

ORDINANCE # 2020-333

AN ORDINANCE TO AMEND SECTION §10.03, PUBLIC HEARING ON AMENDMENTS AND SECTION §10.04, ACTION OF THE BOARD OF MAYOR AND ALDERMEN IN THE TOWN OF WALDEN ZONING REGULATIONS

WHEREAS, Tennessee Code Annotated Section §13-7-204 and Section §10.02 of the Town of Walden Zoning Regulations require submission of any proposed amendment to the Chattanooga-Hamilton County Regional Planning Commission for review and recommendation; and

WHEREAS, the Board of Mayor and Aldermen for the Town of Walden have determined that certain changes to Article 10 of the Town of Walden Zoning Regulations are required to bring the Zoning Regulations into compliance with normal procedures; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Walden, Tennessee requested that the Chattanooga-Hamilton County Regional Planning Commission review and approve the changes to the Town of Walden Zoning Ordinance, and

WHEREAS, the Chattanooga-Hamilton County Regional Planning Commission recommended to the Board of Mayor and Aldermen that the Town of Walden Zoning Regulation be amended; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that the Town of Walden Zoning Regulations be amended as follows:

Amend Article 10 Interpretation and Amendments, Section §10.03 Public Hearing on Amendments by deleting in its entirety and replacing with the following:

Upon receipt of an application or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore; and submit it to the Board of Mayor and Aldermen. The Town shall there upon give notice of a public hearing to be held not less than fifteen (15) days from the date of the publication of the notice or such longer period of time, if any, as may be prescribed by the Tennessee Code Annotated. Such notice shall be by publication in a daily newspaper of general circulation throughout the Town of Walden.

Amend Article 10 interpretation and amendments Section §10.04 Action of the Board of Mayor and Aldermen by deleting in its entirety and replacing with the following:

After the official hearing by the Board of Mayor and Aldermen as described above, the Board of Mayor and Aldermen shall, by majority vote approve or disapprove the proposed amendment, or approve the amendment with modification.

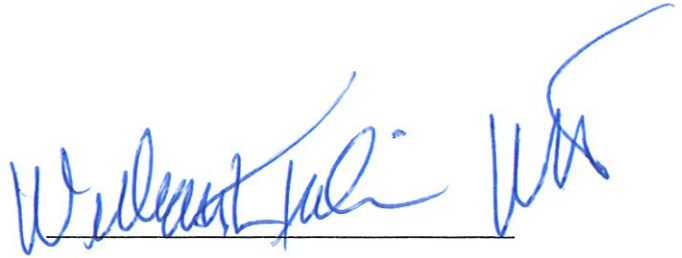
This ordinance shall take effect upon its publication, the public welfare requiring it.

First reading:

3/10/2020

YEA 3

NAY 0

A handwritten signature in blue ink, appearing to read "William Trohanis", written over a horizontal line.

William Trohanis, Mayor

Second reading:

5/12/2020

YEA 3

NAY 0

A handwritten signature in blue ink, appearing to read "Fern Lockhart", written over a horizontal line.

Fern Lockhart, Recorder



**A RESOLUTION TO AMEND SECTION 10.03 PUBLIC HEARING ON
AMENDMENTS AND SECTION 10.04 ACTION OF THE BOARD OF MAYOR AND
ALDERMAN IN THE TOWN OF WALDEN ZONING REGULATIONS**

WHEREAS, Tennessee Code Annotated Section 13-7-204 and Section 10.02 of the Town of Walden Zoning Regulations require submission of any proposed amendment to the Chattanooga-Hamilton County Regional Planning Commission for review and recommendation; and,

WHEREAS, the Board of Mayor and Alderman for the Town of Walden have determined that certain changes to Article 10 of the Town of Walden Zoning Regulations are required to bring the Zoning Regulations into compliance with normal procedures; and,

WHEREAS, Board of Mayor and Alderman for the Town of Walden have requested by the adoption of Resolution Number 2019-526 that the Regional Planning Agency prepare and process an amendment to Article 10 of the Town of Walden Zoning Regulation.

