

ORDINANCE NO. 4705-19

AN ORDINANCE TO AMEND SECTION 7.1.3.4 ON “MINIMUM STANDARDS AND CONFORMANCE” FOR SIGN SETBACKS AND SECTION 7.3.4.2 ON “PERMITTED SIGNS FOR NON RESIDENTIAL USES” OF THE ZONING CODE OF THE CITY OF JOHNSON CITY

WHEREAS, Sections 13-7-201 to 13-7-211 of the Tennessee Code Annotated provide the City of Johnson City, TN with the powers and authority to enact local municipal zoning codes;

WHEREAS, said Sections provide a process for amendment of local municipal zoning codes;

WHEREAS, the Johnson City Regional Planning Commission on August 13, 2019 considered and recommended amendments to the Zoning Code of the City of Johnson City hereto;

WHEREAS, The Board of Commissioners of the City of Johnson City, TN has determined that it is in the public interest to amend the local municipal zoning codes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Section 7.1.3.4 of the Zoning Code of the City of Johnson City, Tennessee Exhibit A, is amended as underlined or stricken.

SECTION 2. BE IT FURTHER ORDAINED, That Section 7.3.4.2 of the Zoning Code of the City of Johnson City, Tennessee Exhibit B, is amended as underlined or stricken.

SECTION 3. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall take effect upon final passage and publication of this ordinance in a newspaper of general circulation, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON
THE FIRST READING 19 SEPT 2019

PASSED IN OPEN, PUBLIC MEETING ON
THE SECOND READING 03 OCT 2019

PASSED IN OPEN, PUBLIC MEETING ON
THE THIRD READING 17 OCT 2019

APPROVED AND SIGNED IN OPEN MEETING
ON THE 17th DAY OF October, 2019
FOLLOWING PASSAGE ON THIRD READING.

/s/ Jenny Brock
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ Sunny R. Sandos
STAFF ATTORNEY

EXHIBIT "A"

7.1.3.4. Setback: The following signs shall be erected no closer than ~~ten~~ 7.5 feet to any property line or public street right-of-way. In addition, such signs shall comply with Section 4.11 of the Zoning Code, which deals with vision clearance at street intersections. If the adjoining street right-of-way is less than 50 feet in width, each such sign shall be located no closer than 35 feet from the centerline of the right-of-way.

- A. Freestanding signs, except in the B-2 District;
- B. Construction signs;
- C. Directory signs;
- D. Ground-mounted signs; and
- E. Temporary signs.

EXHIBIT “B”

7.3.4.2 Permitted signs for nonresidential uses:

- A. Wall signs: Each nonresidential shall be permitted one or more signs. Two square feet of wall sign area shall be allowed for each horizontal linear foot of exterior wall length. If an exterior wall length is less than 16 feet, the maximum allowable sign area on that wall shall be 32 square feet. In multiple-occupant buildings, the owner shall determine how the authorized sign area is allocated among the occupants.

For a business utilizing a building and a freestanding canopy, the maximum allowable wall sign area shall be based on either the length of the exterior wall or the length of the canopy, but not both combined. The maximum allowable wall sign area may be apportioned between wall and the canopy as the owner chooses.

A permitted wall sign must be placed on the wall surface for which it is authorized; sign areas for two or more walls cannot be combined and placed on a single wall.

- B. Freestanding signs, ground-mounted signs, or projecting signs: Each business or premises in a **B-3**, I-1, I-2 district or each comprehensive development in the B-4, B-5, BP, or PB district shall be permitted one freestanding sign; or one projecting sign **and one ground mounted sign** for each street frontage under the following conditions:

1. Number of signs: A parcel in a **B-3**, I-1, or I-2 district or a comprehensive development in a B-4, B-5, BP, or PB district is permitted one freestanding sign or one projecting sign that meets the provisions of Subsection 7.3.3.1 (C)(7), not including Interstate 26 and State of Franklin Road between Sunset Drive and the Bristol Highway. If the length of a single street frontage is greater than 400 feet, the parcel or center shall be permitted a second freestanding sign along that frontage.

In computing the allowable number of signs for parcels with more than one qualifying frontage, each frontage shall be considered separately.

Any freestanding sign allowed under this section may be exchanged for two ground-mounted signs which do not exceed ten feet in height nor 200 square feet in area.

2. Height and Area of Freestanding Sign

- 2.1 Height **of freestanding sign**: The maximum height of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street, according to the following table:

Setback Distance	Maximum Height
10 7.5 to 25 feet	20 feet plus setback distance
25 feet or greater	45 feet

2.2 Area of freestanding sign: The maximum area of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street, according to the following table.

