

**CHAPTER 4**

**SIGN ORDINANCE**

**SECTION**

- 14-401. Definitions.
- 14-402. General requirements.
- 14-403. Annual sign inspection required.
- 14-404. Nationally or state registered logos and trade emblems permitted/approved.
- 14-405. Obscene copy prohibited.
- 14-406. Traffic control copy prohibited.
- 14-407. Confusing or obstructive signs prohibited.
- 14-408. Changeable copy signs.
- 14-409. Misleading signs prohibited.
- 14-410. Moving signs prohibited.
- 14-411. Changing signs.
- 14-412. Banners, pennants, streamers, light strings, spinners prohibited; exceptions.
- 14-413. Special signage for approved sidewalk sales.
- 14-414. Awnings exceptions.
- 14-415. Reflective materials prohibited.
- 14-416. Structurally unsound signs prohibited.
- 14-417. Vehicle signs prohibited.
- 14-418. Sign lighting restricted.
- 14-419. Lighted open signs.
- 14-420. Beacon lights prohibited.
- 14-421. Illumination not to interfere with traffic signals.
- 14-422. Exposed bulbs prohibited.
- 14-423. Abandoned signs prohibited.
- 14-424. Pole and other signs prohibited.
- 14-425. Multi-face sign restricted.
- 14-426. Political signs restricted.
- 14-427. Sign erection permits refused.
- 14-428. Sign as a non-conforming primary use--exception.
- 14-429. Off premises signs prohibited.
- 14-430. Window signs prohibited.
- 14-431. Permitted window signs.
- 14-432. Billboards prohibited--exception.
- 14-433. Street number signs permitted.
- 14-434. Grand opening signs and closing signs permitted.
- 14-435. Special provisions for service stations.
- 14-436. Historical markers permitted.
- 14-437. Street signs and public service signs permitted.

- 14-438. Directional signs in complexes permitted.
- 14-439. Club and organization identification signs prohibited.
- 14-440. Construction and real estate signs.
- 14-441. Subdivision identification signs permitted.
- 14-442. Temporary subdivision signs permitted.
- 14-443. Identification signs in multi-family districts permitted.
- 14-444. Residential shielding required.
- 14-445. Signs of non-profit organizations restricted.
- 14-446. Private sale sign permitted.
- 14-447. Wall sign requirements generally.
- 14-448. Signs permitted in a commercial and office district.
- 14-449. Entrance sign for commercial, industrial or office complexes.
- 14-450. Theater marquee signs.
- 14-451. Directory and project identification signs.
- 14-452. Signs permitted in other districts.
- 14-453. Applications.
- 14-454. Scope of authority.
- 14-455. Permit fees required.
- 14-456. Sign permit restrictive.
- 14-457. Enforcement--building official designated.
- 14-458. Appeal from decision of the building official.
- 14-459. Appeal from decision of the design review commission.
- 14-460. Notice to remove illegal sign.
- 14-461. Removal of unsafe structures.
- 14-462. Repair and/or replacement of signs.
- 14-463. Provisions of federal and state law excepted.
- 14-464. Conditions for ground sign exception.
- 14-465. Ground sign restrictions.
- 14-466. Informational signs.
- 14-467. Signs erected on buildings not enclosed and heated.
- 14-468. Vending machine signs regulated.
- 14-469. Signs on ornamental or decorative structures.
- 14-470. Signs for industrial park zoning.
- 14-471. Establishment of a special sign corridor.
- 14-472. Signs for motor vehicle sales.
- 14-473. Penalties.

**14-401. Definitions.** The following definitions shall apply to the use of terms within this chapter:

(1) "Abandoned signs." A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or a product available on the premises where such sign is displayed.

(2) "Animated sign." Any sign which includes any moving parts. For purposes of this ordinance, this term does not refer to flashing or changing, all of which are separately defined.

(3) "Area measurement of sign." The area of a sign shall be measured by one (1) or two (2) of the smallest, contiguous geometric shapes: square; rectangle; circle; half circle and triangle.

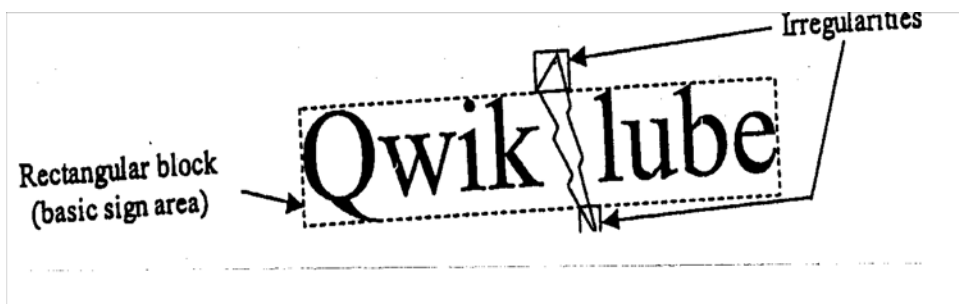
Measurement Examples



Any pictorial element is part of a sign and extends outside of the geometric shapes shall be treated as an irregularity rather than an extension of the lettering.

(a) An additional five percent (5%) of the permitted total square footage will be allowed for irregularities in sign copy which are in excess of the geometric shapes formed by the outermost points.

(b) For irregularities that exceed five percent (5%) of the total area, the irregularities shall be individually blocked and considered as part of the total area of the sign. Logos shall be blocked separately and considered as part of the total sign area.



(4) "Banners." Any streamer, flag-like pennant or other object, whether constructed of fabric or of other materials which, with or without insignia, attracts the attention of citizenry to a location or business.

(5) "Beacon." A sign or a sign lighting mechanism which focuses a beam of light by whatever mechanism created and regardless of intensity.

(6) "Building face or wall." All window and wall areas of a building in one plane or elevation.

(7) "Building identification sign." A sign that may be located on a building to identify the name of the building, such as a historic building.

(8) "Building official." That person designated by the board of mayor and aldermen to act as the administrator and enforcing officer of this ordinance, or his duly authorized designee.

(9) "Business identification sign." A ground or wall sign that identifies the name of the business or occupant that is located on the premises.

(10) "Changeable copy sign (manual)." A sign on which copy may be changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

(11) "Changing sign (automatic)." A sign wherein different copy changes are shown on the same sign face by means of lighting or otherwise such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard.

(12) "Collector street." As shown on the official City of Bartlett Major Street Plan.

(13) "Commercial complex." A group of five (5) or more businesses or enterprises sharing a common parking lot and common ingress and egress upon a single subdivided tract of record.

(14) "Commercial district." That area in the city which has been officially zoned for commercial use as retail stores, service establishments and offices, but not to include residential uses.

(15) "Construction sign." A temporary sign erected upon a construction site while physical construction is underway under a valid building permit issued by the City of Bartlett.

(16) "Copy." The wording, numbers, letters, logos and other graphics on a sign surface.

(17) "Design review commission." A commission appointed by the mayor to review and approve or disapprove all proposed signs except as otherwise specified in this ordinance.

(18) "Directional sign." A sign purveying only informational traffic control insignia such as an "in," "out," "no parking," "fire lanes," "handicap parking," etc. on private property or public property.

(19) "Directory." A sign erected to display the identity of five (5) or more occupants in a single building, business or office complex.

(20) "District." As defined under the zoning ordinance<sup>1</sup> and zoning district map.

(21) "Erected." This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved.

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<sup>1</sup>The zoning ordinance is included in this municipal code as Appendix B.

(22) "Face of sign." The entire area of sign on which copy could be placed, and in the instance where a double face sign is utilized the area of only one face shall be included to determine face square footage.

(23) "Flashing sign." Any sign which contains an intermittent or flashing light source, or which included the illusion of intermittent or flashing light by means of animations, or an externally mounted intermittent light source.

(24) "Front footage." The linear width measured parallel to the street frontage of the heated and enclosed structure, upon a premises not including out buildings or appurtenant structures, unless said structure has no street frontage in which instance the front footage shall be the structure's side width of principle entrance.

(25) "Ground level." Immediate surrounding grade.

(26) "Ground sign." A sign mounted at ground level.

(27) "Height of sign." The vertical distance measured from the surrounding grade to the highest point of sign or supporting structure.

(28) "Illegal signs." A sign which contravenes this ordinance, and which does not qualify as a variance sign or a nonconforming sign under this ordinance.

(29) "Interior property line." Property lines other than those forming a dedicated public right-of-way.

(30) "Lighting." That method or manner by which a sign is illuminated during the period from thirty (30) minutes prior to sundown and thirty (30) minutes after sunrise.

(31) "Lot of record." A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Shelby County.

(32) "Major street." As shown on the official City of Bartlett Major Street Plan.

(33) "Nonconforming sign." A sign which contravenes this sign ordinance but which was in compliance with prior regulations at the time of its erection and for which a permit as required under the prior ordinance was obtained; a sign erected under a prior variance and not in strict compliance with prior regulations is not a nonconforming sign.