NOW THEREFORE, BE IT RESOLVED that the Chattanooga-Hamilton County Regional Planning Commission on February 10, 2020, does hereby recommend to the Board of Mayor and Alderman for the Town of Walden that the Town of Walden Zoning Regulations be amended as follows:

Amend Article 10 Interpretation and Amendments, Section 10.03 Public Hearing on Amendments by deleting in its entirety and replacing with the following:

Upon receipt of an application or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore, and submit it to the Board of Mayor and Aldermen. The Town shall there upon give notice of a public hearing to be held by the Board of Mayor and Aldermen, at a regular session of the Board of Mayor and Aldermen, to be held not less than fifteen (15) days from the date of the publication of the notice or such longer period of time, if any, as may be prescribed by the Tennessee Code Annotated. Such notice shall be by publication in a daily newspaper of general circulation throughout the Town of Walden.

Amend Article 10 Interpretation and Amendments, Section 10.04 Action of the Board of Mayor and Alderman by deleting in its entirety and replacing with the following:

After the official hearing by the Board of Mayor and Aldermen as described above, the Board of Mayor and Aldermen shall, by a majority vote approve or disapprove the proposed amendment, or approve the amendment with modification.

Respectfully submitted,


John Bridger, Secretary

Date of Adoption: February 10, 2020

JB:SH:bs



Account #: 108391
Company: TOWN OF WALDEN TN / Legal
Client:
Ad number: 177661
PO#:
Note:

AFFIDAVIT • STATE OF TENNESSEE • HAMILTON COUNTY

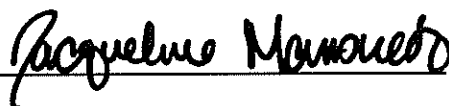
Before me personally appeared Jim Stevens, who being duly sworn that he is the Legal Sales Representative of the CHATTANOOGA TIMES FREE PRESS, and that the Legal Ad of which the attached is a true copy, has been published in the above named newspaper and on the corresponding newspaper website on the following dates, to-wit:

Chattanooga Times Free Press: 03/11/20; TimesFreePress.com: 03/11/20.

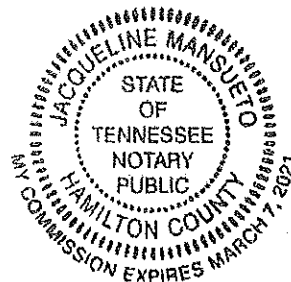
And that there is due or has been paid the CHATTANOOGA TIMES FREE PRESS for publication the sum of \$58.30. (Includes \$10.00 Affidavit Charge).



Sworn to and subscribed before me this date: 03/19/2020



My Commission Expires 03/07/2021



Chattanooga
Times Free Press

400 EAST 11TH ST
CHATTANOOGA, TN 37403

TRUE COPY OF PUBLISHED LEGAL AD

Chattanooga Times Free Press

PUBLIC HEARING

TOWN OF WALDEN, TENNESSEE
The Town of Walden Board of Mayor and Aldermen will meet in open session on April 14, 2020 at 6:30 pm at Walden town hall, 1836 Taft Highway, Signal Mountain, TN. to consider amendments to section 10.03, public hearing on amendments and section 10.04, action of the Board of Mayor and Aldermen in the Town of Walden zoning regulation.

Mayor William Trohanis



THANK YOU
FOR YOUR ORDER

Account #: 108391
Company: TOWN OF WALDEN TN / Legals
Client: TOWN OF WALDEN TN / Legals
Street Address: PO BOX 335
City, State: SIGNAL MTN, TN
Zip Code: 37377-0335
Phone #: (423) 886-4362

Ad ID #: 182523
Copy Line: PUBLIC HEARING TOWN

Ad Start Date: 05/21/20
Ad Stop Date: 05/21/20
Insertions: 2

<p>PUBLIC HEARING</p> <p>TOWN OF WALDEN, TENNESSEE The Town of Walden Board of Mayor and Aldermen will meet in open session on June 9, 2020 at 6:30 pm at Pumpkin Patch Playground Pavillon, 1834 Taft Highway, Signal Mountain, TN for a public hearing to consider amendments to section 10.03, public hearing on amendments and section 10.04, action of the board of Mayor and Aldermen in the town of Walden zoning regulations.</p> <p>Mayor William Trohanis</p>
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Order Date: 05/19/20
Sales Executive: Jim Stevens
Ad taker: JSTEVENS

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Class: 398 Legal Notices
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Total: \$61.50
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— Chattanooga —
Times Free Press
 400 EAST 11TH ST
 CHATTANOOGA, TN 37403



RESOLUTION

AN RESLOTION TO AMEND THE TOWN OF WALDEN ZONING REGULATIONS TO ADD A NEW TITLE 14 TO THE WALDEN ZONING ORDINANCE, RELATIVE TO SIGNS AND ADVERTISEMENT

