

MEGAN BARRY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

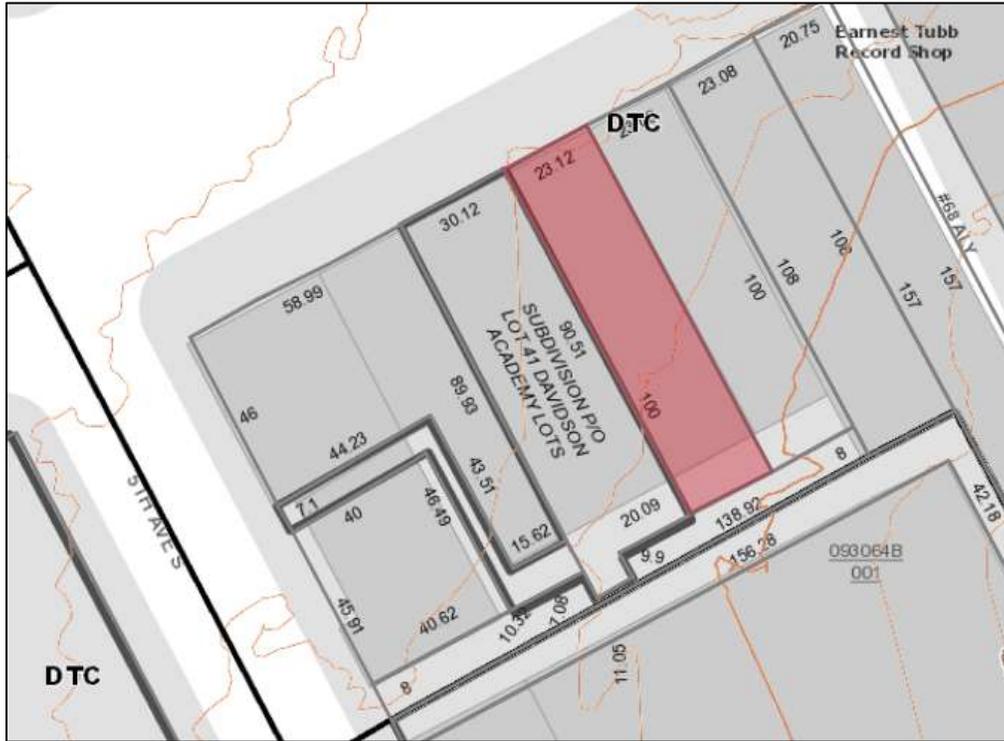
Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970  
Fax: (615) 862-7974

