

ORDINANCE 1699

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF  
COVINGTON, TENNESSEE: AMENDING TEXT OF THE MUNICIPAL ZONING  
ORDINANCE BY AMENDING THE SIGN REGULATIONS.

WHEREAS, pursuant to *Tennessee Code Annotated* Sections 13-7-201 through 13-7-211, a municipal zoning ordinance has been adopted for City of Covington, Tennessee; and,

WHEREAS, the Covington Municipal-Regional Planning Commission has recommended the following amendment to the text of the municipal zoning ordinance; and,

WHEREAS, pursuant to *Tennessee Code Annotated* Section 13-7-203, a public hearing was held before this body, the time and place of which was published with fifteen days advance notice;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF COVINGTON, TENNESSEE:

**Section 1.** That the text of the municipal zoning ordinance of Covington, Tennessee, be amended by deleting Section 11-317 Sign Regulations in its entirety and replacing it with the following:

**11-317. Sign Regulations.**

**Section A. Purpose.**

1. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation. The City of Covington has a compelling interest in the protection of property values, maintaining the character and purpose of neighborhoods throughout the City, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens, encouraging economic development and protecting the public's safety. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs.
2. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
3. Severability. If any provision of this section is found by a court of competent jurisdiction to be illegal, invalid or unenforceable the legality,

validity and enforceability of the remaining provisions shall not be affected and shall remain in full force and effect.

2. It has been found and determined that it would promote the welfare of the City of Covington and its environs if a comprehensive and contiguous program of community beautification and improvement be undertaken.
3. It has become necessary in the public interest to regulate the sizes, location, character, content, appearance and other pertinent features of all exterior signs in the City of Covington.
4. Signs not expressly permitted as being allowed by right or by upon appeal under this section, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Board of Mayor and Aldermen or Board of Zoning Appeals.
5. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
6. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
7. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.
8. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
9. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
10. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

## **Section B. Computations.**

The following principles shall control the computation of sign area and sign height.

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.
2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

## **Section C. Definitions.**

**Abandoned sign:** A sign that no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, project or activity conducted or product available, event or activity on the premises where the sign is displayed.

**Alteration:** Any change in materials, size, height, shape, design of a sign.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate or move.

**Billboard:** A type of advertising sign having more than one hundred square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

**Building Face:** The side of the principal building that faces a public street.

**Dilapidated sign:** A sign that is structurally unsound, has defective parts or is in need of painting or other maintenance.

**Electric:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

**Electronic Message Board:** A sign that is static and changes messages by any electronic process or remote control that may be changed through electric means at intervals of no less than 8 seconds.

**Flashing:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this section any moving illuminated sign, except Electronic Message Boards, must be considered a flashing sign.

**Feather:** A freestanding, temporary, flag-like sign, made of cloth material and mounted on a single pole, also commonly known as "teardrop banners" or "Feather banners".

**Flat Wall (Façade-Mounted):** A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

**Freestanding:** A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

**Government Sign:** A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

**Ground Mounted:** A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

**Highway Sign:** A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

**Historic sign:** A sign that carries historic significance, historic character or reflects a certain time period or era.

**Illegal Sign:** A sign that does not comply with the provisions of this chapter and that was not in compliance with the Sign Ordinance of the City of Covington in effect at the time of its erection or with the conditions and provisions of a variance from such regulations lawfully granted at such time.

**Inflatable Sign** – any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic. Example: Signs commonly known as “Air Dancer Signs”, “Tube-Man Signs”, and “Blower Signs”. This definition also includes inflatable stationary characters or images.

**Integral:** A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

**Message Board** - A sign with changeable, removable letters, to allow the user to replace or update the copy on the sign. Electronically controlled signs with plain text or include only a simple scrolling of text, (horizontally and vertically only) shall be considered message boards.

**Mall Grouping Signs:** Signs on one pole utilized by a group of stores, businesses, or professional offices located in one development.

**Marquee:** A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

**Non-Conforming Sign:** A sign that does not comply with the provisions of this chapter, but that was in compliance in all respects, including the obtaining of any required permit, with the Sign Ordinance of the City of Covington in effect at the time of its erection.