WHEREAS, the Board of Mayor and Aldermen of the Town of Walden enacted Ordinance No. 110, an Ordinance regulating signage within the Municipal Limits of the Town of Walden, Tennessee, effective January 9, 1990; and

WHEREAS, as a result of recent court decisions, the Board of Mayor and Aldermen have found said Ordinance to be inadequate and deem it necessary to replace Ordinance No. 110 in its entirety; and

WHEREAS, in order to preserve the flexibility for variances to be granted, it has been determined to make the Town's sign ordinance part of the Zoning Ordinance; and

WHEREAS, this ordinance has been submitted to the Chattanooga-Hamilton County Regional Planning Commission for review;

NOW, THEREFORE, BE IT RESOLVED ON OCTOBER 12, 2020 THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION HEREBY RECOMMENDS THAT THE TOWN OF WALDEN AMEND THE TOWN OF WALDEN ZONING REGULATIONS TO INCORPORATE A NEW ARTICLE, ARTICLE 14 AS DESCRIBED FOLLOWS:

14.01. Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the guarantee of free speech in the state and federal constitutions. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of the Municipal Code, or otherwise expressly allowed by the Board of Mayor and Aldermen within its jurisdiction are prohibited.

- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- (h) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the State, the federal government or this Town. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

14.02. Definitions.

1. Code. Unless otherwise specifically referenced means the Code of the Town of Walden.
2. Digital Billboard. A sign that is static and changes messages by any electronic process or remote control. Digital billboards are not allowed.
3. Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
4. Flag. Means a sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.
5. Flashing Sign. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

6. Flat Wall (Façade-Mounted) Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
7. Freestanding Sign. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.
8. Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
9. Graffiti. Means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Town. Graffiti includes snipe signs.
10. Graffiti implement. Means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.
11. Ground Mounted Sign. A sign which extends from the ground or has support which places the bottom of the sign less than two (2) feet from the ground.
12. Highway Sign. A Freestanding sign, Integral Sign or Flat Wall Sign that is erected and maintained within the view of motorists who are driving on a highway.
13. Holiday lights or mini lights. mean light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are 8 mm or smaller.

Rope light. Means a light that has Holiday lights or mini lights inside of a PVC tube.

String lights. Means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

14. Integral Sign. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.
15. Lessee includes a person who rents property for residential purposes.
16. Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

17. Minor Sign. A sign described in Section 14-205(g) and any sign not larger than six square feet that can be removed by hand if abandoned.
18. Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.
19. Outdoor Advertising Sign. A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located. Outdoor advertising signs are not allowed.
20. Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
21. Projecting Sign. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
22. Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.
23. Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.
24. Sign area: the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
25. Sign face: The entire display surface area of a sign upon, against or through which copy is placed.
26. Snipe sign. means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.

27. Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

28. Vehicle Sign. Any sign attached to or displayed on a vehicle.

14.03. Interpretation of Districts or Zones.

When this chapter makes reference to a district or zone, residential zones are those defined by the Walden Zoning Ordinance as A-1, E-1, R-1; and commercial zones are those defined as C-1, VC-1 and LM-1.

14.04. Prohibited Signs.

(1) Signs are prohibited unless:

- a) Constructed pursuant to a valid permit when required under the Municipal Code; and
- b) Authorized under this chapter or otherwise by the Municipal Code.

In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

14.05 Authorized Signs.

The following signs are authorized without a need for a permit:

a) Although these regulations do not apply to signs erected, maintained or posted by the State, federal, county or this government, these regulations clarify that Government signs which form the expression of that government are allowed in every zoning district and include the signs described and regulated in herein when erected and maintained pursuant to law.

(b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the State. Because these regulations do not apply to the State, federal, county or this government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

(c) Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification may be on the curb, mailbox or on the principal building on the property. If on the building, the size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building.

In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

(d) Where a federal, state or local law requires or allows a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than two square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.

(e) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.

(f) The signs described in subsections (c), (d) and (e) are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

(g) Temporary Signs, Generally.

(1) Temporary signs allowed at any time:

a) A property owner may place one sign with a sign face no larger than three (3) square feet on the property at any time. This Section does not include snipe signs.

b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

(2) Temporary signs may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state or local office or which involves an issue on the ballot of an election and remain for up to sixty (60) days subsequent to such election. This Section does not authorize snipe signs.

(3) One temporary sign that is not a snipe sign may be located on a property when:

a) the owner consents and that property is being offered for sale through a licensed real estate agent;

b) if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and

c) for a period of 21 days following the date on which a contract of sale has been executed by a person purchasing the property.

