This

represents size of sign only. This does not represent the height of the sign from the ground to the top of sign.

(vii) Not larger than 32-square feet and 7-feet high for all other properties, including residential properties larger than one acre, industrial and commercial properties.

(viii) Special request for signs larger than allowed in these standards may be made to the Board of Zoning Appeals if topographic or other similar considerations should make such allowance necessary.

(b) Temporary Directional Realty Signs

(i) Temporary directional signs saying "REALTY FOR SALE (OR LEASE)" "HOMES FOR SALE (OR LEASE)" or "LAND FOR SALE (OR LEASE)" shall not exceed 2-square feet in size and shall not exceed 3-feet in height from ground level to top of sign. These temporary directional signs shall only read as stated above and shall not contain realty firm promotional messages. They shall be printed in black or red letters on a white background.

(ii) Two signs will be allowed per intersection at as many intersections as needed to guide consumers to available realty in the community.

(iii) "Open House" signs will be allowed in addition to temporary directional signs, but can be placed no earlier than Wednesday at 12:00 PM and must be removed by Monday at 12:00 PM.

(c) Temporary Auction Realty Signs

(i) The maximum sign size on the property to be auctioned will be 45-square feet.

(ii) The sign shall be posted not more than 15 days prior to the event and removed by the day following the event.

(iii) There will be a limit of 5 directional signs allowed per event. Maximum size of said directional signs will be 32-square feet.

(iv) Signs shall be no higher than 7-feet from the ground level at any point.

(v) There may be an unlimited number of 2-square feet directional signs which shall not exceed 3-feet in height from ground level to top of sign allowed not more than 15 days prior to the event and removed by the day following the event.

(d) Prohibited Temporary Realty Signs

(i) No flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations shall be permitted.

(ii) No sign shall be posted on a utility pole, telephone pole, fence post, tree, rock or any other natural vegetative

material. Exception is the placement of No Trespassing signs on a fence. (as added by Ord. #01-2271, April 2003)

20-126. On-site permanent sign requirements. (1) Number, signable area of signs and construction. (a) Except as authorized by this section, it shall be unlawful to have more than one (1) ground sign on a zone lot of record or in violation of the regulations set forth herein.

(b) If the zone lot of record has at least one hundred (100) feet of frontage on each of two (2) or more public streets, then there shall be no more than one (1) ground sign along each side of the lot of record bordered by such streets.

(c) An interstate on-site sign is a special type of ground sign defined in section 20-102(1). Should the applicant be entitled to two (2) or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two (2) or more signs provided

(i) each sign is no larger than permitted,

(ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign;

(iii) no more than two (2) of the signs are above the minimum height for an interstate on-site sign; and,

(iv) no more than one (1) ground sign may be located below the maximum height for a ground sign.

(d) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.

(e) When the number of signs listed is greater than one (1), the size set forth shall be for each sign unless otherwise indicated.

(2) Spacing. There shall be fifty (50) feet minimum spacing on the same lot of record for ground signs.

(3) Permitted signs. The following signs shall be permitted in the districts hereafter set forth:

(a) Signs permitted in RR, RS40, RS30, RS20, R-1A, RS15, RS12, R-1, RS6, RP-2, R-2, RM6, Residential PUD's and AG zoning districts (except as noted):

(i) Commercial (except home occupation) and tax-exempt organizations (except churches and schools):

(A) Type - Attached:

Number - 1 per lot maximum.

Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.

- Setback - N/A
- Height - Ground level floor.
- Illumination - Not permitted.
- Either (B) or (C) (But not both)
- (B) Type - Ground:
 - Number - 1 per lot maximum.
 - Size - 40 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 24' maximum.
 - Illumination - Not permitted.
- (C) Type - Freestanding wall sign.
 - Number - 1 per entrance.
 - Size - Letters shall not exceed 24" in height.
 - Display surfaces - Shall not exceed 40 sq. ft.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 8' maximum.
- (ii) Home occupation:
 - Type - Attached.
 - Number - 1 per lot maximum.
 - Size - 3 sq. ft. maximum.
 - Setback - N/A
 - Height - Ground level floor.
 - Illumination - Not permitted.
- (iii) Bed and breakfast homestay and bed and breakfast inn.
 - (A) Type - Attached.
 - Number - 1 per lot maximum.
 - Size - 3 sq. ft. maximum.
 - Setback - N/A
 - Height - Ground level floor.
 - Illumination - Not permitted.
 - Either (B) or (C) (But not both)
 - (B) Type - Ground.
 - Number - 1 per lot maximum.
 - Size - 3.5 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 4 feet maximum.
 - Illumination - Not permitted.
 - (C) Type - Freestanding wall sign.
 - Number - 1 per entrance.