**STAFF RECOMMENDATION**  
**421 Broadway**  
**September 20, 2017**

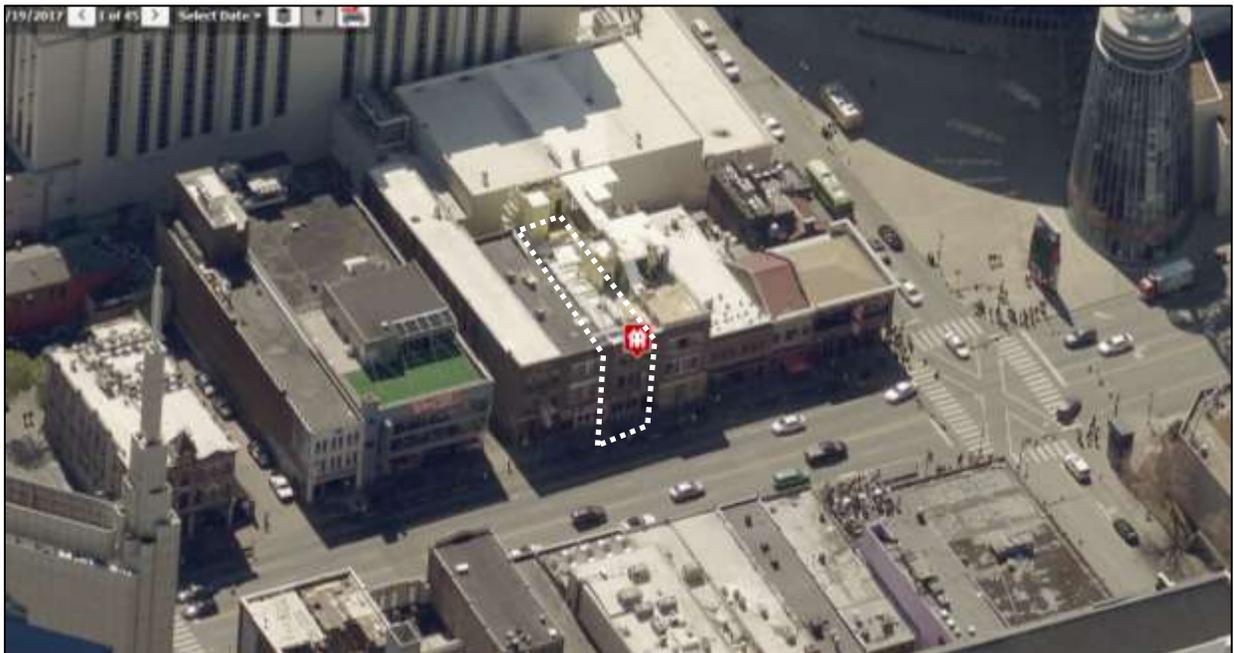
**Application:** New construction, Illumination, and Signage-violations  
**District:** Broadway Historic Preservation Zoning Overlay  
**Council District:** 19  
**Map and Parcel Number:** 09306310800  
**Applicant:** Good Times, LLC  
**Project Lead:** Paul Hoffman, paul.hoffman@nashville.gov

<p><b>Description of Project:</b> String lighting with poles attached to railings have been installed and neon wall signage added above the entrance without a Preservation Permit.</p>	<p><b>Attachments</b> <b>A:</b> Photographs <b>B:</b> Legal Correspondence</p>
<p><b>Recommendation Summary:</b> Staff recommends that the string lighting, poles and unpermitted signage (wall sign and vinyl banner) be removed within 30 days, finding the project does not meet Section III.H for Additions, Section II.T. for Lighting, nor Section IV for Signage.</p>	

**Vicinity Map:**



**Aerial Map:**



## Applicable Design Guidelines:

### II. REHABILITATION

#### T. Guidelines: Lighting

1. If lighting is installed, it should be concealed or simple and unobtrusive in design, materials, and relationship to other façade or elevation elements.
2. Light should be directed toward the façade instead of outward. Building facades may be illuminated through uplights mounted above the storefront cornice.
3. Dark metals are appropriate materials for light fixtures.
4. Concealed, indirect, or spot lighting is appropriate for exterior signage. Visible fluorescent bulbs are not appropriate.

### III. NEW CONSTRUCTION

#### D: Guidelines: Roof Shape

1. The roofs of new buildings shall be visually compatible with the roof shape and orientation of surrounding buildings.
2. The roof forms of buildings within the district are typically flat or have a gentle slope behind a parapet wall.

#### H: Guidelines: Additions to Existing Buildings

1. Additions to existing buildings should be compatible in scale, materials, and texture; additions should not be visually jarring or contrasting. Additions to historic buildings should be minimal. Additions normally not recommended on historic structures may be appropriate for non-historic buildings, if the addition will result in a building that is more compatible with the district.
2. Rooftop additions should not exceed one story (or 15') in height and should be set back a minimum of 30 feet from the main façade of the building and 20 feet from the secondary street if it is a corner building. *Rooftop railings and decking should sit back from each street facing wall by a minimum of 8'. Railings should not be used to support additional elements such as speakers, lighting, plants or signage. In locations where railings are visible from the street, the materials should minimize the impact of the railing. Materials such as butt-joint glass or horizontal steel cable, may be appropriate.*
3. Additions should not obscure or contribute to the loss of historic character-defining features or materials.

