

ORDINANCE NO. BL2011-922

An ordinance to amend the Metro Zoning Code, Chapters 17.04 (Definitions), 17.32 (Sign Regulations) and 17.40 (Administration and Procedures) to include definitions associated with Landmark Signs; a new section on Landmark Signs, and the procedure for the designation of Landmark Signs, requested by the Metro Planning Department.
(Proposal No. 2011Z-009TX-001)

WHEREAS signs are often important to a community and are valued for more than their role as commercial markers. They become landmarks, loved because they have been visible at certain street corners – or from many vantage points across the city – for a long time. Such signs are valued for their familiarity, their beauty, their humor, their size, or even their oddities. In these cases, signs transcend their conventional role as vehicles of information or as identifiers for a particular business. When signs reach this stage, they accumulate rich layers of meaning. They no longer merely advertise, but are valued in and of themselves. They become icons worthy of designation as Landmark Signs.

WHEREAS Landmark Signs give continuity to streets and public spaces, and become part of the community memory. They are landmarks in themselves, almost without regard for the building to which they are attached, or the property on which they stand. In an age of uniform franchise signs and generic plastic “box” signs, Landmark Signs stand out for their individuality: a clever detail, an unusual use of color and motion, or a reference to a particular people, shops, or events. The preservation of these signs is one way to ensure that expressions of local history continue to enliven our streets. Landmark Signs can contribute to the character of buildings and districts.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 17.04.060 (Definitions of General Terms) is hereby amended by adding the definition of “Landmark Sign” alphabetically under the definition of “Sign” and renumbering the section accordingly:

“Landmark Sign” means a sign that exemplifies the cultural, architectural, or commercial identity of Nashville and Davidson County, is iconic in its location, and contributes to the surrounding neighborhood character.

- a. “Historic Sign” means a Landmark Sign that exemplifies the cultural, architectural or commercial history of Nashville and Davidson County and was constructed more than 50 years before the date of application.
- b. “Vintage Sign” means a Landmark Sign that is iconic and culturally significant and was constructed between 50 and 25 years before the date of application.
- c. “Replica Sign” means a Landmark Sign that is an exact reproduction of an historic sign which no longer exists.

Section 2. Section 17.32 (Sign Regulations) is hereby amended by adding the following, in its entirety:

Section 17.32.145 – Landmark Signs

- A. A Landmark Sign must meet all of the following criteria:
1. Materials, Technology, and Design: Representative of excellence in a particular period of construction; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation.
 2. Integrity: Retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, and/or art) that have historical significance, or are integral to overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.
 3. Safety: Structurally safe or can be made safe without substantially altering its historical appearance.
 4. Location: The sign is not an off-site sign or billboard, as defined in the Zoning Code.
 5. Regionalism: The sign is unique, or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Nashville or the southeastern United States; or there is national interest or scholarly documentation to support its preservation.
- B. An Historic Sign must be construction more than 50 years before the date of application and must meet all of the criteria for Landmark sign designation and must meet all of the following criteria:
1. An Historic Sign may be repaired, restored, and/or adaptively reused if there is sufficient surviving fabric or sufficient historical documentation (photographs, postcards, permits, or other records) on which to base the treatment concept. An existing Historic Sign may be repaired, restored, or rehabilitated either in place, or off-site and then re-erected on site.
 2. An Historic Sign may be repaired or restored to any past appearance prior to 50 years before the date of application. If the owner of an Historic Sign can provide documentation or physical evidence that the original design included intermittent lighting features (e.g., flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, those sign elements may be repaired and restored.
 3. An Historic Sign that will be adaptively reused must retain, repair, or restore the majority of the character-defining features (e.g., materials, technologies, structure, colors, shapes, symbols, text, typography and/or artwork) that have historical significance, or are integral to the overall design of the sign, or convey historical or regional context. Changes to character-defining text are not allowed; any or all text that is not character defining can be changed. Changes to text must either match or be

compatible with existing text or the text being replaced, in terms of materials, letter size, font, and color.

C. A Vintage Sign must meet all of the criteria for Landmark sign designation and must meet all of the following criteria:

1. Age: Constructed between 50 and 25 years before the date of application.
Applications for signs constructed within 25 years of the date of application may be considered on the cultural and iconic contribution to the surroundings.

D. Replica Sign

1. A Replica Sign is permissible when based on sufficient historical documentation of the sign and its location. A sign can be replicated only once. Replicas of replicas are not permitted. A Replica Sign must use historical materials and technologies, or use contemporary materials and technologies that visually match historical ones.

E. Guidelines for relocating a Landmark Sign

1. A designated Landmark Sign may be relocated as follows:
 - a. To another location on the premises
 - b. To another location that houses the same or similar business
 - c. To an areas of similar character within a 1 mile radius of the present location
 - d. To the original location
2. A designated Landmark Sign shall not be relocated to a R, RS, or RM zoned property.
3. A designated Landmark Sign shall not be relocated within 150 feet of a primary structure on R, RS, or RM zoned property.
4. All relocations are subject to the following:
 - a. The sign must be located no less than 20 feet from the face of the curb or edge of pavement. Where there is no curb, the measurement shall be taken from the street property line.
 - b. Projecting signs that project into the public right-of-way shall follow the rules and procedures of Metro government, and shall follow the sign permitting process.

F. Sign Calculations for a Landmark Sign

1. Where the Landmark Sign does not identify the business occupying the premises, and is not used by an owner or occupant of the premises to advertise a business currently occupying the premises, the Landmark Sign shall not count against the total allowable sign area for the premises and shall not count against the number of signs allowed for the premises.
2. Where the Landmark Sign does identify the business occupying the premises or is used or adaptively reused by an owner or occupant of the premises to advertise a business currently occupying the premises, fifty percent (50%) of the square footage of the Landmark Sign shall count toward the total allowable sign area and shall count against the number of signs allowed for the premises.

3. One hundred percent (100%) of the square footage of a Replica Sign shall count toward the total allowable sign area for the premises and shall count against the number of signs allowed for the premises.

Section 3. Section 17.40. (Administration and Procedures) is hereby amended by deleting Section 17.40.170.B, in its entirety and replacing it with the following new Section 17.40.170.B:

- B. Final Approval by the Planning Commission. Planning Commission approval shall be required for a final site plan within a SP district, DTC district, Landmark Sign designation or within the overlay districts known as planned unit development (PUD), urban design, and institutional.

And by adding the following new Section 17.40.170.B.6:

6. If the approved site plan for Landmark Sign designation has not been fulfilled six months after designation is granted, the designation shall be removed. The applicant may reapply for designation.

Section 4. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Jason Holleman

APPROVED ON May 12, 2011 ^{A(7-0)} BY THE Phil Claiborne
METROPOLITAN PLANNING COMMISSION.

EXECUTIVE DIRECTOR & SECRETARY

mpc 5/2/2011