Setback Distance	Maximum Height
10 7.5 to 45 feet	100 square feet+ (the setback distance – 10 feet x 2)
45 feet or greater	250 square feet

3. Height and Area of Ground-Mounted Sign

3.1 Height of Ground-Mounted Sign: The maximum height of each ground-mounted sign shall be ten feet.

3.2 Area of Ground-Mounted Sign: The maximum area of a ground-mounted sign Authorized under Section 7.3.4.2(B)(1) shall be 200 square feet.

- C. Banners: A parcel in a B-3, I-1, or I-2 district or a comprehensive development in a B-4, B-5, BP, or PB district shall be permitted to erect a temporary banner for a maximum of 90 days during any one calendar year.
- D. Festoons, pennants, ribbons, and streamers: Such temporary devices may be erected in a B-3, B-4, B-5, I-1, I-2, or PB district without limit on the frequency or duration.
- E. Directory signs: One directory sign per development, shopping center, or merchant association shall be permitted.
- F. Under-awning signs: Each business or premises shall be permitted one such sign per qualifying entrance.
- G. One menu board for each permitted drive-thru lane.
- H. Balloons: A balloon shall be allowed to be displayed on the premises of a permitted use for a maximum of seven days per event and not more than four events per calendar year for any premise. The maximum height of any balloon shall not exceed the height permitted for a freestanding sign at the same location, according to the provisions of Subsection 7.3.4.2 (B)(2) of this Code. The maximum allowable size of a balloon shall be determined by first calculating the largest plane projection of the balloon on a vertical axis, in square feet. This calculated area shall not exceed the maximum area permitted for a freestanding sign at the same location, according to the provisions of Subsection 7.3.4.2(B)(3) of this Code. Balloons shall be permitted to be placed either on the ground or on the roof of a building.
- I. Temporary signs: The maximum area of such signs shall be 25 square feet. Any sign announcing an event shall be removed within 48 hours after the event.

J. Subdivision identification signs:

1. Such sign shall not exceed 52 square feet in area;
2. Ground mounted signs located within the right-of-way of the entrance shall be located in a median of not less than 50 feet in length and ten feet in width and be setback at least ten feet from the right-of-way line when projected across the entrance. Signs located at the side of the entrance must be located on the private property within an easement; and
3. The petitioner shall provide documentation that a homeowners association has been created to maintain signs.

K. Window signs:

- L. Commercial signs in the ~~B-3~~, B-4, B-5, I-1, I-2, BP, and PB districts may be internally or externally illuminated.

CONSIDERATION TO AMEND SECTION 7.1.3.4 ON MINIMUM SETBACK REQUIREMENTS FOR SIGNS AND SECTION 7.3.4.2 ON PERMITTED SIGNS FOR NONRESIDENTIAL USES IN THE B-4, I-1, I-2, and PB ZONING DISTRICTS

General

The zoning text amendments submitted herein for consideration by the Planning Commission and subsequent approval by the City Commission are initiated by staff. Additions are highlighted yellow and follow the standard underline format. Deletions are highlighted yellow and follow the standard ~~strikethrough~~ format.

SECTION 7.1.3.4 ON MINIMUM STANDARDS AND CONFORMANCE FOR SIGN SETBACKS

The proposed amendment will reduce the minimum setback requirements for the types of signs listed herein from 10 feet to 7.5 feet. The amendment will provide more suitable visibility for businesses to advertise without encroaching in the public right of way or adversely affecting the aesthetic nature of the city roadways. Reducing the setback to 7.5 feet will also provide uniformity within the Zoning Ordinance by aligning it with the 7.5 Drainage and Utility Easement.

Text:

7.1.3.4 Setback: The following signs shall be erected no closer than ~~ten~~ 7.5 feet to any property line or public street right-of-way. In addition, such signs shall comply with Section 4.11 of the Zoning Code, which deals with vision clearance at street intersections. If the adjoining street right-of-way is less than 50 feet in width, each such sign shall be located no closer than 35 feet from the centerline of the right-of-way.

- A. Freestanding signs, except in the B-2 District;
- B. Construction signs;
- C. Directory signs;
- D. Ground-mounted signs; and
- E. Temporary signs.

