

Exhibit 1

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Chapter 16-112 SIGNS

Sec. 16-112-1 Purpose and scope.

These regulations are designed to protect and promote the public health, safety and welfare by controlling the type, number, location and physical dimensions of signs, to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause, and to enhance the quality of the environment in residential and nonresidential districts. More specifically, it is the purpose of this chapter to:

- A. Implement the plans and planning policies of the City of Memphis and Shelby County, together with any subsequent adopted amendments;
- B. Provide liberally for the free expression of ideas through signs in residential and other areas;
- C. Encourage the effective use of signs as a means of communication and to facilitate way-finding in Memphis and Shelby County;
- D. Balance the desire and need of individuals to express their creativity in signs with the desire to maintain a pleasing visual environment for residents and the many visitors who come to the area each year;
- E. Protect and enhance the value of properties and to have signage appropriate to the planned character and development of each area in the City of Memphis and Shelby County;
- F. Allow larger signs in specified commercial and industrial areas along Interstate highways with

their higher traffic speeds, than along city streets, where traffic speeds are lower and there is less need for size to ensure legibility to passersby;

G. Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting signs or characteristics of signs that may be particularly distracting to drivers;

H. Provide clear and objective sign standards;

I. Provide a clear and efficient review procedure for sign applications; and

J. Enable fair and consistent enforcement of the regulations set forth in this Chapter.

Sec. 16-112-2 Applicability.

A. Generally

This chapter shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City of Memphis or Shelby County, except as otherwise provided herein.

B. Exemptions

The following signs or sign elements are exempt from the provisions of this chapter but are subject to any other applicable laws and regulations:

1. Any sign installed in a building or enclosed space and not visible or legible from the public right-of-way or from private or public property other than the property on which it is located;
2. Any sign which is not visible from a public right of way, public property or private property other than the zoning lot on which the sign is located, provided however should a change in local condition cause the sign to become visible from any of the above listed locations, the existing sign would be required to obtain a permit and comply with all existing sign ordinance elements and requirements at that time as if it were a new sign.
3. Any sign with a sign with less than four square feet in sign area and less than four feet in height (if freestanding), that is not separately lighted and that is not legible from the public right-of-way or from private or public property other than the property on which it is located; and
4. Signs located in the central business improvement district shall be subject only to the provisions of Chapter 12-36 of the City of Memphis Code.

C. Signs Subject to Other Standards

Signs listed in this section shall be exempt from the permit requirements of this Ordinance; but, shall, to the maximum extent allowed by law, be subject to the other standards of this ordinance. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this

ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance. This sub-section shall apply to the following types of signs:

1. Signs conforming to the *Manual of Uniform Traffic Control Devices* and bearing no commercial message;
2. Signs bearing no commercial message and installed by employees or officials of the City of Memphis and Shelby County, a state or federal agency in the course of their governmental duties (Also see Section 16-112-7 (M) on Wayfinding signs);
3. Signs required by a state or federal statute;
4. Signs required by an order of a court of competent jurisdiction;
5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the public utility and the use; and
6. Signs installed by a transit company with a franchise or other right to operate in the City of Memphis and/or Shelby County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

D. Signs Allowed Without a Permit

The following signs or sign-like devices are allowed in all zoning districts without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified:

1. Address Numbers. Signs used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs not larger than six square feet in area and not taller than four feet in height, measured from the ground and containing no commercial message (e.g., “Enter” or “Exit” signs);
3. Detached signs smaller than seven square feet, otherwise allowed in residential zoning districts;
4. Wall signs containing no commercial message and not larger than four square feet in area;
5. Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season, provided that no such decoration shall contain a commercial message of any type.
6. Memorial Signs. Signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six square feet in area nor shall any such sign be separately illuminated.
7. Gravestones. Gravestones, not containing a commercial message, when erected in a

lawful cemetery or graveyard.

8. Certain Flags. Flags not containing a commercial message. Such flags must be flown in a manner that meets U.S. Code 36 U.S.C. 173 -178 . Failure to display flags in this manner will be a violation of this Chapter. The height of flag poles permitted by this provision shall be governed by the maximum height of signs permitted in the zoning district. No more than four (4) flags shall be flown at any one time on one zoning lot.

9. Window graphics, provided not more than 25% of each window is covered by signs and is attached to the inside of the window. A lighted window sign is subject to requirements of the electrical code.

Exceptions:

a. In the Central Business Improvement District, window graphics shall be subject to the provisions of Chapters 12-32 and 12-36.

b. On windows of vacant commercial space, 100% of the window may be covered by a screen or other sign or covering on the inside of the window. Any commercial message on this covering may only contain images or logos identifying the owner or leasor of the building or space provided these commercial messages on such coverings may not cover more 15% of the area of the screen or covering.

