

**DESIGN REVIEW COMMISSION  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, October 27, 2009  
6:00 p.m.**

The regular meeting of the Design Review Commission was scheduled and held in the Council Chambers of the Municipal Center on October 27, 2009. Chairman Saunders called the meeting to order at 6:05 p.m. requesting the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

**COMMISSIONERS PRESENT:**

Mr. Keith Saunders, Chairman; Mr. Ralph Smith, Vice Chairman; Ms. Robbie Ann Pahlow, Secretary; Alderman Palazzolo; Mr. Paul Bruns; Mr. Parker McCaleb; Mr. Greg Marcom and Mr. Neil Sherman.

**DEVELOPMENT STAFF PRESENT:**

Mr. Jerry Cook, Economic & Community Development Director; Mr. Josh Whitehead, Planning Division Director; Mr. Wade Morgan, Chief Planner; Ms. Regina Gibson, Administrative Secretary; Mr. Andy Pouncey, Assistant Administrator and Mr. Robert McLean, Attorney.

**1. Approval of Minutes for September 22, 2009**

Mr. Sherman moved to approve the Design Review Commission minutes of September 22, 2009, seconded by Mr. McCaleb, with no further comments or discussions.

**ROLL CALL:** Mr. Marcom – Yes; Mr. Bruns – Yes; Alderman Palazzolo – Abstain; Mr. Smith – Yes; Mr. Sherman – Yes; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Chairman Saunders – Yes

**MOTION PASSED**

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**1. Ordinance Amendment to Chapters 2, Administration; 6, Building and Building Regulations and 14, Signs – DRC “Exceptions”.**

**BACKGROUND:** Shortly before the Design Review Commission convened for its September 2009 meeting, Tom Cates, City Attorney, advised staff that the Code of Ordinances should be clarified on the procedure by which it grants variances to the sign ordinance before The Commission granting any further variances (hereinafter referred to as “exceptions”).

**DISCUSSION:** The following chapters are proposed to be amended to reflect Mr. Cates’ request: Chapters 2, Administration; 6, Building and Building Regulations and 14, Signs. Editors’ notes are provided with each proposed change. The changes can be classified into two groups: those related to exceptions, and those that are housekeeping items related to the granting of exceptions. The changes in this ordinance amendment reflect variances granted by the Commission in the past. The exceptions allowed to be granted under this ordinance amendment are as follows:

1. Exceptions to allowable heights and setbacks for commercial fences and entrance features (Sections 6-102 and 6-104; pages 3 and 4 of this staff report).
2. Exceptions to the prohibition of LED signs for service station gas price signs (Sections 14-34 (7) and (16) and 14-5 (6); pp. 8 & 9).
3. Exceptions to the maximum size, setback and content of subdivision entrance signs (Sections 14-32 (c), (d), and (e); pp. 13 & 14).
4. Exceptions to allowable signs and the size, location and content of signs in the multifamily, retirement housing and church districts (Sections 14-33 (b), (c), (d) and (e); pp. 15 & 16).
5. Exceptions to the location of wall signs in locations where no public entrance exists (Section 14-34 (b)(1)(b); page 17).
6. Exceptions to the medical office sign provisions (Sections 14-34 (b)(9) and (e)(11); pp. 18, 24 & 25).

7. Exceptions to the size and location requirements of any office or commercial sign (Sections 14-34 (c) and (d); pp. 19 & 20).
8. Exceptions to the maximum logo percentage of “Big Box” signs (Section 14-34 (e)(3); p. 21).
9. Exceptions to the logo requirements of any office or commercial sign (Section 14-34 (e)(7); p. 22).
10. Exceptions to the location and height requirements of ground-mounted service station signs (Sections 14-35 (d)(1)(b) and (d)(2); p. 27).
11. Exceptions to the allowable signs and size, location and content of signs in the OG and OG-1 districts (Sections 14-37 (b), (c), (d) and (e); pp. 30-32).

Any signs that are not included in the list above *cannot* be granted exceptions be either the Design Review Commission or the Board of Mayor and Aldermen. For the most part, signs included under 14-4, Prohibited Signs, and signs that do not adhere to 14-5, Illumination, cannot be granted exceptions. Please note that the temporary sign regulations are not addressed with this ordinance amendment; a subsequent request to the Commission for that proposal. New language in the ordinance amendment below is indicated in **bold, underline highlights**; deletions are in ~~strikethrough highlights~~.

## CHAPTER 2, ADMINISTRATION

### Article V, Boards and Commissions

#### Division 4, Design Review Commission

##### Sec. 2-166. Purpose.

(a) A design review commission is established to develop specific review procedures for the construction and development of all structures and signage having an influence upon the appearance and environment, except for (1) single-family-detached, two-family residential dwellings, and (2) properties within the Smart Growth zoning districts (T3, T4 and T5) that adhere to the SmartCode, section 23-700 of the Zoning Code.

(b) It is the purpose of the commission to ensure that the proposed structures conform to the proper design standards and the general character of the area in which they are located in order to accomplish the following:

(1) Maintenance of the city as a predominantly single-family residential community by protecting the character and integrity of existing and future residential areas through the provision of high quality design standards in new development and the protection of residential areas from encroachment by noncompatible land uses;

(2) Maintenance of a balance among land uses through the implementation of appropriate community appearance standards to ensure that the new development does not impair existing property values;

(3) Protection of the special architectural and educational characteristics of the Old Germantown section of the city, which contains many of the city's oldest and most distinctive structures; and

**(4) Maintain the character of the city by administering the sign ordinance of the city, chapter 14 of this code, by granting approval of signs that either:**

**i. comply with the sign ordinance or**

**ii. are permitted as exceptions in the sign ordinance.**

**(c) In certain instances, as indicated herein, the commission may grant exceptions to the specific provisions of the code of ordinances when the applicant shows good cause for the granting of such exceptions. In determining whether adequate and good cause has been shown to justify such an exception, the commission shall consider any of the following: site-specific issues that warrant the granting of the exception, the relationship of the subject property to other properties and the effect of granting the exception to those surrounding properties, principles of good land use planning and exceptional and practical difficulties or undue hardship upon the applicant of the exception were not granted.**

*Editors' note: This provision grants the DRC the authority to grant exceptions to the sign ordinance, but only where explicitly permitted in each subsection of the sign ordinance.*

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Sec. 2-174. Appeals.

Applicants whose plans ~~are conditionally approved or~~ are disapproved by the commission ~~and abutting property owners who are aggrieved by the commission's decision~~ may appeal the commission's action to the board of mayor and aldermen, ~~but must do so~~ at a regular meeting of the board not more than 45 days after the date of the commission's action. The board of mayor and aldermen, after hearing all parties who desire to be heard, shall approve, approve with conditions, or disapprove the application by a written statement setting forth its reasons for its action. If the board of mayor and aldermen approves or conditionally approves the application, the building official may issue the building permit forthwith, provided that the applicant has complied with the terms of the approval or conditional approval, with other provisions of this section, including this section, and with all other codes, ordinances, regulations and procedures regarding building permits.

CHAPTER 6, BUILDING AND BUILDING REGULATIONS

Article VI

Sec. 6-101. Scope of article.

This article shall govern the erection of fences and walls within the city, as the public welfare requires it.

Sec. 6-102. General provisions.

(a) ~~Subject to subsection (b) below,~~ the maximum height of any fence ~~or entrance feature~~ shall be six feet, with the following exceptions:

- (1) Tennis court fences may be a maximum of ten feet in height;
- (2) Subdivisions entrance features may exceed six feet in height to a maximum of 13 feet when specifically approved by the design review commission;
- (3) Fences attached to subdivision entrance features may be a maximum of eight feet in height as outlined in section 6-104(c); and
- (4) Fences on property zoned commercial or office may exceed six feet in height when specifically approved by the design review commission.

~~(b) For good cause shown, the design review commission may approve fences or entrance feature which do not comply with subsection (a) above.~~

~~Any proposals for fences in excess of six feet in height, when submitted to the design review commission for approval must be accompanied by appropriate documentation justifying such additional height.~~

*Existing subsections (b), et al, to be re-lettered.*

<i>Editors' note: This new (b) replaces the struck-through language to clarify the DEC's role with these types of signs.</i>
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Sec. 6-104. Subdivision entrance features (SEF).

(a) *Features.* A subdivision entrance feature (SEF) shall be defined as a cohesively designed element(s) to a subdivision, intended to create a unique, identifying entrance area. The SEF shall be located within a common open space area or landscape easement, adjacent to a ~~main~~ street on the perimeter of the subdivision, span no more than 25 linear feet, and be composed of at least two of the following components: wall/fence, landscaping, pedestrian gates, signs and associated decorative items such as lights and finials.

(b) *Minimum setback.* SEF shall be setback a minimum of 15 feet from the ~~face of the curb of the main street. On a corner lot no structure, planting, sign or object of natural growth which~~

~~obstructs visibility shall be placed or permitted to remain within a triangle formed by connecting the three points which are the intersection of the extension of the adjacent rights of way and the points 50 feet from the intersection, along each right of way line. A structure, planting, sign or object of natural growth, excluding trees, between the height of 30 inches to 96 inches shall be deemed as obstructing visibility. This measurement shall be made from the top of curb.~~

(c) *Maximum permitted height.* The maximum permitted height of a SEF is ten feet above the surrounding grade, at a setback of 15 feet from the face of the curb of the main street right-of-way. A SEF height up to 13 feet is permitted, provided that the setback increases two feet for every one foot of SEF height over ten feet. An adjoining fence height of up to eight feet is permitted, provided that the fence is attached to the SEF and transitions to a height of six feet after a maximum linear span of 25 feet. Fence columns may exceed the actual fence height by a maximum of one foot, provided there is a minimum distance between columns of six feet. Lights, finials and similar decorative appurtenances may extend up to three feet above the top of the SEF; provided that in no case shall the combined height of SEF, column and decorative appurtenances exceed 13 feet.

(d) *Approval.* All proposals for new SEF shall be submitted to the design review commission for approval.

(e) *Exceptions.* For good cause shown, the design review commission may permit SEF that do not comply with subsections (a), (b) and (c) above.

*Editors' note: This proposed language provides flexibility to the DRC when reviewing proposed subdivision entrance features.*

## CHAPTER 14, SIGNS

### Article 1, In General

#### Sec. 14-1. 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 a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

*Animated sign* means any sign which includes action or motion. This term does not refer to flashing or changing, all of which are separately defined.

*Background area* means the entire area of a sign on which copy could be placed, but does not include a permanent building surface.

*Banner* means any sign printed or displayed upon cloth or any other flexible material, with or without frames.

*Building face or wall* means all window and wall area of a building in one plane or elevation.