### IV. SIGNAGE

#### INTRODUCTORY PROVISIONS

##### Intent

The purpose of these regulations is to preserve the historic character of the overall district and individual historic buildings follow the basic principles and guidance of the "Downtown Codes Sign Standards" as adopted 1/30/2013. The "Downtown Codes Sign Standards" breaks signage guidance up by "street types." The Broadway Historic Preservation Zoning Overlay closely follows the guidance for "Pedestrian Street" type.

##### Applicability

- These sign regulations apply to all properties within the Broadway Historic Preservation Zoning Overlay.
- (Not referencing code since our current design guidelines do not reference code and there are permissible signs within the code that would not meet our design guidelines.)
- Signage that is cut into the face of the building is prohibited.
- Signage located on the interior of a building or attached to the inside of glass windows is not reviewed.
- Sandwich board signs and 3-dimensional sidewalk signs that are brought into the building at the close of each business day shall not be reviewed by the MHZC but may require review by Public Works.
- Historic signage should be retained. Removal of historic signage may take place as a Modification.

### **Sign Permit Applications**

Applications for sign permits shall be made with and reviewed by the Metro Historic Zoning Commission (MHZC). All sign applications that do not involve Modifications shall only require MHZC administrative approval.

### **Common Sign Plan**

A common signage plan regulates signage for multiple businesses or tenants within one building or complex. A common sign plan is mandatory for all new developments and sign Modifications.

- A common signage plan shall provide for consistency among signs with regard to at least four of the following: materials; location of each sign on the building; sign proportions; color scheme; lighting; lettering or graphic style.
- The common signage plan shall establish an allowable area of signage for existing and future tenants with regard to all allowed sign types.
- The common signage plan shall indicate existing nonconforming signs as well as the amount and locations of on-premise signage to be allocated to each tenant under the new plan.

## **MODIFICATIONS**

### **Sign Permit Modifications**

Requests for modifications to sign standards are reviewed by the Metro Historic Zoning Commission. If the property is also within a MDHA redevelopment district, approval from the MHZC is all that is needed. Two additional types of Modifications for signage related permits may be requested and are outlined below.

### **Modifications for Exceptional Design**

Creative signage that does not fit the specific regulations of these guidelines may be considered by the MHZC, based on its merits, as they relate to all of the following design criteria:

- Architecture
- The configuration or location of the building or property
- Building scale
- Legibility
- Technical competence and quality in design, construction and durability

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structure (i.e. canopy) will require review by all applicable agencies. Exceptional design modifications shall not permit electronic changeable copy where it is otherwise not permitted.

### **Modifications for Tourist-Oriented Businesses**

Tourist-oriented businesses within DTC zoning may receive Modifications to allow greater sign area and use of digital technology. To qualify as a tourist –oriented business a business shall:

- Have a minimum permanent fixed seating capacity of 500; and
- Offer lawful activities or services to the general public of cultural, historical, recreational, educational, or entertainment purposes.

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structures (i.e. canopy) will require review by all applicable agencies.

Tourist-oriented business Modifications shall be reviewed according to the design criteria listed under Modifications for Exceptional Design, in addition to the following:

- Large electronic or illuminated signs shall not adversely impact residential or hotel uses.
- All signs shall conform to the lighting standards of the DTC.
- See section on changeable copy for additional information regarding changeable copy.

## **RIGHT OF WAY ENCROACHMENTS**

Where a sign is proposed to encroach into the public right-of-way an application shall be made with the Public Works Department in addition to the sign permit application with the MHZC. Both applications shall include the requirements of the Public Works Department available at their website:

www.nashville.gov/Public-Works/Developer-Services.aspx, in addition to the MHZC submittal requirements.

### **NON-CONFORMING SIGNS**

Sections 17.40.660 and 17.40.690 of the Metro Zoning code apply. This section further clarifies them.

#### Building Signs

A sign shall be brought into compliance with the provisions of these design guidelines if a sign permit is required to rebuild the sign. This does not include a panel change in a non-conforming cabinet sign, which shall be permitted.