**Off-premises sign:** A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is not the primary activity, service or commodity provided on the property where the sign is located; any sign allowed as an off-premises sign must have the written approval of the owner of the property upon which the sign is to be located prior to consideration of approval and placement of the sign.

**On premise sign:** A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is the primary activity, service or commodity provided on the property where the sign is located.

**Original Art Display:** A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

**Outdoor Advertising:** A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

**Portable Sign:** Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

**Permanent sign:** Any sign that is intended for other than temporary use for a limited period of time. A permanent sign is generally affixed or attached to the exterior of a building, or to a sign structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

**Projecting:** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

**Roof Sign:** A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia

**Sandwich Boards:** A temporary sign placed near the entrance of a restaurant or retail establishment offering a sale or current announcement during open business hours only.

**Sign:** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

**Sign area:** the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

**Sign face:** The entire display surface area of a sign upon, against or through which copy is placed.

**Temporary:** A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

**Wayfinding Sign:** The City of Covington may install wayfinding signs on existing street signs, poles and on public property. The purpose of these signs is to: Provide unified and distinctive wayfinding elements for the City of Covington; Aid visitors, and residents to locate destinations easily; Facilitate traffic circulation and public safety; and Enhance the visual environment of the City. When wayfinding signs are located in State owned or maintained property,

they shall conform to the requirements of the "Tennessee Department of Transportation Local Government Guide Sign Program".

**Work of art:** An object, painting, sculpture, picture or other similar artistic rendering that contains no commercial message.

**Vehicle sign:** any sign attached to or displayed on a vehicle.

#### **Section D. Regulations and Standards.**

The following provision shall regulate signs stating the permitted type, size and placement of signs. All permitted signs are limited to one type of permitted sign per lot unless otherwise noted in the General Provisions of this Ordinance.

##### **1. Signs regulations for all Residential Districts**

- A. Temporary Signs – As allowed in 11-317. Section F.
- B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:
  - (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
  - (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.
  - (3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.
- C. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed twenty-five (25) sq. ft. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- D. Name plates are allowed in residential districts but must be limited to three (3) sq. ft. Name plates for professional services in a R-P district must be limited to twelve (12) sq. ft. in area.
- E. Special historical identification signs are allowed for houses and locations in the Historical Zoning District but must be approved by the Historical Zoning Commission.



2. Signs regulations for all Business Districts and H-M District.

A. Freestanding Signs

- (1) The sign shall be no greater than one hundred (100) sq. ft. in area per side and shall have no more than three (3) sides. In B-1 and B-2, double signs are allowed. The top sign shall be no greater than one hundred (100) sq. ft. and the lower sign shall be no greater than fifty (50) sq. ft. in area. The lower sign may be used for on-premises advertising, community service, or a message board. The bottom of the sign must be a minimum of ten (10) ft. above the ground/pavement elevation and a maximum of thirty-five (35) feet high.
- (2) Freestanding Signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road, and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
- (3) Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (4) Ground mounted signs are allowed, however, their location must meet the building setback requirements for the property zoning and the height must not exceed 8' above the ground elevation.

B. Flat Wall (Façade-Mounted) signs

- (1) Each business is limited to one Flat wall sign per building face. It shall be no greater in area than 25% of the face of the wall on which it is located.

C. Off Premise Signs

- (1) Allowed in B-2 only.
- (2) The sign shall be no greater than fifty (50) square feet in area per side and shall have no more than two (2) sides. Another sign shall be allowed on the same pole. The second sign shall be no greater than twenty-five (25) square feet in area. The bottom of the sign must be a minimum of ten (10) feet above the ground/pavement elevation.
- (3) Off premise signs will be allowed in the B-3 zoning district. The signs will only be for those businesses that are in operation in the B-3 zone. Guidelines are in the



Historic Zoning Commission Design Guidelines handbook. The signs will be subject to the recommendation of the Historic Zoning Commission and approval of the Code Enforcement Officer of the City. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety. If the business no longer operates in the B-3 zone the sign shall be removed within fourteen (14) days of the business closing.