*Changeable copy sign (manual)* means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

*Changing sign (automatic)* means a sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank. Any electronic sign which has the ability to change its visual display shall be considered a changing sign for the purpose of this chapter.

*Charitable/nonprofit event* is an event which takes place entirely or partially within the City of Germantown and in which the organization holding the event is classified as a nonprofit or charitable organization.

*Collector street* means as shown on the official city major street plan.

*Copy* means the wording or graphics on a sign surface.

*Digital sign* means a sign that electronically displays letters, numbers or graphics conveying information, advertising and other messages.

*District* means as defined under the zoning ordinance and zoning district map.

*Erected* means attached, altered, built, constructed, reconstructed, enlarged or moved.

*Face of sign* means the entire area of a sign on which copy could be placed; the area of a sign which is visible from one direction as projected on a plane.

*Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as flashing signs.

*Ground level* means immediate surrounding grade.

*Height of sign* means the vertical distance measured from the surrounding grade to the highest point of the sign.

*Illegal sign* means a sign which contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

*Interior property line* means a property line other than that forming a dedicated public right-of-way.

***LED means light emitting diode, a semiconductor device that emits visible light when an electric current is passed through it.***

*Editors' note: A definition of light emitting diode is necessary to address this type of lighting that is being used more frequently to light signs. These type of signs are being defined here since they are being explicitly prohibited in Sections 14-4 and 14-5 below.*

*New project real estate sign* means a sign not exceeding 25 square feet per face, announcing space available for sale, rent or lease within a new project or a project having undergone renovation efforts equal to 25 percent of its value.

*Owner* means a person recorded as such on official records and including duly authorized agent or notary, a purchaser, a devisee, judiciary; any person having a vested or contingent interest in the property in question.

*Permanent project sign* means a sign identifying a unified development sharing common parking, vehicular access, building design and/or other design characteristics, such that it can be recognized as a single entity.

*Premises* means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Real estate information tube/box* means a box or tube attached to one end of the temporary real estate sign for the purpose of holding a brochure whose information relates to the subject property. The dimensions of the box shall be a maximum ten inches by 14 inches by three inches, and the tube shall be a maximum 12 inches by three inches diameter. The box and the tube shall be black or white in color, or translucent. Advertising on the exterior of the box or tube shall be prohibited.

*Real estate window sign* means a sign located inside a window of a premises offered for sale, rent, or lease for the purpose of announcing such.

*Right-of-way (r.o.w.)* means the proposed right-of-way as indicated on the official city major street plan and/or as set forth in the city subdivision ordinance.

*Roofline* means the lowest edge of the main roof.

*Season or special occasion temporary sign* means a sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

*Setback* means the minimum horizontal distance between either the face of the curb, the edge of the pavement, or the right-of-way line and the sign structure as specified in a particular section of this chapter.

*Show window sign* means any temporary sign advertising sales or specials attached to or within three feet of the glass surface of any window (glazing).

*Sign* means any identification, description, illustration or device, illuminated or nonilluminated, which is exposed to the view of potential clients or customers and/or the general public; is located on public or private property, inside or outside of buildings; and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated

merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, except the following:

- (1) Merchandise temporarily displayed in show windows that is available for sale on the premises and that does not include flashing, neon, or colored lights;
- (2) National flags; and
- (3) Decorative devices or emblems as may be displayed on a residential mailbox.

For the purpose of removal, signs shall also include all sign structures.

*Sign structure* means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

*Street* means a thoroughfare, whether public or private, designed for the purpose of vehicular traffic, which affords the principal means of accessing abutting property.

*Street banner* means a temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame.

*Subdivision street sign* means a sign identifying an approved subdivision, which is attached to an approved decorative signpost.

*Technology corridor* means the nonresidentially zoned land annexed by the City of Germantown that was approved on third and final reading June 26, 2000, and effective 30 days later.

*Temporary sign* means a sign which is not permanent and is allowed for a specific time period.

*Traffic directional sign* means any sign which aids the flow of traffic.

*Use* means the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

*Wall sign* means a sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall or attached to the structure as approved by the design review commission.

#### Sec. 14-2. Exempt signs.

The following types of signs are exempted from all the provisions of this chapter:

- (1) Public signs: signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs and traffic signs.
- (2) Historical markers: historical markers as recognized by local, state or federal authorities.
- (3) Nonflashing interior signs ten feet or more from a show window.
- (4) Any signage required by federal law pertaining to wireless transmission facilities.

#### Sec. 14-3. Nonconforming signs.

(a) Any sign which is found to exist in violation of this section shall be removed after 30 days' notice. If the owner or lessee fails to remove the subject sign in the allowed time, an independent contractor shall be secured and the charge assessed to the owner. See section 14-7(d) for sign removal.

(b) Any sign which lawfully exists within an existing office park at the time of enactment of this chapter shall be allowed to remain until such time as the sign is substantially altered or changed or until such time as another sign is proposed in lieu of the existing sign. Such sign shall be in conformance with all other provisions of this chapter.

(c) Any sign which lawfully exists within the OG district at the time of enactment of this chapter shall be allowed to remain until such time as the sign is substantially changed or altered or until such time as another sign is proposed in lieu of the existing sign. Such signs shall be in conformance with all provisions of this chapter.

#### Sec. 14-4. Prohibited signs.

The following types of signs are prohibited under this chapter:

- (1) Signs which show pictures of human figures, animals or food, except for design review commission approved logos, and signs which contain characters, cartoons or statements of an obscene, indecent or immoral character which would offend public morals or decency;
- (2) Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words;



- (3) Signs which are of a size, location, movement, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- (4) Changeable copy signs with interchangeable letters, except that changeable copy signs are allowed for secondary schools and churches as provided under section 14-33;
- (5) Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is located;
- (6) Signs which have any moving parts, except those signs allowed under section 14-32(b)(2);
- (7) Changing signs (~~automatic or flashing~~), including all **changing digital, automatic and flashing** exterior signs and any **changing digital, automatic and flashing** interior signs that are visible from outside the building within which the signs are located, **with the exception of digital price signs at service stations**;

*Editors' note: This provision prohibits any changeable, digital sign both outside of businesses and any signs inside businesses that are visible from outside of the building. See definition of "changing sign" for further clarification.*

- (8) Signs which contain or consist of street banners, pennants, ribbons, balloons, streamers, strings of light bulbs, spinners or other similar materials and devices, illuminated or nonilluminated, that are used to attract the attention of clients, potential customers and/or the general public are prohibited, except when allowed by special permit by the board of mayor and aldermen;
- (9) Interior lighted translucent signs, except that interior lighted translucent letters are allowed in specific uses under section 14-5;
- (10) Signs which contain reflective materials;
- (11) Signs which contain reflective type bulbs, pulsating light or strobe light;
- (12) Signs which are made structurally sound by guy wires or unsightly bracing;
- (13) Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property when one of the purposes of so locating such vehicle is to display, demonstrate, and advertise or attract the attention of the public:
  - a. It is not a violation of this section merely to have a common logo of business sign attached to, suspended from, or painted on a company vehicle regularly engaged in the business of the owner; and
  - b. When it is determined by appropriate authorities that a vehicle is being regularly parked in a manner that violates this chapter, the city will issue a single notice of warning to the owner of the vehicle, who will be provided an opportunity for an informal hearing by representatives of the city consisting of the city administrator, director of development and the chairperson of the design review commission or their designated representatives prior to the institution of formal application to the design review commission and/or judicial proceedings.
- (14) Signs which are not expressly permitted by this chapter;
- (15) Special event signs are expressly prohibited ~~in the OG district;~~ and
- (16) **Signs with exposed LED or neon lights, with the exception of digital price signs at service stations.**

*Editors' note: Subsection (15) is being expanded to prohibit special event signs within all zoning districts. Subsection (16) is being added to explicitly prohibit all signs with exposed LED or neon lights.*

#### Sec. 14-5. Illumination.

Illumination signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by **zone-zoning district**:

- (1) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.
- (2) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.

- (3) No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.
- (4) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (5) Exposed bulbs shall not be used on the exterior surface of any sign, except when approved by the design review commission.
- (6) Exposed neon **or LED** shall not be allowed, **with the exception of digital price signs at service stations.**

*Editors' note: This subsection reinforces the provision under prohibited signs above.*

- (7) Interior lighted translucent letters are allowed for the uses listed as follows, provided that any wall sign containing translucent letters is architecturally recessed into the building facade as approved by the design review commission. Translucent background shall not be used.
  - a. Permanent project signs in SC-1 zoned areas;
  - b. Wall signs for the purpose of building identification only;
  - c. Permanent project signs in PUD and R-T zoned areas.

**(8) Major and Medium Retail Center Project Directory Signs may be illuminated as described in section 14-34(f)b(2).**

*Editors' note: Subsection (8) will address the "reverse stencil" lettering permitted by the new project directory sign ordinance, which is scheduled to be heard by the Board of Mayor and Aldermen on second reading on October 26, 2009. This reverse stencil lettering may be lighted by fluorescent lamps or light emitting diode (LED) with a maximum of 12.0 foot-candles measured five feet directly in front of the sign face.*

#### Sec. 14-6. Structural requirements.

All signs shall comply with the pertinent requirements of the building code.

#### Sec. 14-7. Inspection, removal and safety.

- (a) *Inspection.* All signs shall be inspected periodically by the code enforcement officer for compliance with this chapter.
- (b) *Permit number display.* All temporary signs requiring a permit shall display, in the lower right-hand corner, the sign permit number and expiration date in three-fourths-inch painted numerals.
- (c) *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (d) *Removal of sign.* The code enforcement officer shall give written notice for the removal of any permanent sign erected or maintained in violation of this chapter. Upon failure to comply with this notice, the code enforcement officer shall remove the sign. Temporary signs erected or maintained in violation of this chapter may be removed by the code enforcement officer without notice. The code enforcement officer shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner. See article III of this chapter for additional removal requirements for temporary signs.
- (e) *Abandoned signs.* A sign shall be removed by the owner when the business which it advertises is no longer conducted on the premises. If the owner fails to remove the sign, the code enforcement officer shall give the owner 30 days' written notice to remove it. Upon failure to comply with this notice, the code enforcement officer shall have the sign removed at the expense of the property owner.

#### Sec. 14-8. Permits and fees.

- (a) *Permit and fee requirements.*

- (1) All permanent signs permitted under this chapter, including existing signs, shall require a permit and an annual renewal fee, except single-family subdivision entrance signs are exempt from the annual renewal fee.