(34) "Occupant." Any person, firm, corporations, partnership, or other entity in possession of a premises or a part thereof whether under lease, hold over tenancy or other interest.

(35) "Office." That building or district as defined by the zoning ordinance wherein professional treatment or professional services generally are provided as opposed to the sale, distribution or repair of goods.

(36) "Opening sign." A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

(37) "Owner." A person, firm, corporation, partnership, or other entity recorded as such on official records and including duly authorized agent, a

purchaser, devisee, and/or any person having a vested or contingent interest in the property in question.

(38) "Pole sign." A sign mounted upon the ground but which by reason of height, width or other characteristics does not qualify as a "ground sign."

(39) "Political signs." A sign erected to publish the name of a candidate or of any ballot proposition or measure to enlist votes in any official public election.

(40) "Premises." 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.

(41) "Private sale sign." A sign which is erected for a limited period to advertise the sale of individual property not in the ordinary course of business.

(42) "Primary use." A substantive use to which property or structures thereon are committed and specifically shall include uses auxiliary to the principal business or use there conducted and/or appurtenant thereto and/or directional to said principal business or uses.

(43) "Residential limited occupancy." That area or zoning district in the city specified by the zoning ordinance to include only low density single family and/or duplex construction.

(44) "Residential multi-occupancy." That area or zoning district in the city specified by the zoning ordinance for construction or erection of occupancy greater than duplex construction.

(45) "Real estate sign." A temporary sign employed to announce or display the sale of real property, said sign being erected on the property for sale.

(46) "Roof line." The edge of the main roof on the plain or elevation of the structure or building on which the sign is to be mounted. For the purpose of this ordinance, a mansard with an angle of up to forty-five (45) degrees from vertical, with or without roofing materials, is not considered a roof. Signs may be mounted on mansards, but shall not extend above the top of the mansard.

(47) "Set back." The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line and the sign structure as specified in a particular section of this ordinance.

(48) "Sign." (a) Any identification, description, illustration or device which is visible from any public place, whether located on private property or public property which directs attention to a product, location, service, place, activity, person, institution or business, generally including columns, statues, roof color or design; any exterior situated merchandise or any emblem, painting, banner, pennant, or placard, designed to direct customers to, or advertise, identify or convey information; said items still constituting a sign with or without copy, except permitted on-copy internal window display, religious symbols and national flags. For the purpose of this ordinance, signs shall also include all sign structures.

(b) Unless specifically exempted, all signs, as herein described, are subject to the review and approval of the design review commission, director of planning or duly authorized representative. Meeting the minimum requirements of this ordinance shall not constitute approval of a sign. The design review commission, director of planning or duly authorized representative shall review the aesthetic appropriateness of each sign submitted for review and reserves the right to deny approval of any sign application which, in the judgment of a majority of the members, detracts from the aesthetic appeal of the property upon which such sign is proposed.

(49) "Sign structure." Any structure which supports, has supported or is capable of supporting a sign including decorative cover.

(50) "Street." A public thoroughfare which affords the principal means of access to abutting property.

(51) "Temporary signs." A sign which is not permanent and is allowed for a specific time period. Temporary signs, with the exception of real estate signs in a limited residential district and private sale signs, are subject to approval by the design review commission, director of planning or duly authorized representative. A valid temporary sign permit must be issued before erection of a temporary sign (other than the exceptions listed above) and such signs may not remain in place once the temporary sign permit has expired.

(52) "Traffic directional sign." Any sign which aids the flow of traffic.

(53) "Use." The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

(54) "Visibility triangle." To prevent traffic hazards at intersections, sight, blocking structures shall not be placed inside a triangle formed by fifty (50) foot lines along the street edges of both streets starting at the intersection of both street edges.

(55) "Wall sign." A sign providing the name or other approved information or graphics of the business, institution, or organization which is 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, director of planning or duly authorized representative. The sign shall extend no more than eighteen inches (18") from the building or structure. This sign may also be referred to as a "building sign."

(56) "Window sign." Any sign, temporary or permanent, advertising sales or specials attached to or within five (5) feet of glass surface of any fixed window (glazing) visible from a public right-of-way; provided however, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #87-18, Feb. 1988, Ord. #91-3, June 1991, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2003, and Ord. #13-01, March 2013).

**14-402. General requirements.** The general sign requirements of this ordinance shall apply to all signs in the City of Bartlett in any district for any purpose subject only to the time compliance requirements hereinafter specified. All signs which are not expressly permitted by this ordinance are hereby declared to be illegal signs or nonconforming signs. This section does not apply to city owned or leased facilities or city approved events. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991, modified)

**14-403. Annual sign inspection required.** (1) The City of Bartlett will establish an annual sign inspection for all permitted signs located on businesses in the city unless specifically exempted by this ordinance.

(2) The annual sign inspection fee for businesses in the City of Bartlett shall be established and may be changed from time to time by resolution. (Ord. #88-3, March 1988, as amended by Ord. #13-01, March 2013)

**14-404. Nationally or state registered logos and trade emblems permitted/approved.** Nationally or state registered, logos, trade emblems or graphic pictorials shall be permitted if included within the allotted sign square footage upon specific review and approval of the design review commission, director of planning or duly authorized representative. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

**14-405. Obscene copy prohibited.** Signs which contain words or pictures of an obscene, indecent or immoral character which would offend public morals or decency are absolutely prohibited. (Ord. #79-10, May 1979)

**14-406. Traffic control copy prohibited.** Signs which contain or are an imitation of an official traffic sign or signal, such as, "stop," "go slow," "caution," "danger," "warning," or similar words are absolutely prohibited. (Ord. #79-10, May 1979)

**14-407. Confusing or obstructive signs prohibited.** 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 hides from view any traffic or street sign or signal are absolutely prohibited. (Ord. #79-10, May 1979)

**14-408. Changeable copy signs.** (1) Changeable copy signs with interchangeable letters are permitted subject to the inclusion of same within allotted sign square footage and enclosed under locked and vandal proof case, said case and structure subject to design review commission review, director of planning or duly authorized representative and approval, and only for public facilities, such as city hall, performing arts centers, churches, schools, theater



marquees and gasoline price signs for service stations. No other changeable copy signs shall be allowed under this ordinance.

(2) Public facilities, such as city hall, performing arts centers, churches, and high or secondary schools may, in lieu of the changeable copy ground sign, utilize an electronic changeable ground sign (LED). This type of sign shall not advertise or promote any product and will have text only messages, amber in color and message duration of three (3) minutes. Messages shall not scroll, flash or imitate motion. These signs shall be consistent with the size requirements for ground signs.

Electronic changeable gas price signs shall be allowed at locations selling gasoline and diesel automobile fuel. The size, color and location of these signs are subject to the approval of the design review commission.

All electronic changeable signs shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions. The brightness of the electronic changeable signs shall not exceed 0.3 foot candles above ambient light conditions.

The following electronic signs are prohibited in all districts:

(a) Electronic graphic displays. Electronic signs displaying both text and pictorial images. These signs have the technical capacity to display high-quality, photo-like images in addition to text information.

(b) Electronic video displays. Electronic sign whose display is characterized by motion and pictorial imagery. These signs may possess the ability to display television-like images and programs.

(3) City-owned or leased buildings or city-sponsored events are exempt from the sign ordinance. (Ord. #91-3, June 1991, modified, as amended by Ord. #13-01, March 2013)

**14-409. Misleading signs prohibited.** Signs which advertise an activity, business, product, or service not conducted on the premises upon which a sign is located are prohibited. (Ord. #79-10, May 1979)

**14-410. Moving signs prohibited.** Signs which have any moving parts or which by design or illumination have the appearance of moving parts are absolutely prohibited. Hand-held signs advertising businesses, products or services are specifically prohibited. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

**14-411. Changing signs.** Changing signs are controlled as provided in § 14-408 above. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

**14-412. Banners, pennants, streamers, light strings, spinners prohibited; exceptions.** Notwithstanding other provisions of this chapter, a commercial business may display a sale or special event sign or banner on the

storefront elevation of the business not to exceed a face area of thirty-two (32) square feet on two (2) separate occasions in a twelve (12) month period. These signs or banners shall be further subject to the general requirements of this chapter. These sale or special event signs and banners will be approved by the building official and will not be reviewed by the design review commission. The sign or banner may be displayed for a maximum period of fourteen (14) days and there shall be a period of at least sixty (60) days between the display of such signs or banners.

All other signs which contain or consist of banners, pennants, posters, ribbons, awnings, streamers, strings of lights, spinners, dimensional characters, statues, trade emblems or other similar objects, with or without copy, are absolutely prohibited, except as provided in §§ 14-413, 14-434 and 14-440. (Ord. #79-10, May 1979, modified, as amended by Ord. #07-12, Sept. 2007, and Ord. #13-01, March 2013)

**14-413. Special signage for approved sidewalk sales.** (1) In addition to the aforementioned signage allowed in commercial districts, there is hereinafter allowed in conjunction with an approved outdoor sale by multiple businesses in a shopping center one temporary banner, in conformance with § 14-434, on each street face on which the shopping center fronts. Each banner shall be located a minimum of fifteen (15) feet from the face of the curb, be mounted not over five (5) feet in height, and outside of any traffic visibility triangle.