- Size - Letters shall not exceed 6 inches in height.
- Display surface - 4.5 sq. ft. maximum.
- Setback - 5' property line, 8' power lines minimum.
- Height - 4 feet maximum.
- Illumination - Not permitted.
- (iv) Subdivision or multifamily development ID sign:
 - Either (A) or (B) (But not both)
 - (A) *Type - Freestanding wall sign (see notation below).
 - Number - 2 per development entrance maximum.
 - Size - Letters shall not exceed 24" in height.
 - Display surface - Shall not exceed 40 sq. ft.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 8' maximum.
 - Illumination - Indirect only.
 - (B) *Type - Ground (see notation below).
 - Number - 1 per development entrance maximum.
 - Size - 40 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum
 - Height - 8' maximum.
 - Illumination - Indirect only.
 - (C) Flag signs:
 - Type - Ground.
 - Number - 4 per entrance, 8 flags maximum per development.
 - Size - 32 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 40' maximum.
 - Illumination - Indirect only.
 - Zones – R-2, RM-6 and RP-2 only.

*Notation:

- (a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.
- (b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their

maintenance and shall maintain in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot or unit for the maintenance of such sign.

(v) Churches and schools:

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 100 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum.

(B) Type - Freestanding wall sign.

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surfaces - Shall not exceed 40 sq. ft.

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(vi) Off-site signs not exceeding 200 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or . The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(b) Signs permitted in B-1, B-3, Commercial PUD's, CU and OPD zones:

(i) Commercial and noncommercial uses - Single occupant:

(A) Type - Attached.

Number - 3 per lot maximum.

Size - 3 sq. ft. per linear foot or building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A

Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - 12' minimum; 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Either (C) or (D) (But not both)

(C) Type - Ground.

Number - 1 per lot maximum.

Size - 60 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(D) Type - Freestanding wall sign.

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surfaces - Shall not exceed 40 sq. ft.

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(ii) Commercial, noncommercial or multitenant complex:

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 75 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum.

(B) Each occupant of a commercial, noncommercial or multitenant complex:

Type - Attached (see definition of "attached sign").

Number - 1 per tenant.

Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A

Height - Ground level floor or 24 feet, whichever is higher.

(C) Flag signs:

Type - Ground.

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 40' maximum.

Permitted for all uses this section except (D) below.

(D) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 35 feet maximum.

(iii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(iv) Theaters:

Type - Ground.

Number - 1 per lot maximum.

Size - 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(c) Signs permitted in B-2 CBD district:

(i) Commercial and noncommercial uses - Single occupant:

Either (A) or (B) (But not both)

(A) Type - Attached.

Number - 1 per street frontage maximum.

Size - 3 sq. ft. per foot of linear building frontage.

Setback - N/A

Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Freestanding wall sign:

Number - 1 per entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' property line, 8' power lines minimum.

- Height - 8' maximum.
- (ii) Each occupant of a commercial or non-commercial multi-tenant complex:
 - Either (A) or (B) (But not both)
 - (A) Type - Freestanding wall sign.
 - Number - 2 per entrance maximum.
 - Size - Letters shall not exceed 24" in height.
 - Display surface - Shall not exceed 40 sq. ft.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 8' maximum.
 - (B) Type - Attached (see definition of "attached sign").
 - Number - 1 per business maximum.
 - Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. feet maximum.
 - Height - Ground level floor or 24 feet whichever is higher.
- (iii) Off-site signs are not permitted.
- (d) Signs permitted in B-4, B-5, MU, M-1, M-2, M-3 and M-4 districts:
 - (i) Commercial, noncommercial and industrial development ID sign:
 - Either (A) or (B) (But not both)
 - (A) *Type - Ground (see notation below):
 - Number - One (1) per development entrance maximum
 - Size - 100 sq. ft. maximum (132 sq. ft. if tenant panel, attraction panel or electronic message center used)
 - Setback - 5' property line, 8' power lines minimum
 - Height - 40' maximum.
 - (B) *Type - Freestanding wall sign (see notation below):
 - Number - 2 per development entrance maximum.
 - Size - Letters shall not exceed 24" in height maximum.
 - Display surface - Shall not exceed 40 sq. ft.
 - Setback - 5' property line, 8' power lines minimum
 - Height - 8' maximum.