(4) One temporary sign may be located on the owner's property on the day prior to and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than five days in a year and may not use this type of sign in any Commercial District for more than 14 days in a year. For purposes of this Section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.

(5) During the period from the Thanksgiving holiday to January 10, a property owner may place temporary signs on the property and may use lights to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.

(6) A property owner may place and maintain one temporary sign on the property the last week of June and the first week of July. This Section does not authorize snipe signs.

(7) A person exercising the right to place temporary signs on a property as described in this Section 14-206 must limit the number of signs on the property per 0.25 acre at any one time to 2 plus a sign allowed in 14-205(g)(1)(b), or if the property is smaller than 0.25 acres then no more than 2 signs plus a sign allowed in 14-205(g)(1)(b) per principal building on the property.

(8) The sign face of any temporary sign, unless otherwise limited in this Section 14-205 must not be larger than three (3) square feet.

The Lessee of a property is considered the property owner as to the property the Lessee holds a right to use exclusive of others (or the sole right to occupy). The terms of a lease or other agreement under which the property is occupied controls in determining whether property is occupied exclusively by a Lessee. If there are multiple Lessees of a property then each Lessee must have the same rights and duties as the property owner as to the property the Lessee leases and has the sole right to occupy and the size of the property must be deemed to be the property that the Lessee has the sole right to occupy under the lease.

(h) Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

(i) Flags as follows:

(1) Residential Districts. In a single-family zoning district, two flags and one flagpole per premises. Each flag must be a maximum of fifteen (15) square feet in area. Flag poles must meet the minimum yard setback requirements for a principal building.

(2) Commercial Districts. In a commercial district, one flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of three (3) flags and three (3) flag poles per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles must be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

(a) Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales

and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

(b) Vehicle signs must be covered if the vehicle is parked on the same property for longer than twelve (12) hours so that the sign is not visible from a public way.

(j) Signs within ballparks and athletic fields. Signs within ballparks and athletic fields as follows:

(1) Scoreboards facing inward to the audience; and

(2) Such other signs as may be affixed to the fence or scoreboard, facing inward to the field of play that are no larger than [32] square feet in area.

(k) Memorial plaques, cornerstones, historical tablets and the like.

(l) Nameplates.

(m) Barber poles.

14.06 Permit required.

(a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in Section 14-205.

(b) *Application for permit.*

(1) An application for a sign permit must be filed with the Town Recorder on forms furnished by the Town. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the Town to remove it if it is not properly maintained or if it is abandoned.

(2) The Town Recorder or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 15 days after receipt. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

(3) If the application is rejected, the Town Recorder must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council must accompany all sign permit applications.

- (d) *Bond.* The applicant for any sign except a minor sign must submit a bond in an amount and from an issuer approved by the Town Recorder to protect the Town from the cost of removing the sign should it no longer be allowed under the laws of the Town, state or federal government. If the permit is issued a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the Town the Town must release the bond but may execute upon it should the Town be held responsible for or incur any cost in removing the sign.
- (e) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit the permit must be void. The Town may revoke a sign permit under any of the following circumstances:
- (1) The Town determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application;
 - (3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
 - (4) The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

14-07. Appeals and variances

- a. Appeals. If the Town Recorder denies a permit the applicant may appeal to the Board of Mayor and Aldermen. The decision of the Town Recorder will be accorded a presumption of correctness.
- b. Variances. Variances shall be considered and granted in the manner provided in Article 9 of this Zoning Ordinance.

14.08. Specific Sign Regulations for Residential Districts

The following sign regulations apply to Residential Districts.

(1) Size:

- A. When a sign is authorized on a property, the sign must not exceed three (3) square feet in area. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of fifteen (15) square feet in area per structure.
- B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:
 - (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

(2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

(3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

(2) Location:

Permitted signs may be anywhere on the premises, except to the extent that they may impair the sight triangle at any intersection.

(3) Height:

The following maximum heights must apply to signs:

A. If ground-mounted, the top must not be over four (4) feet above the ground; and

B. If building mounted, must be flush mounted and must not project above the roof line.

(4) Illumination:

Illumination may not be used in residential districts.

(5) The following signs are not allowed:

Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Signs, and Projecting Signs. Temporary signs that might fall within the definition of "highway sign" are not prohibited by this Section provided they comply with Section 14-205.

(6) Commercial uses lawfully operating in a Residential District must comply with Sections 14-210(6) and (7).

