



FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Town Hall
11408 Municipal Center Drive

WORKSHOP
5:00 PM

Sonja Drive & Admiral Road Sidewalks
Campbell Station Inn

AGENDA
February 23, 2023
6:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. February 8, 2023**
- IV. Mayor's Report**
 - A. Farragut Cross Country Team Proclamation**
 - B. Arbor Day Tree City USA Proclamation**
- V. Ordinances**
 - A. Public Hearing and Second Reading**
 - 1.) **Ordinance 23-01**, an Ordinance to amend the Code of Ordinances of the Town of Farragut Tennessee, Pursuant to Authority Granted by Section 6-2-201. Tennessee Code Annotated, by Amending Chapter 109 – Signs, to replace the Existing Sign Ordinance in its Entirety with a New Ordinance
 - 2.) **Ordinance 23-02**, an Ordinance to amend the Farragut Municipal Code, Chapter 22., Article 5. Driveways and other access ways, Section 22-149.-Permit Approval. (a) to permit access for a single-family residential lot proposed onto a non-local street to be reviewed by engineering staff, unless a concern is identified

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WWW.TOWNOFFARRAGUT.ORG

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

regarding the requested access in which case such request shall be presented to the Planning Commission and Board of Mayor and Aldermen for approval (Town of Farragut, applicant)

VI. Business Items

- A.** Approval of Contract for Cybersecurity Services
- B.** Approval of Proposal from MCCI for document scanning of Community Development & Engineering Documents
- C.** Approval of Resolution 2023-04, Participation with BuyBoard Cooperative Purchasing

VII. Town Administrator's Report

VIII. Town Attorney's Report

IX. Citizens Forum

This meeting can be viewed live on the Farragut YouTube Channel and the Town of Farragut website www.townoffarragut.org/livestream.

The meeting will be held at the Farragut Town Hall, 11408 Municipal Center Drive

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own original viewpoint;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

BMA MEETING MINUTES
February 9, 2023
6:00 PM

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, present; Alderman Meyer, present; Alderman Povlin, present; Alderman White, present; Mayor Williams, present; in addition to staff and members of the press.

Approval of Agenda

Motion was made to approve the agenda with the deletion of item VI.B and VI.D. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Povlin and White; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of January 12, 2023, as presented. Moved by Alderman White, seconded by Alderman Burnette; voting yes; Mayor Williams, Aldermen Burnette and White; Aldermen Meyer and Povlin abstained; no nays; motion passed.

Motion was made to approve the minutes of January 26, 2023, as presented. Moved by Alderman White, seconded by Alderman Povlin; voting yes; Aldermen Meyer, Povlin and White; Mayor Williams and Alderman Burnette abstained; no nays; motion passed.

Mayor's Report

Advance Knox Update

Ordinances

First Reading

Ordinance 23-01, an Ordinance to amend the Code of Ordinances of the Town of Farragut Tennessee, Pursuant to Authority Granted by Section 6-2-201, Tennessee Code Annotated, by Amending Chapter 109 – Signs, to Replace the Existing Sign Ordinance in its Entirety with a New Ordinance

Motion was made to approve Ordinance 23-01 on first reading. Moved by Alderman Meyer, seconded by Alderman Povlin. Mike Wilson, 412 Eisenhower Street, addressed the board concerning Ordinance 23-01. Alderman Meyer suggested the following changes in red: Section 109-12.(c).(1)h. and Section 109-12.(d).(1)h. Existing ground signs **being refaced or altered in a manor requiring a permit, but** not undergoing reconstruction...

Alderman White suggested revising the definition of "Athletic Field" in Section 109-6.

Motion was made to amend Ordinance 23-01 with suggested changes. Moved by Alderman Meyer, seconded by Alderman Povlin; Roll Call Vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman White, no; Mayor Williams, yes; motion passed.

Ordinance 23-02, an Ordinance to amend the Farragut Municipal Code, Chapter 22., Article 5. Driveways and other access ways, Section 22-149.-Permit Approval. (a) to permit access for a single-family residential lot proposed onto a non-local street to be reviewed by engineering staff, unless a concern is identified regarding the requested access in which case such request shall be presented to the Planning Commission and Board of Mayor and Aldermen for approval (Town of Farragut, applicant)

Motion was made to approve Ordinance 23-01 on first reading. Moved by Alderman Meyer, seconded by Alderman Povlin; Roll Call Vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Business Items

Approval of 2023 Forget Me Not 5K

Motion was made to approve the event application on April 15, 2023, involving the use of the Town's public rights of ways and pedestrian facilities for the Forget Me Not 5K for Alzheimer's benefitting the Pat Summit Clinic. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Povlin and White; no nays; motion passed.

Approval of Contract for Information Technology Professional Services

Motion was made to approve Contract for Information Technology Professional Services with Averro Advisors in the amount of \$49,429 for Information Technology Strategic Plan and additional services as needed. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Povlin and White; no nays; motion passed.

Approval of Resolution 2023-02 – Supporting Local Parks and Recreation Fund (LPRF) Grant Application

Motion was made to approve Resolution R-2023-02 to support the 2023 Local Parks and recreation Fund grant application. Moved by Alderman Meyer, seconded by Alderman White; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Povlin and White; no nays; motion passed.

Approval of Resolution 2023-03, Surplus Property

Motion was made to approve Resolution R-2023-03. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Povlin and White; no nays; motion passed.

Meeting adjourned at 7:41 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder



Town of Farragut P R O C L A M A T I O N

- WHEREAS** in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*
- WHEREAS** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*
- WHEREAS** Arbor Day is now observed throughout the nation and the world, *and*
- WHEREAS** trees reduce the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*
- WHEREAS** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*
- WHEREAS** trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, *and*
- WHEREAS** trees — wherever they are planted — are a source of joy and spiritual renewal, *and*
- WHEREAS** on February 17, the town partnered with the Farragut Intermediate School and Tennessee Division of Forestry to recognize the numerous benefits derived from trees with a presentation to third graders, *and*
- WHEREAS** one week prior to the February 17 presentation, third graders at the Farragut Intermediate School were asked to submit an essay with the prompt “Why are trees important to our ecosystem?” and those essays are now on display at the Farragut Town Hall, *and*
- WHEREAS** in conjunction with Farragut Stormwater Matters, as part of the Arbor Day recognition, the town will be coordinating a tree give away at McFee Park on March 4
- NOW, THEREFORE,** The Board of Mayor and Aldermen of the Town of Farragut, Tennessee hereby proclaims, consistent with the State of Tennessee Arbor Day

recognition, Friday, March 3, 2023, as **ARBOR DAY** in the Town of Farragut, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER,

The Board of Mayor and Aldermen urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS

23rd day of February,

Ron Williams, Mayor





Town of Farragut

PROCLAMATION

WHEREAS, the schools located in the Town of Farragut are assets to our community and excel in many areas from academics to sports and other competitive activities; and

WHEREAS, from time-to-time the achievements by individual students or groups of students are so great that they are worthy of notice and celebration; and

WHEREAS, during the 2022 season, the Farragut High School Boys Varsity Cross Country Team and Junior Varsity Cross Country Team became the Knoxville Interscholastic League (KIL) Team Champions; and

WHEREAS, all seven Boys Varsity Cross Country Team members earned All-KIL with team member Trevor Coggin setting a new school record of 15:13 and the Boys Junior Varsity Cross Country Team had a perfect score with eight finishers in the top 10; and

WHEREAS, the Boys Varsity Cross Country Team became Region 2 Team Champions with Trevor Coggin taking the individual win and all seven boys varsity team members earning All-Region; and

WHEREAS, the Boys Varsity Cross Country Team became AAA State Champions with a score of 41 points with Trevor Coggin as runner-up and Braden Ebbert and Matteo Tonnos earning All-State; and

WHEREAS, the Boys Varsity Cross Country Team became Nike Cross Southeast Regionals Team Champions with three finishers in the Top 20; and

WHEREAS, the Boys Varsity Cross Country Team placed 9th at the Nike Cross Nationals in Portland, Ore.; and

Now, Therefore, the Board of Mayor and Aldermen of Farragut, Tennessee, do hereby congratulate the Farragut High School Boys Varsity and Junior Varsity Cross Country Teams for their accomplishments.

Ron Williams, Mayor

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Bart Hose, Assistant Community Development Director

SUBJECT: Ordinance 23-01, an ordinance on second reading to amend the Code of Ordinances of the Town of Farragut Tennessee, by amending and replacing Chapter 109-Signs in its entirety.

INTRODUCTION AND BACKGROUND: This agenda item involves proposed amendments to the Town's Sign Ordinance. As you know, the existing ordinance was adopted in the spring of 2020 after considerable work with the input of a steering committee. The project involved rewriting the Town's sign regulations in a more legally defensible content neutral form, while also making a number of other changes and updates to the requirements. The existing ordinance has now been in place for over two and a half years and the Town staff has been working with the Visual Resources Review Board (VRRB) to identify additional amendments to improve enforcement, clarify sections where needed, and provide for additional signage options where appropriate. The proposed amendments have been reviewed and recommended to the Board of Mayor and Aldermen by both the VRRB and the Farragut Municipal Planning Commission (FMPC). Some of the more significant changes include the following:

- The reintroduction of General Occupant Signs as a permitted type of sign. This sign type includes small wall plaques and similar informational signs located around the entrances to buildings.
- Changes to the provisions for Peripheral Accessory Signs to allow for a second such sign along driveway entrances. Business owners often looked to utilize these accessory signs for entrance & exit signs and the current limitation of one per access street proved impractical for this use.
- Providing for General Occupant Signs and the updated standards for Peripheral Accessory Signs at residential subdivision club houses and similar HOA controlled recreation facilities.
- The addition of requirements for non-residential construction site signs.

DISCUSSION AND RECOMMENDATION:

The Board of Mayor and Alderman reviewed the proposed amendments and approved Ordinance 23-01 on first reading at its February 9, 2023 meeting. This approval included a minor wording change to Section 109-12, Subsections (c),(1),h., and (d),(1),h. dealing with "Sign base and architectural compatibility" requirements for ground signs (see meeting minutes). This wording change has been made to the proposed ordinance.

The Board's February 9th approval also included directions to update the definition of "Athletic Field" to match the definition used in a recent amendment to the Town's lighting standards in the Zoning Ordinance. Upon review, the staff found that the referenced definition in the lighting standards is actually "Ballfields" and is narrower than the "Athletic Field" definition in the Sign Ordinance. The two definitions follow:

Ballfield – An outdoor playing surface designed for recreational and sport activities, but not including tennis and/or pickleball courts.

Athletic field means a piece of land designed, approved, and dedicated for playing a game.

The use of the narrower "Ballfield" definition in the Sign Ordinance could potentially allow for visible signage at tennis and/or pickleball courts. It should be remembered that the definitions in these two different sets of regulations/ordinances stand alone and are applicable only in their respective ordinances. There is no conflict in having different definitions in separate regulations/ordinances and they do not need to be aligned. In light of this, the Town staff would like to verify whether or not the Board wishes to update the "Athletic field" definition in the proposed Sign Ordinance to match the "Ballfield" definition in the lighting standards. This

change has not been made in the current draft of the proposed Sign Ordinance. The staff is requesting verification of the definitional change by the Board in conjunction with second reading.

Included in the packet is revised Ordinance 23-01. The Ordinance has been partially updated to reflect the Board’s approval on first reading pending resolution of the “Athletic field”/”Ballfield” definitional issue discussed above.

The packet also includes a copy of the proposed new sign ordinance language for additional discussion, if needed. The proposed amendments within this copy are shown in blue text. Explanatory comments have also been added in green italicized text after the proposed amendments for clarity. The ordinance language in this document has also been updated as discussed above.

PROPOSED MOTION: To approve Ordinance 23-01 on second reading pending a final determination of the “Athletic field”/”Ballfield” definitional issue by the Board.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Proposed Amendments to Sign Ordinance

Proposed amendments are in blue text.

Explanation of proposed amendments are in green italic text.

Chapter 109 – Signs.

Section 109-1. Authority.

This chapter shall be known as the "Sign Ordinance of the Town of Farragut, Tennessee." This chapter is adopted under the authority granted by T.C.A. § 6-2-201.

Section 109-2. Purpose, Intent, and General Scope.

(a) The purpose and intent of this chapter is the following:

- (1) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Town in order to promote the public health, safety and welfare.
- (2) Maintain, enhance, and improve the aesthetic environment of the Town by preventing visual clutter.
- (3) Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees.
- (4) Avoid signage that is a threat to safety due to its placement and other physical characteristics.
- (5) Ensure the safe construction and maintenance of signs, and
- (6) Support businesses in the Town by providing for fair and consistent sign allocations and enforcement of the sign regulations set forth herein.

(b) This ordinance is not intended to regulate the message on any sign, any building design, any display not defined as a sign, or any sign which cannot be viewed from outside a building.

Section 109-3. Provisions declared to be minimum requirements.

The provisions of this chapter are considered to be minimum requirements. Wherever there is a discrepancy between the minimum standards noted in this chapter and those contained in any other lawfully adopted regulation or ordinance of the town, the strictest standard shall apply.

Section 109-4. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 109-5. Substitution.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Section 109-6. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign, including its supporting structure, erected in conjunction with a particular use, for which the use has been discontinued for a period of 90 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Architectural compatibility means visual harmony and consistency with regard to color, building/sign materials, style, mounting, and illumination.

Athletic field means a piece of land designed, approved, and dedicated for playing a game.

Banner sign means any sign of flexible lightweight material that allows movement caused by wind. A flag, as defined herein, shall not be considered a banner sign.

Changeable copy sign means any sign where letters or numbers displayed on the sign are designed to be changed frequently to display different messages.

Dilapidated sign means a sign that is in a bad, unsafe, or unsightly condition due to neglect or misuse.

Flag means a fabric sign of a non-commercial nature with a distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent freestanding flagpole or mounted with a pole attached to a building.

Freestanding sign means a sign that is either anchored in the ground or secured so that it is not subject to being moved by wind and that is independent of any building.

Freestanding building frontage sign means a non-illuminated sign of a solid material with copy that is meant to be readable only to a pedestrian and that is placed near the front of a building.

Gas pump signs means permanent signs, including Federally required safety information, adhered to a gas pump island, and reviewed through a sign permit process.

General occupant sign means a minor sign(s) located on the door or adjoining wall of a principal building's primary public entrance.

{This definition has been added to support the inclusion of General Occupant Signs as permitted signs in several subsequent sections of the proposed ordinance.}

Ground-mounted sign means a sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided, provided that both sides cannot be seen simultaneously from any point. Such signs have a solid base with no exposed poles.

Interior accessory freestanding sign means a sign permitted interior to a development and not meant to be readable from a public street, public access easement, or adjacent property.

Interstate/interchange pole sign means a sign permitted near the interstate interchange as stipulated in this ordinance.

Legibility means how easy a sign is to read. This is based on the characteristics of letters, numbers, and characters that make it possible to differentiate one from another.

Manual on Uniform Traffic Control Devices (MUTCD) means the manual produced by the Federal Highway Administration that addresses three specific types of signs: guide, warning, and directional. The manual includes minimum size, height, and placement standards to achieve readability and prevent traffic accidents.

Non-commercial means not naming, advertising, or calling attention to a business or commercial product, service, or activity.

Normal maintenance means replacing lights, painting, staining, repairing a damaged element of a sign, or replacing a sign face that has faded over time with exposure to the elements with an identical sign face. Normal maintenance shall not include any other modifications to a sign.

Peripheral accessory freestanding sign means a sign permitted near the entrance and exit points to a development.

Permanent ground mounted subdivision sign means a permanent sign permitted near the entrance to a subdivision.

Permanent parcel sign means a wall mounted sign permitted on a principal dwelling unit.

Portable sign means a sign not permanently attached to the ground or a building and is easily removable using ordinary hand tools.

Primary permanent ground mounted sign means the primary sign permitted for a single-use or multiple use non-residential development.

Primary permanent wall mounted sign means the primary wall sign for a development or tenant.

Prohibited sign means any sign not specifically permitted in this ordinance or that is not compliant with the applicable provisions of this ordinance.

Projecting sign means a sign, other than a wall mounted sign, which is affixed to and projects from a building, wall, or support structure such as a column, forming an angle between said building or wall and the face of the sign.

Public access easement means a recorded access easement that runs with the land and that provides direct two-way public access to at least two parcels.

Roof sign means any sign attached to a building which projects in part or in whole above the top edge of a building wall.

Sandwich board sign means a freestanding temporary sign, with no moving parts or lights, displayed outside a business during business hours. It is not intended as permanent business signage.

Sign means any letter, number, figure, symbol, trademark, graphic, logo, design, or device mounted or otherwise placed and intended to be visible from outside of a building, used to attract attention in order to advertise, identify, announce, notify, direct, or communicate. Sculptures, artwork, and architectural accents shall not generally be considered a sign unless they would otherwise be used as outlined in this definition.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Snipe sign means a sign affixed to trees, utility poles, light poles, fences, or other objects.

Temporary means related to an event or activity that has a limited amount of time.

Temporary freestanding subdivision entrance sign means a sign permitted on a temporary basis near the entrance to a subdivision.