- (2) All temporary signs requiring approval of the design review commission or the director of the department of economic and community development require a permit which shall be limited to a maximum of six months.
- (3) Permits for signs announcing openings shall be limited to a maximum of 60 days, and owners shall be required to furnish proof in writing of the need for permit renewal.
- (4) No sign shall be erected, altered or relocated without a permit, except as otherwise provided in this section. Electrical permits as required shall be obtained at the same time as the sign permit.
- (b) *Applications.* The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design, location, materials, finishes and colors of the sign and such other pertinent information as the design review commission may require to ensure compliance with the ordinances and requirements of the city. Applications shall be on forms provided by the city.
- (c) *Fee.* Fees for sign permits shall be as fixed by the board of mayor and aldermen.
- (d) *Nullification.* A sign permit shall become null and void if:
  - (1) The work for which the permit was issued has not been completed within a period of six months after the date of the permit;
  - (2) The sign varies in any respect from the approved design or location.
- (e) *Permit exceptions.* The following operation shall not be considered as creating a sign and, therefore, shall not require a sign permit: repainting, cleaning and other normal maintenance to prolong the life of the sign as originally approved.

Sec. 14-9. Administration.

- (a) *Enforcement.* The code enforcement officer is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the code enforcement officer may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this chapter.
- ~~(b) *Appeals.* Any aggrieved person or any governmental officer, department, board or bureau may make an appeal to the board of mayor and aldermen to review the decision of the design review commission or the code enforcement officer at a regular meeting of the board not more than 30 days after the appeal. The board of mayor and aldermen, at the hearing, shall listen to all parties who desire to be heard and, after the hearing, shall approve or disapprove the application. Upon approval of the appeal, the code enforcement officer may issue the building permit forthwith, if the applicant has complied with all other codes, ordinances, regulations and procedures regarding building permits. The action of the board of mayor and aldermen in regard to the application, together with the report of the design review commission and/or the code enforcement officer, shall be entered in the minutes.~~
- (b) Applicants whose plans are disapproved by the design review commission and abutting property owners who are aggrieved by the commission's decision may appeal the commission's action to the board of mayor and aldermen, but must do so at a regular meeting of the board not more than 45 days after the date of the commission's action. The board of mayor and aldermen, after hearing all parties who desire to be heard, shall approve, approve with conditions, or disapprove the application by a written statement setting forth its reasons for its action. If the board of mayor and aldermen approves or conditionally approves the application, the building official may issue the building permit forthwith, provided that the applicant has complied with the terms of the approval or conditional approval, with other provisions of this section, including this section, and with all other codes, ordinances, regulations and procedures regarding building permits.

*Editors' note: This section does not comport with Section 2-174 of the Code (above), which also addresses aggrieved applicants. This proposal involves replacing section (b) with Section 2-174 verbatim.*

- (c) *Violations.* Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. The owner of any sign, building or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

## ARTICLE II. PERMANENT SIGNS

### Sec. 14-31. Generally.

(a) *(old section (f))* All signs permitted under this article chapter shall be subject to the approval of the design review commission, except for certain temporary signs per section 14-61 and 14-62 subject to the approval of the development director per section 2-176. The design review commission shall have the authority to grant exceptions to this article where noted for good cause shown.

*Editors' note: These changes reflect the limitation of this section to permanent signs, as temporary signs are located in Article III. Also, this section permits the DRC to grant exceptions to the sign ordinance in the subsequent sections where such exceptions are explicitly noted.*

(b) The following sign standards by districts in this article are intended to include every district in the city. The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs as described herein and as may be described under temporary signs will be permitted in each particular district, except for public signs and city, state and federal historic markers. Sections 14-33 (multifamily districts churches, public buildings, public and private schools, country clubs, institutions and parks); 14-35 (service stations); 14-36 (office parks) and 14-39 (office subdivision) are not organized by district, but by land use.

*Editors' note: This section states that the sign ordinance is listed by zoning district, but it fails to recognize certain parts of the sign ordinance that are organized by use.*

~~(b) If any district is omitted from this chapter, or if a new district is created after the enactment of this chapter, no signs shall be permitted therein until this chapter is amended to include the new district.~~

*Editors' note: This section is too over-reaching. For example, although the R-H zoning district was never added to the sign ordinance, signs within The Village and Poplar Grove (the two R-H developments in the City) have been administered under the appropriate sections of the sign ordinance (multi-family and single-family, respectively).*

(c) Signs lawfully existing in areas annexed after the passage of this chapter may be continued for a period of six months from the date of annexation, provided that they are properly maintained. Within three months after the date of annexation all signs in the newly annexed area shall be submitted to the design review commission for review. At the end of the six-month period, any sign not in conformance with this chapter shall be removed by the owner, agent or person having beneficial use of the structure or land on which the sign is located. Except for the provisions relating to annexed areas, permanent signs which were lawful before this chapter and/or amendments thereto were adopted but which now would not be permitted under the terms of this chapter, shall have a period of one year in which to conform to applicable regulation however, this provision shall not apply to traffic directional signs as described in this chapter. See section 14-7(d) for removal.

(d) Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one square foot or less are excluded from this chapter.

(e) For permits and fees, refer to section 14-8.

~~(f) All signs permitted under this chapter shall be subject to the approval of the design review commission, except for certain temporary signs per section 14-61 and 14-62 subject to the approval of the development director per section 2-176.~~

*Editors' note: Section (f) was moved up as (a).*

### Sec. 14-32. Single-family residential districts and two-family residential districts.

(a) *Generally.* This section shall apply to all districts designated by the zoning ordinance as single-family residential (R-E, R-E-1, R, R-1 and R-2) and two-family residential (R-3).

(b) *Allowable signs.* Allowable permanent signs in the R-E, R-E-1, R, R-1, R-2 and R-3 districts are as follows:

(1) One subdivision entrance identification sign shall be allowed per project, except where the project fronts on two or more major or collector streets or has more than one major traffic entrance on the same major or collector street; then identification shall be allowed at each major entrance.

(2) One subdivision street sign shall be allowed in lieu of a subdivision entrance identification sign where an approved decorative sign post has been approved, except where the project fronts on two or more major or collector streets or has more than one major traffic entrance on the same major or collector street; then identification shall be allowed at each major entrance.

(3) For temporary signs, see article III of this chapter.

(4) ~~For church, public or semipublic building, public and private school, country club, institution and public park identification signs, shall be ground mounted identification signs. Also see section 14-33 (b).~~

*Editors' note: This provision allows schools, country clubs and institutions to have the same signs as churches. It also allows for all the above mentioned uses to have wall signs.*

(5) For signs allowed under special permit, see section 14-38.

(c) *Size.* The size of permanent signs in the R-E, R-E-1, R, R-1, R-2 and R-3 districts shall be as follows:

(1) The area of one face of the sign portion of the subdivision entrance identification shall not exceed 25 square feet, ~~except as otherwise approved by the design review commission. In no case shall the total sign area exceed 50 square feet regardless of the number of faces.~~

*Editors' note: This provision allows the DRC to approve exceptions to the size of subdivision entrance features.*

(2) The area of the subdivision street sign shall not exceed three square foot per face.

(3) Temporary signs shall be as described in article III of this chapter.

(4) Church, public or semipublic building, ~~public and private school, country club, institution~~ and public park identification signs shall be permitted under section 14-33 ~~(b)~~ (c).

*Editors' note: This provision allows schools, country clubs and institutions to have the same signs as churches.*

(d) *Location.* Location of permanent signs in the R-E, R-E-1, R, R-1, R-2 and R-3 districts shall be according to the following:

(1) Subdivision entrance identification signs shall be set back a minimum of ~~15~~ 20 feet from the face of the curb or edge of the pavement of the main street, ~~except as otherwise approved by the design review commission and shall be approved by the design review commission. The setback requirement may be reduced by the design review commission providing the height of the structure does not exceed three feet above curb grade.~~

*Editors' note: This provision allows the DRC to approve exceptions to the location of subdivision entrance features. It also matches the 15-foot setback as articulated in the SEF ordinance above.*

(2) Subdivision street signs shall be mounted to an approved decorative street signpost, so that it hangs below the decorative frame containing the sign blade and street name.

(3) For temporary signs, see article III of this chapter.

(4) Church, public or semipublic building, ~~public and private school, country club, institution~~ and public park identification signs shall be as described in section 14-33 (d)(1).

*Editors' note: This provision allows schools, country clubs and institutions to have the same signs as churches.*

(e) *Content.* Content of permanent signs in the R-E, R-E-1, R, R-1, R-2 and R-3 districts shall be as follows:

(1) Subdivision entrance identification ~~and ground mounted identification~~ signs shall indicate only the name of the subdivision and/or the name and address of the building or business year of establishment, except as otherwise approved by the design review commission.

*Editors' note: This provision allows subdivision entrance feature identification signs to have the year the subdivision was established. It also allows the DRC to grant exceptions to the content of the signs.*

~~(2) Signs shall normally be restricted to letters and numbers only; however, graphics may be approved by the design review commission.~~

*Editors' note: This provision is redundant and covered by section 14-32(e)(2).*

~~(3) Subdivision street signs shall indicate only the name of the subdivision and the names of the intersecting streets and be composed of letters and such logos as are not prohibited by section 14-4. and which are approved by the design review commission. The color of the street signs shall match the color of the approved decorative signpost. All letters shall be white in color.~~

*Editors' notes: Street signs do not need DRC approval. Also, additional language has been added to allow street names to be on "subdivision street signs" (otherwise known as decorative street signs).*

~~(4) Church, public or semipublic building, public and private school, country club, institution and public park identification signs shall be as described in section 14-33 (e)(3).~~

*Editors' note: This provision allows schools, country clubs and institutions to have the same signs as churches.*

Sec. 14-33. Multifamily and retirement housing districts- ~~and planned unit developments,~~ churches, public buildings, public and private schools, country clubs, institutions and public parks.

(a) *Generally.* This section shall apply to all districts designated by the zoning ordinance as multifamily R-T and retirement housing R-H. ~~or PUD.~~ This section also includes publicly owned buildings, public and private schools, country clubs, churches, institutions and public parks. If the use of the property is single-family housing, refer to Section 14-32 of this Article.

*Editors' note: The changes throughout this section (14-33) clearly defines that the section applies to both R-T and RH zoning districts, as well as churches, public buildings, public and private schools, country clubs, institutions and public parks. The RH district had never been specifically added to the Sign Ordinance. The final sentence above addresses single-family areas that happen to be zoned RT or RH (such as Rowan Oak and Poplar Grove, respectfully).*

(b) *Allowable signs.* Allowable permanent signs in the R-T multifamily ~~district or PUD~~ and the RH retirement housing districts and churches, public buildings, public and private schools, country clubs, institutions and public parks are as follows, except as otherwise approved by the design review commission:

(1) One ground-mounted sign shall be allowed per project, except where the project fronts on two or more major or collector streets. A ground-mounted sign shall be allowed for each street frontage, provided that the project has a major traffic entrance on the street where the sign is erected.