#### Ground Signs

An existing ground sign may change the face or panel of a sign that does not meet the area or height standards within these design guidelines. However, in no instance shall there be an increase in the degree of nonconformity. All new panels shall conform to all illumination standards therein.

A sign shall be brought into compliance with the provisions of these design guidelines if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign (in current dollar value). All permits within any six consecutive calendar months shall be aggregated for purposes of measuring the fifty percent standard.

#### All Signs

If the alteration or repair is caused by involuntary damage or casualty, the design may be altered or repaired to its pre-damaged condition.

#### Repair and Maintenance

A sign may be removed or taken off-site for repair and maintenance. The sign must be returned to the original location within 90 days of removal.

### **Allocation of Sign Area**

The maximum sign area for each type of sign is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

The measurements for “linear feet” shall be at grade.

#### Building Signs

Wall, Awning, Canopy and Projecting Signs—1.5 square feet of sign area per 1 linear foot of building façade or 36 square feet, whichever is greater. When a projecting sign is used on a building, an additional .50 square feet of sign area per 1 linear foot of building façade shall be permitted, for a total 2 square feet per 1 linear feet of building façade.

Shingle Sign: 9 square feet per sign

#### Ground Signs

Monument Sign-24 square feet

#### Skyline Signs

75'-110'—480 square feet

101'-200'—600 square feet

201' and taller-720 square feet

### **GENERAL STANDARDS**

#### **Materials**

All permanent, on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, MDO plywood, aluminum, steel, PVC, glass, fiberglass and or Plexiglass. On-premises permanent signs shall not be constructed of nonrigid materials including, but not limited to, vinyl, fabric, canvas, or corrugated plastic. The provisions of this subsection shall not apply to approved, permitted canopies, awnings and porticoes.

## **Building Façade and Street Frontage Measurement**

In determination of number of stories of a building, rooftop additions shall not be considered within the number of stories.

## **OTHER SIGN TYPES**

### **Non Street Facing Signs**

Non street-facing building facades and alley frontages, not otherwise regulated, are allocated 1 square foot of sign area per 1 linear foot of building façade, to a maximum of the sign area permitted for the primary street frontage.

This includes lots adjoining open spaces, pedestrian walkways, or parking areas. Ground signs are not permitted on non-street facing building facades or alley frontages.

### **Temporary Signs**

Temporary signs shall follow the standards of 17.32.060.

### **Painted Signs**

All painting of masonry, whether for signage, to change the color of the building, or for artwork shall be reviewed by the MHZC. (Please see section on “walls” for guidance on painting a masonry building.)

Painted signage may be considered by the MHZC as modification, based on the following design criteria:

- Should only be added to rear elevations or exposed upper secondary elevations and should not cover transoms, columns, cornices, decorative elements, openings and architectural features or require the enclosure of openings.
- Painted on main facades or the first level of buildings are not appropriate.
- Generally, a painted sign should not be more than 125 square feet in size.
- Painted signs should serve as a sign for the current occupant(s) and should not advertise off-site businesses or products.
- Generally, painted signage should not have lighting; however, if lighting is necessary, it should be between one and two gooseneck lights or another type of light that can be hidden by an architectural feature. Metallic, fluorescent and day-glow paints are not appropriate.

### **Auto-oriented Canopy/Awning Signs**

The allocation of signage for auto-oriented canopies and awnings shall be measured as wall signs and shall only be used on the canopy/awning. See the section for Canopies and Awnings for information on the design of canopies and awnings.

### **Parking Lot Signs**

A pole-mounted projecting sign is allowed for surface parking lots with no associated building. One sign per street frontage is allowed. The maximum size shall be 36 square feet per sign. The side of the sign shall be attached to the pole and the pole will be considered the “building façade.” All projecting sign standards shall apply; parking lot signs shall follow the standards of a 1-story building.

## **Building Sign: Wall Sign**

### **Description**

- A wall sign is a building sign that is attached flat to, or mounted away from but parallel to, the building façade.
- A wall sign may be painted on the building façade, in some instances, as a modification.