(2) Temporary signage authorized by this section may be in place only for the duration of the outdoor sales event plus one day in advance.

(3) In addition to the window signage permitted by § 14-431 a two (2) foot by three (3) foot professionally made sign bearing the official "sidewalk sale" logo and other indication of participation in the discounts or other aspects of the event is allowed in the window of each participating business for the same length of time as the banners described herein.

(4) No sign allowed under this section will require a sign permit, nor require approval of the design review commission, but will be subject to inspection by the building official and all other provisions of the City of Bartlett Sign Ordinance. (Ord. #79-10, May 1979, as amended by Ord. #94-7, June 1994, and Ord. #02-03, March 2002)

**14-414. Awnings exceptions.** (1) Awnings recognized as architecturally necessary which contribute rather than detract from the legislative intent of this ordinance, with or without lettering or insignia, may be installed with the specific approval of the design review commission, director of planning or duly authorized representative.

(2) For the purposes of measuring sign area to be placed on an awning, the entire surface of an internally illuminated awning containing sign copy shall be counted as sign area, unless said illumination is restricted to a transparent

area designed to illuminate solely the sign copy area, in which case only the copy area will be considered when determining signage. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

**14-415. Reflective materials prohibited.** Signs which contain mirrors, highly polished surfaces or other materials being substantially reflective in nature are prohibited. (Ord. #79-10, May 1979)

**14-416. Structurally unsound signs prohibited.** Signs which are structurally unsound or which are rendered structurally sound by guy wires or unapproved facing are prohibited. (Ord. #79-10, May 1979)

**14-417. Vehicle signs prohibited.** (1) Any vehicle which has any sign, or other copy, wrapped or painted on it or suspended from it or otherwise attached to it shall be parked at the rear of the building where said business is located as close to said business' building as parking space will permit. If there is insufficient space to allow said vehicle to be parked at the rear of said building, it shall be parked at the side of said building and as close to said building as parking space will permit.

(2) Only in the event of a situation or location where there is no rear or side parking space will such vehicle be permitted to park in the front of said business, and then only in the area closest to the front of said business' building.

(3) In no event shall any such vehicle be parked off of or away from the premise which owns it, except during the normal course of business, such as deliveries, picking up merchandise or service calls. The building official may direct that violating vehicles be removed at the owner's expense by towing. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

**14-418. Sign lighting restricted.** Internal and external sign illumination and/or back lighting shall be permitted, provided that all sign lighting shall be for illumination and not in and of itself by color or design constitute an attraction and that same be further so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas, said lighting subject to the approval of the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979 as amended by Ord. #13-01, March 2013)

**14-419. Lighted open signs.** (1) Any business establishment, service organization, or other commercial enterprise located in a commercial, office, or industrial district shall be entitled to utilize or display one (1) exposed neon tube or internally lighted self-contained manufactured type sign, which may exhibit the word "OPEN" and no other copy of any description and may use no more than two (2) colors.

(2) Any sign displayed under the terms of this section shall be no greater in overall size than four (4) square feet and shall be located on the inside of the front window, in a horizontal or vertical position in an authorized location approved by the building official.

(3) Signs displayed in accordance with the provisions of this section shall be in addition to all other signs allowed under the sign ordinance. This sign will not require the approval of the design review commission and will not require a sign permit and be included in the annual inspection provided in § 14-455 of this chapter. (Ord. #00-03, March 2000 as amended by Ord. #13-01, March 2013)

**14-420. Beacon lights prohibited.** Beacon lights are hereby prohibited in the City of Bartlett. (Ord. #79-10, May 1979)

**14-421. Illumination not to interfere with traffic signals.** Neither the direct nor reflected light from primary light sources shall be permitted to create a traffic hazard to the operators of motor vehicles on public streets. (Ord. #79-10, May 1979)

**14-422. Exposed bulbs prohibited.** Exposed bulbs shall not be permitted on the exterior surface of any sign. (Ord. #79-10, May 1979)

**14-423. Abandoned signs prohibited.** All signs and sign structures that no longer correctly direct or exhort any person, advertise a bona fide business in progress, lessor, owner, project or activity conducted or product available shall be removed and the exterior of the building repaired or restored to original condition by the owner of said property within thirty (30) days from the cessation of said activity. The landlord/owner may not lease the premises until said conditions are met. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #00-03, March 2000)

**14-424. Pole and other signs prohibited.** Pole signs are absolutely prohibited and only those ground mounted signs specifically allowed and defined by this ordinance shall be permitted. (Ord. #79-10, May 1979)

**14-425. Multi-face sign restricted.** All signs that exhibit more than two (2) faces are absolutely prohibited; provided further that no double-face signs shall be permitted if the distance between the back of the faces is at any point greater than twelve (12) inches.

Exception: More than twelve (12) inches in depth may be granted on a case-by-case basis by the design review commission. (Ord. #00-03, March 2000)

**14-426. Political signs restricted.** (1) Political signs. Signs relating to the election of a candidate for public office or the passage of any ballot proposition or measure shall be permitted, subject to the following conditions:

(a) Signs shall not exceed eighteen (18) by twenty-four (24) inches or four hundred thirty-two (432) square inches in size.

(b) No sign shall be erected or displayed earlier than forty-five (45) days before the election day to which it relates, nor later than five (5) days following such election.

(c) Signs shall not be attached to any utility pole or upon any public right-of-way or public property, and be no closer than fifteen (15) feet to the face of the curb or five (5) feet to the back of the sidewalk and shall be permitted only upon occupied privately owned lots with the consent of the owner.

(d) Signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

(e) Signs not erected or maintained in accordance with the provisions of this section shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated, without notice, by such property owner, the candidate or person advocating the vote described on the sign, or the city building official.

(2) Political sign distributor's permit. (a) Any candidate or political committee desiring to distribute, cause to be distributed, display, place, or erect any political sign shall file an application with the building department upon forms to be furnished by said building department, and provide such pertinent information as said building department may require.

(b) Forthwith upon filing such application, said building department shall issue a political sign distributor's permit to the applicant, together with a serial number therein. No fee shall be charged in connection with the issuance of such permit.

(3) Polling place signs. No signs will be allowed at polling places earlier than one (1) day before an election or early voting period and must be removed not later than one (1) day after said election or early voting period. For signs at polling places no permit or bond will be required, but the requirements of all other subsections of this section will apply. (Ord. #00-17, Aug. 2000, as amended by Ord. #07-16, Nov. 2007)

**14-427. Sign erection permits refused.** No permit for the construction or erection of any sign not in strict compliance with this chapter shall be issued from the effective date of the ordinance comprising this chapter and then only after the approval of same by the design review commission,

director of planning or duly authorized representative. (Ord. #79-10, May 1979 as amended by Ord. #13-01, March 2013)

**14-428. Sign as a nonconforming primary use--exception.** In the circumstances where a sign itself is a primary use of the property upon which it is erected as defined under this chapter the burden shall be upon the owner of said sign to document within sixty (60) days from the effective date of the ordinance comprising this chapter:

(1) That the sign is in fact a nonconforming sign legally erected without variance under prior regulations.

(2) That the sign is in fact the primary use of the property, being neither auxiliary to, nor appurtenant to, nor directional to, nor the advertisement of adjacent businesses or uses; upon proper documentation as above provided the use may be continued and the owner shall make application within the sixty (60) days of the effective date of the ordinance comprising this chapter to the design review commission in the ordinary course, whose responsibility it shall be, upon the advice and recommendation of the police chief, fire chief and building inspector, to require such modifications in size, copy, and location with respect to streets, ingress and egress, lighting and traffic parameters, to remove hazards to safety and/or encroachments upon adjacent occupants. The failure of documentation shall render the sign an illegal sign subject to removal and the penalties hereinafter provided. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991)

**14-429. Off-premises signs prohibited.** All signs must be located upon the physical property of the occupant, goods or services exhorted, except as provided in § 14-427. (Ord. #79-10, May 1979)

**14-430. Window signs prohibited.** All window signs are prohibited generally, except for those provided for in § 14-431; provided, however, an occupant may elect to utilize window space for location of a permanent wall sign, in which case the square footage of the window sign shall be included in the calculation of allotted square footage; provided, further and in addition to sign footage allotments, all occupants shall be permitted to use a window or door sign in addition to other sign allotments of area not to exceed two (2) square feet to display the identity of the business, hours of operation, credit information, telephone numbers, or other general information. (Ord. #91-3, June 1991)

**14-431. Permitted window signs.** (1) In addition to any other sign allotment permitted by the City of Bartlett Sign Ordinance, any retail or other commercial enterprise shall be permitted to utilize: fifteen percent (15%) of its window area for window signs provided no window may be covered more than thirty percent (30%). Where windows are provided in more than one (1) side of the building, the window signs shall be separately calculated for each side of the

building and the window signs shall conform to the above regulations for each side of the building.