*Notation: (a) The location, height, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot for the maintenance of such sign.

(ii) Commercial, noncommercial or industrial-single occupant:

(A) Type - Attached.

Number - 3 per structure maximum.

Size - 3 sq. ft. per linear foot of building frontage not to exceed:

(1) 100 sq. ft. when the building is located less than 42 feet of the street right-of-way,

(2) 150 sq. ft. when the front of the building is located 42 feet or more but less than 200 feet of the street right-of-way;

(3) 200 square feet when the front of the building is located 200 feet or more but less than 400 feet of the street right-of-way;

(4) 250 sq. ft. when the front of the building is located 400 feet or more but less than 600 feet of the street right-of-way;

(5) 300 sq. ft. when the front of the building is located 600 feet or more but less than 800 feet of the street right-of-way;

(6) 350 sq. ft. when the front of the building is located 800 feet or more from the street right-of-way.

(It is the intent of this chapter that the total aggregate of attached signs for the occupant shall not exceed the foregoing stated applicable maximum footage.) The measurement shall be made from the main entrance door to the street. For this purpose "street" shall mean the street parallel (more or less) to the side of the building containing the main entrance.

(B) Type - Strip lighting.

Size - 3 linear feet of strip lighting per 1 linear foot of building frontage.

Setback - N/A

Height - N/A

Specifications - Required UL approval.

Prohibited on wood.

Either (C) or (D) (But not both)

- (C) Type - Ground.
 - Number - 1 per lot maximum.
 - Size - 200 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100 not to exceed 300 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.
- (D) Type - Freestanding wall sign:
 - Number - 2 per lot maximum.
 - Size - Letters shall not exceed 24" in height.
 - Display surfaces - Shall not exceed 75 sq. ft.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 8' maximum.
- (E) Type - Canopy sign.
 - Number - 1 per side, 3 maximum.
 - Size - 50 sq. feet each, maximum.
 - Height - minimum 12 feet; maximum 24 feet when located within 200 feet of a residential zone, otherwise 40' maximum.
- (iii) Flag signs:
 - Type - Ground.
 - Number - 4 per entrance, 8 flags maximum per lot.
 - Size - 32 sq. ft.
 - Height - 40' maximum.
 - Setback - 5' property line, 8' power lines.
- (iv) Commercial or noncommercial multi-tenant complex (separate utilities and firewall between tenants):
 - (A) Type - Ground.
 - Number - 1 per lot maximum.
 - Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.
 - Setback - 5' property line, 8' power lines minimum.
 - Height - 24' maximum when located within 200' of a residential zone, otherwise, 40' maximum.
 - (1) Each occupant of a commercial or noncommercial multi-tenant complex (separate utilities and firewall between tenants):

Type - Attached (see definition of "attached sign").

Number - 2 per occupant maximum.

Size - 3 sq. ft. per linear foot occupant frontage, not to exceed 150 sq. ft. per occupant

Setback - N/A

Height - 24 feet maximum when located within 200 feet of a residential zone, otherwise, 40 feet maximum.

(v) Commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(1) Each occupant of a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):

Type - Attached (see definition of "attached sign").

Number - 2 per occupant not to exceed 6.

Size - 3 sq. ft. per linear foot frontage, not to exceed 300 sq. ft. per complex to be apportioned by the owner or occupants

Setback - N/A

Height - 24 feet maximum when located within 200 feet of a residential zone, otherwise, 40 feet maximum.

(B) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 40 feet maximum.

(vi) Theaters:

Type - Ground.

Number - 1 per lot maximum.

Size - 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(vii) Interstate on-site signs:

Type - Ground.