- (2) Traffic directional signs shall be as approved by the design review commission.
- (3) For temporary signs, see article III of this chapter.
- (4) Changeable copy signs shall be as approved by the design review commission for secondary schools and churches only. Secondary schools and churches may display information regarding scheduled activities, provided that all changeable copy is enclosed and secured against vandalism.
- (5) Miscellaneous yard signs shall be as approved by the design review commission.
- (6) For signs allowed under special permit, see section 14-36.
- (7) One wall-mounted project identification sign shall be permitted for sites that contain churches, public buildings, public and private schools, country clubs, institutions and public parks, either in combination with or in lieu of a ground-mounted sign. Each building on sites with churches, public buildings, public and private schools, country clubs and institutions and public parks shall be allowed a building identification sign.
- (8) Additional signs may be allowed by the design review commission.

*Editors' note: The proposed language allows wall signs on church and government buildings, such as the newer sign identifying the Economic and Community Development Department at 1920 S. Germantown Road.*

(c) *Size.* The sizes of permanent signs in the R-T multifamily district or PUD and the RH retirement housing districts and churches, public buildings, public and private schools, country clubs, institutions and public parks shall be as follows, except as otherwise approved by the design review commission:

- (1) For ground-mounted identification signs, the sign area of one face shall not exceed 25 square feet. In no case shall the total sign area exceed 50 square feet regardless of the number of faces.
- (2) Traffic directional signs shall be as approved by the design review commission.
- (3) For signs allowed under special permit, see section 14-36.
- (4) Each wall-mounted project identification sign for sites that contain churches, public buildings, public and private schools, country clubs, institutions and public parks is allowed to be a maximum of 25 square feet. Each wall-mounted building identification sign on sites with churches, public buildings, public and private schools, country clubs, institutions and public parks is allowed to be a maximum of 18 square feet.

*Editors' note: This new section describes the size requirements of the wall signs now permitted on churches, public buildings, etc. These mirror similar wall signs on commercial and office properties.*

(d) *Location.* The location of permanent signs in the R-T multifamily district or PUD and the RH retirement housing districts and churches, public buildings, public and private schools, country clubs, institutions and public parks shall be as follows, except as otherwise approved by the design review commission:

- (1) Ground-mounted identification signs located in the front yard shall be set back as follows: Where the building setback is 40 feet or less, the sign shall be placed within ten feet from the front face of the building. The height of the sign shall be a maximum of six feet, as measured from the surrounding grade. Where the building setback is more than 40 feet, the sign location shall not be less than 30 feet from the face of curb or edge of pavement of any street. Where a sign is orientated parallel to the street and is three feet or less in height, the design review commission may allow a setback of less than the above requirement.
- (2) Traffic directional signs erected on private property which are visible from a public street shall be located as approved by the design review commission.
- (3) Wall-mounted project or building identification signs on sites that contain churches, public buildings, public and private schools, country clubs, institutions and public parks shall be face mounted on the building wall and shall not project more than 12 inches from the face of the building except as otherwise approved by the design review commission. These signs shall not project above the roofline unless incorporated in the roof design and only if approved by the design review commission.



*Editors' note: This new section describes the location requirements of the wall signs now permitted on churches, public buildings, etc. These mirror similar wall signs on commercial and office properties.*

(e) *Content.* The content of permanent signs in the R R-T multifamily district or PUD and the RH retirement housing districts and churches, public buildings, public and private schools, country clubs, institutions and public parks is as follows, except as otherwise approved by the design review commission:

- (1) Ground-mounted and wall-mounted project identification signs shall indicate only the identification of the project and its address.
- (2) Signs shall normally be restricted to letters and numbers only; however, graphics may be approved by the design review commission.
- (3) Changeable copy signs shall only display information regarding scheduled activities.
- (4) Wall-mounted building identification signs shall indicate the name and/or purpose of the building.

*Editors' note: This new section describes the content requirements of the wall signs now permitted on churches, public buildings, etc. These mirror similar wall signs on commercial and office properties.*

Sec. 14-34. Office districts, shopping center districts, neighborhood districts, and general commercial districts, and technology corridor.

*Editors' note: The technology corridor is not an official zoning designation.*

(a) *Generally.* This section shall apply to all districts designated by the zoning ordinance as O, O-C, O-51, SC-1, C-1 and C-2 except that any properties on which the business is located is solely engaged in the retail petroleum and petroleum products business (service stations) shall conform to section 14-35, and any office parks shall conform to section 14-36.

(b) *Allowable signs.* Allowable permanent signs in the O, O-C, O-51, SC-1, C-1 and C-2 districts are as follows:

- (1) A wall sign mounted parallel to a building wall is permitted, provided that the wall contains the major entrance for public entry of the occupant and faces a public street. The following signs may also be allowed with the approval of the design review commission, provided that such additional signs do not result in a total area of signage in excess of that allowed under subsection (c)(1) of this section:

- a. A wall sign on another wall of an occupant's premises in lieu of or in combination with a sign on a wall containing a major exterior entrance;
- b. More than one wall sign when there is more than one major entrance; provided, however, that such additional sign is on a wall facing a public street or customer parking lots and containing a major entrance, and provided that any such sign facing parking lots is not apparent from residential areas, except as otherwise approved by the design review commission;
- c. Signs on doors, windows or awnings.

(2) Ground-mounted signs shall be for project, building or tenant identification only in lieu of or in combination with wall signs.

(3) "Big Box" permanent tenant identification wall signs in C-2 and SC-1 zoned areas for individual tenants of 100,000 square feet of gross floor area or more, with a minimum 350 linear feet of building wall on which the sign is to be erected, where a single logo is the primary sign element, shall be limited to one wall sign per street frontage where the property fronts on a major road or collector street.

(4) Permanent project signs in SC-1 zoned areas shall be limited to one sign per project. Permanent project signs in commercial zones (C-1 and C-2) for development of two acres or



more under single ownership and office zones (O, O-51 and O-C) within the technology corridor for developments of 50 acres or more under single ownership shall be by special permit if recommended by the design review commission. Permanent project signs in office zones (O, O-51 and O-C) within the technology corridor for developments of 50 acres or more shall be limited to one sign per street frontage on a major road.

(5) Traffic directional signs shall be as approved by the design review commission.

(6) Exterior directories shall be allowed, provided that:

a. In any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign, the building shall qualify for a directory. In addition, any retail project with two or more tenants shall qualify for a directory.

b. The purpose of the directory shall be for customer convenience, direction and safety.

c. The number of directories shall be limited to one for each main entrance to the building or project.

(7) Changeable copy signs are permitted for secondary schools and churches. See section 14-33(b).

(8) Pump use directions, federal and state pumps, octane ratings and no smoking signs as required by federal, state and local authorities shall be allowed for businesses engaged in the sale of petroleum and petroleum products in combination with any substantial retail sales (i.e., convenience stores or drive-in groceries).

(9) *Medical office signs:* For projects and buildings in which at least 50 percent of the gross floor area is dedicated to medical services as defined in section 23-2, medical office signs are required. Ground-mounted medical office signs shall be characterized by uniform design, color, and content. If medical office sign applications meet the parameters as set out in this subsection, they may be administratively approved by the director of community development. For buildings and projects in which at least 50 percent of the gross floor area is dedicated to medical services located within office parks, as defined in section 14-36(a), of this chapter, medical office address signs as defined below shall be the only medical office signs permitted, **except as otherwise approved by the design review commission**. All other signage on these sites shall be governed by the office parks sign provisions, section 14-36.

Medical office signs shall be permitted in the following forms:

*Editors' note: The above edit grants the DRC the ability to approve variances where appropriate.*

a. Large medical office monument signs: For building, project, or major tenant identification for buildings containing at least 10,000 square feet of gross floor area, one large medical office monument sign shall be permitted per building. For the purpose of this subsection, major tenants shall be defined as tenants with at least 10,000 square feet of gross floor area. Large medical office monument signs shall be permitted in lieu of ground-mounted signs as defined in section 14-34(b)(2). Large medical office monument signs shall not be permitted on sites with medical office address signs.

b. Small medical office monument signs: For building, project or tenant identification for buildings with less than 10,000 square feet of gross floor area, or for buildings with at least 10,000 square feet of gross floor area and no major tenants as defined in subsection (a) above, one small medical office monument sign shall be permitted per building. Small medical office monument signs shall be not permitted on sites with medical office address signs.

c. Medical office address signs: For sites with pre-existing signage, one medical office address sign shall be permitted for each building, provided that the building has direct access to a public roadway. Medical office address signs shall not be permitted on sites with medical office monument signs.

d. Medical office wall signs: Medical office wall signs are permitted per section 14-34(b)(1).

(10) Permanent Project Directory Signs:

a. Planned shopping centers having twenty (20) or more acres of land area and two-hundred thousand (200,000) or more square feet of gross building area are permitted either: i) one

- Major Retail Center Project Directory Sign on each ~~per~~ street frontage on which stores have customer entrances, or ii) one Major Retail Center Project Directory Sign, plus, on each additional street frontage on which stores have customer entrances, one Medium Retail Center Project Directory Sign;
- b. Planned shopping centers having more than eight (8), but less than twenty (20), acres of land area and more than seventy thousand (70,000), but less than two-hundred thousand (200,000), square feet of gross building area are permitted one Medium Retail Center Project Directory Sign per street frontage on which stores have customer entrances.
- (c) *Size.* The size of permanent signs in the O, O-C, O-51, SC-1, C-1 and C-2 districts shall be as follows, **except as otherwise approved by the design review commission:**

*Editors' note: The above edit grants the DRC the ability to approve variances where appropriate.*

- (1) Wall signs shall have a maximum total sign area of 50 square feet, or one-half square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area. Where frontage is on more than one street, only the signs computed with the frontage of that street shall face that street.
- (2) Ground-mounted signs shall meet the following requirements:
  - a. Single-faced, ground-mounted signs shall not exceed the lesser of 50 square feet or one-half square foot for each lineal foot of the premises or leased space of the occupant that faces the public street that the sign faces.
  - b. Double-faced, ground-mounted signs shall not exceed a sign area total of both faces of the lesser of 100 square feet or one square foot for each lineal foot of the premises or leased space of the occupant that faces the public road from which the double-faced sign is visible.
  - c. Notwithstanding the provisions of subsections (c)(2)a and (c)(2)b of this section, where additional signs are permitted by the design review commission under subsection (b)(1) of this section, or where a ground-mounted sign is used in lieu of or in combination with one or more wall signs, the total area of all such signs shall not exceed the allowable sign area for one wall sign as provided under subsection (c)(1) of this section.
- (3) "Big Box" buildings which exceed the minimum yard requirements set forth in section 23-407 (C-2) and section 23-438 (SC-1) shall be allowed a permanent tenant identification sign area equal to 50 square feet plus one square foot of sign area for each three feet of horizontal distance in excess of the minimum yard requirement. The sign shall be measured at the portion of the wall on which the sign is to be located. In no case shall the sign exceed 130 square feet in total area.
- (4) Permanent project signs shall not exceed 50 square feet per face per street frontage, and the total sign area shall not exceed 200 square feet.
- (5) Directories shall not exceed the following sizes:
  - a. Twelve and one-half square feet per face and total directory area shall not exceed 25 square feet when located within 75 feet of any public right-of-way.
  - b. Twenty-five square feet per face and total directory area shall not exceed 50 square feet when located 75 feet or more from public right-of-way.
- (6) Traffic directional signs shall not exceed a maximum total area of 128 square inches per face, eight inches by 16 inches, with a maximum of two faces per sign, not to exceed a total of 256 square inches. Such signs shall not exceed 20 inches above the existing grade.
- (7) Medical office signs.
  - a. Large medical office monument signs shall be two feet, eight inches in height and a maximum of 11 feet in length. The two-foot, eight-inch height does not include a required 15-inch base. The width of the sign shall be between ten and 12 inches. Please refer to Figure A for further details.
  - b. Small medical office monument signs shall be two feet, eight inches in height and adhere to the provisions of 14-34(c)(2), but not exceed a length of 11 feet. The two-foot, eight-inch height does not include a required 15-inch base. The width of the sign shall be between ten and 12 inches.