14.09. Specific Sign Regulations for Commercial Districts

The following sign regulations apply to Commercial Districts except for VC-1 Village Center.

(1) Number and Size:

For each lot or parcel a sign at the listed size may be authorized as follows:

A. Signs must not exceed twenty-five (25) square feet.

B. Along Taft Highway signs must not exceed the following area requirements based on the speed limit and number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
30 mph or less	3 or less	32 sq. ft.
35 mph or more	3 or less	50 sq. ft.

C. Two (2) or more lots or parcels having a combined linear frontage of eighty-five (85) feet may combine their sign areas allowed by Section 14-210 (1) B. for the purpose of providing one

common free-standing or ground-mounted sign. The sign must not exceed one hundred fifty (150) square feet.

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

- E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

G. Highway Signs:

Highway signs must be permitted only on lots bordering Taft Highway within a Commercial District. In determining these limitations, the following must apply:

(1) Minimum spacing between signs on the same side of the highway must be 500 feet.

(2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

(a) Distances must be measured parallel to the centerline of the highway;

(b) Measurements for the spacing between signs must be based on when the construction of the sign:

- i. Received final approval by the Code Official measuring from the first sign to have received that approval; or
- ii. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then
 - 1) Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or
 - 2) When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and

(c) A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.

(2) Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 14-209(1) B. and 14-210(1) F. may be located anywhere on the premises except as follows:
- (1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
 - (2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches and provided the location complies with the Manual on Uniform Traffic Control Devices.
- D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). The maximum vertical dimension of signs must be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

- E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.
- F. Permitted highway signs may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of way.

(3) Height:

- A. Ground-mounted signs must not exceed four (4) feet in height from ground level.
- B. Freestanding signs are subject to the following restrictions:
- (i) The maximum height of any freestanding sign above the average grade elevation surrounding the sign shall not exceed the following:
 - a. Eight feet where the sign face does not exceed 40 square feet;
 - b. Ten feet where the sign face does not exceed 60 square feet; or
 - c. Twelve feet where the sign face exceeds 60 square feet.

(ii). The bottom edge of the sign shall not exceed four feet in height from the lowest grade elevation at the base of the sign.

(iii). The maximum width of any freestanding sign shall not exceed the following:

- a. Fifteen feet where the sign face does not exceed 40 square feet;
- b. Twenty feet where the sign face does not exceed 60 square feet; or
- c. Twenty-five feet where the sign face exceeds 60 square feet.

C. Highway signs must not exceed thirty-five (35) feet in height from ground level.

(4) Content:

A. Any of the signs pursuant to this section may be changeable copy signs.

B. The primary identification sign as allowed under 14-205(c) for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

(5) Illumination:

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the sign and upon the property within the premises.

(6) Temporary signs if allowed under Section 14-205(g) and in addition where an establishment is licensed to serve food, the restaurant owner may display a menu that is used in the restaurant and that is no larger than three (3) sq. ft.:

(a) in the window of the restaurant; or

(b) attached to a wall on a portion of a building occupied by the restaurant:

- i. if it is enclosed in a casing that is architecturally compatible with the building design and color; and
- ii. extends no more than three inches in depth away from the wall to which it is attached.

(7) Window Signs: Window signs are allowed in all Commercial Districts, but must not exceed 10% of the gross glass area including menus and:

(a) for public safety purposes where directed by the police must be located on areas of the window to protect the occupants or a police responder;

(b) as required by a licensing agency if the business is required to have a license to operate and the licensing agency restricts or requires window signs.

14.10. VC-1 Village Center Zone:

Signs used for this zone are allowed as follows:

- (1) Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre.
- (2) A maximum of four (4) signs of sixty (60) square feet must be permitted for complexes for five (5) to fifty (50) acres.
- (3) Individual businesses are allowed a face building mounted sign pursuant to Section 14-210(1) A. and B.

14.11. Supplemental Criteria in All Districts.

(1) Temporary Signs:

Temporary signs are subject to the following standards:

- A. Must not on one property exceed a total of sixteen (16) square feet in area;
- B. Must not be located within any public right-of-way whether dedicated or owned in fee simple or as an easement;
- C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;
- D. Must not be illuminated except as allowed in herein based on the District in which the sign is located; and
- E. Must be removed within ten (10) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 14-205(g) or if a different standard is required in Section 14-205(g) must be removed within the time period required by that Section.

