

ORDINANCE NO. 08-3396

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AMEND PORTIONS OF TITLE 20 OF THE LEBANON MUNICIPAL CODE REGARDING THE CITY OF LEBANON SIGN ORDINANCE, SPECIFICALLY ELECTRONIC MESSAGE CENTER SIGNS

WHEREAS, Title 20 of the Lebanon Municipal Code regarding the City of Lebanon Sign Ordinance, and more specifically electronic message center signs, has been reviewed; and

WHEREAS, it is necessary to place restrictions on the placement of electronic message center signs within the City of Lebanon; and

WHEREAS, certain revisions to the code are recommended to better serve the health, safety, and welfare of the citizens of Lebanon.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. Notwithstanding any other provision of the Lebanon Municipal Code to the contrary, no electronic message center signs, as defined herein, shall be permitted in the B-1, B-2, or B-6 zoning districts; however, any permitted, existing electronic message center sign located in the B-1, B-2 or B-6 zones shall continue to be allowed. If the sign owner or lessee has the need to restore, rebuild or change the location of the existing sign, they may do so only upon the approval of the City of Lebanon Building Official, and any denials may be appealed to the Lebanon City Council for review. Permission to restore, rebuild or change the location of the existing electronic message center sign shall not be unreasonably denied.

Section 2. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to adopt the following revisions and additions to specific sections of the Lebanon Municipal Code, Title 20, entitled Lebanon Sign Regulations, to better serve the health, safety, and welfare of the citizens of Lebanon.

Section 3. Title 20, Chapter 1, Section 20-102 (u) currently reads as follows:

20-102. (u) "Electronic message center signs:" A ground or attached sign conveying computerized changeable messages. Electronic message center signs with an intermittent or flashing light source used as a primary attention getting device are prohibited.

For the purpose of definition concerning signs in the B-1, B-2 or B-6 zoning districts, Title 20, Chapter 1, Section 20-102 (u) shall be deleted in its entirety and replaced with the following:

20-102. (u) “Electronic message center signs:” Any sign conveying computerized changeable messages including but not limited to words, pictures, animation, video or designs. This definition includes television, plasma, digital, flat or LED screens, video boards, holographic or liquid crystal displays, fiber optic or other electronic media or technology.

Section 4. Any existing, approved Planned Unit Development (PUD) with an overlay of B-3 zoning shall not contain any electronic message center signs unless the subject signs have been permitted by prior action. For the purpose of definition concerning electronic message center signs located in Planned Unit Developments, any PUD classified as B-3 zoning previously approved by the Lebanon City Council shall be defined by Title 20, Chapter 1, Section 20-102 (u).

Section 5. For the purpose of clarification concerning electronic message center signs in the B-1, B-2 or B-6 zoning districts, the following new sections shall be added to the Lebanon Municipal Code:

- Section 20-124 (u) of Chapter 1, Title 20:

Prohibited Signs and Other Regulations. (1) Prohibitions and restriction pertaining to signs, fixtures and supporting features. It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

- (u) Electronic message center signs in any and all residential districts and the B-1, B-2, and B-6 commercial districts and the AG, OPD and CU special districts. In addition, it shall be unlawful for any existing, approved Planned Unit Development (PUD) with an overlay of B-3 zoning to contain any electronic message center signs unless the subject signs have been permitted by prior action.

- Section 20-126 [3 (a) (vii), 3 (b) (v), and 3 (c) (iv)] of Chapter 1, Title 20:

On-site permanent sign requirements. (3) Permitted signs. The following signs shall be permitted in the districts hereafter set forth:

- 3 (a) (vii) Electronic message center signs are not permitted.
- 3 (b) (v) Electronic message center signs are not permitted, except in the B-3 zone.
- 3 (c) (iv) Electronic message center signs are not permitted.
- 3 (e) (vi) Electronic message center signs are not permitted.

- Section 20-127 [1 (f)]

Off-site permanent (billboard) sign requirements. (1) Except as authorized by this chapter, no off-site permanent (billboard) sign may be erected on any zone lot of record. The requirements for off-site permanent (billboard) signs are set forth below. Off-site permanent (billboard) signs are permitted as follows:

- (f) Electronic message center signs are not permitted.

Section 6. Notwithstanding any other provision of this requirement to the contrary, this restriction on electronic message center signs shall also apply to Planned Unit Development (PUD) zones with B-3 zoning restrictions, but shall not apply to any other area of the B-3 zoning district.

Section 7. Additionally, the following shall be added as a new section relative to the appeals process for prohibited signs:

20-106(9). No Appeal for Prohibited Signs.
Notwithstanding any provision of this title to the contrary, no appeal shall be allowed and no variance shall be granted for the allowance of any sign otherwise prohibited by the provisions of this title. This section shall have no effect on preexisting signs as discussed in Section 1 of Ordinance No. 08-3396.

Section 8. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:



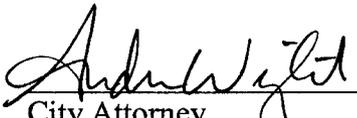
Commissioner of Finance & Revenue

Approved:



Mayor

Approved as to form:



City Attorney

Passed first reading: 8/05/08

Passed second reading: 8/19/08