E. Other Actions Allowed without a Permit

The following signs and actions related to signs shall be exempt from the permit requirements of this Ordinance but shall be subject to all other standards of this Ordinance.

1. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 16-112-7.E.2.;
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
3. Installation of permanent signs smaller than six square feet where such signs are permitted by this ordinance, contain no commercial message and involve no electrical installation.
4. Installation of temporary signs not larger than 32 square feet, where such signs are permitted by this ordinance and conform with this ordinance in all respects.

F. Product Displays, and Sales Devices, Menu Boards Allowed Without a Permit

1 Nothing in this Chapter shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this ordinance if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this ordinance. This ordinance shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors.

2. Signs on gasoline pumps, vending machines and other machines and devices used for the sale or dispensing of products shall be allowed if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the zone lot on which the sign is located; or they consist entirely of letters that are less than four inches in height; all other signs on vending machines, gas pumps and similar devices shall be considered “signs” and shall be subject to all of the regulations of this ordinance. No sign permit shall be required for such devices or signs affixed to such devices and conforming with this paragraph.

3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed, provided that such device is less than 25 square feet in size, and that the only word(s) on such device that are legible from any location other than the zone lot on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar. If such a menu board or other device is larger than four square feet and does include a commercial message legible from any location other than the zone lot on which it is located or if it is electrified, it shall require a sign permit.

4. In districts where athletic fields are allowed as a principal or accessory use, a scoreboard located inside such athletic field.

Sec. 16-112-3 Registration, Permits And Decals Required.

A. Registration of Signs.

Except for signs listed in Section 16-112-2(B), (C), and (D), and other actions listed in Section 16-112-2(E), any sign existing prior to the effective date of this title shall be registered with the building official within one hundred twenty (120) days of the effective date, or within 30 days of receipt of notice of failure to register a particular sign from the building official. However, all illuminated signs and all portable signs shall be registered. Any applicant for a permit must provide all information that the building official may reasonably require in order to determine whether the sign is illegal, nonconforming or conforming. The building official shall provide the owner of the sign with a written determination of whether the sign is illegal, nonconforming or conforming within five business days after receipt of a complete registration form.

The building official shall maintain the original or a copy of every registration form filed for every sign existing prior to the effective date of this title and all documents accompanying the registration form in his or her office and make the registration forms and all the documents available for public inspection during regular business hours.

The building official also shall maintain a log of all registered signs that includes at least the following information: the name, address and telephone number of the owner of the sign; the street address of the property where the sign is located; whether the sign is illegal, nonconforming or conforming; and the date of the last inspection of the sign. The building official shall make the log available for public inspection during regular business hours.

B. Permits Required.

Except for the signs listed in Section 16-112-2(B), (C), and (D), and other actions listed in Section 16-112-2(E), no sign shall be constructed, erected, relocated, expanded or altered unless the

owner thereof obtains a sign permit from the building official. Because the use of technologies such as tri-vision, changeable copy and automatic changeable copy increases the potential for distracting drivers and increases the visual intrusion of a sign on the streetscape, converting a sign to a different technology, such as tri-vision or changeable copy technology shall require a permit to provide for administrative review of the conformance of the proposed modifications with this Chapter. All illuminated signs shall require an electrical permit even if no other permit is required. The applicant for a sign permit shall provide the building official with such information as the building official requires to determine that the proposed sign conforms with this Chapter and with applicable building and electrical codes.

The building official shall not be required to issue a sign permit unless such sign complies with the provisions of this chapter, and all other applicable ordinances and regulations of the city or county.

C. Decals Required.

1. A numbered identification decal shall be issued at the time of final inspection of a sign installation. The decal shall be displayed on the sign to which it has been assigned.
2. Within 30 days of the effective date of this ordinance, the building official shall issue identification decals to owners of all currently registered permanent off premise and on premise signs greater than 50 square feet with instructions explaining where to place these decals.
3. An off-premise sign shall require two decals. The decal on the board shall include the name of the current owner. The decal on the pole shall be at eye level and shall include the meter box address of the sign.
4. When the building official determines that a numbered identification decal has not been posted on a sign, the building official shall notify the owner of the sign in writing by certified mail that unless the numbered identification decal is posted on the sign within sixty (60) days after the date such notice is mailed, the sign shall be considered illegal and the building official shall initiate the necessary proceedings to secure removal of the sign.