For the purposes of this ordinance, an individual window is defined as a piece of glass surrounded by a frame. The individual window area is calculated on the basis of the area within the frame whether or not it is separated by Muntin Bar(s). The total window area shall include the frame and glass area.

(2) All such window signs must be neat in appearance and professionally prepared or professional in appearance.

(3) All business are allowed a minimum of six (6) square feet of window signs.

(4) Signs allowed under this section will be submitted to the city staff along with the proper size calculations for review and approval. Signs allowed under this section will not require a sign permit, nor require approval of the design review commission, but will require a determination by city staff. If the city staff determines that the proposed window signs are inappropriate and inconsistent with this ordinance, the staff may refer the window signs to the DRC for review and approval. Window signs will be subject to inspection by the building department's sign inspector and all other provisions of the City of Bartlett Sign Ordinance. (Ord. #91-3, June 1991 as amended by Ord. #13-01, March 2013)

**14-432. Billboards prohibited--exception.** Billboards are absolutely prohibited as off-premises signs provided however, billboards which constitute the primary and nonconforming use of property as provided in § 14-428 hereof shall be permitted to remain subject to the limited review in § 14-428. (Ord. #79-10, May 1979)

**14-433. Street number signs permitted.** In addition to whatever sign allotment is available to an occupant said occupant shall be additionally entitled to display a street number, provided however, said street number shall not exceed one and one half (1½) square feet of face area. (Ord. #79-10, May 1979)

**14-434. Grand opening signs and closing signs permitted.** Notwithstanding other provisions of this chapter, a newly established or relocated commercial business, in addition to the hereinafter specified sign allotment, may, for a period of twenty (20) days, display a grand opening sign or banner on the storefront elevation of the business not to exceed a face area of thirty-two (32) square feet, and further subject to the general requirements of this chapter. Also, an established business may have a one (1) time closing sign (going out of business) for a period of thirty (30) days not to exceed thirty-two (32) square feet and mounted on the inside surface of the window. Further, temporary uses permitted by the zoning ordinance but not otherwise provided for herein may have a sign meeting these requirements. In any case, no opening or closing ground mounted signs will be permitted. Opening and

closing signs and banners and other temporary signs described herein will be approved by the building official and will not be reviewed by the design review commission. A one (1) time extension, for up to thirty (30) days for the display of a grand opening sign or banner may be approved at the discretion of the building official, if an application for permanent signage has been submitted for review by the design review commission. (Ord. #79-10, May 1979, Ord. #85-22, § 5, Oct. 1985, as amended by Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, and Ord. #01-17, Nov. 2001, modified, and replaced by Ord. #10-01, March 2010)

**14-435. Special provisions for service stations.** A service station which is solely engaged in the retail distribution of petroleum and petroleum products in addition to the sign allotment hereinafter provided shall be further entitled to the following additional signs:

(1) One (1) permanent price sign per street front said sign not to exceed four (4) square feet in face area, and located upon the pump island nearest to said street or upon the face of the station building or canopy.

(2) Gas branding signs shall be permitted on the gas pumps not to exceed four (4) square feet. Advertising shall also be permitted on the pumps not to exceed two (2) square feet.

(3) Signs displaying the federal and state stamps, octane ratings, pump use directions, no smoking signs and other signs as required by federal, state and local authorities provided that the accumulated total square footage of same shall not exceed two (2) square feet per pump island.

(4) Electronic changeable gas price signs shall be allowed at locations selling gasoline and diesel automobile fuel. The size, color and location of these signs are subject to the approval of the design review commission.

(5) All signs permitted under § 14-435 and other signs required by state and federal law provided same are of size no greater than the minimum requirements of said law and for design, size and lighting shall be approved by the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

**14-436. Historical markers permitted.** The City of Bartlett exclusively upon the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the entire board shall be permitted to erect historical markers provided same are attractively designed and safely located. (Ord. #79-10, May 1979)

**14-437. Street signs and public service signs permitted.** Signs erected by the City of Bartlett to identify the streets or provide direction to public services and/or buildings shall be permitted. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)



**14-438. Directional signs in complexes permitted.** Every commercial complex shall be permitted upon the approval of the design review commission to erect certain directional control signs in parking areas or at entrances and exits provided that said directional signs do not exceed two (2) square feet in face area and are set back no less than ten (10) feet from the curb or street right-of-way and do not exceed in height five (5) feet, provided however, this section shall not be interpreted to prohibit directional signs applied to the driving surface itself subject to the approval of the design review commission, director of planning or duly authorized representative. The design review commission may approve larger directional signs if they determine that the directional signage is appropriate and in keeping with the scale of the building. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

**14-439. Club and organization identification signs prohibited.** Non profit organizations, clubs and/or service organizations shall be bound by the same standards and regulations as hereinafter provided for commercial areas and no off premises signs shall be permitted; provided however, the City of Bartlett may erect sign supports at the major entrances to the city for the display of said non-profit organizations, clubs and service organizations subject to the approval of the design review commission, director of planning or duly authorized representative. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

**14-440. Construction and real estate signs.** (1) Construction signs.

(a) During the course of physical construction of any commercial, office institutional or industrial building, under a valid building permit issued by the City of Bartlett, a ground sign not to exceed thirty-two (32) square feet shall be permitted; provided, however, said construction signs shall be of height no greater than eight (8) feet. The sign shall be located on the physical property for which the building permit is issued, and located no less than thirty (30) feet from the curb or street right-of-way; provided, further, construction signs must obtain approval from the design review commission, director of planning or duly authorized representative and a temporary sign permit before erection of said sign.

(b) In addition to the foregoing, during the construction of any residential structure, a ground sign not to exceed six (6) square feet in sign area and of height no greater than three (3) feet shall be permitted and shall meet the other requirements of this chapter.

(2) Real estate signs. (a) One (1) ground sign or wall sign advertising the sale or lease of real estate shall be permitted upon the physical property for sale or lease, provided said signs do not exceed dimensions of:

(i) Two (2) feet by three (3) feet (total maximum square footage of six (6) square feet, with a maximum of two (2) sides on a single plane of material) in a limited occupancy residential district; or

(ii) Twenty (20) square feet (both sides if used for copy calculated in said allotment) in all other districts.

(b) Further the maximum height of said sign shall be:

(i) Three (3) feet in residential districts and

(ii) Five (5) feet in all other districts.

(c) Said signs shall be set back no less than fifteen (15) feet from the face of curb or street right-of-way.

(d) Non-residential real estate signs shall be approved by the building official as temporary signs and a sign permit issued. Signs are to be reviewed and renewed every six (6) months.

(3) Time limits for construction and real estate signs. All construction signs and real estate signs, except off-premises subdivision directional signs under § 14-442, shall be permitted without prior approval by the design review commission and shall be permitted to stand for a period not to exceed ninety (90) days without formal approval of the design review commission, except for construction in a commercial or office district, which construction signs shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

(4) Flags/banners. Well maintained flags and/or banners attached to flag poles shall be allowed at model home/sales office sites, which are to be staffed at least forty (40) hours per week and located within residential subdivisions.

The number of flags and/or banners allowed shall be limited to one (1) for each fifteen (15) feet of lot width at the curb, but in no case shall it exceed six (6) per lot.

Placement of the flags and/or banners shall be allowed across the front yard or, front yards on corner lots, and may be placed in one (1) or more rows or in a cluster.

The height of the flag/banner pole shall not exceed fourteen (14) feet from ground level and must be located a minimum twelve (12) feet and a minimum of two (2) feet from the interior edge of the sidewalk.

Pennants, balloons, streamers or other attention attracting devices are not permitted.

(5) Signage. One (1) professionally built, properly maintained thirty-two (32) square feet maximum area sign, showing the builder's name and logo, the hours of operation and contact information on one or both sides shall be allowed at model home sites. The area around the sign shall be landscaped with evergreen shrubs or seasonal plants to form a landscaped base for the sign. Sign location must be a minimum of fifteen (15) feet from the curb, generally centered on the street frontage of the addressed property; maximum height ten (10) feet.

(6) Lighting. Lighting of the sign shall be allowed at model home sites so that prospective homebuyers can obtain the information at night. For security purposes, low-intensity lighting of the house is also allowed.

(7) Permit required. Builders shall be required to submit drawings of the model home lot, the flags and or banners, the signage and the sign's landscaping plan to the building official who will have the authority to issue a permit.