SECTION 7.3.4.2. (B) ON PERMITTED SIGNS FOR NONRESIDENTIAL USES

Sign regulations for the B-4 (Planned Arterial Business), B-5 (Planned Community Business), I-1 (Light Industrial), I-2 (Heavy Industrial), and PB (Planned Business) zoning districts are covered in Section 7.3.4.2 of the Johnson City Zoning Ordinance. Sub-section 7.3.4.2(B) incorrectly includes several references to sign regulations in the B-3 (Supporting Central Business) Zoning District. Sign regulations in the B-3 zoning district are covered in Section 7.3.3 B-2 and B-3 Districts of the Zoning Ordinance. This proposed amendment eliminates each erroneous reference to the B-3 Zoning District in Subsection 7.3.4.2(B) of the Zoning Code.

Currently, the Zoning Ordinance permits businesses or comprehensive developments in B-4, B-5, I-1, I-2 and PB Districts to have either one freestanding sign or one projecting sign per street frontage. The proposed amendment would allow businesses to have a freestanding sign; or, a projecting sign and a ground mounted (monument) sign.

Per the amendment, minimum setback requirement in the B-4 would be reduced from 10 to 7.5 feet to align with the minimum setback requirement proposed in Section 7.1.3.4.

Text:

7.3.4.2 Permitted signs for nonresidential uses:

- A. Wall signs: Each nonresidential shall be permitted one or more signs. Two square feet of wall sign area shall be allowed for each horizontal linear foot of exterior wall length. If an exterior wall length is less than 16 feet, the maximum allowable sign area on that wall shall be 32 square feet. In multiple-occupant buildings, the owner shall determine how the authorized sign area is allocated among the occupants.

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A permitted wall sign must be placed on the wall surface for which it is authorized; sign areas for two or more walls cannot be combined and placed on a single wall.

- B. Freestanding signs, ground-mounted signs, or projecting signs: Each business or premises in a ~~B-3~~, I-1, I-2 district or each comprehensive development in the B-4, B-5, BP, or PB district shall be permitted one freestanding sign or one projecting sign **and one ground mounted sign** for each street frontage under the following conditions:

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In computing the allowable number of signs for parcels with more than one qualifying frontage, each frontage shall be considered separately.

Any freestanding sign allowed under this section may be exchanged for two ground-mounted signs which do not exceed ten feet in height nor 200 square feet in area.

2. Height and Area of Freestanding Sign

2.1 Height of freestanding sign: The maximum height of each freestanding determined by its setback distance from the adjoining qualifying street, according to the following table:

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25 feet or greater	45 feet

2.2 Area of freestanding sign: The maximum area of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street, according to the following table:

Setback Distance	Maximum Height
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45 feet or greater	250 square feet

3. Height and Area of Ground-Mounted Sign

3.1 Height of Ground-Mounted Sign: The maximum height of each ground-mounted sign shall be ten feet.

3.2 Area of Ground-Mounted Sign: The maximum area of a ground-mounted sign authorized under Section 7.3.4.2(B)(1) shall be 200 square feet.

C. Banners: A parcel in a B-3, I-1, or I-2 district or a comprehensive development in a B-4, B-5, BP, or PB district shall be permitted to erect a temporary banner for a maximum of 90 days during any one calendar year.

D. Festoons, pennants, ribbons, and streamers: Such temporary devices may be erected in a B-3, B-4, B-5, I-1, I-2, or PB district without limit on the frequency or duration.

- E. Directory signs: One directory sign per development, shopping center, or merchant association shall be permitted.
- F. Under-awning signs: Each business or premises shall be permitted one such sign per qualifying entrance.
- G. One menu board for each permitted drive-thru lane.
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This calculated area shall not exceed the maximum area permitted for a freestanding sign at the same location, according to the provisions of Subsection 7.3.4.2(B)(3) of this Code. Balloons shall be permitted to be placed either on the ground or on the roof of a building.

- I. Temporary signs: The maximum area of such signs shall be 25 square feet. Any sign announcing an event shall be removed within 48 hours after the event.
- J. Subdivision identification signs:
 - 1. Such sign shall not exceed 52 square feet in area;
 - 2. Ground mounted signs located within the right-of-way of the entrance shall be located in a median of not less than 50 feet in length and ten feet in width and be setback at least ten feet from the right-of-way line when projected across the entrance. Signs located at the side of the entrance must be located on private property within an easement; and
 - 3. The petitioner shall provide documentation that a homeowners association has been created to maintain the sign.
- K. Window signs:
- L. Commercial signs in the B-3, B-4, B-5, I-1, I-2, BP, and PB districts may be internally or externally illuminated.