Temporary parcel sign means a sign permitted on a parcel for a temporary event or activity.

Temporary freestanding subdivision sign means a sign permitted on a temporary basis for a subdivision.

Under-canopy sign means a sign that is hung perpendicular to a building under a canopy which projects over the public entrances into a building.

Visibility obstruction means a sign that by virtue of its placement has created a visibility obstruction harmful to the public safety.

Wall sign means a sign attached parallel to and projecting not more than 12 inches from the wall of a building and does not project in part or in whole above the top edge of a building wall.

Window sign means a sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of the door.

Section 109.7. Administration.

(a) *Sign administrator to enforce chapter.* The Town administrator or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this chapter. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of this chapter. When the definition of a sign or an issue concerning architectural compatibility, illumination, or some unique physical characteristics of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such question.

(b) *Application and permit process.* Unless otherwise provided by this chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit to do so from the Town.

(1) *General application requirements and fees.* Applicants shall submit a completed sign application and the required fee to the Town prior to commencing any work on installation of a new or replacement sign. The required fee is per the schedule approved by the Town Board of Mayor and Aldermen. Per the approved fee schedule, an additional penalty fee shall be paid if work is commenced prior to receiving a permit from the Town. Government or government sponsored entities are waived from the fee requirement. Applications shall be made in conformance with the requirements of this ordinance, and any other applicable regulations or standards of the Town. This includes, but is not limited to, specific zoning districts and/or the Farragut Architectural Design Standards.

{This language was added to better inform permit applicants that other regulations and standards may affect their project}

(2) *Application required for each sign.* A separate application must be completed and submitted for each new or replacement sign.

- (3) *Wall mounted sign application reviews.* Wall sign applications shall be reviewed by the sign administrator for conformance with the requirements. The sign administrator shall approve or deny the application within 15 working days of submittal. When architectural compatibility, illumination, or some unique physical characteristics of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such matter.
- (4) *Wall mounted sign application submittal requirements.* All wall sign applications shall include the following:
- A dimensioned schematic drawing of the building showing the proposed sign location.
 - A photograph of the businesses located on either side which demonstrates the color, material, and illumination of these adjacent signs.
 - The width of the building wall or lease space upon which the sign is to be mounted.
 - A dimensioned colored drawing (or simulated photograph) of the sign showing the copy on the sign face.
 - An indication of how the sign is to be mounted and illuminated, and
 - Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards or any provision of this ordinance.

{This item, "requirement f.", has been added to align with similar language in the ground sign application section and make it clear that the sign administrator (enforcing town staff) can request additional information when evaluating permit applications to ensure code compliance.}

- (5) *Ground-mounted sign application reviews.* Ground-mounted sign applications shall be reviewed by the Visual Resources Review Board for conformance with the requirements of this chapter and any overlapping regulations, including the Architectural Design Standards, as amended, prior to the issuance of a sign permit.
- (6) *Ground-mounted sign submittal deadlines.* Ground-mounted sign applications shall be submitted in accordance with the deadlines established by the Town for the meeting at which the ground mounted sign is to be considered by the Visual Resources Review Board.
- (7) *Ground-mounted sign coordination with site and landscape plans.* As part of a site plan and landscape plan review process with the Planning Commission and Visual Resources Review Board, applicants for new developments or redevelopments shall take into account anticipated locations for ground mounted signs. These should be shown on both the site and

landscape plans in order to help lessen conflicts with landscaping, utilities, and other site development components.

- (8) *Ground-mounted sign application submittal requirements.* All ground-mounted sign applications shall be accompanied by complete sets of plans which include the following:
- a. A dimensioned site plan of the parcel showing the proposed sign location in relation to property lines and platted easements.
 - b. A proposed landscaping plan for the area around the sign base.
 - c. A detail of the sign lighting, including lighting placement, type, and lumens.
 - d. A detail of the materials and colors used for the sign structure.
 - e. A dimensioned colored drawing of the sign showing the copy on the sign face, height and length of the sign face and sign structure, overall height of the sign, and size of the address numbers required at the top of the sign.
 - f. Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards [or any provision of this ordinance](#).

{This language was added to further clarify the intent of the requirement. Ensuring that all new signs comply with the provisions of this ordinance and the relevant sections of the Architectural Design Standards are our enforcement goals.}

- g. [The sign administrator may waive one or more of these application plan requirements for simple individual tenant panel sign installations on existing sign structures.](#)

{Item “g.” has been added to allow the administrator to simplify the requirements for individual tenant panel sign applications where appropriate.}

- h. An acknowledgment that [a preconstruction site location survey and/or an as-built survey](#) may be required by the sign administrator to verify compliance with applicable provisions associated with ground-mounted signs.

{This language was added to provide the option of conducting a preconstruction site location survey as opposed to an as-built survey. The preconstruction location survey will allow an applicant to have the proposed ground sign located and staked out by a surveyor prior to construction. In most cases this will eliminate the need for an as-built survey and hopefully avoid costly location errors in the field}

- (9) *Expiration of sign permits.* A sign permit shall become null and void if installation of the sign has not been initiated within 180 days of issuance. If work authorized by such permit is suspended or abandoned for 180 days any time after the work has been initiated, the sign permit shall be void and a new permit shall be first obtained to resume work. After a permit expires, a

partially completed sign structure must be removed within 30 days if no new permit is issued.

- (10) *Changes to an approved sign permit.* A new permit may be required, as determined by the sign administrator, where changes have been made to an approved sign that would alter the physical characteristics of the sign.
- (11) *Temporary parcel sign application reviews.* Temporary parcel signs provided for in Section 109-12 (c)(2) and 109-12 (d)(2) and that are restricted to a total of 40 calendar days per year shall be permitted through a Town of Farragut Temporary Sign Permit Application. The application shall cover a ten-day period and an applicant is permitted to apply for four applications per calendar year. Each application shall be reviewed and approved by the sign administrator and shall include the following:
 - a. Verification that the entity has a valid Certificate of Occupancy.
 - b. An indication of the dates when the sign will be installed and removed.
 - c. A dimensioned drawing showing the height and length of the sign face and the overall height of the sign.
 - d. A verification that the material used is a minimum of ten millimeters (.39 inches) in thickness and will be supported by metal t-posts.
 - e. A verification that the sign will be set back at least 20 feet from the back of the public street curb or edge of street where curbing is not provided.
 - f. An acknowledgment that banners, pennants, streamers, and similar flexible or wind activated signs shall not be used.
- (c) *Text amendment process.* Amendments to the text of this chapter shall first be reviewed by the Visual Resources Review Board and the Town Municipal Planning Commission with recommendations regarding the proposed change forwarded to the Town Board of Mayor and Aldermen.

Section 109-8. Enforcement.

- (a) *Sign enforcement process.* Noncompliance with this chapter shall be deemed a violation. When the sign administrator finds violations of the provisions of this chapter; **including but not limited to the installation of a sign without a permit, or a sign that does not conform with an approved permit and plan;** the administrator shall document such findings and take the appropriate action to correct said violations. A citation to municipal court may be issued to the owner, agent, or employee for violations of this chapter.

{This language was added for enforcement clarity when municipal court action is required. These are the two most common violations that the enforcement staff encounters.}

- (b) *Separate offense.* Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises, or sign thereon, and any architect, builder, contractor, agent, or other person who commits, or participates in, assists in, or maintains any violation hereunder may be found responsible for a separate offense. Nothing herein contained shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation of this article.

Section 109-9. Appeals.

- (a) The Town Board of Zoning Appeals shall have the following responsibilities:

- (1) *Interpretations/General Appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the sign administrator and/or the Visual Resources Review Board in the carrying out or enforcement of any provision of this chapter, and
- (2) *Variances.* To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. Variances shall not be granted to allow a larger sign or a sign which is otherwise not permitted in this chapter. Variances shall be granted only whereby special physical characteristics of the lot, parcel, or tract exist, that the strict application of the provisions of this chapter would deprive the applicant of an otherwise permitted sign.

- (b) Appeals procedure.

- (1) *Denial required.* After a written denial of a sign permit from the sign administrator, a party may make an application for an interpretation or a variance.
- (2) *General application requirements and fees.* The application shall be submitted to the Town in accordance with the deadlines established by the Town for the meeting at which the application is to be considered by the Board of Zoning Appeals. The required fee associated with the application is per the schedule approved by the Town Board of Mayor and Aldermen. The Board of Zoning Appeals shall consider and decide all appeals within 30 days of first hearing the appeal, and
- (3) *Minutes.* The minutes of the Board of Zoning Appeals shall fully set forth such circumstances or conditions warranting the granting of a variance.

Section 109-10. Legal nonconforming signs.

- (a) *Definition.* Existing signs which were legally in existence prior to the adoption of the ordinance from which this chapter is derived which do not conform to the specific provisions of this article are declared legal nonconforming signs.
- (b) *Continuance.* Any legal nonconforming sign may be continued in operation and maintenance after the effective date of the ordinance from which this chapter is derived, provided:
 - (1) The sign is not relocated or replaced.
 - (2) The structure or size of the sign is not altered in any way except toward compliance with this chapter.
 - (3) No new or additional signs are added to the premises, and
 - (4) Other than changing the text of changeable copy signs or normal maintenance, no other existing permanent signs are changed or replaced on the premises.
- (c) *Maintenance/damage/deterioration.* A legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, as based on a certified appraisal, it must be brought into conformance with this chapter or removed.

Section 109-11. General restrictions.

- (a) All signs erected, replaced, reconstructed, expanded, or relocated on any property within the Town shall conform with the provisions of this section.
 - (1) *Signs not requiring permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:
 - a. Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
 - b. Signs placed by or on behalf of a governmental entity.
 - c. Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
 - d. Permanent parcel signs.
 - e. Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.

- f. Temporary signs of any kind, unless a permitting process is specifically required in association with specific events, programs, or community objectives promoted by the Town of Farragut.
- g. Flags, and
- h. Window signs.
- i. General occupancy signs.

{Provisions for General Occupant Signs, as defined in this ordinance, have been added. These minor signs are potentially useful for some property/business owners and had been permitted in past ordinances.}

(2) *Prohibited signs.* The following types of signs are prohibited within the Town:

- a. Abandoned or dilapidated signs, which shall be removed by the property owner or responsible entity.
- b. Any sign placed on public property or right-of-way without the written consent of the public authority having jurisdiction over the property.
- c. Any sign which bears or contains statements, or words of an obscene, pornographic, or immoral character, as defined by the United States Supreme Court.
- d. Any signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights, color changing lights, or any other rotating, revolving, or otherwise moving part or the appearance of moving parts or motion. This includes individuals holding signs not otherwise provided for in accordance with the United States Constitution.

{The term “color changing lights” has been added for clarity and enforcement purposes.}

- e. Electronic and digital changeable copy (message board) signs, TVs, monitors, and similar devices.

{Item “e.” has been added for clarity and enforcement purposes.}

- f. Off-premises signs, unless required by and in accordance with the MUTCD or placed by or authorized on behalf of or by a governmental entity.
- g. Off-premises outdoor advertising (billboards).
- h. Banners, feather flags, pennants, ribbons, festoons, buntings, streamers, spinners, balloons, or other types of lighter-than-air or wind-activated signs and attention getting devices.
- i. Advertisement displays hung internal in an automobile service bay where such display is visible from a street or a public access easement.
- j. Bollard covers, tire stack covers, and similar signs.

- k. Portable signs that do not comply with the location, size, or use restrictions of this chapter.
 - l. Search lights.
 - m. Signs attached to, suspended from, or painted on any vehicle or similar mobile structure which is regularly parked or situated on any street, parking lot, or private property when one of the purposes of so locating such vehicle or similar mobile structure is to display, demonstrate, advertise, or attract the attention of the public.
 - n. Signs imitating or resembling official traffic or government signs or signals.
 - o. Roof signs, or signs extending beyond the main roof line, provided that signs may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
 - p. Snipe signs, and
 - q. All other signs not specifically permitted or that are not a lawful nonconforming sign.
- (3) *Criteria in determining sign area.*
- a. Ground Mounted and Other Non-Wall Mounted Signs.
 - i. The sign area for all ground mounted (and other non-wall mounted) signs shall include and encompass the entire sign face, framing, trim, and associated moldings. The area shall not include the supporting sign structure.
 - ii. For a sign with two parallel faces, only the area of a single face shall be considered. If the faces of a sign are not parallel, then the total sign area shall be the sum of the areas of the individual, non-parallel faces.
 - iii. Where a ground mounted sign is mounted on a larger ornamental wall structure, such as on a subdivision entrance wall feature, its area shall be measured in the same fashion as a wall mounted sign (see part b. below).
 - b. Wall Mounted Signs.
 - i. For cabinet type/style signs, the sign area shall include the external perimeter of the entire cabinet measured to include all sign elements, including any internal spaces where such sign includes cut-out areas.
 - ii. For signs that include channel letters and/or other individual elements (letters, logos, etc.) mounted on raceways or directly on a wall, the sign area shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral

triangle around and encompassing all sign elements. The text and other graphics (sign elements) do not have to be physically, visually, or topically related, or physically connected to be included in the measured area.

- iii. For window signs, the sign area shall be calculated separately for each window sign and, for each sign, shall include all background, framing, or other supporting material that forms the physical extent of the sign.
- (4) *Criteria in determining sign height for ground-mounted signs.* Unless provided for otherwise in this chapter, the sign height shall be measured by the vertical dimension from the ground level at the base of the sign, including the supporting structure, to the topmost point of the sign and/or its associated framing/support, exclusive of the additional 18 inches permitted to accommodate address numbers. Unless otherwise specified in this chapter, if the ground level at the base of the sign is lower than the adjacent street grade, the height shall be computed from the adjacent street grade, excluding elevated bridges or interchanges.
- (5) *Criteria in determining setback for ground-mounted and pole signs.* The setback shall be measured from the farthest most protrusion of the sign to the nearest point of a property line. All signs shall be located outside of the visibility triangle. For the purposes of this article, the interstate highway right-of-way shall be considered a side or rear lot line. Where the exact location of a property line is unknown and a survey is not reasonably available, the Sign Administrator may, at their discretion, allow the line locations to be approximated by the owner/applicant from best available information, including but not limited to previous permits and KGIS maps, supplemented by field evaluation. In the case of a front property line, however, the approximated location of the property line must be located at least one half the required road right-of-way width from the centerline of the road unless more definitive information is available. The required right-of-way width shall be based on the Town's Major Road Plan and the adopted Subdivision Regulations. Where an owner/applicant requests and is permitted to use approximated property line locations in the place of a surveyed line, they shall bear full responsibility for any location errors.

{This language has been added to provide for some flexibility and guidance when determining setbacks for ground sign locations. In some cases, the applicant for a ground sign permit may not have easy access to an existing property survey. This is particularly true of older previously developed sites. In these instances, previous permits are sometimes consulted, and field checks made where appropriate to determine whether or not a full survey will be required for the permit application. The front-line setback is typically the most critical because potential conflicts may exist between the road right-of-way and/or utility easements in that area. Using the "half the required right-of-way" minimum standard for approximating the front property

line is an attempt to avoid these conflicts as much as possible when a survey is not required.}

- (6) *Construction specifications.* All signs shall be installed in compliance with all building, **construction, and** fire codes adopted by the Town. All electrical service to ground-mounted and pole signs shall be under ground **and installed in accordance with all applicable electrical codes.** Any lighting of signs shall be installed to prevent any glare upon adjoining properties or rights-of-way.

{This language has been added to further clarify and expand upon the existing provisions of this section of the code.}

- (7) *Sign maintenance and removal.*
 - a. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The sign administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
 - b. When any sign is removed, all structural components shall be removed with the sign and such removal shall be in compliance with all building and fire codes adopted by the Town. All structural components of ground-mounted and pole signs shall be removed to ground level. The structural components of all other signs, including painted wall signs, shall be removed back to the original building configuration. All visual remains of the sign shall be removed.

Section 109-12. Sign regulations by land use and/or zoning districts.

All signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

- (a) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts subject to compliance with all applicable provisions of this chapter or other applicable Town regulations, standards, or requirements:
 - (1) Flags.
 - (2) Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
 - (3) Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
 - (4) Signs placed by or on behalf of a governmental entity.
 - (5) Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
 - (6) Temporary parcel sign, and

- (7) Temporary signs specifically authorized by the Town to promote specific events, programs, or community objectives.

(b) *Signs permitted on land for residential uses.* The following signs are permitted on land used for residential purposes. Recreational facilities developed as part of a residential development shall also follow these regulations:

- (1) *Permanent ground mounted subdivision sign.* Once a preliminary plat or a site plan has been approved in relation to a subdivision and the construction of the applicable entrance road has progressed to a point of finished grade and installation of base stone, a permanent ground mounted subdivision sign shall be permitted as follows:

{This language has been added to better align the actual construction of a subdivision and any permit applications for permanent ground mounted signs. There can be a significant time delay between plat/plan approval and the actual construction of a subdivision}.