D. Billboards

- (1) Allowed in B-2 only.
- (2) Billboards shall be no larger than 480 square feet and placed a minimum of 2000 lineal feet from any other Billboard.

E. Mall Grouping Signs

- (1) Shopping Centers. A sign utilized by a shopping center and its tenants shall have a maximum area of one hundred thirty (130) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed two hundred (200) sq. ft. Signs utilized by individual businesses are not allowed, except Flat Wall signs.
- (2) Office Centers. A sign utilized by an office center and its tenants shall have a maximum area of two hundred (200) sq. ft.
- (3) Mall grouping signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way, and shall be a minimum of ten (10) feet above ground and a maximum of thirty-five (35) feet high.
- (4) Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

F. Projecting Signs

- (1) Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

- (2) An awning or canopy with the business name or related information is defined to be a projecting sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than eight (8) feet above the ground.

G. Portable Signs

- (1) Portable signs are not allowed. All Portable signs presently located within the corporate limits shall be removed from public display prior to June 30, 1993.

H. Electronic Message Boards

- (1) Electronic Message Boards shall be allowed in all business and industrial districts. Electronic Message Boards must be at least 10 feet from the edge of any street. Electronic Message Boards must not contain any flashing component. Electronic Message Boards shall not be allowed in Historic Districts. The message display time of an Electronic Message Board must remain static for a minimum of four (4) seconds with a maximum change time of two (2) seconds. Electronic Message Boards that are also defined as Billboards must remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds. Electronic Message Boards must comply with all other provisions of this Ordinance.

I. Temporary Signs – As allowed in 11-317. Section F.

3. Signs regulations for all Industrial Districts.

A. Freestanding Signs

- (1) The sign shall be no greater than one hundred (100) sq. ft. in area per side and shall have no more than three (3) sides.
- (2) Freestanding Signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road, and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
- (3) Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- (4) Ground mounted signs are allowed, however, their location must meet the building setback requirements for

the property zoning and the height must not exceed 8' above the ground elevation.

B. Flat Wall (Façade-Mounted) signs

- (1) Each business/industry is limited to one Flat wall sign per building face. It shall be no greater in area than 25% of the face of the wall on which it is located.

C. Off Premise Signs

The sign shall be no greater than fifty (50) square feet in area per side and shall have no more than two (2) sides. Another sign shall be allowed on the same pole. The second sign shall be no greater than twenty-five (25) square feet in area. The bottom of the sign must be a minimum of ten (10) feet above the ground/pavement elevation.

D. Billboards

- (1) Billboards shall be no larger than 480 square feet and placed a minimum of 2000 lineal feet from any other billboard.

E. Mall Grouping Signs

- (1) Shopping Centers. A sign utilized by a shopping center and its tenants shall have a maximum area of one hundred thirty (130) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed two hundred (200) sq. ft. Signs utilized by individual businesses are not allowed, except Flat Wall signs..
- (2) Office Centers. A sign utilized by an office center and its tenants shall have a maximum area of two hundred (200) sq. ft.
- (3) Mall grouping signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way, and shall be a minimum of ten (10) feet above ground and a maximum of thirty-five (35) feet high.
- (4) Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

F. Projecting Signs

- (1) Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting

sign must be structurally sound and approved by the Building Inspector.

- (2) An awning or canopy with the business name or related information is defined to be a projecting sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than eight (8) feet above the ground.

G. Portable Signs

- (1) Portable signs are not allowed. All Portable signs presently located within the corporate limits shall be removed from public display prior to June 30, 1999.

H. Electronic Message Boards

- (1) Electronic Message Boards shall be allowed in all business and industrial districts. Electronic Message Boards must be at least 10 feet from the edge of any street. Electronic Message Boards must not contain any flashing component. Electronic Message Boards shall not be allowed in Historic Districts. The message display time of an Electronic Message Board must remain static for a minimum of four (4) seconds with a maximum change time of two (2) seconds. Electronic Message Boards that are also defined as Billboards must remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds. Electronic Message Boards must comply with all other provisions of this Ordinance.