### **General Provisions**

- A wall sign shall be located lower than the window sills of the top floor for multi-story buildings.
- No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.

- No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
- A wall sign cannot cover windows or architectural details.
- An exposed raceway shall be finished to match the background wall or be integrated into the overall design of the sign.
- A wall sign can be externally or internally illuminated in accordance with the section on Illumination.

**Design Standards**

- A** Overall area allocation (max)--see allocation of sign area
- B** Projection (max)--2 inch OR 13 inches for internally lighted or neon signage
- C** Exposed Raceway height--50% of the letter height, OR if the Raceway is used as the sign background, the Raceway may extend 3 inches beyond the largest part of the sign. Refer to Illumination section for additional raceway standards and permitted locations.

**Background:** 421 Broadway is listed in the Broadway National Register nomination as a c.1880 Victorian commercial building. A rooftop addition and projecting signage were approved in 2016. Alterations to the storefront windows were approved in 2017.

**Analysis and Findings:** The applicant requests approval of new construction-additions and illumination added to the rooftop that includes string lighting and poles attached to the railings (see figures 1 and 2) and a neon wall sign added above the entrance.



Figure 1: 421 Broadway with installation of poles, lighting and vinyl banner

**New Construction-additions:** The rooftop addition was initially built as approved, with its front wall set back more than thirty feet (30’) from the front wall of the building, in accordance with the district design guidelines. Recently the business installed poles with

string lighting attached. (See figures 1 and 2.) New construction should step back from the front wall at least thirty feet (30') to ensure that new construction is not “visually jarring or contrasting” and that it is “minimal” compared to the historic building. Permanently- installed features forward of the thirty foot (30') set back do not meet the design guidelines. A similar request was disapproved in the August Commission meeting for 423 Broadway. The project does not meet section II.H of the design guidelines for New Construction-additions.



Figure 2. Poles and lighting at 421 Broadway

Illumination: The design guidelines call for lighting to be “simple and unobtrusive in design, materials and relationship to other façade or elevation elements.” String lighting and the requisite poles for installation of the lighting (see figure 2) are not appropriate in the stepback area as it is highly visible and the addition should be subordinate to the historic building. In addition, lighting is allowed for illumination of the façade, (II.T.2) not for defining outdoor spaces.

Staff recommends non permanently-installed lighting such as electric table candles or bollard lighting that does not extend above the parapet. Since the applicant has not applied for alternatives, the recommendation is for disapproval rather than approval with conditions. The project does not meet section II.T for Lighting.

Signage:

Signage Allocation: The building’s allocation for sign area is forty-six square feet (46 sq. ft.), which is two times the width of the building with a projecting sign included. A neon wall sign (see figure 3) was installed over the building’s entryway without a permit. The application for the projecting sign approved in 2016 calculated the square footage at

forty-six square feet (46 sq. ft.). Therefore the building is over its allotted sign area with the unpermitted sign, by an estimated eight square feet (8 sq. ft.).

Signage Location: The neon sign is encased in a box over the transom. The design guidelines for Wall Signs prohibit signage to cover windows or architectural details. If the sign is relocated inside the transom, it would not be reviewed.

Temporary Signage: A vinyl banner has been in place since early August. Temporary signage may be in place no longer than thirty days.

The unpermitted signage does not meet Section IV for Signage.