(8) Builder's pre-sale or custom construction sign. In lieu of the permitted 2' x 3' realtor sign and the 2' x 3' construction sign, there may be placed a sign, maximum area of twelve (12) square feet and maximum height eight (8) feet, identifying the builder and the sale of the house or the builder and nature of the custom construction of the house. This sign must be removed at the time the property is issued a use and occupancy permit. This sign must be located a minimum of fifteen (15) feet back from the curb. (Ord. #79-10, May 1979, as amended by Ord. #87-18, Feb. 1988, Ord. #91-3, June 1991, Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2000, Ord. #06-17, Aug. 2006, Ord. #07-12, Sept. 2007, and Ord. #13-01, March 2013)

**14-441. Subdivision identification signs permitted**. In limited occupancy residential districts of a subdivision, as defined by a formally filed and duly recorded subdivision plat, there shall be permitted no more than two (2) subdivision identification signs at the subdivision entrance on every major connector street entering said subdivision, provided that said subdivision identification signs are permanent and approved ground signs and contain only the name of the subdivision, do not exceed twenty-five (25) square feet in sign area and are set back no less than twenty (20) feet from the face of curb or street right-of-way. The height of said subdivision identification sign shall not exceed six (6) feet. However, in the event the developer or builder has elected or shall elect to utilize a fence, pillars, post or other ornamental or decorative structure which is commonly known as a "subdivision entrance," then all subdivision identification signs must be exclusively located on such structures rather than ground signs, and such signs must comply with § 14-469 of this chapter, and shall not exceed twenty-five (25) square feet in sign area per sign.

Subdivision entrance features such as fences, signs, structures and landscaping are permitted on common open space, designated on the subdivision final plat, and for which a homeowner's association is responsible for ownership and maintenance of said sign, structure and features. Such fences, signs, structures and landscaping are subject to approval by the design review commission.

A subdivision identification sign may also be placed on a corner lot with administrative approval if the following criteria are met:

(1) The sign will be constructed of durable structural and exterior materials. These will be cast concrete, brick or stone.

(2) The sign will be located on a corner lot with a location and an access/maintenance easement approved by the city engineer.

(3) The sign may be placed, with the property owner's permission, on a lot in an older established neighborhood or may be part of a new subdivision approval where there will be no Home Owners Association (HOA) or Common Open Space (COS).

(4) The sign will have three (3) basic parts; the footing, the body and a cap. The actual nameplate will be placed within the area of the body portion of the structure.

(5) The body portion will have a maximum face area of twenty-five (25) square feet. The maximum height of the sign structure will be six (6) feet.

(6) The neighborhood identification sign plate may occupy up to fifty percent (50%) of the face area of the structure. This plate will be a cast concrete panel.

(7) The sign becomes the property of the City of Bartlett, after a one time maintenance fee is paid.

(8) Yard maintenance, including the city easement, is the responsibility of the property owner. (Ord. #91-3, June 1991, as amended by Ord. #07-13, Sept. 2007))

**14-442. Temporary subdivision signs permitted.** While a formally recorded subdivision, approved on a plat of record, is under physical construction there shall be permitted two (2) temporary off-premise signs of no more than sixteen (16) square feet per side, and a height of no more than six (6) feet. The sign content may include, but not be limited to the subdivision name, directions to the location, price and builder(s) name. The sign shall consist of a single plank, both sides of which could display content, and must have a professional, finished appearance. The developer must pull a temporary sign permit, which should be renewable annually at the discretion of the building official. One (1) on-premise sign is allowed at each major entrance with a maximum of two (2) on-premise signs per subdivision. The on-premise signs may be no more than thirty-two (32) square feet per side and a maximum height of nine (9) feet with the same requirements as off-premise signs. (Ord. #91-3, June 1991, as amended by Ord. #08-14, Jan. 2009)

**14-443. Identification signs in multi-family districts permitted.** All multi-family projects, either apartments or condominiums, may display one (1) externally lighted ground sign for identification at each of its entrances, not to exceed two (2) signs regardless of the number of entrances. Said signs shall not exceed twenty-five (25) square feet in face area, may be double faced, shall not exceed six (6) feet in height, shall be placed no less than forty (40) feet from any adjacent property line and shall be no less than fifteen (15) feet from the curb or street right-of-way and meet all landscaping requirements.

(Ord. #79-10, May 1979, as amended by Ord. #91-5, June 1991, and Ord. #95-13, Sept. 1995)

**14-444. Residential shielding required.** All residential districts, limited occupancy and/or multi-family, shall be protected from sign display or lighting incident thereto so as to prevent as much as possible the visible encroachment of same upon the residences in said areas, and it shall be the right and obligation of the design review commission, director of planning or duly authorized representative to accommodate same in the course of review and approval. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

**14-445. Signs of non-profit organizations restricted.** Churches, schools, clubs, and non-profit organizations generally shall be subject to the same restrictions as provided for offices and commercial businesses. However, churches and schools may use changeable copy signs in accordance with § 14-408 of this chapter. (Ord. #91-3, June 1991)

**14-446. Private sale sign permitted.** In residential districts, one (1) private sale sign is permitted, provided that said sign is a ground sign upon the premises where the sale is conducted, of square footage not to exceed three (3) feet, and subject to the general requirements of this chapter, and set back from the curb or street right-of-way no less than fifteen (15) feet, and shall be permitted for no longer than five (5) days. One (1) off-premises sign will be permitted for a period not to exceed two (2) days. The building official may remove and dispose of any off-premises sign remaining more than two (2) days or creating a traffic hazard. (Ord. #91-3, June 1991)

**14-447. Wall sign requirements generally.** (1) All wall signs permitted by this section shall be permanently affixed to the wall of the structure upon which the front footage is calculated under § 14-401(22) whose premises it exhorts; provided

(2) With approval of the design review commission, director of planning or duly authorized representative, a wall sign may be affixed to a side wall or a rear wall, but the permitting of such shall not act to increase either the allowed square footage nor the number of signs allowed, nor shall the manner of calculating the allowable square footage be affected.

(3) All wall signs shall be mounted with the face parallel to the plane of the structure wall upon which it is mounted and the face of the sign shall not extend more than eighteen (18) inches from said building wall upon which it is mounted, said mounting to be approved by the design review commission, director of planning or duly authorized representative upon the review and recommendation of the building department. (Ord. #80-11, May 1980, as amended by Ord. #13-01, March 2013)

**14-448. Signs permitted in a commercial and office district.**

(1) Signs for commercial enterprise buildings with one hundred feet (100') or less building frontage and within one hundred feet (100') of the street right-of-way. Every business establishment, retailer, service organization or other commercial enterprise specifically located in a commercial or office district shall be entitled to no more than two (2) signs of total accumulated square footage not to exceed one (1) square foot of sign for every foot of building footage. They may have either two (2) wall signs or one (1) wall sign and a ground sign, where permitted, that do not exceed one hundred (100) square feet of total sign area.

Provided however, that commercial enterprises on a corner lot may have two (2) business identification wall signs and a ground sign. The size of the wall signs shall be based on one (1) square foot for every lineal foot of building frontage facing a street, less the area of the ground sign on that side of the building. The total square footage of signage for the building and ground signs may exceed one hundred (100) square feet, but the square footage of the wall sign and ground sign combined on each side of the building may not exceed one hundred (100) square feet.

These signs are subject to the following restrictions:

(a) Notwithstanding the building footage the minimum square footage sign allotment shall be thirty (30) square feet.

(b) Notwithstanding the building front footage the maximum square footage of total signs shall not exceed one hundred (100) square feet, except as provided above for corner lots.

(c) The allotted square footage must be displayed on wall signs or wall signs and a ground sign or permanent window sign.

(d) If a wall sign is selected it shall not be mounted higher than the roof line and must be physically located on the premises of the building whose enterprise it exhorts.

(e) Multi-tenant buildings are not restricted as to number of signs permitted. However, the allotment of one (1) square foot of sign area for each linear foot of tenant frontage applies.

(f) There shall be no roof-mounted signs.

(g) All such signs are otherwise subject to the design review commission, director of planning or duly authorized representative for approval, permit, inspection, and the general provisions of this chapter.

(2) Signs for commercial enterprise buildings with greater than one hundred (100) lineal feet of building frontage and setback more than one hundred feet (100') from the street right-of-way. Every business establishment, retailer, service organization or other commercial enterprise specifically located in a commercial or office district shall be entitled to signs as provided below:

Total sign area:

(a) All buildings with greater than one hundred (100) lineal feet (lf) in frontage shall be allowed a total of one hundred (100) square feet

in sign area for the first one hundred lineal feet (100 lf) of building frontage. In addition they shall be allowed additional square footage based on the following sign area chart:

SIGN AREA CHART		
Distance from right-of-way	Sign area calculation	Maximum sign area
Within 100'	1 sq. ft for every 1 lf. of the first 100' of building frontage	100 sq. ft.
101' to 249'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.25 sq. ft. for every 1 lf. of building frontage greater than 100'	200 sq. ft.
250' to 499'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.5 sq. ft. for every 1 lf. of building frontage greater than 100'	300 sq. ft.
500' to 749'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 0.75 sq. ft. for every 1 lf. of building frontage greater than 100'	400 sq. ft.
Greater than 750'	1 sq. ft for every 1 lf. of the first 100' of building frontage plus 1 sq. ft. for every 1 lf. of building frontage greater than 100'	500 sq. ft.

(b) The allotted square footage may be displayed on a wall sign or a combination of wall signs and a ground sign.

(c) If a wall sign is selected it shall not be mounted higher than the roof line and must be physically located on the premises of the building whose enterprise it exhorts.

(d) There may be a maximum of one (1) wall sign for each one hundred feet (100') of building frontage.