Location - Within 3,200' radial to the center of an interchange or within 1,000' of the interstate property line not at an interchange.

Number - 1 per lot of record maximum.

Size - 300 sq. ft. maximum.

Height - 120' maximum, except when the sign is located within 200' of a residential zone the maximum height shall be 24' in height. The minimum height of the bottom of the sign is 75 feet, unless located within two hundred feet (200') of a residential zone.

Setback - 5' property line, 8' power line minimum.

(viii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district. (as added by Ord. #01-2271, April 2003, and amended by Ord. #03-2552, Jan. 2004)

20-127. Off-site permanent (billboard) sign requirements.

(1) Except as authorized by this chapter, no off-site permanent (billboard) sign may be erected on any zone lot of record. The requirements for off-site permanent (billboard) signs are set forth below. Off-site permanent (billboard) signs are permitted as follows:

(a) Location - M-2 and M-3 zoning districts. Lot on which sign is to be erected must be contiguous with the interstate.

(b) Height - 50' maximum.

(c) Size - 775 sq. ft. maximum.

(d) Setback - 5' minimum from street or interstate property line and 200' maximum from interstate property line

(e) Spacing - 1,000' minimum to any other off-site permanent (billboard) sign in both directions on the same side of interstate or street. 1,000' minimum of an interchange or intersection at grade, measured

along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main-traveled way.

(2) Nothing in this section shall be construed to limit or curtail noncommercial speech in favor of commercial speech. A person may erect a sign in conformity with this section that is used in whole or part for noncommercial speech. (as added by Ord. #01-2271, April 2003)

20-128. Sign maintenance and other specifications for erection and maintenance of signs. (1) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(2) Structure maintenance. Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, electrical connections and components shall be kept in good, safe repair and, unless plastic, shall be galvanized or non-corroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The chief building official and/or his representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter, shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.

(3) Display surface or other advertising surface maintenance. The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice to the owner by certified mail, return receipt requested, from the chief building official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the chief building official. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety (90) days.

(4) Banners, flags, pennants, streamers. Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice. (as added by Ord. #01-2271, April 2003)

20-129. Nonconforming signs and other provisions. (1) Purpose. For the purpose of promoting aesthetics, protecting the environment, and

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

These regulations are designed to prevent a public nuisance through the over-concentration, improper placement and excessive height, bulk, enlargement, number and area of signs or display of obscene matter. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein signs are located, and to conserve property values in these areas.

(2) Extension or expansion. A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this chapter. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height or change in the face panel enclosing members or structures. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.

(3) Replacement or relocation. No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign conforms to all applicable provisions of this chapter. Any sign in violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this chapter.

(4) Area and height. No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and areas indicated:

(a) Industrial or commercial zones where the sign is more than two hundred (200) feet from residential zones:

- (i) Interstate Highway:
 - (A) Interstate on-site:
Nuisance if: > 345 sq. ft.
>138' in height
 - (B) Off-site:
Nuisance if: >891 sq. ft.
> 58' in height
 - (C) On-site ground sign:
Nuisance if: >345 sq. ft.

- >40' in height
- (ii) 4-lane federal aid primary highway:
 - (A) Off-site:
 - Nuisance if: >480 sq. ft.
 - >58' in height
 - (B) On-site:
 - Nuisance if: >345 sq. ft.
 - >40' in height
- (iii) Other highways and streets:
 - Nuisance if: >345 sq. ft.
 - >40' in height
- (b) Commercial or industrial zones where sign is within two hundred (200) feet from residential zone:
 - (i) Interstate Highway:
 - (A) Interstate on-site:
 - Nuisance if: >345 sq. ft.
 - >27' in height
 - (B) Off-site:
 - Nuisance if: >891 sq. ft.
 - >27' in height
 - (C) On-site ground sign:
 - Nuisance if: >345 sq. ft.
 - >27' in height
 - (ii) 4-lane federal aid primary highway:
 - (A) Off-site:
 - Nuisance if: >460 sq. ft.
 - >27' in height
 - (B) On-site:
 - Nuisance if: >345 sq. ft.
 - >27' in height
 - (iii) Other highways and streets:
 - Nuisance if: >345 sq. ft.
 - >27' in height
- (c) All other zones other than residential zones:
 - Nuisance if: >115 sq. ft.
 - >27' in height unless flag which may be 35' in height
- (d) Residential zones:
 - Nuisance if: >69 sq. ft.
 - >27' in height unless flag which may be 35' in height

NOTE: The symbol ">" means "greater than."

