ORDINANCE NO. 2015 -01
CITY OF FAYETTEVILLE, TENNESSEE

AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 14-508, OTHERWISE KNOWN AS THE SIGN ORDINANCE TO ALLOW AND REGULATE DIGITAL BILLBOARDS IN THE CORPORATE LIMITS AS REPLACEMENTS FOR TRADITIONAL BILLBOARDS THAT ARE GRANDFATHERED UNDER CURRENT REGULATIONS

WHEREAS, the City of Fayetteville has a sign ordinance in effect regulating signs in the City of Fayetteville, Tennessee: and,

WHEREAS, the current sign ordinance prohibits the installation of any new billboard type of signage and further regulates any existing billboard under the provisions of T.C.A § 13-7-208 commonly known as the "grandfather" clause; and,

WHEREAS, digital billboards are now technologically possible allowing billboard companies to use LCD, LED, and similar electronic technology to efficiently replace copy on billboards instead of using standard paper or vinyl; and,

WHEREAS, the Tennessee Department of Transportation has adopted regulations for the use of digital billboards along state routes but cities are authorized to adopt more restrictive provisions in local zoning regulations if digital billboards are to be permitted; and,

WHEREAS, the City of Fayetteville desires, under restricted circumstances, to allow digital billboards within its corporate limits as replacements to existing traditional billboards at existing locations, but requires certain regulations related to such use; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF FAYETTEVILLE, TENNESSEE as follows:

SECTION 1. That the City sign ordinance set forth in City Code 14-218 be amended as follows:

(a) Definition- Add a new definition in sub-section (2) for digital billboard as follows:

Digital Billboard- A Digital Billboard is an off premises billboard sign in excess of 80 square feet that is digital in nature and uses exclusively LCD (liquid crystal display),LED (light emitting diode), or similar electronic technology for providing content to the billboard.

(b) Under sub-section 14(1), this section shall be amended by adding the following language to the existing language:

However, existing billboards that are grandfathered under State law as pre-existing, non-conforming uses may be replaced with Digital Billboards of the same or lesser size.

(c) A new section shall also be added to City Code 14-218 with the following content:

Digital Billboards: Billboards that are existing in the City of Fayetteville which are grandfathered under State law as pre-existing, non-conforming uses may be replaced at the same location with Digital Billboards of the same or lesser size. Digital Billboards are otherwise prohibited in the City of Fayetteville. Such replacement Digital Billboards shall only be permitted if found to be in accordance with the following rules and regulations:

(1) The message display shall remain static and fixed for a minimum of eight (8) seconds with a maximum transition time of one (1) second to the next message. Transitions shall not be scrolling, but shall be instantaneous.

(2) Video, continuous scrolling messages and animation are prohibited.

(3) The minimum spacing of the Digital Billboards shall be 2,000 feet between Digital Billboards measured billboard to billboard.

(4) No person shall erect, operate, use or maintain a Digital Billboard without first obtaining and annually renewing a sign permit from the City of Fayetteville.

(5) Digital Billboards must be single-faced with one display area.

(6) Digital Billboards must be located at least one hundred (100) feet from any residentially zoned property measured from the closet point of any structural element of the billboard to the residential property line.

(7) Displays on Digital Billboards are prohibited where they have varying light illumination and/or intensity (except as provided for in item 9 below), blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, traveling, tracing, twinkling or simulated movement or convey the illusion of movement other than the change of the entire copy of the sign message at one time.

(8) No smoke, steam, or noise shall emanate from the Digital Billboard.

(9) The light intensity of a Digital Billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions. Using industry standards, daytime brightness levels shall be no more than 90% maximum intensity. At night the brightness shall be reduced to no more than 20% of maximum light intensity for an LED (light emitting diode) sign.

(10) Owners of Digital Billboards shall coordinate with the City of Fayetteville to convey real time emergency information such as Amber Alerts or National Disaster Directives.

(11) A Digital Billboard shall be at the same or lesser height as the billboard it replaces.

(12) A Digital Billboard shall be stationary and not contain any visible moving parts.

(13) Digital Billboards shall conform to all applicable building standards and specifications adopted by the City of Fayetteville.

(14) Digital Billboards shall not be lit externally, but instead only lit internally.

(d) Section 14-508.7, Nonconforming and Non-complying Sign Provisions, shall be amended and the following language shall be added to the existing language as Section 14-508.7(3):

This section shall not apply to Digital Billboards which are regulated separately.

(e) Section 14-508.3(4) shall be amended by adding the following language as sub-section (k):

This sub-section shall not apply to Digital Billboards which are regulated separately.

SECTION 2. This Ordinance shall become effective from and after its final passage of public welfare requiring it.

ADOPTED THIS 10th DAY OF March, 2015.

Jon Law, Mayor

Scott Collins, City Clerk