(2) Bench Signs:

On street benches provided:

- A. The benches must not be higher than four (4) feet above ground;
- B. The sign must be limited to [fourteen (14)] square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;
- D. Benches are located in a manner not to obstruct vision;
- E. Must be included as part of the total permitted sign area of the premise on which it is located unless located in the public right of way.

(3) Integral Signs:

There are no restrictions on sign orientation. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

(4) Private Traffic Direction:

Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 14-212. Horizontal directional signs flush with paved areas are exempt from these standards.

(5) Original Art Display

Original art displays are allowed provided that they meet the following requirements:

- A. Must not be placed on a dwelling;
- B. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
- C. Must be no more than sixty-four (64) square feet in size, per lot or parcel;
- D. The property owner must not be compensated for the display of the original art or the right to place the original art on site; and
- E. Must not be illuminated.

14.12 Illumination.

No sign can be erected or maintained without a permit or which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

- (1) No exposed reflective type bulb, par spot or incandescent lamp, which exceeds [twenty-five (25) Watts,] must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
- (2) When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed [three hundred (300) milliamperes] rating for white tubing or [one hundred (100) milliamperes] rating for any colored tubing.
- (3) When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

A. Within Residential districts:

Illumination may not be used in residential districts.

B. Within land use districts other than Residential:

Illumination equivalent to eight hundred (800) milliampere rating tubing behind a Plexiglas face spaced at least [nine (9) inches, center to center.

- (4) An applicant for a permit to illuminate a sign must submit a plan to the Town Recorder showing the illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood.

- (a) The application must be reviewed to determine the effect on other properties and the aesthetics of the site and the neighborhood.
- (b) The application must not be approved if the effect on other properties would create adverse results and must not be approved if the plan does not conform to the aesthetics of the neighborhood or the site.
- (5) In a Residential District the property owner may use string lights or rope lights to decorate the residence as well as natural objects without a permit provided:
 - (a) String and rope lights must be designed to meet GCFI standards and installed in accordance with the National Electric Code.
 - (b) String light bulbs and rope lights must be of standard wattage and designed for outdoor use.
 - (c) String and rope light bulbs may only be white or clear.
 - (d) String and rope lights must be securely hung from a sturdy fixture.
- (6) Outdoor lighting of eating or drinking establishments, such as restaurants, cafes, coffee houses, and bars must comply with this section and string lights and rope lights may only be used in outdoor patio areas. All string and rope lights must be turned off when the establishment is closed.
- (7) Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed signs may be placed on the ATM subject to the following requirements:
 - (a) The sign must be an integral part of the ATM;
 - (b) May not exceed two and one-half square feet in total size, including any border or background color.

14.13 Prohibited Signs.

The following signs or lights are prohibited which:

- (1) Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- (2) Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;
- (3) Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;
- (4) Are roof signs;

- (5) Are visible from a limited access highway except as allowed as Highway signs;
- (6) Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or
- (7) Are portable signs that do not comply with the location, size or use restrictions of this Code.
- (8) Are Graffiti or Clutter signs.
- (9) Are abandoned signs

14.14 Procedures.

Applications for a sign permit must be processed through the Town Recorder or building inspector and shall be accompanied by the following:

- (1) An application fee in an amount set by resolution of the Board of Mayor and Alderman.
- (2) A scale drawing or a grid of the sign showing all faces and supporting structures and, for signs to be erected upon a building, a drawing of the building face, which drawing includes all existing and proposed signs;
- (3) A site plan of the property showing width of business facade(s) and the locations and sizes of all existing and proposed signs;
- (4) Samples of proposed colors and materials;
- (5) A description of the type and amount of illumination.

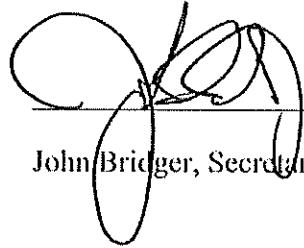
14.15. Nonconformity and Modification.

- (4) Except as provided in Section 14-216(3) below, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming.
- (5) For the purpose of amortization, nonconforming signs may be continued from the effective date of this Code for a period not to exceed the shorter of the period the signs were allowed under any prior Code or {ten (10) years whichever is less.
- (3) Signs which were unlawful under the prior Ordinance and which do not conform to this Code must be removed immediately.
- (4) Temporary signs, including snipe signs and graffiti that do not comply with this Code must be removed immediately.

14.16. Compliance.

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.

Respectfully submitted,



John Bridger, Secretary

Date of Adoption: October 12th, 2020
Walden Zoning Regulations – Add Article 14
Sign Regulations