(5) Attached signs. Attached signs in all zones shall be considered a nuisance if they exceed signable area and height as provided in Section 20-126.

(6) Due process hearing. Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (4) unduly restrict his ability to replace or reconstruct a nonconforming sign and that his sign is not a nuisance shall be entitled to a public hearing before the Lebanon Board of Zoning Appeals. Notice of the public hearing will be published in a newspaper of general circulation at least ten (10) days prior to the meeting of the Board of Zoning Appeals. All interested persons shall be entitled to be heard at the public hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign.

(7) Abandoned nonconforming signs. Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of any intent not to abandon or of an intent to reserve the right to use the sign:

(a) An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of two (2) years or more. Copy on the sign indicating the sign is for lease or sale shall not be construed as the display of any advertising message for the purpose of this chapter.

(b) Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of two (2) years or more. (as added by Ord. #01-2271, April 2003)

20-130. Removal of certain signs. (1) Permit requirements. Demolition of any permanent sign or sign structures requires a permit and fee (see Section 20-120) except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.

(2) Notice to remove illegal nonconforming signs. If the chief building official shall find that any sign does not conform to the provisions of this chapter, except for legal nonconforming signs, he shall give written notice to the owner(s), agent or person(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety (90) days after receipt of the notice from the chief building official. Removal of temporary signs shall be effected within two (2) days after posting of notice on the sign or personal contact with owner or lessee. No notice will be given for temporary signs in R.O.W. If such sign is not removed after the conclusion of such period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.

For the purpose of this subsection, the word "remove" shall mean:

(a) The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.

(b) The sign face and supporting structures of "projecting", "roof" or "attached" signs shall be taken down and removed from the property.

(c) The sign face of "painted attached signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

(3) Notice to remove abandoned signs. If the chief building official shall find that any such permanent sign has not been removed within two (2) years otherwise of cessation of its particular use, he shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the chief building official. If such sign is not removed after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the building or premises on which such sign is located. For the purpose of this paragraph, "removal" shall mean total removal of the sign structure if the sign is nonconforming but if the sign is properly maintained the order to remove shall not be given for another 365 days or one year.

(4) Notice to remove unsafe signs. If the chief building official shall find that any sign is unsafe or insecure, or is a menace to the public, he shall be given written notice to the owner, agent, or person having beneficial interest in the building or premises on which such sign is located. Correction of the condition which caused the chief building official to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located. Notwithstanding the foregoing provision, the chief building official is authorized to cause any sign to be removed upon giving reasonable notice under the circumstances at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located, whenever he determines an emergency exists and that such sign is an immediate peril to person or property of others.

(5) Appeal. The owner of a nonconforming or abandoned sign which has been the subject of a notice of violation may appeal by filing a notice of appeal pursuant to Section 5 of this chapter no later than ten (10) days after receipt of notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal to the Board of Appeals. Failure to request due process hearing within ten (10) days of the notice will constitute waiver of the right to an appeal when there is a right to a due process hearing.

(6) Annexation. Nonconforming signs located in areas annexed into the city shall be subject to the same provisions as nonconforming signs in existence when this chapter was initially passed. The following signs are required to be brought into compliance with these regulations within one-hundred twenty (120) days of the annexation: Temporary signs, flashing, chasing and blinking lights. Signs of this type that exist in a nonconforming status after the time specified shall cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building. (as added by Ord. #01-2271, April 2003)

20-131. Severability clause. Each section, subsection, paragraph, sentence, and clause of this ordinance, including any codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in this ordinance shall not affect the validity of any other portion of this ordinance and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #01-2271, April 2003)

20-132. Exercise of Police Power. This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Lebanon, Tennessee, adopted under the authority of section 6-2-201, 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. (as added by Ord. #01-2271, April 2003)

20-133. 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. (as added by Ord. #01-2271, April 2003)