(e) The maximum size for any one (1) wall sign shall be the greater of three hundred (300) square feet or sixty percent (60%) of the total wall signage allotment permitted, whichever is greater.

(f) Multi-tenant buildings are not restricted as to number of signs permitted. However, the allotment of one (1) square foot of sign

area for each linear foot of tenant frontage applies, subject to the above chart.

(g) There shall be no roof-mounted signs.

(h) All such signs are otherwise subject to the design review commission approval, permit, inspection, and the general provisions of this chapter. (Ord. #79-10, May 1979, as amended by Ord. #87-18, Feb. 1988, and Ord. #13-01, March 2013)

**14-449. Entrance sign for commercial, industrial or office complexes.** In addition to any other signs allowed under the terms of this chapter, any commercial, industrial or office complex which qualifies to have a directory or project identification sign but does not desire to utilize a directory or project identification sign as permitted by § 14-451 of this chapter, may display, subject to approval by the design review commission, director of planning or duly authorized representative, complex identification signs at its main entrance, or main entrances, if said complex has frontage and entrances on two (2) major streets, in accordance with the following restrictions:

(1) If single face ground signs, then no larger than twenty-five (25) square feet.

(2) Any ground signs approved must comply with § 14-465 (ground sign restrictions), except that it shall have only a single face.

(3) In lieu of single face ground signs, a sign which does not exceed twenty-five (25) square feet and meets the requirements of § 14-465 of this chapter may be approved.

(4) Any sign approved under the provisions of this section shall exclusively contain the name of the complex it identifies, together with the street number or numbers if desired, and shall not contain tenant information or advertising copy.

(5) No more than two (2) signs for each main entrance may be approved. One (1) sign must be placed on either side of said entrance, and two (2) entrances on the same street will not qualify the complex for additional signs. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

**14-450. Theater marquee signs.** (1) Any theater which is engaged in the business of showing motion pictures shall, if it has more than four (4) screens, be entitled to, in addition to any other signs it may be allowed, a sign which complies with § 14-465 (project sign) as to size, height and setback, except that the name of the project and the titles of movies shall be submitted for the names of the businesses or occupants and shall be changeable copy type signs and must comply with § 14-408 of this chapter.

(2) Any theater which has four (4) or fewer screens shall be allowed an additional ground sign which must comply with § 14-465 of this chapter and which may also have the changeable copy feature.



(3) All signs allowed under or in accordance with this section shall be used exclusively to display the name of theaters and movie titles. (Ord. #91-3, June 1991)

**14-451. Directory and project identification signs.** In a project or development wherein five (5) or more businesses, tenants or occupants are contained, with individual street frontage, a common parking lot a total square footage of at least ten thousand (10,000) square feet in said project, there shall be permitted, in addition to the allotted square footage heretofore recited, a ground sign on each major road frontage, subject to the following restrictions:

(1) The directory or project sign shall be set back no less than twenty (20) feet from the curb or street right-of-way, however, with the approval of the design review commission, set-back may be reduced to ten (10) feet if the required twenty (20) foot setback creates a hardship as to parking or visibility of sign.

(2) The height of said directory or project sign shall be determined as shown below, but in no instance shall it exceed twenty (20) feet, regardless of the number of occupants.

SQUARE FEET IN CENTER	MAXIMUM PROJECT SIGN HEIGHT
10,000 - 24,999	6 feet
25,000 - 99,999	10 feet
100,000 and over	20 feet

(3) The maximum width of said project sign shall be no more than ten (10) feet, and maximum height no more than twenty (20) feet. The design review commission reserves the right to approve the architectural details of the sign structure, as well as the copy area of the sign itself.

(4) Said signs may be internally lighted, but only with the white lighting of intensity and focus not to infringe upon neighboring properties or street traffic.

(5) The area between the bottom of the face of the project sign shall be of solid construction and shall not be landscaping or shrubbery and shall have a brick or decorative stone base.

(6) The name of the center itself must exclusively be located upon the top of the project or directory sign, said name designation to be the same width as the overall sign and of vertical height no more than five (5) feet.

(7) The collective square footage of tenant signage shall not exceed one hundred twenty (120) square feet. No single tenant shall be allowed more than twenty-five (25) square feet of sign area. The allotment of tenant signage and sign size up to the maximum area herein described, is the responsibility of the property owner or his designated agent.

(8) After initial approval of the directory sign, changes of names or copy on the tenant signs may be made upon approval by the building official without appearing before the design review commission.

(9) All project and directory signs shall be ground signs, and the face of said sign shall be located not more than three (3) feet and not less than two (2) feet from the surrounding grade, and the face shall be rectangular in shape; it is specifically prohibited to have spaces or gaps between occupant signs and the center designation signs.

(10) The design review commission shall be required to approve all project and/or directory signs prior to installation, and the same are further subject to the general requirements of this section. (Ord. #79-10, May 1979, as amended by Ord. #80-6, May 1980, Ord. #85-22, Oct. 1985, and Ord. #95-13, Sept. 1995)

**14-452. Signs permitted in other districts.** In districts other than those hereinbefore defined as residential limited occupancy, residential multi-occupancy, office and commercial districts, signs shall be permitted no more comprehensive than those permitted in the district which in the discretion of the design review commission most closely approximates the additional classification; provided, however, the design review commission upon thorough review of the proposed sign in said district shall refer same along with its accompanying recommendation of the board of mayor and aldermen for final approval and with a proposal for terms of amendment to the sign ordinance to accommodate the unaddressed use classification. (Ord. #79-10, May 1979)

**14-453. Applications.** (1) The application for sign approval and check list shall include the submission requirements and all appropriate fees. These requirements may be changed from time to time and the sign permit applications and check list shall be revised accordingly.

(2) No application shall be brought before the design review commission without a completed checklist attached to the application and the required sign application fee.

(3) (a) All new multi-tenant commercial or office complexes shall submit to the design review commission a sign policy for future wall tenant signage. This may be submitted with or without a site plan application but must be submitted prior to the application for tenant signage. All sign policy proposals shall follow the sign policy guidelines. Upon the approval of the sign policy, the planning director or designee will have the authority to approve tenant signage or forward the sign application to the design review commission. All tenant signage must have the landlord's or leasing agent's approval with the sign application.

(b) Sign policy guidelines. (i) Elevation sketch or elevation plan shall indicate where signs are to be located on the building, windows, or doors etc.;

- (ii) Maximum sign cabinet height or letter height;
- (iii) Maximum sign area;
- (iv) Typography;
- (v) A statement of permitted use of national or regional chain store typography or logo;
- (vi) Materials (aluminum thickness);
- (vii) Lighting (neon type, color and size, LED, fluorescent tube with UL standards, etc.);
- (viii) Colors (PMS numbers); and
- (ix) Installation and mounting materials.

(4) A tenant/owner representative shall be encouraged to attend the design review commission meeting with the sign company representative. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #95-13, Sept. 1995, Ord. #00-03, March 2000, Ord. #09-06, March 2009, and Ord. #13-01, March 2013)

**14-454. Scope of authority.** The design review commission,<sup>1</sup> director of planning or duly authorized representative shall not have the authority to alter or amend the sign ordinance nor to approve a sign not in conformity herewith and is directed to cooperate with the building official in the enforcement of same, including but not limited to the following functions:

(1) The design review commission, director of planning or duly authorized representative, upon approving a sign, shall forward the application to the building official with approval noted thereon.

(2) The design review commission, director of planning or duly authorized representative may take other action within its authority to insure safety, eliminate hazards, eliminate encroachment upon public streets and property and encroachment upon adjoining land or uses.

(3) The design review commission, director of planning or duly authorized representative, while it may not approve signs in violation of this chapter, said design review commission, director of planning or duly authorized representative has the specific and general authority to refuse approval of signs, otherwise in compliance with this chapter, which because of unsafe location, unsafe construction, distracting design, insufficient structure and/or encroachment upon surrounding property, violate the spirit of this chapter, which is dedicated to the safety and public welfare of all citizens and businesses in the City of Bartlett.

(4) The Building Official of the City of Bartlett shall have the authority to approve the moving of a sign from one address or location to another address or location within the same shopping center, provided the sign is not altered or

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<sup>1</sup>Municipal code reference

Design review commission: title 2, chapter 1.

changed as to its design or size when it is moved, and continues to advertise or identify the same business.