- a. *Sign area.* A subdivision is permitted a total of 40 square feet per single-family or multi-family development entrance, with either one ground-mounted sign not to exceed 40 square feet or two ground mounted signs not to exceed 20 square feet each.
- b. *Sign placement.* Such signs and the structures/walls on which they are affixed shall be out of any platted drainage or utility easements and shall be set back a minimum of ten feet from any front property line(s) and five feet from any side or rear property line. Such signs and the structures/walls on which they are affixed shall be located on either a platted open space lot or within a platted sign easement. Any signs or structures proposed within the public right of way as part of a streetscape plan submittal, shall be recommended for approval by the Planning Commission and Visual Resources Review Board before being presented to the Board of Mayor and Aldermen for approval.
- c. *Sign height.* Permanent freestanding subdivision signs, excluding the supporting structure, shall not exceed six feet in height.
- d. *Sign illumination.* If such sign or its supporting structures are to be illuminated, external illumination shall be used and such illumination shall be directed only onto the sign face. Each individual light fixture shall not exceed 850 lumens per fixture and shall be shielded so that no glare is created, and
- e. *Sign landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base.

- (2) *Temporary freestanding subdivision entrance sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street entrance into a new subdivision development, provided the following criteria are met:
 - a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed within 15 days of the installation of the permanent freestanding subdivision sign.
- (3) *Temporary freestanding subdivision sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per new subdivision development provided the following criteria are met:
 - a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed when at least 75% of the units/lots within the development, as based on the approved preliminary plat, have received Certificates of Occupancy.
- (4) *Permanent parcel sign.* Each individual house lot shall be permitted one non-illuminated permanent wall mounted sign not to exceed two square feet.
- (5) *Temporary parcel sign.* Each individual house lot shall be permitted one temporary parcel sign not to exceed six square feet in area and six feet in overall height. This may include a sign where the owner consents and the property is being offered for sale or lease. A temporary parcel sign shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.
- (6) *Flag.* Each single-family house lot with an occupied dwelling unit shall be permitted one freestanding flagpole not to exceed 25 feet in height with up to two flags not to exceed 15 square feet each being permitted on such pole. The flagpole shall meet the setbacks that apply to the principal building (the dwelling unit).

In lieu of a freestanding flagpole, one house mounted flagpole shall be permitted provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (7) *Subdivision exit sign.* One non-illuminated ground-mounted sign not to exceed six square feet in size and four feet in height shall be permitted per single-family or multi-family development entrance. Such sign shall be placed at the rear of the permanent subdivision sign so that it is only visible to vehicles exiting the development.

Where a single-family or multi-family development does not have a permanent subdivision sign at its egress point or because of the setback or angle of the permanent subdivision sign is such that the message area would not be readable; one non-illuminated single-faced freestanding homeowner association notification sign shall be permitted per egress point. Such freestanding sign shall be set back a minimum of five feet from all property lines, shall be rear facing and only readable from vehicles or pedestrians exiting the development, and shall be located on property which is part of the subdivision, and which is zoned the same as the subdivision.

{This language has been added for additional clarity and to better align with the requirements listed in the paragraphs before and after.}

Where such sign is proposed on property which is not owned by the homeowners' association, an appropriate easement shall be recorded as a condition for approval of the sign. Such signs shall be landscaped per this chapter and the sign face shall be oriented so that it is only visible to vehicles exiting the development. The back of the sign face shall be constructed of material which is non-reflective, and the sign shall be generally compatible with other entrance features in the immediate area.

- (8) *Recreational and similar subdivision facilities signs.* The following signs shall be permitted for Homeowners Association (HOA) owned and controlled recreational buildings and similar facilities.
- a. *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of the principal building's primary entrance, do not exceed a combined total of six square feet in area, are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.
 - b. *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:

- i. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
- ii. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
- iii. Such sign(s) shall not create visibility obstructions; and
- iv. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building it is associated with.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

{Subsection 8, parts a. and b. have been added to afford clubhouses and other subdivision community facilities similar opportunities for General Occupant Signs and Peripheral Accessory Signs as those permitted for non-residential facilities. These are minor signs and include such things as wall plaques and small enter/exit signs for parking lots.}

(c) *Signs permitted for developments being used for single-use non-residential purposes, including freestanding churches and schools, are as follows:*

- (1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign shall be permitted provided the following criteria are met:
 - a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. The minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. For each additional foot that the sign is set back from the ten-foot minimum, the sign face area may be increased by two square feet with the maximum sign face area being 40 square feet at a 20-foot setback. Sign structures shall also be outside of any platted easements and at least ten feet from any side or rear property line.
 - b. *Corner lot.* If a property **fronts** two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street **frontage**.

{The terms “fronts” and “frontage” have replaced “accesses” and “access”. This may seem like a minor change, but it will actually allow many corner lots to have a ground sign along each street. The use of the term’s “accesses” and “access” in the existing ordinance would only permit the second sign if the lot/business had a driveway cut

along both streets. There are still minimum separation requirements (150 feet) between any such signs to avoid visual clutter.}

- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, two inches of increased allowable sign height shall be permitted for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. Ground-mounted sign placement and site landscaping shall be coordinated to the greatest extent possible as part of the site plan and landscape plan review processes. Landscaping proposed around a ground mounted sign shall also be specifically evaluated in terms of ensuring that the copy on a sign face is not obstructed.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture, and
- h. *Sign base and architectural compatibility.* Each newly constructed or reconstructed primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a *minimum* two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s). Existing

ground signs being refaced or altered in a manor requiring a permit, but not undergoing reconstruction, may be required to make incremental improvements in an effort to more fully comply with these standards (move towards compliance) wherever reasonably practicable.

{Item h. has been amended to clarify that the sign base and architectural compatibility requirements apply to newly constructed or reconstructed ground signs and should not be fully applied to existing sign structures. Additional language has also been added to allow the sign administrators and VRRB to require incremental improvements to existing sign structures when it is reasonable to do so. For example, an applicant might be refacing an existing sign with support poles and no base, that is only 1.5 feet off the ground. The ordinance would not require the sign to be rebuilt to meet the 2-foot base requirement, but the applicant would likely be required to add a 1.5-foot base under the sign to comply with the standard more fully.}

- (2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, one temporary parcel sign shall be permitted for the development provided the following criteria are met:
 - a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
 - b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted on the parcel. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.
- (3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each principal building shall be permitted one wall mounted sign which may be installed on any single building elevation subject to the following criteria:
 - a. *Sign area.* The sign area, unless provided for otherwise in this chapter, shall be based on the width of the building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of building width, as measured from

exterior wall edge to exterior wall edge. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter.

- b. *Corner lot.* Where a principle building directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one (1) linear foot of building wall on which the sign is to be mounted.
 - c. *Buildings exceeding 300 linear feet of wall length.* If a building has more than 300 linear feet of wall length, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
 - d. *Developments with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, one wall mounted sign shall be permitted on the side of the building which fronts upon a public street(s) and one wall mounted sign shall be permitted on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted. In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
 - e. *Developments abutting the Interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided such elevation is at least 100 linear feet in length. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet, and
 - f. *Compatibility.* All wall signs shall be architecturally compatible with the principal building and shall be consistent in terms of sign material, general color, mounting style, and illumination with the other signs on the same building.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted provided the following criteria are met:

- a. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - b. Such sign shall be at least 60 feet from any property line.
 - c. Such sign shall be at least five feet from any parking lot or accessway curb.
 - d. Such sign shall not create a visibility obstruction, and
 - e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:
- a. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
 - c. Such sign(s) shall not create visibility obstructions; and
 - d. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building with which it is associated.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

{This subsection has been amended to provide for two peripheral accessory freestanding signs as opposed to only one. These signs are often used for enter / exit signs at driveway locations. Other minor changes to the subsection were also made for clarity and to better account for the possibility of a second sign at each driveway.}

- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
- a. Window signage shall not exceed 25% of the total window area of a building elevation or 20 square feet (as measured by the cumulative total of all window signs on the same building elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, **color changing**, or flashing message.

{The term “color changing” has been added for clarity and to facilitate enforcement.}

- (7) *Freestanding building frontage sign.* Along one building elevation, one non-illuminated freestanding building frontage sign shall be permitted, provided the following criteria are met:
- Such sign shall be placed within 10 feet of the building.
 - Such sign shall not obstruct pedestrian facilities.
 - Such sign shall not interfere with or cause the removal of landscaping.
 - Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - Such sign shall only be readable by pedestrians at the building frontage of the development.
 - Such sign shall be removed during non-business hours, and
 - Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.
- (8) *Interstate/interchange pole sign.* Establishments located within the C-2 Regional Commercial District shall be permitted one internally illuminated interchange pole sign, subject to the following criteria:
- The existing lot of record (at the time of this ordinance adoption) for the establishment shall be located within 200 feet of the right of way of the Campbell Station Road/I40 Interchange.
 - Such sign shall not exceed 400 square feet.
 - Such sign shall be set back a minimum of 20 feet from the front property line and ten feet from the side and rear property lines.
 - Such sign shall have a maximum of two sides provided both sides cannot be seen simultaneously from any point, and
 - The maximum height for such sign relative to mean sea level shall be 1,030 feet or 60 feet above the centerline elevation of the interstate road at the point nearest the sign, whichever is less. A certified survey which verifies the sign height shall be submitted to the sign administrator within ten days after the sign is installed.
- (9) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.
- (10) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (11) *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of the principal building's primary entrance, do not exceed a combined total of six square feet in area, are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.

{Provisions for General Occupant Signs, as defined in this ordinance, have been added. These minor signs are potentially useful for some property/business owners and had been permitted in past ordinances.}

- (d) *Signs permitted on land for multiple use buildings or multiple building complexes for commercial purposes, offices, or government facilities.* The following signs are permitted on land used for multiple use buildings (including schools and churches with multiple buildings) used for commercial purposes, offices, or government facilities or land used for multiple building complexes used for commercial purposes, offices, or government facilities:

- (1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign is permitted provided the following criteria are met:
- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. Signs with only one entity represented on the sign face shall be subject to the provisions for primary permanent ground mounted signs that govern freestanding establishments in Section 109-12 (c)(1).
 - i. Where a building has more than one tenant and more than one entity represented on the sign face, the minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. Beyond this minimum, for each additional one foot the sign is set back from the ten-foot minimum setback, the sign face area may be increased by four square feet up to a maximum permitted sign face area of 60 square feet at the 20-foot setback from the front property line.
 - ii. Where a development fronts the same public street for at least 400 feet, the above provided 60 square foot sign may be substituted with two smaller signs along the 400 feet of street frontage. Each smaller sign shall not exceed 40 square feet and shall be at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Such signs shall be set back a minimum of 15 feet from the front property line. This sign option shall be permitted for each 60

square foot sign that would otherwise qualify for the property based on its public street frontage.

- iii. In addition to the setback from the front property line, all primary permanent ground-mounted signs and the structures on which they are mounted shall be placed outside of any platted easements and set back at least ten feet from any side or rear property line.
 - iv. An applicant may use the allocated sign face area to distribute tenant listings in any manner desired, provided the sign administrator and the Visual Resources Review Board approve the arrangement in terms of its legibility, compatibility, and general appearance. As a general guide, the outer dimension of an individual tenant panel should be at least eight inches in height to provide for the space necessary to improve legibility.
- b. *Corner lot.* If a property **fronts** two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street **frontage**.

{The terms “fronts” and “frontage” have replaced “accesses” and “access”. This may seem like a minor change, but it will actually allow many corner lots to have a ground sign along each street. The use of the term’s “accesses” and “access” in the existing ordinance would only permit the second sign if the lot/business had a driveway cut along both streets. There are still minimum separation requirements (150 feet) between any such signs to avoid visual clutter.}

- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage, provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
- i. Should a development qualify, as provided for in Subsection a. ii., above, for two smaller primary permanent ground-mounted signs in lieu of one larger 60 square foot primary permanent ground-mounted sign, each 400 feet of public street frontage may have two smaller signs, provided these smaller signs are at least 150 feet apart. Should an owner with the qualifying frontage mix a 60 square foot sign with two smaller 40 square foot signs, the sign nearest the 60 square foot sign shall be at least 350 feet from such sign.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, a sign with more than one tenant shall be permitted two inches

of increased allowable sign height for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.

- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. The placement of landscaping should be evaluated as part of the sign permit review process to ensure that selected landscaping will not block the sign message.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture.
- h. *Sign base and architectural compatibility.* Each newly constructed or reconstructed primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a *minimum* two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s). Existing ground signs being refaced or altered in a manner requiring a permit, but not undergoing reconstruction, may be required to make incremental improvements in an effort to more fully comply with these standards (move towards compliance) wherever reasonably practicable.

{Item h. has been amended to clarify that the sign base and architectural compatibility requirements apply to newly constructed or reconstructed ground signs and should not be fully applied to existing sign structures. Additional language has also been added to allow the sign administrators and VRRB to require incremental improvements to existing sign structures when it is reasonable to do so. For example, an applicant might be refacing an existing sign with support poles and no base, that is only 1.5 feet off the ground. The ordinance would not require the sign to be rebuilt to meet the 2-foot base requirement, but the applicant would likely be required to add a 1.5-foot base under the sign to comply with the standard more fully.}

- i. *Legibility.* All written and numerical information included on a multiple tenant permanent ground mounted sign shall be legible for a person driving the posted speed limit on the corresponding street. Individual letters or figures used within a logo or emblem are not required to be legible. However, the logo or emblem, as a whole, must be legible. The background color shall be consistent on all tenant panels so that the sign in its entirety has a general cohesion and no single tenant panel appears out of place.
- (2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, each tenant is permitted one temporary parcel sign provided the following criteria are met:
 - a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
 - b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted for the entire development (not each tenant). Window signage may be used for individual tenant spaces for lease. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.
- (3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each separate use within a building which has its own separate and exclusive exterior public entrance to the building shall be permitted one wall mounted sign provided the following criteria are met:
 - a. *Sign area.* The sign area shall be based on the width of the tenant space on the exterior building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of tenant space width as measured from the centers of the exterior wall where the tenant separations occur. If a tenant is on the end of the building, the recognized tenant space would terminate at the end of the building. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter. Such wall mounted sign shall be limited to

the side of a building which fronts upon a public street/public access easement, faces upon a customer parking area, faces upon a pedestrian mall, or is the point of the principal public access into the establishment.

- b. *Corner lot.* Where a tenant directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
- c. *Tenant space exceeding 300 linear feet.* If an individual tenant has more than 300 linear feet of building wall of lease space, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
- d. *Development with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, an individual tenant space which is located in the building and fronts upon a public street and faces upon a customer parking area shall be permitted one wall mounted sign on the side of the building which fronts upon a public street(s) and one wall mounted sign on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

- e. *Shared entrance building.* With the exception of the O-1-3 and O-1-5 Zoning Districts, a building with multiple uses that all share the public exterior entrances into the building shall be allowed to distribute wall mounted signage from an overall square footage determined by applying one square foot of sign area for each linear foot of building wall on which the sign(s) is(are) to be mounted. Such signs may be calculated separately provided the cumulative total square footage of all signs does not exceed the overall square footage permitted. Such signs shall be limited to the side of the building which fronts a public street or faces upon a customer

parking area and shall be compatible in terms of sign material, general color, mounting style, and illumination.

- f. *Pedestrian mall.* In the case where a building has a pedestrian mall, the property owner may opt for a different wall signage alternative. When a wall has a pedestrian mall access, each separate use which faces upon such wall shall be permitted one wall sign not to exceed 25 square feet. In addition, each separate use which faces upon the pedestrian mall shall be permitted one wall sign not to exceed 25 square feet with the total signage for mall uses not to exceed 100 square feet. In no case shall a use have more than one sign. Such signs shall be placed on the wall that has the pedestrian mall access and which fronts upon a public street or faces upon a customer parking area. The maximum sign area allowed on such wall shall be one square foot per linear foot of building wall length.
- g. *Development abutting the interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided the individual tenant space has at least 100 linear feet of building wall abutting the interstate. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet: and
- h. *Compatibility.* Wall mounted signage within a multiple tenant development shall be compatible in terms of sign material, general color, mounting style, and illumination. Where a center has an existing mixture of different types of signs, the property owner shall submit to the sign administrator and the VRRB a plan for ensuring compatibility as individual tenant signs transition. *Where the property owner does not submit a tenant sign compatibility plan, the Sign Administer shall have the authority, in consultation with the VRRB, to determine compatibility and appropriate signage elements for the building/development.* The objective is that over time the center will have wall mounted signs that are compatible with each other.

{This language was added for situations where the owner of a multi-tenant center is unwilling to submit an overall signage compatibility plan for the development.}

- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted, provided the following criteria are met:
 - a. Such sign shall not exceed 12 square feet in sign area and six feet in overall height.
 - b. Such sign shall be at least 60 feet from any property line.
 - c. Such sign shall be at least five feet from any parking lot or accessway curb.
 - d. Such sign shall not create a visibility obstruction, and

- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:
- a. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
 - c. Such sign(s) shall not create visibility obstructions; and
 - d. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building with which it is associated.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

{This subsection has been amended to provide for two peripheral accessory freestanding signs as opposed to only one. These signs are often used for enter and exit signs at driveway locations. Other minor changes to the subsection were also made for clarity and to better account for the possibility of a second sign at each driveway.}

- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
- a. Window signage shall not exceed 25% of the total window area of an individual tenant or 20 square feet (as measured by the cumulative total of all window signs on the same lease space elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, **color changing**, or flashing message.