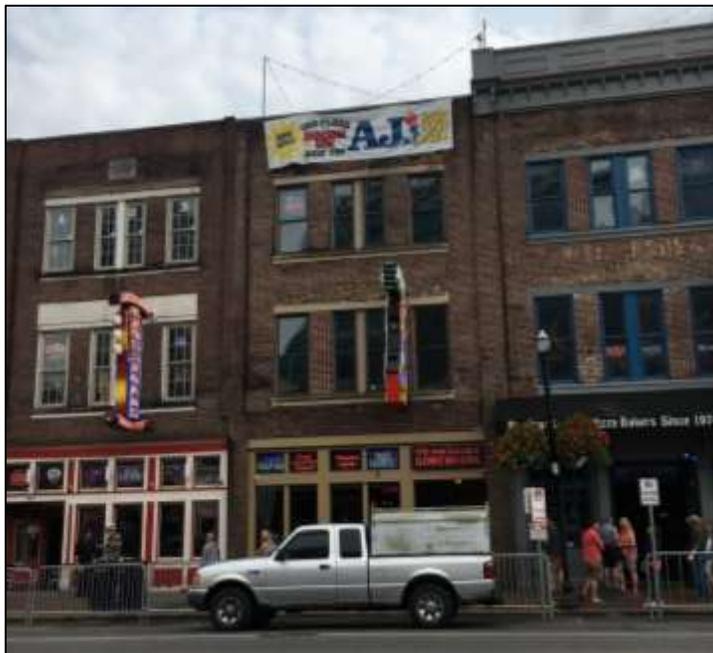
Figure 3. Unpermitted signage over entryway. The other signs to the left are located within the building and therefore not reviewed.

**Recommendation:** Staff recommends that the unpermitted signage (wall sign and vinyl banner), string lighting and poles be removed within 30 days, finding the project does not meet section III.H for Additions, Section II.T. for Lighting, nor Section IV for Signage.

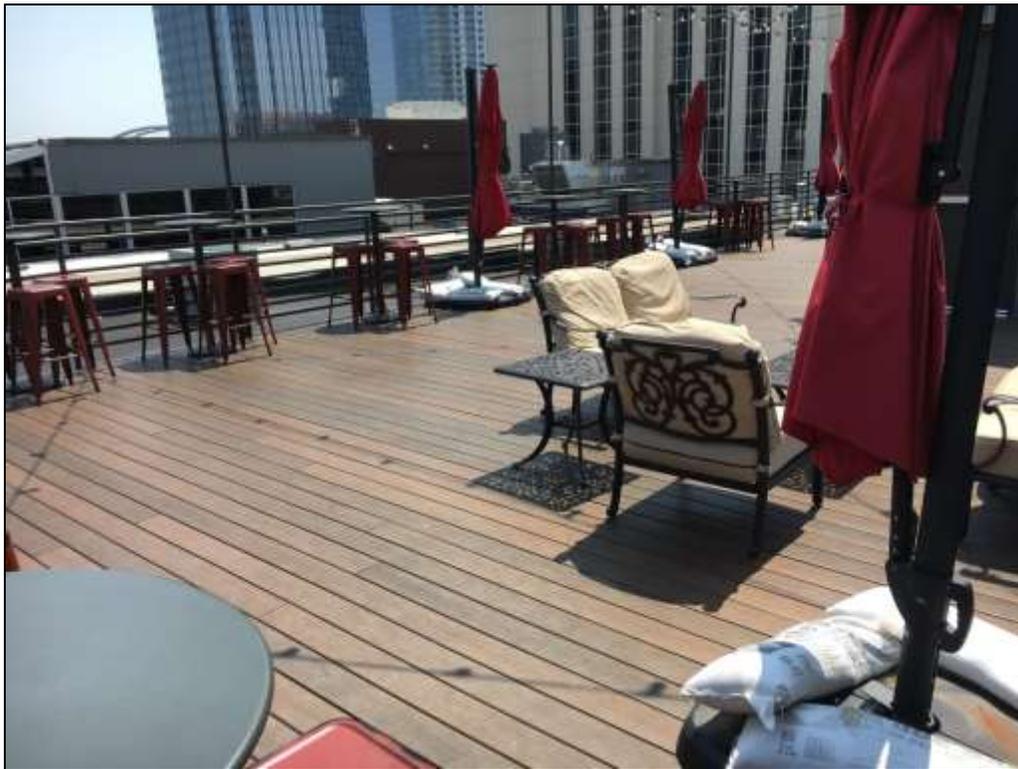
## PHOTOGRAPHS



417-423 Broadway, circa 1971.



421 Broadway, Sept 5, 2017



Rooftop area at 421 Broadway