(5) The building official shall also have the authority to approve a change in or to the copy only of a sign, if the sign is to remain at the same location and continues to advertise or identify the same business as long as the design or size is not changed. (Ord. #79-10, May 1979, as amended by Ord. #91-5, June 1991, Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

**14-455. Permit fees required.** Every owner, erector or other applicant for a sign permit shall, with this application, submit a sign application fee. Once approved a sign permit fee will be required. Signs will be inspected annually and an annual sign inspection fee will be collected. These fees shall be established and may be changed as needed by resolution. (Ord. #79-10, May 1979, as amended by Ord. #85-22, Oct. 1985, Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

**14-456. Sign permit restrictive.** A sign permit shall exclusively warrant and permit the erection of the sign of type, construction, color, lighting, layout and design as specifically approved by the design review commission, director of planning or duly authorized representative and if the final erection varies in any respect from the approved design or location, the same shall be considered an illegal sign. Further, should the sign specified under an application not be erected within a period of six (6) months then the permit is rendered null and void requiring renewed application and review by the design review commission, director of planning or duly authorized representative to consider the permit in view of changed circumstances. (Ord. #79-10, May 1979, as amended by Ord. #13-01, March 2013)

**14-457. Enforcement--building official designated.** The building official is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials the building official or his duly authorized representative shall be permitted by the owner or occupant to enter at reasonable times any building, structure or premises in the City of Bartlett to perform any duty imposed upon him by this chapter. (Ord. #79-10, May 1979)

**14-458. Appeal from decision of the building official.** Any persons aggrieved by any decision or order of the building official, director of planning or duly authorized representative with regard to this sign ordinance may appeal, within a period not to exceed ten (10) days from said action, to the design review commission by serving written notice to the building official, director of planning or duly authorized representative who, in turn, shall immediately transmit the notice to the design review commission which shall meet to hear said appeal within forty-five (45) days thereafter. (Ord. #79-10, May 1979, as amended by Ord. #95-13, Sept. 1995, and Ord. #13-01, March 2013)

**14-459. Appeal from decision of the design review commission.**<sup>1</sup>

The decision of the design review commission may be appealed directly to the board of mayor and aldermen upon written notice of appeal to the board within five (5) days of said action. This appeal shall be heard at a regularly scheduled meeting of the board of mayor and aldermen. The board of mayor and aldermen may accept, reject or modify the action of the design review commission. Any action on an appeal from the design review commission shall require a minimum of four (4) affirmative votes of the board of mayor and aldermen and in the absence thereof the action of the design review commission shall become final and binding. (Ord. #79-10, May 1979)

**14-460. Notice to remove illegal sign.** In addition to the other rights and privileges created hereby, the building official, upon determining that a sign, sign structure or appurtenance thereto, is in violation of the sign ordinance, may, in addition to other penalties, deliver notice to the owner and/or occupant to remove same within ten (10) days, and upon noncompliance, the building official may cause to be issued summons by the clerk of the city court, citing the violator to appear and answer the charge of violation before the Bartlett City Court, which finding may be appealed as any other conviction of the sign ordinance violations to the circuit court. (Ord. #79-10, May 1979, as amended by Ord. #91-3, June 1991)

**14-461. Removal of unsafe structures.** Upon notice by the chief building official to the owner or occupant of property upon which an illegal sign, or unsafe sign, unsafe sign structure or unsafe appurtenance thereto, is located, the said owner or occupant, within twenty-four (24) hours, shall remove same, or in the alternative with the leave of the mayor, the building official may remove same or provide for its removal immediately and the cost of said removal is to be borne by the owner and/or occupant. (Ord. #85-22, Oct. 1985)

**14-462. Repair and/or replacement of signs.** It shall be the obligation of the building official to maintain routine inspections upon all signs in the City of Bartlett, independently and/or upon the referral of the design review commission, to insure all signs are reasonably maintained, promptly repaired, remains in compliance with this chapter and still exhorts the business of the occupant. In the event that the building official determines that a sign is deficient as above recited he shall cause to be delivered a formal written notice to the owner and/or occupant directing the correction of the deficiency within ten (10) days.

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<sup>1</sup>Municipal code reference

Design review commission: title 2, chapter 1.

Upon failure to properly correct the deficiency of said notice, within the time allotted, the sign shall be rendered an illegal sign subject to the enforcement provision as hereinabove provided. (Ord. #79-10, May 1979)

**14-463. Provisions of federal and state law excepted.** No provision of this chapter shall contravene by term or application any existing or later enacted statute or regulation of the federal or state governments and in the event of said conflict the provisions of state and/or federal regulations shall control and signs permitted by said statute may be erected in size, dimensions, set back and design at the minimum requirements of the state and/or federal law or regulation, and subject to the review and approval of the design review commission and upon reference to the city attorney upon his certification of the law to the commission. (Ord. #79-10, May 1979)

**14-464. Conditions for ground sign exception.** The design review commission, director of planning or duly authorized representative may at its discretion approve a ground sign as one of the two (2) signs (one (1) of three (3) signs for corner lots) allowed by this section, provided it shall not increase the number of signs allowed nor the amount of square footage and further subject to the following conditions:

(1) The enterprise of the owner or occupant is not located within a commercial complex and is thus not legally entitled to signage upon a project or directory sign; and

(2) The building or enterprise does contain but a single occupant; provided, however, subject to review of the design review commission, director of planning or duly authorized representative, the commission has the authority to approve ground signs for multiple occupancy buildings, where a strict application of this section would constitute an inequity, and provided no more than one (1) ground sign is permitted per building, and is not approved when a project or directory sign is used.

(3) The erection of a ground sign will not in any way create a safety hazard, encroach on adjoining properties or impede visibility nor constitute on the frontage such congestion with other signs so as to adversely affect traffic or belabor the identification of other services; and

(4) The owner or occupant has physical frontage upon the street whereon the ground sign is to be located.

(5) The ground sign and its specific location must receive the approval of the design review commission with regard to traffic visibility, ingress, egress, pedestrian visibility, and the propensity for safety hazards upon consideration of the existing businesses and the possibility of future occupancy at or near the location, the proximity to critical traffic point, school children traffic, traffic signals, or school crossings. (Ord. #80-9, May 1980, as amended by Ord. #85-22, Oct. 1985, and Ord. #13-01, March 2013)

**14-465. Ground sign restrictions.**<sup>1</sup> Upon the review, approval and certification of the conditions for ground sign exception by the design review commission, director of planning or duly authorized representative, the owner or occupant may erect in place of a wall sign, provided it shall not increase the number of signs allowed, a ground sign subject to the following requirements:

(1) A ground sign and supporting structure shall not be over six (6) feet in overall height.

(2) A ground sign shall contain no more than twenty-five (25) square feet of sign surface on either of its faces and shall have no more than two (2) faces. The supporting structure is not included in the sign square footage calculation. Ground signs listing between two (2) and four (4) building occupants as provided under § 14-464(2) shall contain no more than thirty-two (32) square feet of sign surface on either of its faces and shall have no more than two (2) faces. In cases with multiple occupants, the sign faces shall be consistent in design and color.

(3) A ground sign shall be no less than ten feet (10') from the curb line, effective with the adoption of this section.<sup>2</sup>

(4) A ground sign shall be no less than fifteen feet (15') from any adjoining property, in use or vacant, or curb cut or ingress and egress to any other enterprise.

(5) A ground sign may be externally or internally lighted. Subject to the specific approval of same by the design review commission, director of planning or duly authorized representative. External lights shall not shine onto adjacent property or public streets so as to create a traffic hazard or public nuisance.

(6) The area between the bottom of the face of the ground sign shall be of solid construction and shall not be landscaping or shrubbery.

(7) The ground sign shall have a decorative or stone base.

(8) The accepted ground sign shall be landscaped for a distance of three feet (3') in all directions so as to protect the sign from vehicular traffic and inhibit pedestrian traffic in and about the sign, and if located in a parking area exposed to vehicular traffic shall have a six inch (6") solid curb on all sides exposed to such traffic.

(9) The location, size, and direction of said accepted ground sign shall be subject to review and approval of the design review commission, director of planning or duly authorized representative. (Ord. #87-18, Feb. 1988, as amended by Ord. #91-3, June 1991, Ord. #05-08, Oct. 2005, and Ord. #13-01, March 2013)

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<sup>1</sup>See Attachment C, Planting Screen for Ground Signs, located at the end of this chapter.

<sup>2</sup>The original ordinance is Ord. #87-18, Feb. 1988.

**14-466. Informational signs.** (1) Any business, club, or other organization may, with approval of the design review commission, director of planning or duly authorized representative, in addition to any other signs allowed under this ordinance, erect informational signs upon demonstrating a valid need for such sign.

(2) An informational sign shall be defined as any sign designed exclusively to convey information to the general public in any commercial or business district or complex or residential district where signs are authorized.

(3) The design review commission shall specify the size and location of such signs and shall not approve as informational signs any sign where the request appears to be an attempt by a business or organization to obtain additional sign allowance as a means of calling attention to said business or organization. (Ord. #80-5, May 1980, as amended by Ord. #13-01, March 2013)

**14-467. Signs erected on buildings not enclosed and heated.** Notwithstanding the definition of front footage in § 14-401(22) a business may qualify for signage as outlined in § 14-448 under the following conditions:

(1) The building is an existing building or is approved by the planning commission and the design review commission.

(2) The business is operated under an unenclosed structure which is not enclosed and heated because of the nature of the business.

(3) The business is carried on solely in said open type building or structure; the structure being neither appurtenant to nor issued in conjunction with an enclosed structure.

(4) If more than one (1) structure is used, even though connected in some manner, sign allowance shall only be claimed or allowed on one (1) such structure, which shall be the principal structure on which the principal entrance to said business is located.