{The term “color changing” has been added for clarity and to facilitate enforcement.}

- (7) *Freestanding building frontage sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, each tenant within a multiple tenant development shall be permitted one non-illuminated freestanding building frontage pedestrian-oriented sign, provided the following criteria are met:
- a. Such sign shall be placed within ten feet of the building.

- b. Such sign shall not obstruct pedestrian facilities and shall only be permitted where the sidewalk along a frontage is at least eight feet in width.
 - c. Such sign shall not interfere with or cause the removal of landscaping.
 - d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - e. Such sign shall only be readable by pedestrians at the multiple tenant development.
 - f. Such sign shall be removed during non-business hours, and
 - g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.
- (8) *Projecting sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one non-illuminated projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.
- (9) *Under canopy sign.* When the roof of a building is extended as a canopy over the public entrances in the building, one non-illuminated sign per principal entrance shall be permitted. Such signs shall not exceed four square feet in size, shall comply with adopted building code clearance requirements, and shall be hung perpendicular to the building.
- (10) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.
- (11) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (12) *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of a principal building's primary entrance(s), do not exceed a combined total of six square feet in area (per entrance), are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally

compatible with the primary exterior material used on the principal building. In the case of multi-use (tenant) buildings, each use/tenant with a separate and exclusive entrance shall be treated separately.

{Provisions for General Occupant Signs, as defined in this ordinance, have been added. These minor signs are potentially useful for some property/business owners and had been permitted in past ordinances.}

(e) *Wall signs in the Office District, Three Stories (O-1-3) and Office District, Five Stories (O-1-5); shared entrance building.*

- (1) A building with multiple uses that all share the public exterior entrances into the building and that has more than 225 feet of building wall facing a public street shall be permitted four wall signs. Each sign shall be roughly proportional in size and general appearance. Such signs may be calculated separately provided the cumulative total square footage of all four signs shall not exceed one square foot of sign area for each linear foot of building wall which faces a public street. The cumulative square footage of all four wall signs shall not exceed 350 square feet. Such wall signs shall be limited to two on the side of a building which fronts upon a public street and shall be a minimum of 50 feet apart. Building elevations that do not face a public street shall be limited to one wall sign per elevation and shall be centered on said elevation, and
- (2) All such wall signs shall be architecturally compatible with the principal structure and shall be consistent in terms of style, color, and illumination with the other signs in the complex. All wall signage shall be limited to two colors on all building elevations.
- (3) *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the doorway or the adjoining wall of the principal building's primary entrance(s), do not exceed a combined total of six square feet in area (per entrance), are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.

{Provisions for General Occupant Signs, as defined in this ordinance, have been added. These minor signs are potentially useful for some property/business owners and had been permitted in past ordinances.}

(f) *Signs permitted on land for banks and other lending institutions.* In addition to the applicable regulations above, the following additional signs are permitted on land used for banks and other lending institutions:

- (1) *Automatic teller machines.* One sign which shall not exceed two square feet in sign area, and which is posted at the machine. One sign, which shall not exceed two square feet in sign area, and which is posted above the drive-thru lane on the overhead canopy, and

- (2) *Drive-thru teller lanes.* One sign which shall not exceed two square feet in sign area, and which is posted at the service window. One sign which shall not exceed two square feet in sign area per drive-thru lane, and which is posted above the lane on the overhead canopy.

(g) *Signs permitted on land for theaters.* In addition to the applicable regulations above, the following additional signs are permitted on land used for theaters:

- (1) *Marquee sign.* A marquee sign shall be limited to the side of the theater building with the principal public entrance. Such sign shall not exceed one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, not to exceed 350 square feet, and
- (2) *Poster case signs.* One poster case sign is permitted per movie screen or stage, which shall each not exceed 16 square feet in sign area, including frames. Illumination shall be in such a manner as to light the poster for readability only. Poster case signs shall be used in lieu of any temporary window signs. Such signs shall be mounted on the building wall with the principal public entrance.

(h) *Signs permitted on land for other businesses with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for other businesses with drive-thru windows:

- (1) *Wall signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the ordering point. One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the pick-up point, and
- (2) *Canopy signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted above the lane on the overhead canopy.

(i) *Signs permitted on land for restaurants with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for restaurants with drive-thru windows:

Menu board signs (outside of the Mixed-Use Town Center land use area):

- (1) *Generally.* One sign per drive-thru lane which shall not exceed 30 square feet in sign area and six feet in overall height, and
- (2) *Order box signs.* One sign per drive-thru lane which shall not exceed one square foot in sign area and 30 inches in overall height.

- (j) *Signs permitted for gasoline stations/convenience stores.* For the purposes of this chapter, gasoline service stations/convenience stores shall be considered single-use non-residential and such sign regulations shall apply. If such establishments also have a restaurant with a drive-thru window, such drive-thru window sign regulations shall apply. In addition to these signs, the following additional signs are permitted:
- (1) *Canopy signs.* Two signs which shall each not exceed nine square feet in sign area, and which shall be posted on two different sides of the canopy over the gas pumps.
 - (2) *Gas pump signs.* Any number of signs calculated separately, and which shall not exceed a cumulative sign area of eight square feet per side of each gas pump island. Only one sign permit shall be required for all the gas pump islands on the site.
 - (3) *Car wash signs.* In addition to the wall signs permitted elsewhere in this chapter, one additional wall sign shall be permitted on the wall of the vehicle entrance at a car wash. Such wall sign shall be permitted one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, and
 - (4) *Car wash order box signs.* One sign per car wash entrance which shall not exceed one square foot in sign area and 30 inches in overall height.
- (k) *Signs permitted on land for large medical campuses on tracts of land ten acres or larger.* For the purposes of this chapter, large medical campuses shall be considered multiple use/multiple building complexes. In addition to the applicable regulations provided for in association with multiple use/multiple building complexes, the following additional signs are permitted on land used for large medical campuses located on tracts of land larger than ten acres:
- (1) *Parking lot directory signs.* Parking lot directory signs shall be located at key decision-making locations within the parking lot in relation to building entrances. The physical layout of the campus shall determine the total number of signs needed. Such signs are not intended to be legible from adjacent streets and shall meet the following criteria:
 - a. Such signs shall be set back a minimum of 35 feet from side and rear property lines, 60 feet from front property lines, and five feet from the edge of driveway pavement.
 - b. The entire sign structure shall not exceed 30 square feet, the sign area of such signs shall not exceed 12 square feet, and the sign shall not exceed six feet in overall height.
 - c. At a single key decision making location within the parking lot, if one parking lot directory sign is not large enough to accommodate the

essential directional information, two such signs may be placed side by side.

- d. The letters and numbers on the signs shall not exceed five inches in height with each tenant/occupant listing to be limited to the same color, size, and shape, and
- e. Such signs shall be architecturally compatible with the principal building.

(2) *Wall signs.*

With the exception of individual medical offices, each separate principal medical use within a building shall be allowed one wall sign. Such wall signs shall be limited to the side of a building which fronts upon a public street or faces upon a customer parking area. The permitted sign area shall be as provided for in this chapter.

Due to its unique safety related characteristics, an emergency room shall be allowed one wall sign for each building wall approach to the emergency room portion of the building. The permitted sign area shall be as provided for in this chapter.

- (l) *Signs permitted on non-residential construction sites.* For the purposes of this subsection, multi-family (apartment) complexes shall also be considered commercial (non-residential) construction sites. In addition to the applicable regulations above, the following additional signs are permitted on non-residential construction sites.

- (1) *Temporary freestanding construction site sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street frontage, provided the following criteria are met:
 - a. The sign shall not exceed 32 square feet,
 - b. The sign shall not exceed ten feet in overall height,
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb and shall not create any site distance or hazard along any street,
 - d. The sign shall not be erected until site plan has been approved and at least a grading permit has been issued, and
 - e. The sign shall be removed within 10 days of Certificate of Occupancy or Temporary Certificate of Occupancy being issued.

{Subsection “(l.)” has been added to address construction signs on non-residential construction sites. The existing ordinance has no provisions for non-residential construction sites. Multi-family apartment complexes are included under this subsection. Subdivision development construction signs are already provided for in the residential land use portion of the ordinance (Section 109-12, Subsection (b)).}

ORDINANCE:	23-01
PREPARED BY:	Hose
REQUESTED BY:	Staff, Town of Farragut
CERTIFIED BY FMPC:	January 19, 2023
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT TENNESSEE, PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 109 – SIGNS, TO REPLACE THE EXISTING SIGN ORDINANCE IN ITS ENTIRETY WITH A NEW ORDINANCE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 109 - Signs, of the Code of Ordinances of the Town of Farragut, to replace the existing Sign Ordinance with a new Sign Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that Chapter 109 – Signs, of the Code of Ordinances of the Town of Farragut, is hereby amended as follows:

SECTION 1.

The existing Code of Ordinances of the Town of Farragut, Chapter 109 – Signs, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Chapter 109 – Signs.

Section 109-1. Authority.

This chapter shall be known as the "Sign Ordinance of the Town of Farragut, Tennessee." This chapter is adopted under the authority granted by T.C.A. § 6-2-201.

Section 109-2. Purpose, Intent, and General Scope.

(a) The purpose and intent of this chapter is the following:

- (1) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Town in order to promote the public health, safety, and welfare.
 - (2) Maintain, enhance, and improve the aesthetic environment of the Town by preventing visual clutter.
 - (3) Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees.
 - (4) Avoid signage that is a threat to safety due to its placement and other physical characteristics.
 - (5) Ensure the safe construction and maintenance of signs, and
 - (6) Support businesses in the Town by providing for fair and consistent sign allocations and enforcement of the sign regulations set forth herein.
- (b) This ordinance is not intended to regulate the message on any sign, any building design, any display not defined as a sign, or any sign which cannot be viewed from outside a building.

Section 109-3. Provisions declared to be minimum requirements.

The provisions of this chapter are considered to be minimum requirements. Wherever there is a discrepancy between the minimum standards noted in this chapter and those contained in any other lawfully adopted regulation or ordinance of the town, the strictest standard shall apply.

Section 109-4. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 109-5. Substitution.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Section 109-6. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign, including its supporting structure, erected in conjunction with a particular use, for which the use has been discontinued for a period of 90 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Architectural compatibility means visual harmony and consistency with regard to color, building/sign materials, style, mounting, and illumination.

Athletic field means a piece of land designed, approved, and dedicated for playing a game.

Banner sign means any sign of flexible lightweight material that allows movement caused by wind. A flag, as defined herein, shall not be considered a banner sign.

Changeable copy sign means any sign where letters or numbers displayed on the sign are designed to be changed frequently to display different messages.

Dilapidated sign means a sign that is in a bad, unsafe, or unsightly condition due to neglect or misuse.

Flag means a fabric sign of a non-commercial nature with a distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent freestanding flagpole or mounted with a pole attached to a building.

Freestanding sign means a sign that is either anchored in the ground or secured so that it is not subject to being moved by wind and that is independent of any building.

Freestanding building frontage sign means a non-illuminated sign of a solid material with copy that is meant to be readable only to a pedestrian and that is placed near the front of a building.

Gas pump signs means permanent signs, including Federally required safety information, adhered to a gas pump island, and reviewed through a sign permit process.

General occupant sign means a minor sign(s) located on the door or adjoining wall of a principal building's primary public entrance.

Ground-mounted sign means a sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided, provided that both sides cannot be seen simultaneously from any point. Such signs have a solid base with no exposed poles.

Interior accessory freestanding sign means a sign permitted interior to a development and not meant to be readable from a public street, public access easement, or adjacent property.

Interstate/interchange pole sign means a sign permitted near the interstate interchange as stipulated in this ordinance.

Legibility means how easy a sign is to read. This is based on the characteristics of letters, numbers, and characters that make it possible to differentiate one from another.

Manual on Uniform Traffic Control Devices (MUTCD) means the manual produced by the Federal Highway Administration that addresses three specific types of signs: guide, warning, and directional. The manual includes minimum size, height, and placement standards to achieve readability and prevent traffic accidents.

Non-commercial means not naming, advertising, or calling attention to a business or commercial product, service, or activity.

Normal maintenance means replacing lights, painting, staining, repairing a damaged element of a sign, or replacing a sign face that has faded over time with exposure to the elements with an identical sign face. Normal maintenance shall not include any other modifications to a sign.

Peripheral accessory freestanding sign means a sign permitted near the entrance and exit points to a development.

Permanent ground mounted subdivision sign means a permanent sign permitted near the entrance to a subdivision.

Permanent parcel sign means a wall mounted sign permitted on a principal dwelling unit.

Portable sign means a sign not permanently attached to the ground or a building and is easily removable using ordinary hand tools.

Primary permanent ground mounted sign means the primary sign permitted for a single-use or multiple use non-residential development.

Primary permanent wall mounted sign means the primary wall sign for a development or tenant.

Prohibited sign means any sign not specifically permitted in this ordinance or that is not compliant with the applicable provisions of this ordinance.

Projecting sign means a sign, other than a wall mounted sign, which is affixed to and projects from a building, wall, or support structure such as a column, forming an angle between said building or wall and the face of the sign.

Public access easement means a recorded access easement that runs with the land and that provides direct two-way public access to at least two parcels.

Roof sign means any sign attached to a building which projects in part or in whole above the top edge of a building wall.

Sandwich board sign means a freestanding temporary sign, with no moving parts or lights, displayed outside a business during business hours. It is not intended as permanent business signage.

Sign means any letter, number, figure, symbol, trademark, graphic, logo, design, or device mounted or otherwise placed and intended to be visible from outside of a building, used to attract attention in order to advertise, identify, announce, notify, direct, or communicate. Sculptures, artwork, and architectural accents shall not generally be considered a sign unless they would otherwise be used as outlined in this definition.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Snipe sign means a sign affixed to trees, utility poles, light poles, fences, or other objects.

Temporary means related to an event or activity that has a limited amount of time.

Temporary freestanding subdivision entrance sign means a sign permitted on a temporary basis near the entrance to a subdivision.

Temporary parcel sign means a sign permitted on a parcel for a temporary event or activity.

Temporary freestanding subdivision sign means a sign permitted on a temporary basis for a subdivision.

Under-canopy sign means a sign that is hung perpendicular to a building under a canopy which projects over the public entrances into a building.

Visibility obstruction means a sign that by virtue of its placement has created a visibility obstruction harmful to the public safety.

Wall sign means a sign attached parallel to and projecting not more than 12 inches from the wall of a building and does not project in part or in whole above the top edge of a building wall.

Window sign means a sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of the door.

Section 109.7. Administration.

- (a) *Sign administrator to enforce chapter.* The Town administrator or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this chapter. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of this chapter. When the definition of a sign or an issue concerning architectural compatibility, illumination, or some unique physical characteristics of a sign are questioned by the sign administrator,

the sign administrator may consult with the Visual Resources Review Board about such question.

- (b) *Application and permit process.* Unless otherwise provided by this chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit to do so from the Town.
- (1) *General application requirements and fees.* Applicants shall submit a completed sign application and the required fee to the Town prior to commencing any work on installation of a new or replacement sign. The required fee is per the schedule approved by the Town Board of Mayor and Aldermen. Per the approved fee schedule, an additional penalty fee shall be paid if work is commenced prior to receiving a permit from the Town. Government or government sponsored entities are waived from the fee requirement. Applications shall be made in conformance with the requirements of this ordinance, and any other applicable regulations or standards of the Town. This includes, but is not limited to, specific zoning districts and/or the Farragut Architectural Design Standards.
 - (2) *Application required for each sign.* A separate application must be completed and submitted for each new or replacement sign.
 - (3) *Wall mounted sign application reviews.* Wall sign applications shall be reviewed by the sign administrator for conformance with the requirements. The sign administrator shall approve or deny the application within 15 working days of submittal. When architectural compatibility, illumination, or some unique physical characteristics of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such matter.
 - (4) *Wall mounted sign application submittal requirements.* All wall sign applications shall include the following:
 - a. A dimensioned schematic drawing of the building showing the proposed sign location.
 - b. A photograph of the businesses located on either side which demonstrates the color, material, and illumination of these adjacent signs.
 - c. The width of the building wall or lease space upon which the sign is to be mounted.
 - d. A dimensioned colored drawing (or simulated photograph) of the sign showing the copy on the sign face
 - e. An indication of how the sign is to be mounted and illuminated, and

- f. Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards or any provision of this ordinance
- (5) *Ground-mounted sign application reviews.* Ground-mounted sign applications shall be reviewed by the Visual Resources Review Board for conformance with the requirements of this chapter and any overlapping regulations, including the Architectural Design Standards, as amended, prior to the issuance of a sign permit.
- (6) *Ground-mounted sign submittal deadlines.* Ground-mounted sign applications shall be submitted in accordance with the deadlines established by the Town for the meeting at which the ground mounted sign is to be considered by the Visual Resources Review Board.
- (7) *Ground-mounted sign coordination with site and landscape plans.* As part of a site plan and landscape plan review process with the Planning Commission and Visual Resources Review Board, applicants for new developments or redevelopments shall take into account anticipated locations for ground mounted signs. These should be shown on both the site and landscape plans in order to help lessen conflicts with landscaping, utilities, and other site development components.
- (8) *Ground-mounted sign application submittal requirements.* All ground-mounted sign applications shall be accompanied by complete sets of plans which include the following:
 - a. A dimensioned site plan of the parcel showing the proposed sign location in relation to property lines and platted easements.
 - b. A proposed landscaping plan for the area around the sign base.
 - c. A detail of the sign lighting, including lighting placement, type, and lumens.
 - d. A detail of the materials and colors used for the sign structure.
 - e. A dimensioned colored drawing of the sign showing the copy on the sign face, height and length of the sign face and sign structure, overall height of the sign, and size of the address numbers required at the top of the sign.
 - f. Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards or any provision of this ordinance.
 - g. The sign administrator may waive one or more of these application plan requirements for simple individual tenant panel sign installations on existing sign structures.