I. Temporary Signs – As allowed in 11-317. Section F.

**Section E. Construction, Lighting, and Maintenance Standards.**

A. General Regulations

1. All signs and their locations shall comply with the provisions of the City of Covington Zoning Ordinance, the Currently Adopted Building Code, the National Electrical Code, and additional standards hereinafter set forth.
2. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress to prevent free passage from one part of a room to another part thereof or access thereto.
3. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Codes.

4. The height of the signs shall in no case exceed the height restrictions for buildings in the zoning district in which its located.
5. In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any commercial sign.
6. All signs shall maintain clearances from overhead electrical conductors in accordance with the distances shown below (but in no case less than those required by the adopted National Electrical Safety Code). Clearances shown below are the most stringent and should be used in general application. Less stringent clearance are allowed under certain exceptions, and must be approved by a representative from Covington Electric System in accordance with NESC guidelines.

Horizontal clearances required between electrical conductors and signs are as follows:

- a. Insulated and bare conductors less than 750 volts – 5.5 feet
- b. Insulated and bare conductors more than 750 volts – 10.0 feet

Vertical clearances required between electrical conductors and signs where catwalks are present are as follows:

- a. Insulated and bare conductors less than 750 volts – 11.5 feet
- b. Insulated and bare conductors more than 750 volts – 13.5 feet

Vertical clearances required between electrical conductors and signs where catwalks are not present are as follows:

- a. Insulated and bare conductors less than 750 volts – 6.0 feet
- b. Insulated and bare conductors more than 750 volts – 8.0 feet

7. Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
8. Supports and braces shall be an integral part of the sign design. Angle irons, changes, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

9. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
10. Flat Wall signs must derive their principle and total support from the building to which they are attached.
11. All signs shall be constructed to withstand wind in accordance with currently adopted building code.
12. In no case shall the existing ground elevation be built up in order to have a taller sign.

B. Electrical Standards

1. Electrical service to on-premise free-standing signs shall be concealed whenever possible.
2. Electrical signs shall be marked with input amperes at full load.
3. Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
4. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
5. Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the Code Enforcement Officer as an attention getting device are permitted.
6. In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

C. Maintenance Standards

1. Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, representable and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.

2. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

**Section F. Prohibited Signs.** The following signs are prohibited in all zoning districts in Covington.

1. Signs on public property or in the public right of way, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
2. Signs erected at or near the intersection of any street, alley or any public way in such a manner as to obstruct free and clear vision and line of sight thereby endangering traffic safety; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "GO SLOW", "CAUTION", or similar wording or other symbols or any combination thereof as to interfere with, mislead or confuse traffic thereby endangering traffic safety.
3. In any district, no sign shall be allowed between a height of two and one-half (2.5) ft. and ten (10) ft. of the front property line in order to prevent any obstruction of vision.
4. Signs which blend with or can be confused with traffic signals.
- 5.. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
6. Signs which are structurally unsound, which are rendered structurally sound by guy wires, or a threat to the public safety as determined by the Code Enforcement Officer.
7. Signs which display thereon or advertise any obscene, indecent or immoral matter.

**Section G. Temporary Signs.** No temporary sign shall be allowed except as set forth herein and must be affixed to a building, pole or other structure located on the same property and allowed under the provisions of this Ordinance. This section recognizes that different situations or events require different time periods for temporary display while maintaining a desire to regulate clutter and aesthetics. Nothing in this section should be interpreted as a regulation on the content of the sign.

1. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all Temporary signs except for vehicle signs, construction signs, posters, and garage sale signs.
2. Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-



five (35) days as determined by the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.

3. Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) consecutive days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Business and Industrial zones and may not exceed twenty-four (24) sq. ft. in total area. On-building banners do not require a permit, however, total signage on any face of a building must not exceed twenty-five percent (25%) of the total surface area.
4. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
5. Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this section. A Vehicular Sign shall not be allowed to be located in a commercial district on a lot not associated with the advertised business for more than twelve (12) hours. Vehicular signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
6. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) sq. ft. and a height of ten (10) ft. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
7. One temporary sign per 0.25 acre of land may be located on the owner's property for a period of sixty (60) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate and shall be removed within fourteen (14) days following said election. These signs shall not exceed sixteen (16) square feet in area in residential districts, and shall be limited to thirty-two (32) square feet in all other districts. Where the size of the property is smaller than 0.25 acres these signs may be posted on the property for each principal building lawfully existing on the property.
8. One temporary sign per 0.25 acre of land may be located on the owner's property of a period of sixty (60) days when related to an issue or opinion not associated with an election. These signs shall not exceed sixteen (16) square feet in area in residential districts, and shall be limited to thirty-two (32) square feet in all other districts. Where the size of the property is smaller than 0.25 acres these signs may be posted on the property for each principal building lawfully existing on the property.
9. One temporary sign may be located on a property when:

- a. the owner consents and that property is being offered for sale through a licensed real estate agent;
  - b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
  - c. the owner consents and that property is being offered for rent.
  - d. for a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.
10. Feather signs. Shall be allowed in the B-2 district only. Feather signs must be no more than thirty (30) square feet in area and must be 5 feet from the public right of way or the edge of the sidewalk, whichever is greater.
  11. Inflatable signs. Shall be allowed in the B-2 district only. Inflatable signs must be located a distance equal to its height from all property lines and shall be situated not to obstruct, intersect, or interfere with any power lines, pedestrian or vehicular traffic, or any public facilities.
  12. Sandwich Boards. Shall be allowed in the B-3 district only, may only be displayed during business hours, shall be situated not to obstruct, intersect, or interfere with any power lines, pedestrian or vehicular traffic, or any public facilities and must be able to be easily moved by pedestrians if necessary.
  13. One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than seven (7) days before and two (2) days after an event and may not use this type of sign in any Commercial District for more than 14 days in a calendar year.
  14. During a 40 day period, a property owner may place four (4) temporary signs on the property and may use lights associated with a holiday between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign.
  15. It is the intent of this Ordinance to limit the aesthetic impact of signs on properties, to prevent clutter and protect streetscapes thereby preserving property values and ensuring traffic safety. The accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property must do so as described in this Section G.
  16. The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than four (4) square feet.

**Section H. Other Authorized Signs.** The following signs shall be allowed in all zoning districts of the City of Covington provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect the signs described below.

1. Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in #2 and #3 below and in this paragraph when erected and maintained pursuant to law.
2. Traffic control devices on private or public property must be erected and maintained to comply with any and all traffic code standards adopted in this state and if not adopted by this state adopted by the Federal Highway Administration.
3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
4. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use and as provided in #5.
5. Flags as follows:
  - A. Residential Zoning Districts. In a residential zoning districts, two flags and one flag pole per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.
  - B. Nonresidential Zoning Districts. In a non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and six flag poles per premises. Each flag must be a maximum of 24 square feet in area. Flag poles must be a maximum of 50 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.
  - C. Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.
6. The signs described in #2, and #3, above are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

7. Signs not more than two (2) sq. ft. which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
8. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
9. Signs wholly within buildings or windows.
10. Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Code Enforcement Officer.
11. Historical markers as required by Local, State, or Federal authorities.
12. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
13. No trespassing or no dumping signs.
14. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
15. Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.
16. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
17. Private property directional signs such as "no parking", "exit", "parking", etc. not to exceed five (5) sq. ft.
18. Signs of historic value can be granted exemptions by the Board of Zoning Appeals. Signs in the Historic Zoning District must be granted approval by the Historic Zoning Commission for a sign permit.

**Section I. Illegal, Nonconforming, and Unused Signs**

1. Illegal Signs
  - A. Definition: An illegal sign is any sign erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
  - B. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.