(5) Nothing in this section shall be construed to permit a business to claim sign allowance for porches, breezeways, awnings or other type overhead covers.

(6) All signs allowed under this section shall be subject to approval of the design review commission, director of planning or duly authorized representative and shall meet all other requirements of this chapter. (Ord. #80-8, May 1980, as amended by Ord. #13-01, March 2013)

**14-468. Vending machine signs regulated.** (1) Vending machines defined. A vending machine shall for the purpose of this section be defined as any device used to dispense goods or products by either mechanical or manual operation by coin.

(2) Unlighted vending machines. Any unlighted vending machine shall not be considered to be a sign as contemplated by this section provided, that the location of same must be submitted to the design review commission



which may require shielding or enclosure if the number, size or location of same constitute an encroachment upon adjoining businesses or the public generally.

(3) Lighted vending machines. Any lighted vending machine shall not be considered to be a separate sign, but if visible to the public from any street located off the business premises, the lighted area of said machine shall be calculated in determining the amount of square footage allowed to said business even though the machine shall not be considered to be a separate sign. (Ord. #80-10, May 1980)

**14-469. Signs on ornamental or decorative structures.** (1) In addition to areas where signs may be placed as provided in this chapter, signs may also be placed in the following locations with approval of the design review commission.

- (a) Fences;
- (b) Pillars;
- (c) Posts; or

(d) Other ornamental or decorative structures either existing or which may in the future be approved by the planning commission and/or the design review commission.

(2) Any sign so approved must be mounted flat against the plane of said structure and shall extend away from said plane no more than six (6) inches, said mounting to be approved by the design review commission.

(3) Only external lighting may be utilized to light any sign approved under this section.

(4) Any sign approved under this section must meet all other requirements of this chapter, and shall not create a safety or health hazard to the general public. (Ord. #80-12, May 1980)

**14-470. Signs for industrial park zoning.** (1) Only three (3) signs per single tenant building shall be permitted, a ground sign and two (2) building signs. The ground sign shall not be more than one hundred (100) square feet in area, nor over ten (10) feet in height. The ground sign may be illuminated with industrial type spot lighting, back lighting, or internal lighting. Flashing or intermittent illumination is prohibited. The sign area for building (wall) signs shall be based upon the Sign Area Chart provided in § 14-448 above.

(2) On multi-tenant buildings, wall signs shall be permitted based on square footage not to exceed one (1) square foot of sign for every linear foot of building frontage occupied by the business or enterprise, subject to the following restrictions:

- (a) No business or enterprise shall have more than one (1) sign.
- (b) Notwithstanding the amount of building frontage, each business shall be allowed a minimum sign allotment of thirty (30) square feet.

(c) The allotted sign footage must be displayed on a wall or permanent window sign.

(d) If a wall sign is selected it shall not be mounted higher than the roof line; and must be located on the premises of the enterprise it exhorts.

(e) No sign shall be a roof mounted sign, and must comply with § 14-401(44).

(3) In addition to the wall signs permitted in the preceding subsection, a multi-tenant building owner shall be entitled to a ground sign, which shall exclusively be used to identify the building and shall contain no tenant identification or advertising copy. The owner shall be entitled to a minimum of twenty-five (25) square feet of sign surface and a maximum of one hundred (100) square feet of sign surface, based on the total square feet contained in the building, one (1) square foot being allowed for every one hundred (100) square feet of floor space and subject to the minimum and maximum hereinbefore stated.

(4) Ground signs approved under the authority of this section must also comply with the requirements established for other ground signs by §§ 14-464 and 14-465 of this chapter which are not in conflict with this section, except that the six (6) foot limitation on height may be exceeded on ground signs which are allowed in excess of twenty-five (25) square feet as directed by the design review commission, but shall not exceed ten (10) feet in height. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

**14-471. Establishment of a special sign corridor.** A special sign corridor is hereby established for those tracts of land of five (5) acres or more in the City of Bartlett located east of Fletcher Creek with road frontage on U.S. Highway 64, and along Germantown Parkway from Highway 64 north to a point two thousand feet (2000') north of Highway 64, and having C-H, Highway Commercial Zoning. Each tract of land meeting these criteria shall be allowed a ground sign with a maximum area of two-hundred (200) square feet and a maximum height of twenty feet (20'), and a maximum width of ten feet (10'). Setback, lighting, landscaping, and base material requirements are set forth in § 14-465 of this chapter. Wall or building signs shall be controlled by § 14-464 above. (Ord. #91-3, June 1991, as amended by Ord. #13-01, March 2013)

**14-472. Signs for motor vehicle sales.** Motor vehicle sale businesses located within the special sign corridor and containing five (5) or more acres are permitted to have signage in accordance with § 14-471 above. In addition, such businesses shall be allowed to provide additional signage as follows:

(1) **Ground signs.** Motor vehicle sales businesses shall be allowed to have a ground sign for each three hundred (300) lineal feet of street frontage. If this business is located on a corner lot, it shall be permitted to have an additional ground sign on the secondary street, provided that there is three

hundred feet (300') of street frontage on that street. The primary ground sign may have a maximum area of two hundred (200) square feet, a maximum height of twenty feet (20'), and a maximum width of ten feet (10'), each additional ground sign may have a maximum area of fifty (50) square feet, and a maximum height of fifteen feet (15'), and a maximum width of ten feet (10').

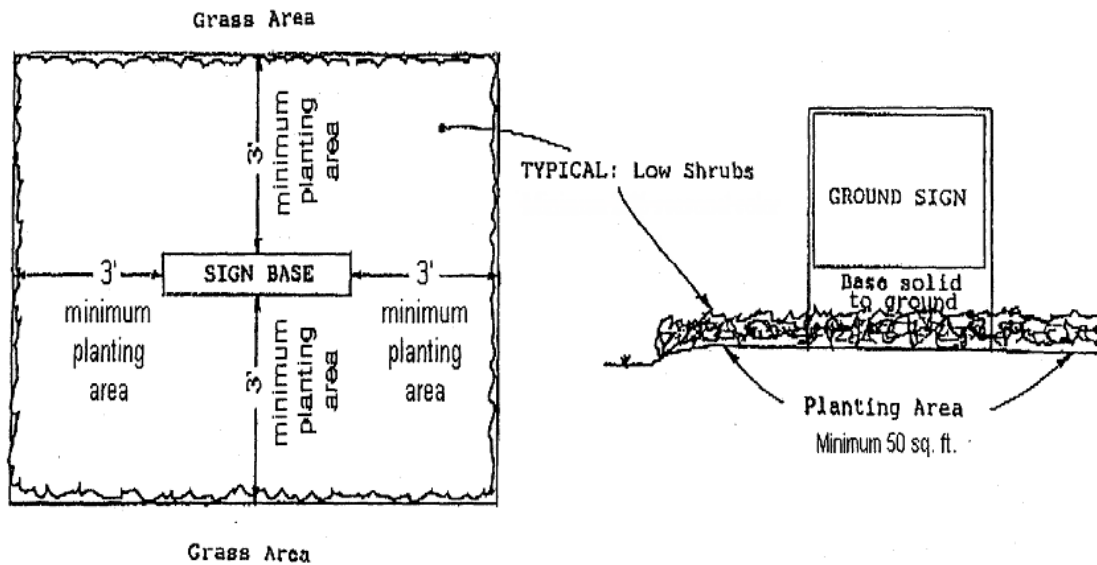
(2) Wall signs. Wall or building signs shall be controlled by § 14-448 above, provided, however, that the number of wall signs may be increased to include a sign for each major brand (Ford, Chevrolet, Dodge, Toyota, Honda, etc.) of new motor vehicle sold on the premises. An additional wall sign may be provided for used cars sold on the premises. The wall sign area for all signs shall conform to the requirements of § 14-471.

All signs allowed under §§ 14-471 and 14-472 shall be subject to approval of the design review commission, director of planning or duly authorized representative and shall meet all other requirements of this chapter. (Ord. #99-20, Jan. 2000, as amended by Ord. #13-01, March 2013)

**14-473. Penalties.** Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars (\$50.00), each day's continuance of a violation constituting a separate offense. The owner of any sign, building or premises, or part thereof, where a sign in violation of this chapter shall be placed, or shall exist, and any person who may have assisted in the commission of any such violation shall be guilty as an accessory of the offense. (Ord. #79-10, May 1979)

### Attachment C Planting Screen for Ground Signs

[Sign Ordinance and Regulations, § 14-465, 'Ground Sign Restrictions,' Part 8: "The accepted ground sign shall be landscaped so as to protect the sign from vehicular traffic and inhibit pedestrian traffic in and about the sign, and if located in a parking area exposed to vehicular traffic shall have a six-inch (6") solid curb on all sides exposed to such traffic. Landscaping shall consist of a minimum planting area of fifty (50) square feet extending a minimum of three feet (3') from any edge of the sign. The use of plants that provide seasonal color is encouraged, but not required.]



Planting Screen for Ground Signs