- h. An acknowledgment that a preconstruction site location survey and/or an as-built survey may be required by the sign administrator to verify compliance with applicable provisions associated with ground-mounted signs.
- (9) *Expiration of sign permits.* A sign permit shall become null and void if installation of the sign has not been initiated within 180 days of issuance. If work authorized by such permit is suspended or abandoned for 180 days any time after the work has been initiated, the sign permit shall be void and a new permit shall be first obtained to resume work. After a permit expires, a partially completed sign structure must be removed within 30 days if no new permit is issued.
- (10) *Changes to an approved sign permit.* A new permit may be required, as determined by the sign administrator, where changes have been made to an approved sign that would alter the physical characteristics of the sign.
- (11) *Temporary parcel sign application reviews.* Temporary parcel signs provided for in Section 109-12 (c)(2) and 109-12 (d)(2) and that are restricted to a total of 40 calendar days per year shall be permitted through a Town of Farragut Temporary Sign Permit Application. The application shall cover a ten-day period and an applicant is permitted to apply for four applications per calendar year. Each application shall be reviewed and approved by the sign administrator and shall include the following:
 - a. Verification that the entity has a valid Certificate of Occupancy.
 - b. An indication of the dates when the sign will be installed and removed.
 - c. A dimensioned drawing showing the height and length of the sign face and the overall height of the sign.
 - d. A verification that the material used is a minimum of ten millimeters (.39 inches) in thickness and will be supported by metal t-posts.
 - e. A verification that the sign will be set back at least 20 feet from the back of the public street curb or edge of street where curbing is not provided.
 - f. An acknowledgment that banners, pennants, streamers, and similar flexible or wind activated signs shall not be used.
- (c) *Text amendment process.* Amendments to the text of this chapter shall first be reviewed by the Visual Resources Review Board and the Town Municipal Planning Commission with recommendations regarding the proposed change forwarded to the Town Board of Mayor and Aldermen.

Section 109-8. Enforcement.

- (a) *Sign enforcement process.* Noncompliance with this chapter shall be deemed a violation. When the sign administrator finds violations of the provisions of this chapter; including but not limited to the installation of a sign without a permit, or a sign that does not conform with an approved permit and plan; the administrator shall document such findings and take the appropriate action to correct said violations. A citation to municipal court may be issued to the owner, agent, or employee for violations of this chapter.
- (b) *Separate offense.* Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises, or sign thereon, and any architect, builder, contractor, agent, or other person who commits, or participates in, assists in, or maintains any violation hereunder may be found responsible for a separate offense. Nothing herein contained shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation of this article.

Section 109-9. Appeals.

- (a) The Town Board of Zoning Appeals shall have the following responsibilities:
- (1) *Interpretations/General Appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the sign administrator and/or the Visual Resources Review Board in the carrying out or enforcement of any provision of this chapter, and
 - (2) *Variances.* To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. Variances shall not be granted to allow a larger sign or a sign which is otherwise not permitted in this chapter. Variances shall be granted only whereby special physical characteristics of the lot, parcel, or tract exist, that the strict application of the provisions of this chapter would deprive the applicant of an otherwise permitted sign.
- (b) Appeals procedure.
- (1) *Denial required.* After a written denial of a sign permit from the sign administrator, a party may make an application for an interpretation or a variance.
 - (2) *General application requirements and fees.* The application shall be submitted to the Town in accordance with the deadlines established by the Town for the meeting at which the application is to be considered by the Board of Zoning Appeals. The required fee associated with the application is

per the schedule approved by the Town Board of Mayor and Aldermen. The Board of Zoning Appeals shall consider and decide all appeals within 30 days of first hearing the appeal, and

- (3) *Minutes.* The minutes of the Board of Zoning Appeals shall fully set forth such circumstances or conditions warranting the granting of a variance.

Section 109-10. Legal nonconforming signs.

- (a) *Definition.* Existing signs which were legally in existence prior to the adoption of the ordinance from which this chapter is derived which do not conform to the specific provisions of this article are declared legal nonconforming signs.
- (b) *Continuance.* Any legal nonconforming sign may be continued in operation and maintenance after the effective date of the ordinance from which this chapter is derived, provided:
 - (1) The sign is not relocated or replaced.
 - (2) The structure or size of the sign is not altered in any way except toward compliance with this chapter.
 - (3) No new or additional signs are added to the premises, and
 - (4) Other than changing the text of changeable copy signs or normal maintenance, no other existing permanent signs are changed or replaced on the premises.
- (c) *Maintenance/damage/deterioration.* A legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, as based on a certified appraisal, it must be brought into conformance with this chapter or removed.

Section 109-11. General restrictions.

- (a) All signs erected, replaced, reconstructed, expanded, or relocated on any property within the Town shall conform with the provisions of this section.
 - (1) *Signs not requiring permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:
 - a. Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
 - b. Signs placed by or on behalf of a governmental entity.

- c. Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
 - d. Permanent parcel signs.
 - e. Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
 - f. Temporary signs of any kind, unless a permitting process is specifically required in association with specific events, programs, or community objectives promoted by the Town of Farragut.
 - g. Flags, and
 - h. Window signs.
 - i. General occupancy signs.
- (2) *Prohibited signs.* The following types of signs are prohibited within the Town:
- a. Abandoned or dilapidated signs, which shall be removed by the property owner or responsible entity.
 - b. Any sign placed on public property or right-of-way without the written consent of the public authority having jurisdiction over the property.
 - c. Any sign which bears or contains statements, or words of an obscene, pornographic, or immoral character, as defined by the United States Supreme Court.
 - d. Any signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights, color changing lights, or any other rotating, revolving, or otherwise moving part or the appearance of moving parts or motion. This includes individuals holding signs not otherwise provided for in accordance with the United States Constitution.
 - e. Electronic and digital changeable copy (message board) signs, TVs, monitors, and similar devices.
 - f. Off-premises signs, unless required by and in accordance with the MUTCD or placed by or authorized on behalf of or by a governmental entity.
 - g. Off-premises outdoor advertising (billboards).
 - h. Banners, feather flags, pennants, ribbons, festoons, buntings, streamers, spinners, balloons, or other types of lighter-than-air or wind-activated signs and attention getting devices.
 - i. Advertisement displays hung internal in an automobile service bay where such display is visible from a street or a public access easement.
 - j. Bollard covers, tire stack covers, and similar signs.

- k. Portable signs that do not comply with the location, size, or use restrictions of this chapter.
- l. Search lights.
- m. Signs attached to, suspended from, or painted on any vehicle or similar mobile structure which is regularly parked or situated on any street, parking lot, or private property when one of the purposes of so locating such vehicle or similar mobile structure is to display, demonstrate, advertise, or attract the attention of the public.
- n. Signs imitating or resembling official traffic or government signs or signals.
- o. Roof signs, or signs extending beyond the main roof line, provided that signs may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
- p. Snipe signs, and
- q. All other signs not specifically permitted or that are not a lawful nonconforming sign.

(3) *Criteria in determining sign area.*

a. Ground Mounted and Other Non-Wall Mounted Signs.

- (1) The sign area for all ground mounted (and other non-wall mounted) signs shall include and encompass the entire sign face, framing, trim, and associated moldings. The area shall not include the supporting sign structure.
- (2) For a sign with two parallel faces, only the area of a single face shall be considered. If the faces of a sign are not parallel, then the total sign area shall be the sum of the areas of the individual, non-parallel faces.
- (3) Where a ground mounted sign is mounted on a larger ornamental wall structure, such as on a subdivision entrance wall feature, its area shall be measured in the same fashion as a wall mounted sign (see part b. below).

b. Wall Mounted Signs.

- i. For cabinet type/style signs, the sign area shall include the external perimeter of the entire cabinet measured to include all sign elements, including any internal spaces where such sign includes cut-out areas.
- ii. For signs that include channel letters and/or other individual elements (letters, logos, etc.) mounted on raceways or directly on a wall, the sign area shall be measured by drawing an imaginary

single, regular geometric shape of a rectangle, circle, or equilateral triangle around and encompassing all sign elements. The text and other graphics (sign elements) do not have to be physically, visually, or topically related, or physically connected to be included in the measured area.

- iii. For window signs, the sign area shall be calculated separately for each window sign and, for each sign, shall include all background, framing, or other supporting material that forms the physical extent of the sign.
- (4) *Criteria in determining sign height for ground-mounted signs.* Unless provided for otherwise in this chapter, the sign height shall be measured by the vertical dimension from the ground level at the base of the sign, including the supporting structure, to the topmost point of the sign and/or its associated framing/support, exclusive of the additional 18 inches permitted to accommodate address numbers. Unless otherwise specified in this chapter, if the ground level at the base of the sign is lower than the adjacent street grade, the height shall be computed from the adjacent street grade, excluding elevated bridges or interchanges.
 - (5) *Criteria in determining setback for ground-mounted and pole signs.* The setback shall be measured from the farthest most protrusion of the sign to the nearest point of a property line. All signs shall be located outside of the visibility triangle. For the purposes of this article, the interstate highway right-of-way shall be considered a side or rear lot line. Where the exact location of a property line is unknown and a survey is not reasonably available, the sign administrator may, at their discretion, allow the line locations to be approximated by the owner/applicant from best available information, including but not limited to previous permits and KGIS maps, supplemented by field evaluation. In the case of a front property line, however, the approximated location of the property line must be located at least one half the required road right-of-way width from the centerline of the road unless more definitive information is available. The required right-of-way width shall be based on the Town's Major Road Plan and the adopted Subdivision Regulations. Where an owner/applicant requests and is permitted to use approximated property line locations in the place of a surveyed line, they shall bear full responsibility for any location errors.
 - (6) *Construction specifications.* All signs shall be installed in compliance with all building, construction, and fire codes adopted by the Town. All electrical service to ground-mounted and pole signs shall be under ground and installed in accordance with all applicable electrical codes. Any lighting of signs shall be installed to prevent any glare upon adjoining properties or rights-of-way.

(7) *Sign maintenance and removal.*

- a. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The sign administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- b. When any sign is removed, all structural components shall be removed with the sign and such removal shall be in compliance with all building and fire codes adopted by the Town. All structural components of ground-mounted and pole signs shall be removed to ground level. The structural components of all other signs, including painted wall signs, shall be removed back to the original building configuration. All visual remains of the sign shall be removed.

Section 109-12. Sign regulations by land use and/or zoning districts.

All signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

(a) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts subject to compliance with all applicable provisions of this chapter or other applicable Town regulations, standards, or requirements:

- (1) Flags.
- (2) Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
- (3) Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
- (4) Signs placed by or on behalf of a governmental entity.
- (5) Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
- (6) Temporary parcel sign, and
- (7) Temporary signs specifically authorized by the Town to promote specific events, programs, or community objectives.

(b) *Signs permitted on land for residential uses.* The following signs are permitted on land used for residential purposes. Recreational facilities developed as part of a residential development shall also follow these regulations:

- (1) *Permanent ground mounted subdivision sign.* Once a preliminary plat or a site plan has been approved in relation to a subdivision and the construction of the applicable entrance road has progressed to a point of finished grade

and installation of base stone, a permanent ground mounted subdivision sign shall be permitted as follows:

- a. *Sign area.* A subdivision is permitted a total of 40 square feet per single-family or multi-family development entrance, with either one ground-mounted sign not to exceed 40 square feet or two ground mounted signs not to exceed 20 square feet each.
 - b. *Sign placement.* Such signs and the structures/walls on which they are affixed shall be out of any platted drainage or utility easements and shall be set back a minimum of ten feet from any front property line(s) and five feet from any side or rear property line. Such signs and the structures/walls on which they are affixed shall be located on either a platted open space lot or within a platted sign easement. Any signs or structures proposed within the public right of way as part of a streetscape plan submittal, shall be recommended for approval by the Planning Commission and Visual Resources Review Board before being presented to the Board of Mayor and Aldermen for approval.
 - c. *Sign height.* Permanent freestanding subdivision signs, excluding the supporting structure, shall not exceed six feet in height.
 - d. *Sign illumination.* If such sign or its supporting structures are to be illuminated, external illumination shall be used and such illumination shall be directed only onto the sign face. Each individual light fixture shall not exceed 850 lumens per fixture and shall be shielded so that no glare is created, and
 - e. *Sign landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base.
- (2) *Temporary freestanding subdivision entrance sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street entrance into a new subdivision development, provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and

- e. The sign shall be removed within 15 days of the installation of the permanent freestanding subdivision sign.
- (3) *Temporary freestanding subdivision sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per new subdivision development provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed when at least 75% of the units/lots within the development, as based on the approved preliminary plat, have received Certificates of Occupancy.
- (4) *Permanent parcel sign.* Each individual house lot shall be permitted one non-illuminated permanent wall mounted sign not to exceed two square feet.
- (5) *Temporary parcel sign.* Each individual house lot shall be permitted one temporary parcel sign not to exceed six square feet in area and six feet in overall height. This may include a sign where the owner consents and the property is being offered for sale or lease. A temporary parcel sign shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated
- (6) *Flag.* Each single-family house lot with an occupied dwelling unit shall be permitted one freestanding flagpole not to exceed 25 feet in height with up to two flags not to exceed 15 square feet each being permitted on such pole. The flagpole shall meet the setbacks that apply to the principal building (the dwelling unit).

In lieu of a freestanding flagpole, one house mounted flagpole shall be permitted provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (7) *Subdivision exit sign.* One non-illuminated ground-mounted sign not to exceed six square feet in size and four feet in height shall be permitted per single-family or multi-family development entrance. Such sign shall be placed at the rear of the permanent subdivision sign so that it is only visible to vehicles exiting the development.

Where a single-family or multi-family development does not have a permanent subdivision sign at its egress point or because of the setback or

angle of the permanent subdivision sign is such that the message area would not be readable; one non-illuminated single-faced freestanding homeowner association notification sign shall be permitted per egress point. Such freestanding sign shall be set back a minimum of five feet from all property lines, shall be rear facing and only readable from vehicles or pedestrians exiting the development, and shall be located on property which is part of the subdivision, and which is zoned the same as the subdivision.

Where such sign is proposed on property which is not owned by the homeowners' association, an appropriate easement shall be recorded as a condition for approval of the sign. Such signs shall be landscaped per this chapter and the sign face shall be oriented so that it is only visible to vehicles exiting the development. The back of the sign face shall be constructed of material which is non-reflective, and the sign shall be generally compatible with other entrance features in the immediate area.

- (8) *Recreational and similar subdivision facilities signs.* The following signs shall be permitted for Homeowners Association (*HOA*) owned and controlled recreational buildings and similar facilities.
- a. *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of the principal building's primary entrance, do not exceed a combined total of six square feet in area, are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.
 - b. *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:
 - i. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
 - ii. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
 - iii. Such sign(s) shall not create visibility obstructions; and
 - iv. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building it is associated with.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

(c) *Signs permitted for developments being used for single-use non-residential purposes, including freestanding churches and schools, are as follows:*

(1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign shall be permitted provided the following criteria are met:

- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. The minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. For each additional foot that the sign is set back from the ten-foot minimum, the sign face area may be increased by two square feet with the maximum sign face area being 40 square feet at a 20-foot setback. Sign structures shall also be outside of any platted easements and at least ten feet from any side or rear property line.
- b. *Corner lot.* If a property fronts two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street frontage.
- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11, (a)(4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, two inches of increased allowable sign height shall be permitted for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each

street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.

- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. Ground-mounted sign placement and site landscaping shall be coordinated to the greatest extent possible as part of the site plan and landscape plan review processes. Landscaping proposed around a ground mounted sign shall also be specifically evaluated in terms of ensuring that the copy on a sign face is not obstructed.
 - g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture, and
 - h. *Sign base and architectural compatibility.* Each newly constructed or reconstructed primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a *minimum* two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s). Existing ground signs being refaced or altered in a manner requiring a permit, but not undergoing reconstruction, may be required to make incremental improvements in an effort to more fully comply with these standards (move towards compliance) wherever reasonably practicable.
- (2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, one temporary parcel sign shall be permitted for the development provided the following criteria are met:
- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
 - b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted on the parcel. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical

requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

- (3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each principal building shall be permitted one wall mounted sign which may be installed on any single building elevation subject to the following criteria:
- a. *Sign area.* The sign area, unless provided for otherwise in this chapter, shall be based on the width of the building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of building width, as measured from exterior wall edge to exterior wall edge. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter.
 - b. *Corner lot.* Where a principle building directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one (1) linear foot of building wall on which the sign is to be mounted.
 - c. *Buildings exceeding 300 linear feet of wall length.* If a building has more than 300 linear feet of wall length, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
 - d. *Developments with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, one wall mounted sign shall be permitted on the side of the building which fronts upon a public street(s) and one wall mounted sign shall be permitted on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted. In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs

shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

- e. *Developments abutting the Interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided such elevation is at least 100 linear feet in length. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet, and
 - f. *Compatibility.* All wall signs shall be architecturally compatible with the principal building and shall be consistent in terms of sign material, general color, mounting style, and illumination with the other signs on the same building.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted provided the following criteria are met:
- a. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - b. Such sign shall be at least 60 feet from any property line.
 - c. Such sign shall be at least five feet from any parking lot or accessway curb.
 - d. Such sign shall not create a visibility obstruction, and
 - e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:
- a. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
 - c. Such sign(s) shall not create visibility obstructions; and
 - d. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building with which it is associated.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
 - a. Window signage shall not exceed 25% of the total window area of a building elevation or 20 square feet (as measured by the cumulative total of all window signs on the same building elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, color changing, or flashing message.
- (7) *Freestanding building frontage sign.* Along one building elevation, one non-illuminated freestanding building frontage sign shall be permitted, provided the following criteria are met:
 - a. Such sign shall be placed within 10 feet of the building.
 - b. Such sign shall not obstruct pedestrian facilities.
 - c. Such sign shall not interfere with or cause the removal of landscaping.
 - d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - e. Such sign shall only be readable by pedestrians at the building frontage of the development.
 - f. Such sign shall be removed during non-business hours, and
 - g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.
- (8) *Interstate/interchange pole sign.* Establishments located within the C-2 Regional Commercial District shall be permitted one internally illuminated interchange pole sign, subject to the following criteria:
 - a. The existing lot of record (at the time of this ordinance adoption) for the establishment shall be located within 200 feet of the right of way of the Campbell Station Road/I40 Interchange.
 - b. Such sign shall not exceed 400 square feet.
 - c. Such sign shall be set back a minimum of 20 feet from the front property line and ten feet from the side and rear property lines.
 - d. Such sign shall have a maximum of two sides provided both sides cannot be seen simultaneously from any point, and

- e. The maximum height for such sign relative to mean sea level shall be 1,030 feet or 60 feet above the centerline elevation of the interstate road at the point nearest the sign, whichever is less. A certified survey which verifies the sign height shall be submitted to the sign administrator within ten days after the sign is installed.

- (9) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.
- (10) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (11) *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of the principal building's primary entrance, do not exceed a combined total of six square feet in area, are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.
- (d) *Signs permitted on land for multiple use buildings or multiple building complexes for commercial purposes, offices, or government facilities.* The following signs are permitted on land used for multiple use buildings (including schools and churches with multiple buildings) used for commercial purposes, offices, or government facilities or land used for multiple building complexes used for commercial purposes, offices, or government facilities:
- (1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign is permitted provided the following criteria are met:
 - a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. Signs with only one entity represented on the sign face shall be subject to the provisions for primary permanent ground mounted signs that govern freestanding establishments in Section 109-12 (c)(1).
 - i. Where a building has more than one tenant and more than one entity represented on the sign face, the minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. Beyond this minimum, for each additional one

foot the sign is set back from the ten-foot minimum setback, the sign face area may be increased by four square feet up to a maximum permitted sign face area of 60 square feet at the 20-foot setback from the front property line.

- ii. Where a development fronts the same public street for at least 400 feet, the above provided 60 square foot sign may be substituted with two smaller signs along the 400 feet of street frontage. Each smaller sign shall not exceed 40 square feet and shall be at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Such signs shall be set back a minimum of 15 feet from the front property line. This sign option shall be permitted for each 60 square foot sign that would otherwise qualify for the property based on its public street frontage.
 - iii. In addition to the setback from the front property line, all primary permanent ground-mounted signs and the structures on which they are mounted shall be placed outside of any platted easements and set back at least ten feet from any side or rear property line.
 - iv. An applicant may use the allocated sign face area to distribute tenant listings in any manner desired, provided the sign administrator and the Visual Resources Review Board approve the arrangement in terms of its legibility, compatibility, and general appearance. As a general guide, the outer dimension of an individual tenant panel should be at least eight inches in height to provide for the space necessary to improve legibility.
- b. *Corner lot.* If a property fronts two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street frontage.
 - c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage, provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
 - i. Should a development qualify, as provided for in Subsection a. ii., above, for two smaller primary permanent ground-mounted signs in lieu of one larger 60 square foot primary permanent ground-mounted sign, each 400 feet of public street frontage may have two smaller signs, provided these smaller signs are at least 150 feet apart. Should an owner with the qualifying frontage mix a 60 square foot sign with

two smaller 40 square foot signs, the sign nearest the 60 square foot sign shall be at least 350 feet from such sign.

- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11, (a)4, where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, a sign with more than one tenant shall be permitted two inches of increased allowable sign height for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. The placement of landscaping should be evaluated as part of the sign permit review process to ensure that selected landscaping will not block the sign message.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture.
- h. *Sign base and architectural compatibility.* Each newly constructed or reconstructed primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a minimum two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s). Existing ground signs being refaced or altered in a manner requiring a permit, but not undergoing reconstruction, may be required to make incremental improvements in an effort to more fully comply with these standards (move towards compliance) wherever reasonably practicable.
- i. *Legibility.* All written and numerical information included on a multiple tenant permanent ground mounted sign shall be legible for a person

driving the posted speed limit on the corresponding street. Individual letters or figures used within a logo or emblem are not required to be legible. However, the logo or emblem, as a whole, must be legible. The background color shall be consistent on all tenant panels so that the sign in its entirety has a general cohesion and no single tenant panel appears out of place.

- (2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, each tenant is permitted one temporary parcel sign provided the following criteria are met:

- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
- b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted for the entire development (not each tenant). Window signage may be used for individual tenant spaces for lease. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

- (3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each separate use within a building which has its own separate and exclusive exterior public entrance to the building shall be permitted one wall mounted sign provided the following criteria are met:

- a. *Sign area.* The sign area shall be based on the width of the tenant space on the exterior building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of tenant space width as measured from the centers of the exterior wall where the tenant separations occur. If a tenant is on the end of the building, the recognized tenant space would terminate at the end of the building. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter. Such wall mounted sign shall be limited to the side of a building which fronts upon a public street/public access

easement, faces upon a customer parking area, faces upon a pedestrian mall, or is the point of the principal public access into the establishment.

- b. *Corner lot.* Where a tenant directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
- c. *Tenant space exceeding 300 linear feet.* If an individual tenant has more than 300 linear feet of building wall of lease space, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
- d. *Development with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, an individual tenant space which is located in the building and fronts upon a public street and faces upon a customer parking area shall be permitted one wall mounted sign on the side of the building which fronts upon a public street(s) and one wall mounted sign on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

- e. *Shared entrance building.* With the exception of the O-1-3 and O-1-5 Zoning Districts, a building with multiple uses that all share the public exterior entrances into the building shall be allowed to distribute wall mounted signage from an overall square footage determined by applying one square foot of sign area for each linear foot of building wall on which the sign(s) is(are) to be mounted. Such signs may be calculated separately provided the cumulative total square footage of all signs does not exceed the overall square footage permitted. Such signs shall be limited to the side of the building which fronts a public street or faces upon a customer

parking area and shall be compatible in terms of sign material, general color, mounting style, and illumination.

- f. *Pedestrian mall.* In the case where a building has a pedestrian mall, the property owner may opt for a different wall signage alternative. When a wall has a pedestrian mall access, each separate use which faces upon such wall shall be permitted one wall sign not to exceed 25 square feet. In addition, each separate use which faces upon the pedestrian mall shall be permitted one wall sign not to exceed 25 square feet with the total signage for mall uses not to exceed 100 square feet. In no case shall a use have more than one sign. Such signs shall be placed on the wall that has the pedestrian mall access and which fronts upon a public street or faces upon a customer parking area. The maximum sign area allowed on such wall shall be one square foot per linear foot of building wall length.
 - g. *Development abutting the interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided the individual tenant space has at least 100 linear feet of building wall abutting the interstate. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet: and
 - h. *Compatibility.* Wall mounted signage within a multiple tenant development shall be compatible in terms of sign material, general color, mounting style, and illumination. Where a center has an existing mixture of different types of signs, the property owner shall submit to the sign administrator and the VRRB a plan for ensuring compatibility as individual tenant signs transition. Where the property owner does not submit a tenant sign compatibility plan, the sign administrator shall have the authority, in consultation with the VRRB, to determine compatibility and appropriate signage elements for the building/development. The objective is that over time the center will have wall mounted signs that are compatible with each other.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted, provided the following criteria are met:
- a. Such sign shall not exceed 12 square feet in sign area and six feet in overall height.
 - b. Such sign shall be at least 60 feet from any property line.
 - c. Such sign shall be at least five feet from any parking lot or accessway curb.
 - d. Such sign shall not create a visibility obstruction, and

- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each accessway (driveway) that provides direct access to the property from a public street or approved public access easement, two peripheral accessory freestanding signs (one per each side of the accessway) shall be permitted provided the following criteria are met:
- a. Such sign(s) shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign(s) shall be at least 15 feet from the back of the public street/access easement curb, at least five feet from any parking lot or accessway curb, but no more than 10 feet from any accessway curb.
 - c. Such sign(s) shall not create visibility obstructions; and
 - d. Such sign(s) shall have mounting pole(s) or structure(s), including any base, that are architecturally compatible with the building with which it is associated.

For the purposes of this subsection, an accessway (driveway) with a dividing median shall be considered as a single accessway and shall be permitted a total of only two signs located along the outside edges of the access way.

- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
- a. Window signage shall not exceed 25% of the total window area of an individual tenant or 20 square feet (as measured by the cumulative total of all window signs on the same lease space elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, color changing, or flashing message.
- (7) *Freestanding building frontage sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, each tenant within a multiple tenant development shall be permitted one non-illuminated freestanding building frontage pedestrian-oriented sign, provided the following criteria are met:
- a. Such sign shall be placed within ten feet of the building.
 - b. Such sign shall not obstruct pedestrian facilities and shall only be permitted where the sidewalk along a frontage is at least eight feet in width.
 - c. Such sign shall not interfere with or cause the removal of landscaping.

- d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - e. Such sign shall only be readable by pedestrians at the multiple tenant development.
 - f. Such sign shall be removed during non-business hours, and
 - g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.
- (8) *Projecting sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one non-illuminated projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.
- (9) *Under canopy sign.* When the roof of a building is extended as a canopy over the public entrances in the building, one non-illuminated sign per principal entrance shall be permitted. Such signs shall not exceed four square feet in size, shall comply with adopted building code clearance requirements, and shall be hung perpendicular to the building.
- (10) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.
- (11) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (12) *General Occupant sign(s).* General occupant sign(s) shall be permitted provided they are located on the door or the adjoining wall of a principal building's primary entrance(s), do not exceed a combined total of six square feet in area (per entrance), are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building. In the case of multi-use (tenant) buildings, each use/tenant with a separate and exclusive entrance shall be treated separately.

(e) *Wall signs in the Office District, Three Stories (O-1-3) and Office District, Five Stories (O-1-5); shared entrance building.*

- (1) A building with multiple uses that all share the public exterior entrances into the building and that has more than 225 feet of building wall facing a public street shall be permitted four wall signs. Each sign shall be roughly proportional in size and general appearance. Such signs may be calculated separately provided the cumulative total square footage of all four signs shall not exceed one square foot of sign area for each linear foot of building wall which faces a public street. The cumulative square footage of all four wall signs shall not exceed 350 square feet. Such wall signs shall be limited to two on the side of a building which fronts upon a public street and shall be a minimum of 50 feet apart. Building elevations that do not face a public street shall be limited to one wall sign per elevation and shall be centered on said elevation, and
- (2) All such wall signs shall be architecturally compatible with the principal structure and shall be consistent in terms of style, color, and illumination with the other signs in the complex. All wall signage shall be limited to two colors on all building elevations.
- (3) General *Occupant sign(s)*. General occupant sign(s) shall be permitted provided they are located on the doorway or the adjoining wall of the principal building's primary entrance(s), do not exceed a combined total of six square feet in area (per entrance), are no more than seven feet in height, and are non-illuminated. Where plaques, boards, cabinets, and/or similar devices are utilized to mount or display the sign(s) they shall be architecturally compatible with the primary exterior material used on the principal building.

(f) *Signs permitted on land for banks and other lending institutions.* In addition to the applicable regulations above, the following additional signs are permitted on land used for banks and other lending institutions:

- (1) *Automatic teller machines.* One sign which shall not exceed two square feet in sign area, and which is posted at the machine. One sign, which shall not exceed two square feet in sign area, and which is posted above the drive-thru lane on the overhead canopy, and
- (2) *Drive-thru teller lanes.* One sign which shall not exceed two square feet in sign area, and which is posted at the service window. One sign which shall not exceed two square feet in sign area per drive-thru lane, and which is posted above the lane on the overhead canopy.

(g) *Signs permitted on land for theaters.* In addition to the applicable regulations above, the following additional signs are permitted on land used for theaters:

- (1) *Marquee sign.* A marquee sign shall be limited to the side of the theater building with the principal public entrance. Such sign shall not exceed one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, not to exceed 350 square feet, and
 - (2) *Poster case signs.* One poster case sign is permitted per movie screen or stage, which shall each not exceed 16 square feet in sign area, including frames. Illumination shall be in such a manner as to light the poster for readability only. Poster case signs shall be used in lieu of any temporary window signs. Such signs shall be mounted on the building wall with the principal public entrance.
- (h) *Signs permitted on land for other businesses with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for other businesses with drive-thru windows:
- (1) *Wall signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the ordering point. One sign per drive-thru lane which shall not to exceed two square feet in sign area, and which shall be posted at the pick-up point, and
 - (2) *Canopy signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted above the lane on the overhead canopy.
- (i) *Signs permitted on land for restaurants with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for restaurants with drive-thru windows:
- Menu board signs (outside of the Mixed-Use Town Center land use area):
- (1) *Generally.* One sign per drive-thru lane which shall not exceed 30 square feet in sign area and six feet in overall height, and
 - (2) *Order box signs.* One sign per drive-thru lane which shall not exceed one square foot in sign area and 30 inches in overall height.
- (j) *Signs permitted for gasoline stations/convenience stores.* For the purposes of this chapter, gasoline service stations/convenience stores shall be considered single-use non-residential and such sign regulations shall apply. If such establishments also have a restaurant with a drive-thru window, such drive-thru window sign regulations shall apply. In addition to these signs, the following additional signs are permitted:
- (1) *Canopy signs.* Two signs which shall each not exceed nine square feet in sign area, and which shall be posted on two different sides of the canopy over the gas pumps.

- (2) *Gas pump signs.* Any number of signs calculated separately, and which shall not exceed a cumulative sign area of eight square feet per side of each gas pump island. Only one sign permit shall be required for all the gas pump islands on the site.
 - (3) *Car wash signs.* In addition to the wall signs permitted elsewhere in this chapter, one additional wall sign shall be permitted on the wall of the vehicle entrance at a car wash. Such wall sign shall be permitted one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, and
 - (4) *Car wash order box signs.* One sign per car wash entrance which shall not exceed one square foot in sign area and 30 inches in overall height.
- (k) *Signs permitted on land for large medical campuses on tracts of land ten acres or larger.* For the purposes of this chapter, large medical campuses shall be considered multiple use/multiple building complexes. In addition to the applicable regulations provided for in association with multiple use/multiple building complexes, the following additional signs are permitted on land used for large medical campuses located on tracts of land larger than ten acres:
- (1) *Parking lot directory signs.* Parking lot directory signs shall be located at key decision-making locations within the parking lot in relation to building entrances. The physical layout of the campus shall determine the total number of signs needed. Such signs are not intended to be legible from adjacent streets and shall meet the following criteria:
 - a. Such signs shall be set back a minimum of 35 feet from side and rear property lines, 60 feet from front property lines, and five feet from the edge of driveway pavement.
 - b. The entire sign structure shall not exceed 30 square feet, the sign area of such signs shall not exceed 12 square feet, and the sign shall not exceed six feet in overall height.
 - c. At a single key decision making location within the parking lot, if one parking lot directory sign is not large enough to accommodate the essential directional information, two such signs may be placed side by side.
 - d. The letters and numbers on the signs shall not exceed five inches in height with each tenant/occupant listing to be limited to the same color, size, and shape, and
 - e. Such signs shall be architecturally compatible with the principal building.
 - (2) *Wall signs.* With the exception of individual medical offices, each separate principal medical use within a building shall be allowed one wall sign. Such wall signs shall be limited to the side of a building which fronts upon a public

street or faces upon a customer parking area. The permitted sign area shall be as provided for in this chapter.

Due to its unique safety related characteristics, an emergency room shall be allowed one wall sign for each building wall approach to the emergency room portion of the building. The permitted sign area shall be as provided for in this chapter.