- c. Medical office address signs shall be two feet, eight inches in height and three feet in length and shall not be included in a site's total signage allowance. The two-foot, eight-inch height does not include a required 15-inch base. The width of the sign shall be between ten and 12 inches. Please refer to Figure B for further details.
- d. The size of medical office wall-mounted signs shall adhere to the provisions of section 14-34(c)(1). Any ground-mounted signs on site, including medical office address signs, shall be included in the calculation of the allowable size for wall-mounted signs for sites not located in office parks.
- (8) Permanent Project Directory Signs:
- a. Major Retail Center Project Directory Sign shall not exceed eighteen (18) feet in height and 130 square feet in total sign area, with a maximum of 60 square feet devoted to directory purposes. The name of the shopping center shall be the primary element of the sign. Individual tenant signs within the directory shall not exceed 15 square feet with a maximum letter height of 14 inches.
- b. Medium Retail Center Project Directory Sign shall not exceed ten (10) feet in height and 120 square feet in total sign area, with a maximum of 60 percent of that area devoted to directory purposes. The name of the shopping center shall be the primary element of the sign. Individual tenant signs within the directory shall have a minimum letter height of 8 inches. In situations where a Retail Center has frontage on more than one street, and more than one Project Directory Sign is permitted, only one of the Project Directory Signs may be 10 feet in height, and 120 square feet in area. Any additional signs shall not exceed six (6) feet in height and 36 square feet in area.
- (d) *Location.* The location of permanent signs in the O, O-C, O-51, SC-1, C-1 and C-2 districts shall be as follows, **except as otherwise approved by the design review commission:**

*Editors' note: The above edit grants the DRC the ability to approve exceptions where appropriate.*

- (1) Wall signs shall be face mounted on the building wall unless approved otherwise by the design review commission. Wall-mounted signs shall not project more than 12 inches from the face of the building. Signs shall not project above the roofline unless incorporated in the roof design and only if approved by the design review commission.
- (2) For ground-mounted signs, where the building setback is 40 feet or less, the sign shall be placed within ten feet from the front face of the building. Where the building setback is more than 40 feet, the sign location shall not be less 30 feet from the face of the curb or the edge of the pavement of any street. The height of the sign shall be a maximum of six feet, as measured from surrounding grade. Where a sign is orientated parallel to the street and is three feet or less in height, the design review commission may allow a setback of less distance than the above requirement.
- (3) Permanent project signs shall be located a minimum of 60 feet from any street right-of-way or property line. The height of the sign shall be a maximum of 18 feet, as measured from the surrounding grade.
- (4) Directories shall be located either behind the main building line or a minimum of 75 feet from any public right-of-way. Directories shall not be apparent from a public street. The height of a directory shall be a maximum of six feet, as measured from the surrounding grade.
- (5) Traffic directional signs shall be located a minimum of one foot from the right-of-way (existing and/or proposed, whichever is greater) of any street.
- (6) Medical office monument and address signs shall be placed perpendicular to the roadway at a distance of six feet from the right-of-way. The location of medical office wall-mounted signs shall adhere to the provisions of section 14-34(d)(1).
- (7) Permanent Project Directory Signs:
- a. Major Retail Center Project Directory Sign shall be located a minimum of sixty (60) feet from the curb of the major street and a minimum of 30 feet from the curb of a collector street or curb of an entrance drive.

- b. Medium Retail Center Project Directory Sign shall be located a minimum of twenty (20) feet from the street curb.
- (e) *Content.* The content of permanent signs in the O, O-C, O-51, SC-1, C-1 and C-2 districts shall be as follows:
- (1) Wall signs shall contain the name of the business and with approval by the design review commission may include the address, hours, dates, instructions and primary products and services.
  - (2) Ground-mounted signs shall contain the name of business and with the approval of the design review commission may include the address, hours, instructions, and primary products and services.
  - (3) "Big Box" permanent tenant identification wall signs shall contain the name of the business and a single corporate logo. The logo shall not exceed 80 percent of the allowable signage, **except as otherwise approved by the design review commission.**

*Editors' note: The above edit grants the DRC the ability to approve exceptions where appropriate.*

- (4) Permanent project signs shall be limited to the name and address of the project.
- (5) Signs indicating "open tonight" may be allowed at the discretion of the design review commission **in SC-1 zones only.**

*Editors' note: The above edit allows "open" signs to be displayed in all commercial areas.*

- (6) Project, tenant or product identification will not be allowed on traffic directional signs within any project or development, unless the design review commission agrees such identification is essential to directing traffic.
- (7) The content of signs shall be composed of letters, numbers, and such logos as are not prohibited by section 14-4 and which are approved by the design review commission, provided that the following restrictions shall also apply:
  - a. The name of the business, which may only appear once on the sign, and the address, hours, instructions, and primary products and services, as approved by the design review commission, shall be composed of letters and/or numbers; and a letter or number that is written or drawn in such a manner that in addition to representing the letter or number itself connotes an object or part thereof, other than a letter or number, shall not be considered a "letter" or "number" for the purposes of this subsection (e).
  - b. All other content **and background** of a sign shall, for the purposes of this subsection (e), be considered a logo and the area on the face of the sign that may be covered by a logo shall not exceed ten percent of the allowable sign area, **except as otherwise approved by the design review commission**; provided, however, that any border of a sign that is considered by the design review commission to be in proportion to the size of a sign shall not be considered to be a logo or part thereof for the purpose of this subsection (e).

*Editors' note: The above edit recognizes that the background of a sign can also be considered part of a logo. The Breast Clinic sign is an example in which the abstract background of the sign was part of the group's logo.*

permitted on a storefront containing a major entrance for public entry to a business but not elsewhere, provided that the combined total area of all logos on the walls containing such major entrances shall not exceed ten percent of the allowable sign area for the premises of the occupant, **except as otherwise approved by the design review commission. The location of a logo on a wall containing a major entrance as aforesaid (other than on a sign face approved by the design review commission) shall be specifically approved by the design review commission.**

*Editors' note: The above edit grants the DRC the ability to approve variances where appropriate, while also omitting the second sentence. That sentence is redundant in that the DRC approves all signs with or without logo, with the exception of those signs that are previously covered by an existing sign policy.*

*Editors' note: The above edit grants the DRC the ability to approve variances where appropriate. The Apple Store at Saddle Creek is a good example of the logo taking precedent on the permanent sign – the logo is much larger than the name of the company.*

- (8) Exterior directories shall be limited to the following:
- a. Building identification and address. The building address shall be plainly visible and legible from the street or roadway as required by the **1994 Standard Fire Prevention Code Fire Code adopted by the City.**

*Editors' note: The above edit recognizes that different versions of the Standard Fire Prevention Code may be adopted throughout the future of the City. As such, the Ordinance needs to be flexible to require building address signs to comply with the current Fire Code being used by the City, without changing the reference each time that Fire Code is changed.*

- b. Tenant name and location.
- c. Building location map as approved by the design review commission.
- d. Building identification letters shall not exceed three inches, and tenant identification letters shall not exceed 2 1/2 inches. Building address numbers shall be sized according to the following chart:

TABLE INSET:

Distance Between Directory and Street or Roadway (in feet)	Minimum Height of Numbers
0--100	3 inches
101--150	4 inches
151--200	6 inches
201--250	8 inches
251--325	10 inches
326--400	12 inches
> 400	To be determined on a case-by-case basis

- e. Each tenant listed shall occupy the same size and shape space.
- (9) For changeable copy signs for secondary schools and churches, see section 14-33(e).

*Editors' note: The above edit corrects the reference to secondary schools and churches to the newly created section 14-40 (see below).*

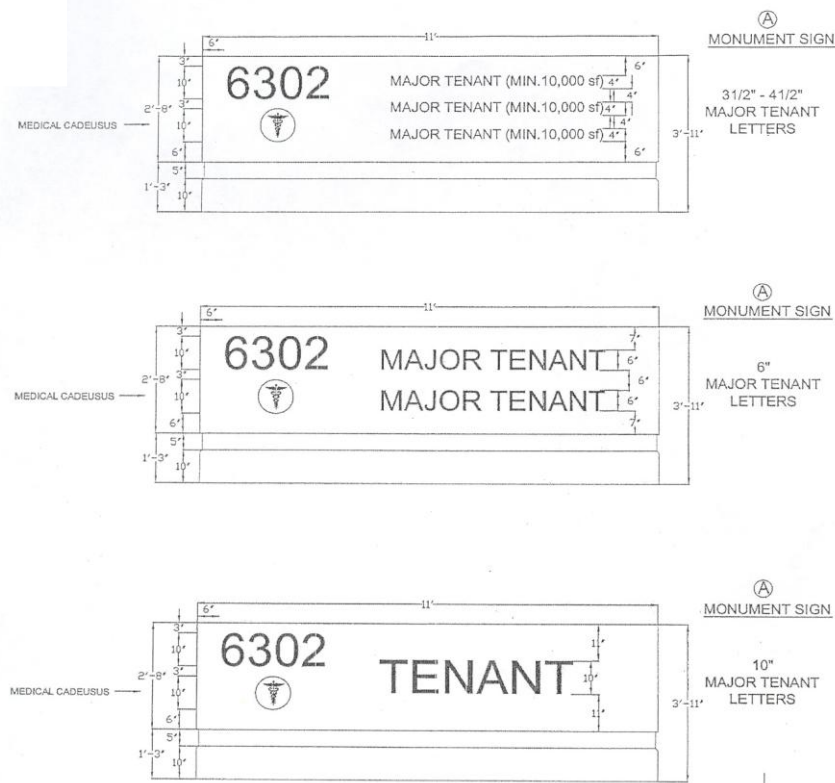
- (10) Traffic directional signs shall indicate "enter" - "exit" only. Letters should be light in color on a dark background and not exceed 3 1/2 inches in height.
- (11) Medical office signs.