Sec. 16-112-4 Prohibited Signs

The following signs are prohibited in all districts:

1. Signs on bus benches;
2. Portable signs in the AG, R-E, R-S, R-D, R-TH, R-M, O and FW districts;
3. Permanent off-premise signs except as expressly allowed under Section 16-112-9;
4. Any sign erected or painted upon a fence, tree, standpipe, rock, or other natural feature, except where certain signs are expressly allowed on fences under Section 16-112-8.
5. Any sign attached to or painted on a fire escape or utility pole, except the manufacturer's or

installer's ID plate which shall not be legible from a distance of more than three (3) feet.

6. Signs which contain flashing or intermittent illuminations, except where expressly allowed in accordance with Section 16-112-7.E.

7. Portable signs except as allowed under Section 16-112-7.L.

8. Signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one time per eight seconds shall not be considered to be an animated sign or a sign with movement, but is still classified as a changeable copy sign.

Sec. 16-112-5 Definitions.

The following words and terms shall have the following meanings when used in this chapter. Words and phrases not defined in this chapter but defined in Chapter 16-8 shall be given meanings set forth therein. Principles for computing sign area and sign height are contained in Section 16-112-6. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

“Abandoned sign” means a nonconforming sign or sign structure which has not been utilized for a period of one hundred eighty (180) days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred. However, such sign may be used by the current landlord for its leasing and management and shall be available for use by its new tenant so long as the structure of the sign is not modified. Any nonconforming sign used solely for leasing and management, rather than by a tenant, for a period of 365 days consecutively following the initial one hundred and eight (180) days of non-use must be removed as abandoned

“A-Frame or sandwich board sign” means a type of detached sign in which the back bracing is in the shape of an “A.”

“Animated sign” means a sign which uses movement or change of lighting to depict action or create a special effect or scene.

“Area of copy” means the area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded.

“Attached sign” means a sign permanently attached to a building, awning, canopy, marquee, wall or roof.

“Awning” means a roof-like structure that serves as a shelter, as over a storefront, window, door or deck.

“Awning sign” means any sign constructed of fabric-like nonrigid material which is a part of a fabric or flexible plastic awning and which is framed and attached to a building.

“Awning sign, fabric” means any sign constructed of fabric-like nonrigid material which is a part of

a fabric or flexible plastic awning and which is framed and attached to a building.

“Awning sign, metal” means any sign constructed on thin metal material which is a part of a metal awning used to provide shade to a window or cover from the elements at an entrance and which is framed and attached to a building.

“Background area” means the entire surface of a sign on which copy is placed provided, however, only the rectangular block formed by the outermost points of the actual letters shall be considered if placed upon the permanent surface of a building. Any pictorial element that is part of a sign placed upon the permanent surface of a building which extends outside of the rectangular block described above shall be treated as an irregularity rather than an extension of the sign’s lettering. Such irregularities and logos shall be blocked separately and considered as part of the total sign area.

“Bench sign” means any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

“Central business improvement district (CBID and CBIDII)” means the area, more particularly described in Chapters 12-32 through 12-44.

Center, Integrated. “Integrated center” means a group or assemblage of two or more establishments served by common immediate off-street parking and/or shared access.

Changeable Copy Video Sign, Automatic. “Automatic changeable copy video sign” means a type of sign on which the copy changes automatically by means of intermittent lighting and includes both standard lighting elements and digital signs.

Changeable Copy Mechanical Sign, Automatic. “Automatic changeable copy mechanical sign” means a type of sign on which the copy changes automatically by means of mechanical rotation of the sign elements. This includes tri-vision and other signs that rotate sign parts to display new messages.

Changeable Copy Sign, Manual. “Manual changeable copy sign” means any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above.

“Collector street” means streets having a right-of-way of between sixty (60) and sixty-eight (68) feet which penetrate neighborhoods, collecting traffic from local streets and channeling it to the arterial street system.

“Commercial Message” means words, symbols, logos, pictures or any combination thereof that identify or which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

“Complex” means a group of a specific number of lots or number of dwelling units.

“Complex sign” means a sign which has been approved to serve a complex.

“Controlled access road” means a street or highway with the sole purpose of carrying through traffic with the highest degree of mobility and safety, providing no driveway access to abutting properties.

“Copy (permanent and temporary)” means the wording or pictorial graphics on a sign surface either in permanent or removal form, excluding numerals identifying a street address only.

“Depositories” means outdoor containers for the receipt of mail or parcels for delivery by the United States Postal Service or a private parcel service.

“Detached sign” means a sign not attached to or forming part of a building or as otherwise defined herein.

“Double-faced sign” means a sign with two faces which are usually parallel and back-to-back.

“Emergency stopping lane” means a paved lane or shoulder adjacent to travel lines on the public right-of-way.

“Establishment” means a principal business or activity including institutional uses.

“Face of sign” means the entire area of sign upon, against or through which copy could be placed, as computed in accordance with Section 16-112-7.A...