(l) *Signs permitted on non-residential construction sites.* For the purposes of this subsection, multi-family (apartment) complexes shall also be considered commercial (non-residential) construction sites. In addition to the applicable regulations above, the following additional signs are permitted on non-residential construction sites.

- (1) *Temporary freestanding construction site sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street frontage, provided the following criteria are met:
 - a. The sign shall not exceed 32 square feet,
 - b. The sign shall not exceed ten feet in overall height,
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb and shall not create any site distance or hazard along any street,
 - d. The sign shall not be erected until site plan has been approved and at least a grading permit has been issued, and
 - e. The sign shall be removed within 10 days of Certificate of Occupancy or Temporary Certificate of Occupancy being issued.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2023, with approval recommended by the Farragut Municipal Planning Commission (FMPC).

Rita Holladay, Chairman FMPC

Scott Russ, Secretary FMPC

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Ordinance 23-02, an ordinance on second reading to amend the Farragut Municipal Code, Chapter 22., Article 5. – Driveways and Other Access Ways, Section 22-149. – Permit approval. (a) to permit access for a single-family residential lot proposed onto a non-local street to be reviewed by engineering staff, unless a concern is identified regarding the requested access in which case such request shall be presented to the Planning Commission and Board of Mayor and Alderman for approval (Town of Farragut, Applicant)**INTRODUCTION AND BACKGROUND:** During discussion with the Planning Commission, staff noted that this item involves an amendment to the Driveways and Other Access Ways Ordinance to simplify the approval process for access requests onto non-local streets that serve a single dwelling unit. Currently, any new access onto a non-local street must be approved by both the Planning Commission and the Board of Mayor and Aldermen.

The requested amendment reflected in Ordinance 23-02, would provide that the Town's engineering staff could approve access onto a non-local street in association with a single-family residential lot, unless a concern is identified regarding the requested access. In such case, the access would have to be presented to the Planning Commission and Board of Mayor and Aldermen for approval.

This amendment would help streamline the process for access approvals where the engineering staff has determined that such access is safe, would only serve one residence, and satisfies sight distance requirements.

RECOMMENDATION: At the Planning Commission meeting on January 19, 2023, the Commission unanimously recommended approval of Ordinance 23-02. At their meeting on February 9, 2023, the Board of Mayor and Aldermen unanimously approved Ordinance 23-02 on first reading. There have been no changes to Ordinance 23-02 since first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 23-02 on second reading.**PROPOSED MOTION:** To approve Ordinance 23-02 on second reading.**BOARD ACTION:****MOTION BY:** _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:
PREPARED BY:
REQUESTED BY:
1ST READING:
2ND READING:
PUBLISHED IN:
DATE:

23-02
Shipley
Staff

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, CHAPTER 22., ARTICLE 5. – DRIVEWAYS AND OTHER ACCESS WAYS, SECTION 22-149, PERMIT APPROVAL. (A) TO PERMIT ACCESS FOR A SINGLE-FAMILY RESIDENTIAL LOT PROPOSED ONTO A NON-LOCAL STREET TO BE REVIEWED BY ENGINEERING STAFF, UNLESS A CONCERN IS IDENTIFIED REGARDING THE REQUESTED ACCESS IN WHICH CASE SUCH ACCESS SHALL BE PRESENTED TO THE PLANNING COMMISSION AND BOARD OF MAYOR AND ALDERMAN FOR APPROVAL

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Chapter 22., Article 5. – Driveways and Other Access Ways, Section 22-149, Permit Approval. (a), as it applies to access for a single-family residential lot onto a non-local street;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Chapter 22., Article 5. – Driveways and Other Access Ways, Section 22-149, Permit approval, subsection (a) is amended by replacing it in its entirety with the following:

- (a) The planning commission and the board of mayor and aldermen shall review, as provided for in this article, applications for access requiring the submittal of a site plan. Site plans involving residential drives onto non-local streets that serve only one dwelling unit may be reviewed and approved by the town’s engineering staff. Minor revisions to existing drives may also be reviewed and approved by the town’s engineering staff. Where a concern is raised by the town’s engineering staff regarding an access request that they could otherwise approve, such request shall be presented to the planning commission and board of mayor and aldermen for approval.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ordinance 23-02
Page 2

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2023,
with approval recommended.

Rita Holladay, Chairman

Scott Russ, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

Sec. 22-149. Permit approval.

- (a) The planning commission and the board of mayor and aldermen shall review as provided for in this article, applications for access ~~for all developments~~ requiring the submittal of a site plan. Site plans involving—and residential drives onto non-local streets that serve only one dwelling unit may be reviewed and approved by the town's engineering staff. Minor revisions to existing drives ~~shall~~ may also be reviewed and approved ~~by the town's engineering staff.~~ Where a concern is raised by the town's engineering staff regarding an access request that they could otherwise approve, such request shall be presented to the planning commission and board of mayor and aldermen for approval.
- (b) The planning commission, the board of mayor and alderman, and town staff shall review applications for access for compliance with the requirements of this article. The planning commission, the board of mayor and alderman, or the town staff may require such revisions, corrections, and additions to the plans of access and such additional supporting documentation of the plan of access as may be reasonable considering the locations of proposed and existing access, the traffic impact study if required, and considerations of public safety and welfare. All revisions, corrections, and additions required shall be recorded on a final copy of a subdivision plat, site plan, or "drawing or sketch" of the access requested for approval before issuance of a permit.
- (c) An access permit shall be secured before issuance of a building permit.
- (d) No final certificate of occupancy or certificate of completion shall be issued until all applicable access control requirements as outlined in this article and other requirements of the individual access permit have been completed.

(Code 2007, § 16-405; Ord. No. 96-30, 1-1997)

RESOLUTION PC-23-04

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT MUNICIPAL CODE, CHAPTER 22., ARTICLE 5. – DRIVEWAYS AND OTHER ACCESS WAYS, SECTION 22-149, PERMIT APPROVAL. (A) TO PERMIT ACCESS FOR A SINGLE-FAMILY RESIDENTIAL LOT PROPOSED ONTO A NON-LOCAL STREET TO BE REVIEWED BY ENGINEERING STAFF, UNLESS A CONCERN IS IDENTIFIED REGARDING THE REQUESTED ACCESS IN WHICH CASE SUCH ACCESS SHALL BE PRESENTED TO THE PLANNING COMMISSION AND BOARD OF MAYOR AND ALDERMAN FOR APPROVAL

WHEREAS, the Tennessee Code Annotated, Section 6-2-201, delegates the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of their citizenry; and

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Driveways and Other Access Ways Ordinance is, among other objectives, intended to provide for access control to promote public safety and distribute access opportunities that acknowledge variations in property use; and

WHEREAS, a public hearing was held on this request on January 19, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen an ordinance, Ordinance 23-02, amending the Farragut Municipal Code, Chapter 22., Article 5. – Driveways and Other Access Ways, Section 22-149, Permit approval. (a) to permit access for a single-family residential lot proposed onto a non-local street to be reviewed by engineering staff, unless a concern is identified regarding the requested access in which case such request shall be presented to the Planning Commission and Board of Mayor and Alderman for approval.

ADOPTED this 19th day of January 2023.

Rita Holladay, Chairman

Scott Russ, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Finance Director/Town Recorder

SUBJECT: Approval of Contract for Cybersecurity Services

INTRODUCTION: The purpose of this agenda item is to select a vendor to provide cybersecurity consulting to identify opportunities to build a proactive strategy and enhance the security of the information technology network.

Due to the nature of the services being performed by the selected vendor, the scope of services and vendor information has been redacted per Tennessee Code Annotated 10-7-504 (i).

10-7-504(i)(1)- Information that would allow a person to obtain unauthorized access to confidential information or to government property shall be maintained as confidential. For the purpose of this section, “government property” includes electronic information processing systems, telecommunication systems, or other communications systems of a governmental entity subject to this chapter.

10-7-504(i)(1)(A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;

10-7-504(i)(1) (B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and

10-7-504(i)(3)- (B) The identity of a vendor that provides to the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information shall be confidential.

BACKGROUND: Town staff has identified a need to enhance cybersecurity and test against industry best practices. Working with our managed service provider, staff has implemented changes to the current cybersecurity posture through hardware, software, and training to create a more robust environment to lower risks and exposure.

DISCUSSION: The cybersecurity services performed by the selected vendor will paint a clear picture of the Town’s cybersecurity risk environment and preparation for security threats. These services will also provide insight into the security gaps that remain present after the changes that have been made are fully implemented.

The contract for services is for \$23,400 per year for three (3) years, with a contract end date of December 31, 2025.

FINANCIAL SECTION:

Account Number: 110-41640-2540			
<u>Total Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date</u>	<u>Remaining Amount</u>
\$140,000	\$23,400	\$25,622	\$90,978
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder for approval.

PROPOSED MOTION: To approve a contract for Cybersecurity Services, for a three (3) year period, in the amount of \$23,400 per year.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REDACTED COMPANY NAME

January 9, 2023

Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

To the Board of Mayor and Aldermen:

The Town of Farragut is seeking to improve [REDACTED] information technology security posture [REDACTED]. [REDACTED] will provide cybersecurity consulting to identify opportunities to enhance the security layers and further build a proactive strategy.

[REDACTED]
This project will include [REDACTED] \$16,200 annually and \$600 per month for cybersecurity consulting.

[REDACTED]

Respectfully submitted,

[REDACTED]

REDACTED

[REDACTED]

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY: Allison Myers, Finance Director/Town Recorder****SUBJECT: Approval of Proposal from MCCI for document scanning of Community Development & Engineering documents**

INTRODUCTION: The Town has utilized Laserfiche, a content management software, for more than 15 years for community development and engineering historical project documents. In 2007 the Town contracted with MCCi, vendor for the Laserfiche software, to scan a large batch of documents from the Community Development Department.

DISCUSSION: A large quantity of documents and plans are currently housed in the map room of the Community Development department. With the future remodeling of the Town Hall building, a portion of the map room will be utilized for additional office space. The documents will need to be scanned or stored due to space limitations. Scanning the documents will be beneficial for retention and future access.

MCCi has presented a proposal for the scanning services, including secure document transport and the scanning and indexing of all documents. The estimated volume is 17,000 large format documents and 50,000 regular sized documents for a total contract price of 37,791.97. The project is estimated to be completed in six months.

FINANCIAL SECTION:**Account Number:** 110-41700-2540**Total Budget****Requested Amount****Expenditures to Date****Remaining Amount**

\$186,918

\$37,791.97

\$74,350.04

\$74,775.99

Approved By: A. Myers**RECOMMENDATION BY: Allison Myers, Finance Director/Town Recorder for approval.****PROPOSED MOTION: To Approve the Proposal from MCCI for document scanning in the amount of \$37,791.97.****BOARD ACTION:****MOTION BY:** _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

PROJECT SCOPE

GENERAL DESCRIPTION

DOCUMENT SIZE	Large Format up to 42" wide, Regular Format up to 11" x 17"
DEPARTMENT	Planning and Development, Roads, Engineering
DOCUMENT TYPES	Plans, Address Files, etc.
DOCUMENT COUNT	340 LF, 667 RF
IMAGE COUNT	17,000 LF, 50,000 RF
IMAGES PER DOCUMENT	50 LF, 75 RF

DOCUMENT PREPARATION

CURRENT STORAGE METHOD	Rolls, Boxes
CONDITIONS OF DOCUMENTS	Good

IMAGE PROCESSING & INDEXING

DPI & COLOR	300 DPI, Black & White only
NUMBER OF INDEX FIELDS	Up to 3 Fields
DOCUMENT NAMING CONVENTION	Permit #
FIELDS TO BE INDEXED	Permit #, Date, Address
OPTICAL CHARACTER RECOGNITION	Included

IMAGE OUTPUT

DELIVERY METHOD	LF Briefcase
OUTPUT TYPE	TIFF/PDF

MATERIAL HANDLING

SHIPPING LOGISTICS	MCCi Pickup
SHIPPING & DELIVERY TERMS	Up to 1 shipment
PHYSICAL DOCUMENTS	Recycle

The Scope above has been provided and/or confirmed by Client. Both Parties agree that the estimated Pricing defined herein is based on the Project Scope and the following assumptions. If documents are not as initially represented, additional charges will apply. MCCi will call for authorization to proceed with the project.

MILESTONES, TASKS & DELIVERABLES

Milestone	TASKS / Deliverables
#1: Project Kickoff	Tasks: Client's MCCi salesperson will set up a project kickoff call. During the kickoff call, the MCCi team will walk Client through the project scope and contract. Requirements, timeline, pickup and delivery, and other project specifics will be discussed with Client. Assumptions: MCCi may utilize Basecamp to communicate with Client on a regular basis about project progress, issues, etc. MCCi may not conduct Client kickoff for continuations of existing project(s).
#2: Sample Sign-Off	Tasks: Once Client documents are brought into MCCi facility and reviewed, the MCCi team will scan a sample of Client's documents. MCCi will select settings based on the Project Scope, and to make sure Client's documents are being digitized in a manner that preserves as much detail, clarity, and quality as possible. MCCi will deliver these sample scans to Client electronically for review. Once Client agrees that the sample scan quality is satisfactory, the MCCi team will proceed with the rest of the project. Assumptions: Sample scans may not be needed if MCCi and Client have previously worked on similar conversion projects together. Client will review sample scans within two (2) business days of receiving them from MCCi.
#3: Scheduled Finished Product Delivery	Deliverable: At regular intervals (typically monthly), the MCCi team will electronically deliver the digitized documents that were finished in the previous period. Assumptions: Billing will occur upon completion of this milestone. These documents will have gone through MCCi prepping, scanning, and quality control processes. The delivery schedule will vary based on the size and scope of project.
#4 Physical Document Return	Tasks: Once the last finished product delivery has taken place, Client's documents will be returned in the fashion indicated in the Project Scope. Documents will continue to be treated with care until they are in Client's possession. Client should review all returned documents to ensure all originals are back in their possession. If Client has chosen to have MCCi destroy their documents (as opposed to being returned), Client will receive written notification that the documents have been destroyed.

PRICING



3717 Apalachee Parkway, Suite 201
Tallahassee, FL 32311
850.701.0725
850.564.7496 fax

Bill /Ship to: Mark Shipley
mshipley@townoffarragut.org
cc AP Contact: phall@townoffarragut.org

Client Name: Town of Farragut
Client Address: 11408 Municipal Center Drive, Farragut, TN 37934
Quote Number: 26387
Order Type: Scanning

Quote Date: February 10, 2023

<i>Scanning Services Description:</i>	<i>Qty.</i>	<i>Unit Cost</i>	<i>NCPA 01-162</i>	<i>Total</i>
<u>MCCI SCANNING SERVICES</u>				
☒ Regular Size Images up to 11x17" (< 100,000) Doc Prep Per Image	50000	\$0.067	\$0.0637	\$3,185.00
☒ Regular Size Images up to 11x17" (< 100,000) Scanning Per Image	50000	\$0.103	\$0.0979	\$4,895.00
☒ Regular Size Images up to 11x17" OCR Per Image	50000	\$0.011	\$0.0105	\$525.00
☒ Large Format up to 42" Wide (< 25,000) Standard Scan and Prep Per Image	17000	\$1.695	\$1.6103	\$27,375.10
☒ Large Format up to 42" Wide OCR Per Image	17000	\$0.011	\$0.0105	\$178.50
☒ Indexing Fields Per Index (< 10,000)	3021	\$0.254	\$0.2413	\$728.97
☒ Pickup, Per Box (<100)	54	\$13.000	\$12.3500	\$666.90
☒ Laserfiche Import Assistance	1	\$250.000	\$237.5000	\$237.50
<i>Scanning Services Subtotal</i>				<i>\$37,791.97</i>

GRAND TOTAL - SCANNING SERVICES	\$37,791.97
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TOTAL SCANNING PROJECT COST	\$37,791.97
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All Quotes Expire in 30 Days

This is NOT an invoice. Please use this confirmation to initiate your purchasing process.

NCPA Pricing - The pricing and terms in this statement of work ("SOW") are derivative of the "Not-To-Exceed" digitization rates that were competitively sourced through the National Cooperative Purchasing Alliance (NCPA). The rates and terms listed are based upon the complexity and volume of the project(s) outlined in this SOW. The rates listed may be applied to additional projects that haven't been specifically outlined in this SOW, but MCCi reserves the right to verify the complexity of those projects and if needed modify the rates accordingly.

BILLING SCHEDULE

Deliverables will be billed monthly for work completed during the previous month. Client is responsible for all images processed by the MCCi project team. Any expected overages will be raised with Client before such overage is to occur so that Client can appropriately make arrangements to accommodate for the overages.

SALES TAX

Sales tax will be invoiced where applicable and is not included in the fee quote above.

SCANNING ASSUMPTIONS

The following assumptions serve as the basis for this SOW. Any service or activity not described in this SOW is not included in the scope of services to be provided. Variations to the following may impact this SOW's cost and/or schedule and require a change order.