a. Large medical office monument signs shall include either the name of the building, project, or major tenants, or a combination thereof; a caduceus; and address numbering. Multiple tenant names shall only be permitted for buildings and projects with more than one major tenant. Building, project, tenant names; address numbering; and the caduceus shall be dark bronze colored. The sign shall be constructed of formed concrete colored buff grey with grey mortar, placed on a 15-inch base. The 15-inch base shall consist of a ten-inch formed concrete foundation colored buff grey with grey mortar with a five-inch brick band above. The brick band shall match the brick of the building that the sign is identifying. The two-thirds of the sign closest to the building shall include the name of the building, project, or tenants. The one-third of the sign closest to the roadway shall include the address numbering and caduceus. Address numbering shall be a maximum ten inches in height and 30 inches in total width and placed three inches from the top of the sign. Multiple address numbers shall be hyphenated rather than listed; e.g., 6301-03 rather than 6301 6303. The caduceus shall be ten inches in height and placed three inches below the address numbering. All lettering and numbering on the sign shall be in Arial Bold typeface. Please refer to Figure A for further details. **Exceptions to the coloring, size, materials and content of the medical office sign may be approved by the design review commission for good cause shown.** Building, project, or tenant lettering shall be sized as follows:

- i. For signs with one line of project, building, or tenant identification, letters shall be a maximum of ten inches in height.
- ii. For signs with two lines of project, building, or tenant identification, letters shall be a maximum of six inches in height.
- iii. For signs with three lines of project, building, or tenant identification, letters shall be a maximum of to five inches in height.

Figure A



*Editors' note: The above insertion represents Figure A, referred to in the previous subsection (a). The current ordinance does not contain Figure A, and is confusing for potential applicants.*

b. Small medical office signs shall include either the name of the building, project, or tenant; a caduceus; and address numbering. Only one tenant shall be identified on the sign. Building,

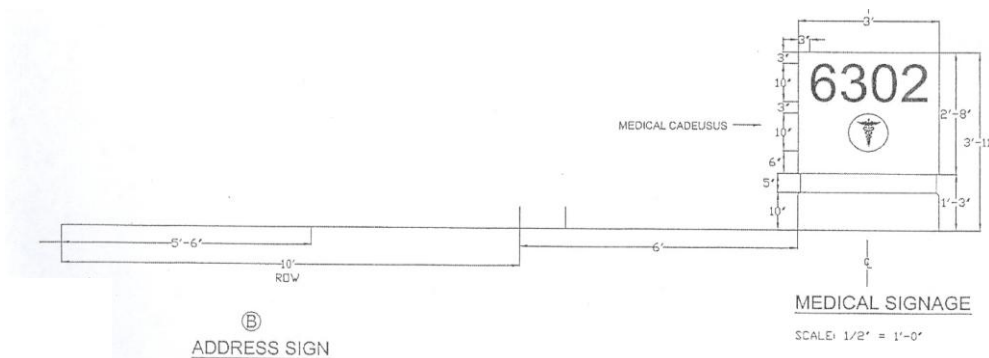


project, tenant names; address numbering; and the caduceus shall be dark bronze colored. The sign shall be constructed of formed concrete colored buff grey with grey mortar, placed on a 15-inch base. The 15-inch base shall consist of a ten-inch formed concrete foundation colored buff grey with grey mortar with a five-inch brick band above. The brick band shall match the brick of the building that the sign is identifying. The section of the sign closest to the building shall include the name of the building, project, or tenant. The section of the sign closest to the roadway shall include the address numbering and caduceus. Address numbering shall be a maximum ten inches in height and 30 inches in total width and placed three inches from the top of the sign. The caduceus shall be ten inches in height and placed three inches below the address numbering. All lettering and numbering on the sign shall be in Arial Bold typeface. Building, project, or tenant lettering shall be a maximum of ten inches in height. **Exceptions to the coloring, size, materials and content of the medical office sign may be approved by the design review commission for good cause shown.**

*Editors' note: The above edits grant the DRC the ability to approve variances where appropriate.*

c. Medical office address signs shall be composed of dark bronze-colored address numbering ten inches in height and 30 inches in total width and placed three inches below the top of the sign. Address numbering shall be in Arial Bold typeface. Multiple address numbers shall be hyphenated rather than listed; e.g., 6301-03 rather than 6301 6303. A dark bronze-colored caduceus shall be ten inches in height and placed three inches below the address numbering. The sign shall be constructed of formed concrete colored buff grey with grey mortar, placed on a 15-inch base. The 15-inch base shall consist of a ten-inch formed concrete foundation colored buff grey with grey mortar with a five-inch brick band above. The brick band shall match the brick of the building that the sign is identifying. Please refer to Figure B for further details.

Figure B



*Editors' note: The above insertion represents Figure B, referred to in the previous subsection (c). The current ordinance does not contain Figure B, and is confusing for potential applicants.*

d. The content of medical office wall-mounted signs shall adhere to the provisions of section 14-34(e)(1).

(12) Permanent Project Directory Signs:

a. Major Retail Center Project Directory Sign content shall be limited to the name of the retail center, the names and logos of tenants having a minimum of 20,000 square feet of gross floor area, and the name and phone number of the leasing management company. The retail center name shall compose the primary element of the sign, in terms of placement and size.

b. Medium Retail Center Project Directory Sign content shall be limited to the name of the retail center and the names and logos of tenants that are either 1) one hundred- (100) feet or more from a major road right-of-way, or 2) with no direct sight line from the nearest major

road due to the placement of an outparcel building, topographic conditions or major vegetation (trees).

(f) *Materials and Illumination*

(1) Material

a. Major Retail Center Project Directory Sign – the sign base, sides and cap shall blend normally into the surrounding area with material that is similar in composition, texture and color, to the dominant material of the public frontage of the retail center building and subject to the approval of the Design Review Commission. The sign letters shall be metal. The background of the area containing the center and tenant names shall be masonry or metal.

b. Medium Retail Center Project Directory Sign - the sign base, sides and cap shall blend normally into the surrounding area with material that is similar in composition, texture and color, to the dominant material of the public frontage of the retail center building and subject to the approval of the Design Review Commission. The sign letters may be either metal, or opaque or translucent polycarbonate thermoplastic a minimum of 3/16 inch thick. The background of the area containing the center and tenant names shall be masonry or metal with a dark or blackened finish.

(2) Illumination

a. Major Retail Center Project Directory Sign – the sign may be illuminated, either by external lighting or backlighting.

b. Medium Retail Center Project Directory Sign – External or internal illumination is permitted. Internal illumination shall be by fluorescent lamps or light emitting diode (LED) with a maximum of 12.0 foot-candles measured five feet directly in front of the sign face, with an opaque exterior facing of a dark color that will create a reverse engraved effect, unless approved otherwise by the design review commission.

Sec. 14-35. Service stations.

(a) General. This section shall apply to ~~only those~~ properties ~~solely~~ engaged in the retail petroleum and petroleum products business.

*Editors' note: Gas stations no longer solely engaged in retail petroleum. This provision allows for gas stations with convenience stores to have signs.*

(b) Allowable signs. Allowable permanent signs in service stations shall be as follows:

(1) One ground-mounted or wall-mounted brand identification sign per street frontage.

(2) One ~~nonilluminated~~ permanent price sign per street front ~~that may be illuminated externally by flood lights or by digital LED.~~

*Editors' note: This provision, requested by the Design Review Commission allows price signs to be digital.*

(3) Two nonilluminated self-service or full-service signs per pump island.

(4) Federal and state stamps, octane readings, pump use directions, no smoking signs as required by federal, state and local authorities.

(5) Temporary signs as approved by the design review commission.

(c) Size. The size of permanent signs in service stations shall be as follows:

(1) Brand identification signs as follows:

a. Wall signs shall have a maximum total sign area of 50 square feet, or one-half square foot for each lineal foot of building frontage on a public street, whichever results in the smaller sign area.

b. Ground-mounted signs shall be limited to a maximum of 40 square feet per face.

(2) Price signs shall have a maximum total sign area of 16 square feet and no more than ten square feet per face, ~~unless combined with the ground-mounted sign, in which case the maximum size is 40 square feet per face.~~

*Editors' note: This provision allows price signs and ground-mounted brand identification signs to be larger than price signs when combined. This is similar to the BP / Circle K sign located at Wolf River Blvd. and Germantown Rd.*

- (3) Self-service signs and/or full-service signs shall have a maximum total area per sign of 160 square inches.
- (4) Federal and state stamps, octane ratings, pump use directions, no smoking signs and other mandatory signs and stamps shall be as required by the governing authority.
- (d) Location. The location of permanent signs in service stations shall be as follows:
  - (1) Brand identification signs as follows:
    - a. Wall signs shall be face-mounted on the building wall unless approved otherwise by the design review commission. Wall-mounted signs shall not project more than 12 inches from the face of the building. Signs shall not project above the roofline or be mounted on any part of the roof.
    - b. Ground-mounted signs shall be set back a minimum of 30 feet from the face of the curb or the edge of the pavement of any street pavement or from any other ground-mounted or price sign. The height of the sign shall be a maximum of six feet as measured from surrounding grade. Where a sign is orientated parallel to the street and is three feet or less in height or is combined with the price sign, the design review commission may allow a setback of less distance than the above requirement. For good cause shown, the design review commission may grant exceptions to this subsection.

*Editors' note: This provision allows price signs and ground-mounted brand identification signs to less of a setback than brand identification signs when combined. This is similar to the BP / Circle K sign located at Wolf River Blvd. and Germantown Rd.*

- (2) Price signs shall be set a minimum of ten feet from the face of the curb or the edge of the pavement of any street and in all cases behind the sidewalk and no closer than ~~60~~ 30 feet from any two intersecting street faces of curbs or edges of pavement or from any other price sign or ground-mounted sign. The total height of the sign shall not exceed four feet, as measured from surrounding grade, unless combined with the ground-mounted sign, in which case the maximum height is six feet as measured from the surrounding grade. For good cause shown, the design review commission may grant exceptions to this subsection.