2. Nonconforming Signs - With the exception of portable signs and industrial and commercial signs as contemplated by T.C.A. § 13-7-208, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the City of Covington pertaining to signs that were in effect immediately prior to such date.
  - A. With the exception of industrial and commercial signs as contemplated by T.C.A. § 13-7-208, any sign that is non-conforming because it fails to comply with the provisions of this ordinance may not be repaired, restored or reconstructed provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Ordinance and a proper permit is obtained.
  - B. With the exception of industrial and commercial signs as contemplated by T.C.A. § 13-7-208, no owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon excluding message boards), unless such sign as so altered shall conform with the provisions of this ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.
    1. A non-conforming sign shall not be replaced with another non-conforming sign.
    2. A non-conforming sign shall not have any changes in the words, logo or symbols which are a part of a message unless the sign is a freestanding message board, non-portable.
    3. A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.
    4. A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of construction exceeds twenty-five percent (25%) of the value of the original structure.
    5. A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
  - C. All signs which are nonconforming because of: the use of animated parts; the use of flashing, blinking, intermittent or exposed lighting; signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate

hazard to the general health, safety and welfare of the public of the City, shall be brought into conformity within one hundred twenty (120) days of the effective date of this Ordinance. If such signs are not removed within the aforementioned one hundred twenty (120) day period, written notification of the obligation to remove such signs shall be furnished by the Code Enforcement Officer and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Code Enforcement Officer. Failure to remove such signs within the time periods herein provided shall constitute a violation of this Ordinance.

- D. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
- E. A request for a variance or interpretation of this Ordinance, as it pertains to the non-conformity and which is filed within thirty (30) days of the effective date of this Ordinance shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.
- F. This section, does not apply to non-conforming commercial or industrial signs that have not ceased to operate for a period of thirty (30) continuous months according to TCA 13-7-208.

### 3. Unused (Abandoned) Signs

- A. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:

- 1. A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located, except in the case of commercial or industrial uses which shall identify a sign that has ceased to operate for a period of thirty (30) continuous months.
- 2. A sign which identifies a time, event or purpose which has passed or no longer applies.
- 3. This also applies to sign structures with or without a sign.

- B. Disposition:

- 1. Any sign which is defined under paragraph A(1) of this subsection and which condition exists for a period of one (1) month and which sign is otherwise nonconforming shall be removed by the owner/user/property owner within five (5) days of the end of the (1) one month or thirty (30) day period.
- 2. Any sign which is defined under paragraph A(1) of this subsection which remains in such condition for a period of

one (1) month and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.

3. Any sign defined under subparagraph A(2) shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

4. Removal:

- a. When Required: Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed in this Section shall be subject to removal by the Code Enforcement Officer in accordance with state law. Any illegal, nonconforming or unused sign not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall also be considered a violation of the provisions of this Ordinance, and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offence.
- b. Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Code Enforcement Officer to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

## **Section J. Appeals to the Board of Zoning Appeals.**

1. Right to Appeal

- A. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City



Board, any person who has been ordered by the Code Enforcement Officer for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Code Enforcement Officer. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Code Enforcement Officer and upon filing of a notice of appeal, the Code Enforcement Officer shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Code Enforcement Officer finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.

- B. Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:
1. The appeal falls within the jurisdiction of the Board.
  2. That all parties directly in interest have been notified of the proceedings.
  3. That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
  4. That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
  5. That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

**Section K. Permits.** No sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

1. The permit application shall contain the location of the sign structure, the area, height, width, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials and colors of the sign.
2. Required electrical permits shall be obtained prior to submission for a building permit.
3. Fees for permanent signs shall be in accordance with the current rate schedule. Fees for temporary signs shall be the minimum permit fee.
4. A building permit for a sign shall become null and void if the sign has not been completed within six (6) months of the date of the permit or the sign varies in any respect from the approved design and location.

5. Normal sign maintenance to prolong the life of the sign shall not require a permit.
6. The permit shall contain an acknowledgement noting the removal standards of this ordinance, and failure to remove a sign upon closure of a business will result in fines and court costs.

**Section 2.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.


13<sup>th</sup> March 2018  
Date Passed First Reading

27<sup>th</sup> March 2018  
Date Passed Second Reading

24<sup>th</sup> April 2018  
Date Passed Third Reading

24<sup>th</sup> April 2018  
Date of Public Hearing

ATTESTED:

  
City Recorder

APPROVED:

  
Mayor