DELIVERABLE ACCEPTANCE CRITERIA

- Both Parties acknowledge that the acceptance period noted herein is in conflict with the Master Agreement and the terms defined below take precedence.
- MCCi's delivery of a Deliverable to Client shall constitute that MCCi has conducted its own review and believes it meets Client's requirements.
- Client shall then have the right to conduct its own review of the Deliverable as Client deems necessary.
- MCCi's acceptable error rate will be less than 0.5% for the overall project, unless otherwise stated in writing. MCCi cannot be accountable for records not reflected in the original inventory report provided by Client. MCCi will correct only those valid discrepancies above the acceptable error rate reported within the Acceptance Period (defined below).
- If Client, in its reasonable discretion, determines that any submitted Deliverable does not meet the agreed upon expectations, Client shall have 30 days after MCCi delivers the Deliverable to Client (the "Acceptance Period") to give written notice to MCCi specifying the deficiencies in reasonable detail.
 - MCCi shall use reasonable efforts to promptly resolve any such deficiencies.
 - Upon resolution of any such deficiencies, MCCi shall resubmit the Deliverable for review as set forth above.
 - Notwithstanding the foregoing, if Client fails to reject any Deliverable within 30 days, such Deliverable shall be deemed accepted.

GENERAL

- Charges apply on a per project basis and are dependent upon size and volume of documents. MCCi requires having the entire project in bulk, rather than in small quantities. Breaking the project into smaller quantities will affect the volume pricing, and additional charges per image may apply. A sample may be required prior to confirming large volume job pricing.
- Client agrees that the work described herein represents MCCi's current best estimate and is subject to possible change due to circumstances beyond MCCi's direct control and/or new or additional information discovered during the course of the project. Further, Client understands and acknowledges that MCCi's ability to meet such work schedule is dependent upon, among other things, the accuracy of the assumptions and representations made by Client, the timeliness of Client business decisions, and the performance of Client and Client's vendor personnel in meeting their obligations for this project and in accordance with this Order.
- MCCi maintains partnerships for the purpose of offering additional capacity and flexibility in meeting Client expectations. In the event partners are used for a project, the management and support of the project will be handled directly by MCCi. Physical documents will never leave the United States, but our partners may utilize offshore resources to handle document indexing, quality control, and other processes.
- Through the course of this project, MCCi may choose to utilize the third-party service Basecamp (<http://www.basecamp.com>) for project management and team collaboration. Documentation and correspondence exchanged between MCCi and Client may be stored in Basecamp.

DOCUMENTS

- Client understands that MCCi will process every image supplied to MCCi by Client as furnished. Client is responsible for removing any documents before shipping to MCCi for processing.

- Client will furnish MCCi with all hardcopy/electronic documents for its use in preparing the document imaging project for conversion. Upon completion of scanning, MCCi will return the documents to the Client in the order as received from Client but not placed back into their file folders/envelopes or re-prepped unless specifically stated otherwise in the Project Scope.
- Client is required to package all materials per MCCi's instructions prior to shipment/delivery of materials to MCCi's facility. If Client chooses to utilize MCCi's pickup and delivery service (offered in select states), pricing is based on picking up the entire project described in the scope of services in one (1) shipment. At the time of updating or if additional trips are required due to Client not having all the documents ready for pick up, additional charges will be applied. If Client chooses to ship via a certified carrier, Client incurs all shipping costs.

DOCUMENT & DATA STORAGE

- MCCi's facilities contain secure rooms for hardcopy "work in progress" document storage. MCCi will arrange for the return of hardcopy documents to Client after completion of scanning. If documents reside at MCCi facilities for a period longer than 90 days after converted electronic data is delivered to Client, storage charges of \$2.50 per cubic foot per month will apply.
- MCCi is not responsible for maintaining a copy of Client data, with the exception of clients who subscribe to MCCi's Online Document Hosting Services. MCCi periodically reviews and deletes Client data from previous projects. The timing of the periodic review and deletion of data is at MCCi's discretion. If Client requires MCCi to delete copies of its data prior to MCCi's standard process of deleting data, Client is responsible for submitting an official request in writing and for obtaining confirmation of data deletion.

LASERFICHE

Laserfiche system clients with a pre-existing template are required to supply MCCi with a Laserfiche Briefcase of their current folder/template structure, prior to each scanning project.

SCANNING ORDER

Quote 26387 (the **"Order"**) is entered into as of _____, (**"Order Effective Date"**), by and between MCCi and Client and is hereby incorporated into the Master Agreement and made a part thereof. If there is any conflict between a provision of the Master Agreement and this Order, the Master Agreement will control. Any capitalized terms not otherwise defined herein shall have the meaning set forth in the Master Agreement. This Order supersedes any previous quote or proposals received.

IN WITNESS WHEREOF, the Parties hereto have caused this Order to be executed by their respective duly authorized representatives as of the Order Effective Date.

MCCi, LLC ("MCCi")

Signed: _____

Name: _____

Title: _____

Date: _____

TOWN OF FARRAGUT ("Client")

Signed: _____

Name: _____

Title: _____

Date: _____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2023-04, Participation with BuyBoard National Purchasing Cooperative

INTRODUCTION: The purpose of this agenda item is to confirm the participation with BuyBoard, a national governmental purchasing cooperative.

BACKGROUND: BuyBoard, is a cooperative purchasing organization for public sector procurement.

Tennessee municipalities may participate in the program under the provisions of the Interlocal Cooperation Act, *Tennessee Code Annotated (T.C.A.) 12-9-101 et seq.*

DISCUSSION: All contracts are established through a comprehensive process of purchasing solicitations. Attached is a copy of BuyBoard's Interlocal Participation Agreement.

The town currently participates with Omnia and Sourcewell, also a cooperative purchasing organization.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer

PROPOSED MOTION: Approve Resolution R-2023-04, Participation BuyBoard National Purchasing Cooperative.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



RESOLUTION R-2023-04

Participation with BuyBoard Cooperative Purchasing

WHEREAS, the town desires reduced costs of procuring necessary equipment, supplies, and services; and,

WHEREAS, BuyBoard has been formed to obtain the best prices on equipment, supplies, and services for its participating members; and

WHEREAS, the Town of Farragut shares BuyBoard's desire to improve the efficiency, effectiveness, and economy of the procurement of necessary equipment, supplies, and services; and,

WHEREAS, the Tennessee Interlocal Cooperation Act (Tenn. Code Ann. §§ 12-9-101 to 109) authorizes local governments to jointly exercise purchasing powers with any jurisdiction in any state which also authorizes such interlocal agreements; and,

WHEREAS, BuyBoard has existing contracts with national vendors which will facilitate the Town of Farragut's ability to take advantage of the competitive prices available through said contracts; and,

WHEREAS, the State of Tennessee Comptroller has recognized BuyBoard as a public agency; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE, hereby authorize the participation with BuyBoard.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 23rd day of February 2023.

Ron Williams, Mayor

Allison Myers, Town Recorder



NATIONAL PURCHASING COOPERATIVE INTERLOCAL PARTICIPATION AGREEMENT

This Interlocal Participation Agreement ("Agreement") is made and entered into on the date indicated below by and between The National Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government ("Cooperative Member").

I. RECITALS

WHEREAS, the National Purchasing Cooperative was formed on May 26, 2010, pursuant to MD. CODE ANN., STATE FIN. & PROC. § 13-110 (West 2009), and R.I.GEN.LAWS § 16-2-9.2 (2009); and

WHEREAS, the purpose of this Agreement is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the undersigned Cooperative Member and the Cooperative agree as follows.

II. TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the execution or acceptance of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated May 26, 2010, which agreement is incorporated herein by reference (and is available from the Cooperative upon request). The Organizational Interlocal Agreement established the Cooperative as an administrative agency of its collective participants, and Cooperative Member agrees to become a participant or additional party to that Organizational Interlocal Agreement.
2. **Term.** The initial term of this Agreement shall commence on the date it is executed by both parties and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement.
3. **Termination.**
 - (a) **By the Cooperative Member.** This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative, provided any amounts owed to any vendor have been fully paid.

- (b) **By the Cooperative.** The Cooperative may terminate this Agreement by:
- (1) Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member breaches this Agreement; or
 - (2) Giving thirty (30) days notice by certified mail to the Cooperative Member with or without cause.
- (c) **Termination Procedure.** If the Cooperative Member terminates its participation under this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member, the Cooperative Member shall bear the full financial responsibility for all of its purchases made from vendors under or through this Agreement. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. In addition, the Cooperative Member agrees it will not be entitled to a distribution which may occur after the Cooperative Member terminates from the Cooperative.
4. **Payments by Cooperative Member.** The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the bid invitation, instructions, and all other applicable procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring Cooperative Member shall be the exclusive obligation of the procuring Cooperative Member, and not the Cooperative. Furthermore, the Cooperative Member is solely responsible for negotiating and securing ancillary agreements from the vendor on such other terms and conditions, including provisions relating to insurance or bonding, that the Cooperative Member deems necessary or desirable under federal, state or local law, local policy or rule, or within its business judgment.
5. **Payments by Vendors.** The parties agree that the Cooperative will require payment from vendors which are selected to provide goods, materials or services to Cooperative Members. Such payment (hereafter "Vendor Fees") may be up to two percent (2%) of the purchase price paid by Cooperative Members or a flat fee amount that may be set from time to time by the Cooperative Board of Directors. Cooperative Member agrees that these Vendor Fees fairly compensate the Cooperative for the services and functions performed under this Agreement and that these Vendor Fees enable the Cooperative to pay the administrative, endorsement, licensing, marketing, and other expenses involved in successfully operating a program of electronic commerce for the Cooperative Members. Further, Cooperative Member affirmatively disclaims any rights to such Vendor Fees, acknowledging all such fees are the property of the Cooperative. Similarly, in no event shall a Cooperative Member be responsible for payment of Vendor Fees.
6. **Distribution.** From time to time, and at the sole discretion of the Cooperative Board of Directors, the Cooperative may issue a distribution to Cooperative Members under a plan developed by the Cooperative Board of Directors. The Cooperative Member acknowledges that a distribution is never guaranteed and will depend on the overall financial condition of the Cooperative at the time of the distribution and the purchases made by the Cooperative Member.
7. **Administration.** The Cooperative may enter into contracts with others, including non-profit associations, for the administration, operation and sponsorship of the purchasing program provided by this Agreement. The Cooperative will provide reports, at least annually, to the Cooperative Member electronically or by

mail. Cooperative Member will report purchase orders generated under this Agreement to the Cooperative or its designee, in accordance with instructions of the Cooperative.

8. **BuyBoard®.** Cooperative Member will have a non-exclusive license to use the BuyBoard electronic purchasing application (BuyBoard) during the term of this Agreement. Cooperative Member acknowledges and agrees that the BuyBoard electronic application and trade name are owned by the Texas Association of School Boards, Inc., and that neither the Cooperative nor the Cooperative Member has any proprietary rights in the BuyBoard electronic application or trade name. The Cooperative Member will not attempt to resell, rent, or otherwise distribute any part of BuyBoard to any other party; nor will it attempt to modify the BuyBoard programs on the server or acquire the programming code. The Cooperative Member may not attempt to modify, adapt, translate, distribute, reverse engineer, decompile, or disassemble any component of the application. The Cooperative Member will use BuyBoard in accordance with instructions from the Cooperative (or its designee) and will discontinue use upon termination of participation in the Cooperative. The Cooperative Member will maintain equipment, software and conduct testing to operate the BuyBoard system at its own expense.

III. GENERAL PROVISIONS

1. **Amendment by Notice.** The Board may amend this Agreement, provided that prior written notice is sent to the Cooperative Member at least 60 days prior to the effective date of any change described in such amendment and provided that the Cooperative Member does not terminate its participation in the Cooperative before the expiration of said 60 days.
2. **Authorization to Participate and Compliance with Local Policies.** Each Cooperative Member represents that its governing body has duly authorized its participation in the Cooperative and that the Cooperative Member will comply with all state and local laws and policies pertaining to purchasing of goods and services through its membership in the Cooperative.
3. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all written policies and procedures established by the Cooperative. Notwithstanding the foregoing, the Cooperative shall provide written notice to the Cooperative Member of any amendment to the Bylaws of the Cooperative and any written policy or procedure of the Cooperative that is intended to be binding on the Cooperative Member. The Cooperative shall promptly notify all Cooperative Members in writing of any Bylaw amendment, policy or procedure change.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this provision shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.
5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.

6. **Current Revenue.** The Cooperative Member hereby represents that all payments, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative in any litigation, claim or dispute which arises from the services provided by the Cooperative on behalf of its members, collectively or individually. Neither this provision nor any other provision in this Agreement will create a legal duty for the Cooperative to provide a defense or prosecute a claim; rather, the Cooperative may exercise this right in its sole discretion and to the extent permitted or authorized by law. The Cooperative Member shall reasonably cooperate and supply any information necessary or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Directors (Board) will govern the Cooperative in accordance with the Bylaws.
9. **Legal Authority.** The Cooperative Member represents to the Cooperative the following:
 - a) The Cooperative Member has conferred with legal counsel and determined it is duly authorized by the laws of the jurisdiction in which the Cooperative Member lies to participate in cooperative purchasing, and specifically, the National Purchasing Cooperative.
 - b) The Cooperative Member possesses the legal authority to enter into this Agreement and can allow this Agreement to automatically renew without subsequent action of its governing body.
 - c) Purchases made under this Agreement will satisfy all procedural procurement requirements that the Cooperative Member must meet under all applicable local policy, regulation, or state law.
 - d) All requirements—local or state—for a third party to approve, record or authorize the Agreement have been met.
10. **Disclaimer.** THE COOPERATIVE, ITS ENDORSERS, SPONSORS AND SERVICING CONTRACTORS, INCLUDING THE NATIONAL SCHOOL BOARDS ASSOCIATION (NSBA) AND THE TEXAS ASSOCIATION OF SCHOOL BOARDS, INC. (TASB), DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE.

THE COOPERATIVE, ITS ENDORSERS, SPONSORS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

11. **Limitation of Liability.** Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties agree that:
 - (a) Neither party waives any immunity from liability afforded under law;

- (b) In regard to any lawsuit or formal adjudication arising out of or relating to this Agreement, neither party shall be liable to the other under any circumstance for special, incidental, consequential, or exemplary damages;
- (c) The maximum amount of damages recoverable will be limited to the amount of fees which the Cooperative received as a direct result of the Cooperative Member's purchase activity, within 12 months of when the lawsuit or action was filed; and
- (d) In the event of a lawsuit or formal adjudication the prevailing party will be entitled to recover reasonable attorney's fees.

Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties further agree to limit the liability of the Cooperative's Endorsers, Sponsors and Servicing Contractors (defined in Paragraph 11, above) up to the maximum amount each received from or through the Cooperative, as a direct result of the undersigned Cooperative Member's purchase activity, within 12 months of the filing of any lawsuit or action.

- 12. **Limitation of Rights.** Except as otherwise expressly provided in this Agreement, nothing in this Agreement is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.
- 13. **Merger/Entirety.** This Agreement, together with the Cooperative's Bylaws and Organizational Interlocal Agreement, represents the complete understanding of the Cooperative and Cooperative Member. To the extent there exists any conflict between the terms of this Agreement and that of prior agreements, the terms of this Agreement shall control and take precedence over all prior participation agreements.
- 14. **Notice.** Any written notice to the Cooperative may be given by e-mail to NSBA at BuyBoard@nsba.org; by U.S. mail, postage prepaid, and delivered to the National Purchasing Cooperative, 1680 Duke Street FL2, Alexandria, VA, 22314; or other mode of delivery typically used in commerce and accessible to the intended recipient. Notices to Cooperative Member may be given by e-mail to the Cooperative Member's Coordinator or other e-mail address of record provided by the Cooperative Member; by U.S. mail, postage prepaid, and delivered to the Cooperative Member's Coordinator or chief executive officer (e.g., superintendent, city manager, county judge or mayor); or other mode of delivery typically used in commerce and accessible to the intended recipient.
- 15. **Severability.** If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, the remaining portions shall continue in full force and effect.
- 16. **Signatures/Counterparts.** The failure of a party to provide an original, manually executed signature to the other party will not affect the validity, enforceability or binding effect of this Agreement because either party may rely upon an electronic or facsimile signature as if it were an original. Furthermore, this Agreement may be executed in several separate counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
- 17. **Authority.** By the execution and delivery of this Agreement, each undersigned individual represents that he or she is authorized to bind the entity that is a party to this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, accept this Agreement.

TO BE COMPLETED BY THE NATIONAL PURCHASING COOPERATIVE:

By: _____ Date: _____
Signature of authorized representative

Printed name of person signing
Administrator's Representative for the National Purchasing Cooperative

TO BE COMPLETED BY COOPERATIVE MEMBER:

[Signature required unless accepted as an Amendment by Notice as described in the Agreement.]

Town of Farragut

(Name of Local Government)

By: _____ Date: 02/23/2023
Signature of authorized representative of Cooperative Member

Ron Williams, Mayor
Printed name and title of authorized representative

Coordinator for the
Cooperative Member is:

Allison Myers
Name
Town Recorder, Treasurer
Title
11408 Municipal Center Drive
Mailing Address
Farragut
City
TN 37934
State Zip Code
865-966-7057
Telephone

Fax
amyers@townoffarragut.org
Email