*Editors' note: This provision sets the distance from an intersection for price signs at 30 feet, which is the distance permitted for ground-mounted signs above. This provision also allows price signs and ground-mounted brand identification signs to be taller than price identification signs when combined. This is similar to the BP / Circle K sign located at Wolf River Blvd. and Germantown Rd. Any exceptions to the location of price signs and ground signs must be approved as exceptions by the design review commission.*

- (3) Trim, to include company slogans, the use of decorative logos or trademarks, and striping shall be located and be of such size and content as approved by the design review commission.
- (4) All lighted exterior signs shall be extinguished when the service station is not open for public business.
- (5) Self-service signs and full-service signs shall have a maximum letter height of three inches. The backgrounds shall be dark and the letters light in color.

#### Sec. 14-36. Office parks.

- (a) *Generally.* This section shall apply to all office parks. Office parks are defined as follows: A property intended and designed as a unit for occupancy by several tenants requiring office space as opposed to space for retail or other uses, and having drives, parking areas and other facilities as may be needed by such tenants.

(b) *Allowable signs (office parks only).* The following permanent signs shall be allowed in office parks:

(1) *Building identification signs.* A building identification sign mounted flat against the building wall, provided that such wall contains the main entrance. More than one wall sign may be allowed with approval of the design review commission when there is more than one main entrance.

(2) *Tenant identification signs.* A tenant identification sign, mounted on the wall or door, provided that the tenant has main exterior entrance.

(3) *Ground-mounted office park identification signs.* One ground-mounted sign shall be allowed per project, except that where the project fronts on two or more **major** streets, a ground-mounted sign shall be allowed for each street frontage, provided that the project has a major traffic entrance on each street where a sign is erected.

(4) *Entryway structure office park identification signs.* Entryway structure office park identification signs may be allowed in lieu of ground-mounted identification signs for developments that contain two acres or more. Such signs shall be architecturally designed as an integral part of an entryway structure for the office park.

(5) *Exterior directories.* Exterior directories shall be allowed, provided that:

a. The office park contains two or more buildings.

b. The purpose of the directory shall be for customer convenience, direction and safety.

c. The number of directories shall be limited to one for each main entrance to the office park.

(6) *Traffic directional signs.* Traffic directional signs shall be allowed, as approved by the design review commission.

(c) *Size (office parks only).* The size of permanent signs in office parks shall be as follows.

(1) *Building identification signs.* The maximum area of a building identification sign shall be three square feet.

(2) *Tenant identification signs.* The maximum sign area of a tenant identification sign shall be 432 square inches.

(3) *Ground-mounted office park identification signs.* Ground-mounted office park identification signs shall not exceed 50 square feet per face, and the total area of all faces of each sign shall not exceed 100 square feet. Where more than one sign is allowed, each sign shall be allowed a maximum of 50 square feet per face, with a maximum total of 100 square feet.

(4) *Entryway structure office park identification signs.* The total sign area of all sign faces on an entryway structure shall not exceed a maximum of 25 square feet. Such maximum square footage may be divided to place a portion on each side of entryway if desired. Where more than one sign is allowed, each sign shall be allowed a maximum of 25 square feet.

(5) *Exterior directories.* Exterior directories shall not exceed the following sizes:

a. Twelve and one-half square feet per face and the total directory area shall not exceed 25 square feet when located closer than 75 feet to any public right-of-way.

b. Twenty-five square feet per face, and the total directory area shall not exceed 50 square feet when located 75 feet or more from the public right-of-way.

(6) *Traffic directional signs.* Traffic directional signs shall not exceed a maximum total area of 128 square inches per face with a maximum of two faces per sign, not to exceed a total of 256 square inches. Such signs shall not exceed 20 inches in height above the existing grade.

(d) *Location (office parks only).* The location of permanent signs in office parks shall be according to the following.

(1) *Building identification signs.* Building identification signs shall be mounted flat against the building wall unless approved otherwise by the design review commission. The top of the sign shall not be higher than six feet above the main entrance elevation unless approved otherwise by the design review commission. Wall-mounted signs shall not project more than four inches from the face of the building.

(2) *Tenant identification signs.* Tenant identification signs shall be mounted flat against the tenant's entrance door or on the wall directly adjacent to the door. A wall sign shall be located so that the nearest edge of sign is no further than 12 inches from the door opening. The top of the

sign shall not be higher than six feet above the main entrance elevation unless approved otherwise by the design review commission.

(3) *Ground-mounted office park identification signs.* Ground-mounted office park identification signs shall not be less than 30 feet from the face of the curb or the edge of the pavement of any street. The height of the sign shall not exceed six feet above the surrounding grade. Where a sign is orientated parallel to the street and is three feet or less in height, the design review commission may allow a setback of less distance than the above requirement.

(4) *Entryway structure office park identification signs.* Entryway structure office park identification signs shall not be less than 30 feet from the face of the curb or the edge of the pavement of any street when the sign is located on an architecturally designed entryway. The maximum height of the entryway and/or sign shall not exceed six feet. Where a sign is located on an entryway structure three feet in height or less and oriented parallel to the street, the design review commission may allow a setback of less distance than the above requirement, provided that no sign or sign structure is located closer than 15 feet from the face of the curb or the edge of the pavement of any street.

(5) *Exterior directories.* Exterior directories shall be located a minimum of 75 feet from any public right-of-way except that they may be closer when completely screened from the street. The height of the directory shall not exceed six feet above the surrounding grade.

(6) *Traffic directional signs.* Traffic directional signs shall be located a minimum of one foot from the right-of-way (existing and/or proposed, whichever is wider) of any street.

(e) *Content.* The content of permanent signs in office parks shall be as follows.

(1) Building identification signs shall be limited to the identification of the building and its address. Tenant names will not be allowed on building identification signs.

(2) Tenant identification signs shall be limited to the name of the business, address and hours.

(3) Ground-mounted office park identification signs shall be limited to the name and address of the office park, and the name and telephone number of the owner or agent. Tenant names will not be allowed on office park identification signs. The name and telephone number of the owner or agent shall be a secondary element of the sign, with the office park name being the primary element. The letters used for the owner/agent information shall not exceed four inches in height and shall be of the same or similar color as the letters used in the development name.

(4) Entryway structure office park identification signs shall be limited to the name and address of the office park, and the name and telephone number of the owner or agent. Tenant names will not be allowed on office park identification signs. The name and telephone number of the owner or agent shall be a secondary element of the sign, with the office park name being the primary element. The letters used for the owner/agent information shall not exceed four inches in height and shall be of the same or similar color as the letters used in the development name.

(5) Exterior directories shall be limited to the following:

a. Office park identification and address.

b. Building location map as approved by the design review commission.

c. Tenant names and locations.

d. Building identification letters shall not exceed three inches, and tenant identification letters shall not exceed three inches.

e. Each tenant listed shall occupy the same size and shape space on the sign.

Sec. 14-37. Old Germantown (OG) and (OG-1) districts.

(a) *Generally.* The Old Germantown (OG) and (OG-1) districts are is unique through its development as the original center for the city. It possesses tradition, charm and character, and serves as a visible reminder of the cultural and historical development of the city. It is the intent of this section to preserve and enhance the elements of the quaint, historical and traditional nature of the village center through the design of the signs located in the is OG and (OG-1) districts.

*Editors' note: This amendment adds the OG-1 zoning district to the Old Germantown sign provisions.*



(b) *Allowable signs.* Allowable signs in the OG and (OG-1) districts shall be as follows, except as otherwise approved by the design review commission:

*Editors' note: The above section grants the DRC the ability to approve exceptions where appropriate.*

(1) A wall sign face mounted on the building wall, provided that the wall contains the main entrance and storefront of the business or occupant and faces a public street. The following wall signs may also be allowed with the approval of the design review commission:

- a. Sign on the other wall of the occupant in lieu of or in combination with a sign on a wall containing a main exterior entrance.
- b. More than one sign when there is more than one entrance.
- c. Sign placed on walls containing a main entrance facing customer parking lots not apparent from residential areas.

(2) Ground-mounted sign for project, building or tenant identification.

(3) Traffic directional signs as approved by the design review commission.

(4) Exterior directories shall be allowed, provided that:

- a. In any project where one or more tenant does not have an exterior entrance or does not qualify for an exterior sign, the building shall qualify for a directory.
- b. The purpose of the directory shall be for customer convenience, direction and safety.
- c. The number of directories shall be limited to one for each main entrance to the building.

(c) *Size.* The size of permanent signs in the OG and (OG-1) districts shall be as follows, except as otherwise approved by the design review commission:

*Editors' note: This amendment adds the OG-1 zoning district to the Old Germantown sign provision, as well as permitting the DRC to grant exceptions where appropriate.*

(1) *Wall signs.* A maximum total wall sign area up to 12 square feet. Where frontage is on more than one street, a sign shall be permitted on each building wall facing a street.

(2) *Ground-mounted signs.* Ground-mounted signs in lieu of wall signs shall not exceed 12 square feet per face, and the total sign area shall not exceed 24 square feet total of all faces. The maximum sign area shall be limited to five square feet of sign area per face for signs located 15 feet from the face of the curb or the edge of the pavement. The maximum sign area for those signs located between 15 feet and 30 feet from the curb or the edge of the pavement shall be based on one square foot per each two feet of setback with a maximum of 12 square feet per face. The maximum sign area shall be limited to 12 square feet of sign area per face for signs located 30 feet or more from the face of the curb or the edge of the pavement.

(3) *Directories.* Directories shall not exceed 7 1/2 square feet per face, and the total directory area shall not exceed 15 square feet.

(4) *Traffic directional signs.* Traffic directional signs shall not exceed a maximum total area of 128 square inches per face (eight inches by 16 inches) with a maximum of two faces per sign, not to exceed a total of 256 square inches. Such signs shall not exceed 20 inches above the existing grade.

(d) *Location.* The location of permanent signs in the OG and (OG-1) districts shall be according to the following, except as otherwise approved by the design review commission:

*Editors' note: This amendment adds the OG-1 zoning district to the Old Germantown sign provision, as well as permitting the DRC to grant exceptions where appropriate.*

(1) *Wall signs.* All wall signs shall be face mounted on the building wall unless approved otherwise by the design review commission. Wall-mounted signs shall not project more than four inches from the face of the building. Signs shall not project above the roofline unless incorporated in the roof design and only if approved by the design review commission.

(2) *Ground-mounted signs.* Where the building setback is 40 feet or less, the ground-mounted sign shall be placed within ten feet from the front face of the building. A ground-mounted sign



shall not be located less than 15 feet from the edge of the pavement. Where the building setback is more than 40 feet, the sign location shall not be less than 30 feet from the face of the curb or the edge of the pavement of any street. The height of the sign shall be a maximum of four feet, as measured from the surrounding grade. Where a sign is oriented parallel to the street and is three feet or less in height, the design review commission may allow a setback of less distance than the above requirement.

(3) *Directories.* Directories shall be located either behind the main building or within ten feet of the front building line upon approval of the design review commission. Directories shall be completely screened from the street as approved by the design review commission. The height of the directory shall be a maximum of four feet, as measured from the surrounding grade.

(4) *Traffic directional signs.* Traffic directional signs shall be located a minimum of one foot from the right-of-way (existing and/or proposed, whichever is greater) of any street.

(e) *Content.* The content of permanent signs in the OG and (OG-1) districts shall be as follows, except as otherwise approved by the design review commission:

*Editors' note: This amendment adds the OG-1 zoning district to the Old Germantown sign provision, as well as permitting the DRC to grant exceptions where appropriate.*

(1) Wall signs shall be limited to the name of the business, address, hours, dates, instructions, and primary products and services.

(2) Ground-mounted signs shall be limited to the name of the business, address, hours, dates, instructions, and primary products and services.

(3) Permanent project signs shall be limited to the name and address of the project. Tenant names shall not be allowed on permanent project signs.

(4) Project, tenant or product identification will not be allowed on traffic directional signs within any project or development, unless the design review commission agrees such identification is essential to directing traffic.

(5) The content of signs shall be composed of letters, numbers and such logos as are not prohibited by section 14-4 and which are approved by the design review commission, provided that the following restrictions shall also apply:

a. The name of the business, which may also appear once on the sign, and the address, hours, instructions, and primary products and services, as approved by the design review commission, shall be composed of letters and/or numbers; and a letter or number that is written or drawn in such a manner that in addition to representing the letter or number itself connotes an object or part thereof, other than a letter or number, shall not be considered a "letter" or "number" for the purposes of this subsection (e).

b. All other content of a sign shall, for the purposes of this subsection (e) be considered a logo, and the area on the face of the sign that may be covered by a logo shall not exceed ten percent of the allowable sign area; provided, however, that any border of a sign that is considered by the design review commission to be in proportion to the size of a sign shall not be considered to be a logo or part thereof for the purpose of this subsection (e).

c. In no case may more than one logo be used on a sign. A maximum of three logos may be permitted on a storefront containing a major entrance for public entry to a business but not elsewhere, provided that the combined total area of all logos on the walls containing such major entrances shall not exceed ten percent of the allowable area for the premises of the occupant. The location of a logo on a wall containing a major entrance as aforesaid (other than on a sign face approved by the design review commission) shall be specifically approved by the design review commission.

d. The name of the business shall be the primary element of a sign. A logo, if any, shall appear as a secondary element of a sign, subordinate to the primary element of a sign.

(6) Exterior directories shall be limited to the following:

a. Building identification and address.

b. Tenant name and location.

- c. Building identification letters shall not exceed three inches, and tenant identification letters shall not exceed three inches.
  - d. Each tenant listed shall occupy the same size and shape space.
- (7) Traffic directional signs shall indicate "enter" - "exit" only. Letters should be light in color on a dark background and not exceed 3 1/2 inches in height.

Sec. 14-38. Special permit in nonconforming property uses.

This section shall apply to all signs for any building or land use allowed under special permit or not conforming to the zoning ordinance provisions for the zone in which it is located. Special permits for signs on such properties shall be procured by application to the board of mayor and aldermen. Such application shall be accompanied by recommendation of the design review commission. In no case shall any sign located in a residential district be larger than 12 1/2 square feet per face or a maximum of 25 square feet total of all faces. The height of ground-mounted signs shall not exceed six feet in height, as measured from the surrounding grade.

Sec. 14-39. Office subdivisions.

(a) *Generally*. This section shall apply to all office subdivisions. Office subdivisions are defined as follows: one individual piece of property being divided into four or more lots with frontage on public streets, having uniform design features including, but not limited to, building design and materials, lighting, landscaping and signage. An office subdivision shall also be required to have a recorded set of covenants and/or restrictions which establishes a property owners' association. The covenants shall designate the maintenance of any common areas or features within the subdivision to the association.

(b) *Allowable signs (office subdivisions only)*. The following permanent signs shall be allowed in office parks:

- (1) A maximum of two wall-mounted signs for tenant identification are permitted per entrance to the building, provided that the wall contains the major entrance for public entry of the occupant. One wall sign per entrance is permitted for building identification. Wall-mounted tenant signs are not allowed in combination with wall-mounted building signs.
- (2) A ground-mounted sign for building identification is permitted in lieu of or in combination with the wall-mounted signs. An individual tenants name shall not be the sole element on a building identification sign.
- (3) A ground-mounted office subdivision identification sign is permitted by special permit if recommended by the design review commission.
- (4) Wall-mounted exterior directories shall be allowed adjacent to the entrances to the buildings for units which have more than two tenants. Wall-mounted tenant signs are not allowed in combination with directories.

(c) *Size (office subdivisions only)*. The size of permanent signs in an office subdivision, as defined above, shall be as follows:

- (1) A wall-mounted sign, for building or tenant identification, shall have a maximum of three square feet.
- (2) A ground-mounted sign, for building identification, shall be a maximum of 25 square feet per face.
- (3) A ground-mounted sign, for office subdivision identification, shall be a maximum of 35 square feet per face.
- (4) Directories shall be limited to nine square feet.

(d) *Location (office subdivision only)*. The location of permanent signs in an office subdivision as defined above, shall be as follows:

- (1) Wall-mounted building and tenant identification signs shall be mounted flat against the building wall, directly adjacent to the entrance doors.
- (2) Ground-mounted building identification signs shall not be located less than 30 feet from the face of curb. The height of the sign shall not exceed four feet above the surrounding grade.
- (3) Ground-mounted office subdivision identification signs shall not be less than 30 feet from the face of curb of any street. The height of the sign shall not exceed six feet above the surrounding grade.

- (4) Directories shall be mounted flat against the building wall, directly adjacent to the entrance doors.
- (e) *Content (office subdivision only)*. The content of permanent signs in an office subdivision, as defined above, shall be as follows:
- (1) Wall-mounted tenant identification signs shall be limited to the name of the individual tenant.
  - (2) Wall-mounted building identification signs shall be limited to the name of the building and its address. An individual tenants name shall not be the sole element on a building identification sign.
  - (3) Ground-mounted building identification signs shall be limited to the name of the building, its address, and the name and telephone number of the owner or agent. An individual tenant's name shall not be the sole element on a building identification sign. The name and telephone number of the owner or agent shall be a secondary element of the sign, with the office park name being the primary element. The letters used for the owner/agent information shall not exceed four inches in height and shall be of the same or similar color as the letters used in the development name.
  - (4) Ground-mounted office subdivision identification signs shall be limited to the name of the office subdivision, and the name and telephone number of the owner or agent. The name and telephone number of the owner or agent shall be a secondary element of the sign, with the office park name being the primary element. The letters used for the owner/agent information shall not exceed four inches in height and shall be of the same or similar color as the letters used in the development name.
  - (5) Directories shall be limited to the name of the tenants within the building. Each tenant listed shall occupy the same size and shape space on the sign.

**SIGN SUBCOMMITTEE REPORT:** The sign subcommittee met on October 15, 2009, and made a few recommendations, which are incorporated into this report. Among those recommendations was the suggestion that digital price signs be allowed at service stations.

**PROPOSED MOTION:** To approve the request for an ordinance amendment to Chapters 2, 6 and 14 regarding the purview of the Design Review Commission and related provisions.

Mr. Sidney Kuehn, 8779 Three Chimneys Dr. W., Germantown, TN 38138 expressed his disapproval of the LED price signs located at Schnucks and the Circle K service stations. He feels both of these companies have been given an unfair advertising advantage over all of the other service stations throughout the city and that the City of Germantown should request that both of these signs be removed.

After much discussion Mr. Marcom made a motion to table this item until they have had a chance to make the changes that have been discussed and agreed upon and then bring it back to the board once it has been packaged and properly put together for a vote, seconded by Mr. McCaleb.

The Chairman called for a vote.

**ROLLCALL:** Mr. Marcom – Yes; Mr. Sherman – No; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Mr. Smith – No; Mr. Bruns - No; Chairman Saunders - No.

## **MOTION FAILED**

After further discussion the board decided to approve the following changes: Page 4 Section 6-102 (b) added the word Exceptions at the beginning of the sentence; Page 4 Section 6-104 (e) removed the word permit and insert the word approve; Page 8, adding the word fuel in Sections 14-4 (7) and (16) and the amendment proposed in (15) is being removed so the ordinance stands as is; Page 9, adding the word fuel in Sections 14-5 (6); Page 26, Section 14-35 (b) (2) the word fuel will be added in front of price sign and (c) (2) if the digital price sign is combined with a ground mounted sign then the price sign will be limited to the 16 sq. ft and no more than 10 sq. ft per face; Page 27, 14-35 (d) (1) (b), inserting the word fuel in

front of price sign and beginning with the word height, we are adding the DRC exception clause unless otherwise permitted by the Design Review Commission.

There was no opposition to this application and no further comments. The Chairman asked for a motion.

Mr. McCaleb moved to approve this motion with the exclusion of Page 3, Section 2-174 Appeals and Page 11, Section 14-9 Administration, paragraph "B" Page 8, Section 14-4 Prohibited Signs Paragraph 15 and subject to all comments made at this meeting and in the executive session, seconded by Mr. Smith.

**ROLLCALL:** Mr. Marcom – No; Ms. Pahlow – No; Mr. McCaleb – Yes; Mr. Smith – Yes; Mr. Bruns – Yes; Chairman Saunders - Yes.

### **MOTION PASSED**

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### **NEW BUSINESS:**

Josh Whitehead discussed an amendment to the project directory sign on the Board of Mayor and Alderman agenda for the second reading. Tim Garrett with Belz proposed a change to remove the size requirements for the tenant and shopping center names. He told the Aldermen he would present this to the Design Review Commission for their review.

Mr. Jim Schmiedicke, 3085 Poplar Grove Lane, Germantown, TN 38138 requested that this commission step back and not approve Belz proposal so quickly. If this board is going to consider this proposal then he was asking that they go to another design company for their expertise in this type of situation before they made their decision.

Mr. Sidney Kuehn, 8779 Three Chimneys Dr. W, Germantown, TN 38138 also agreed with Mr. Schmiedicke and added that the guidelines that staff has put together is appropriate. He recommended that the board leave it as it has been written already.

Chairman Saunders instructed the staff to put something together that is reasonable and present to them on a more formal basis at the next sub-committee meeting.

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### **ADJOURNMENT**

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 7:40 p.m.