“Flashing sign” means a sign which contains an intermittent or sequential flashing light source used to attract attention.

“Foot lambert” means a unit of luminance equal to one, divided by 3.14 candela per square foot.

“Freestanding sign” means any detached sign supported by one or more upright poles, columns, or braces placed in, upon or supported by the ground and not attached to any building or structure. Freestanding signs are generally categorized as having two classes: pole, post or pylon signs, and ground signs of which monument signs are a subclass.

“Frontage” means the distance along a zoning lot line which abuts a public street or private drive, other than an alley.

“Ground sign” means a class of freestanding sign, which is anchored to the ground similar to a pole, post or pylon sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top of the sign. Height and setbacks are to be the same as for freestanding signs.

“Holiday decorations” refers to decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season; this definition does not include any decoration including a commercial message.

“Integrated center sign” means a sign approved to serve an integrated center.

“Interstate Highway” means any highway which extends into adjacent states but which is not a federally designated Interstate highway. These include Highways 51,61,64,70,72,78 and 79.

“Interstate Highway, U.S.,” means one of the following federally designated Interstate highways: Interstate 40, Interstate 55 and Interstate 240, and any extensions, additions or other sections of highway subsequently designated as federal Interstate highways.

“Legible.” A sign or message is “Legible” when it can be understood by a literate person .Where this ordinance requires a determination of “visibility” or “legibility,” the standard shall be based on the eyesight of an adult eligible to receive a Tennessee driver’s license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more then five feet and less than six feet tall.

“Lot” means a tract of land with at least sixteen (16) feet of road frontage, occupied by, or designed to be developed for a building and its accessory buildings, or a principal use, together with such open space and yards as are designed and arranged to be used with such buildings or use.

Lot, Zoning. “Zoning lot” means a lot of record as recorded in the Shelby County register’s office, or

a parcel of land of at least four acres in area with independent frontage of at least fifty (50) feet on a dedicated road.

“Luminance” means the luminous intensity per unit of projected area of a given surface viewed from a given direction.

“Maintenance,” for the purpose of this chapter, means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

“Mansard” means an inclined decorative roof-like projection that is attached in an exterior building facade.

“Marquee” means any hood, awning or canopy of permanent construction, projecting from the wall of a building above an entrance or projecting over walkways.

“Minor Street” means local streets of less than sixty (60) feet in right-of-way, offering the lowest level of mobility with through traffic deliberately discouraged.

“Monument sign” means a sign which is anchored to the ground similar to a pole, post or pylon sign, but which is mounted on a low or small dressed base or platform which encloses the structural members that support the sign with brick, decorative masonry, natural and decorative stone, masonry with a stucco finish, or painted metal with the bottom of the sign face at or within a few feet of the base at grade and not exceeding ten (10) feet in overall height.

“Nonconforming sign” means any sign, including signs approved by the Board of Adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to meet one or more applicable regulations, standards or restrictions of this chapter.

“Off-premise sign” means a sign bearing a commercial message related to a business, service goods or other commercial activity not available on the zoning lot on which the sign is located.

“Outdoor advertising display” means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter, or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever outdoors.

“Parapet” means the extension of a false front or wall above a roof line.

“Permanent signs” means a sign whose removal within a specified period of time is not required by this chapter and which otherwise complies with the provisions of this chapter.

“Pole cover or jacket” means a cover or jacket consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to the sign pole, post or pylon that supports the sign. No additional copy or lettering is permitted on the pole cover, except for street address numbers.

“Pole sign, post or pylon” means an on-premise freestanding sign that is supported by one or two uprights upon the ground, exceeding ten (10) feet in height, which are not attached or braced by any other structure, but which by reason of height, width or other characteristic does not qualify as a “ground sign.”

“Portable sign” means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

“Projecting sign” means a sign that is wholly or partly dependent upon a building for support and which projects more than eighteen (18) inches horizontally from a building at the point of basic attachment. A projecting sign shall be regulated as a detached sign.

Road, Major Arterial. “Major arterial road” means streets identified in the most current Memphis Metropolitan Planning Organization’s Long Range plans as major arterial roads. They are intended to provide unity throughout contiguous urban area. These roads usually form boundaries for neighborhoods and are characterized as having minor access control. Parking on these streets is generally prohibited and most of its intersections are channelized. Major arterial roads are normally provided with between sixty-nine (69) and one hundred sixty (160) feet of right-of-way.

“Roof line” means the top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of the facade or parapet.

“Roof sign” means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building, the highest point of the sign being no more than ten (10) feet above the highest point of such building, of which the supporting structure shall not be visible. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies, parapets or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia (wall) signs, see Figure 1.

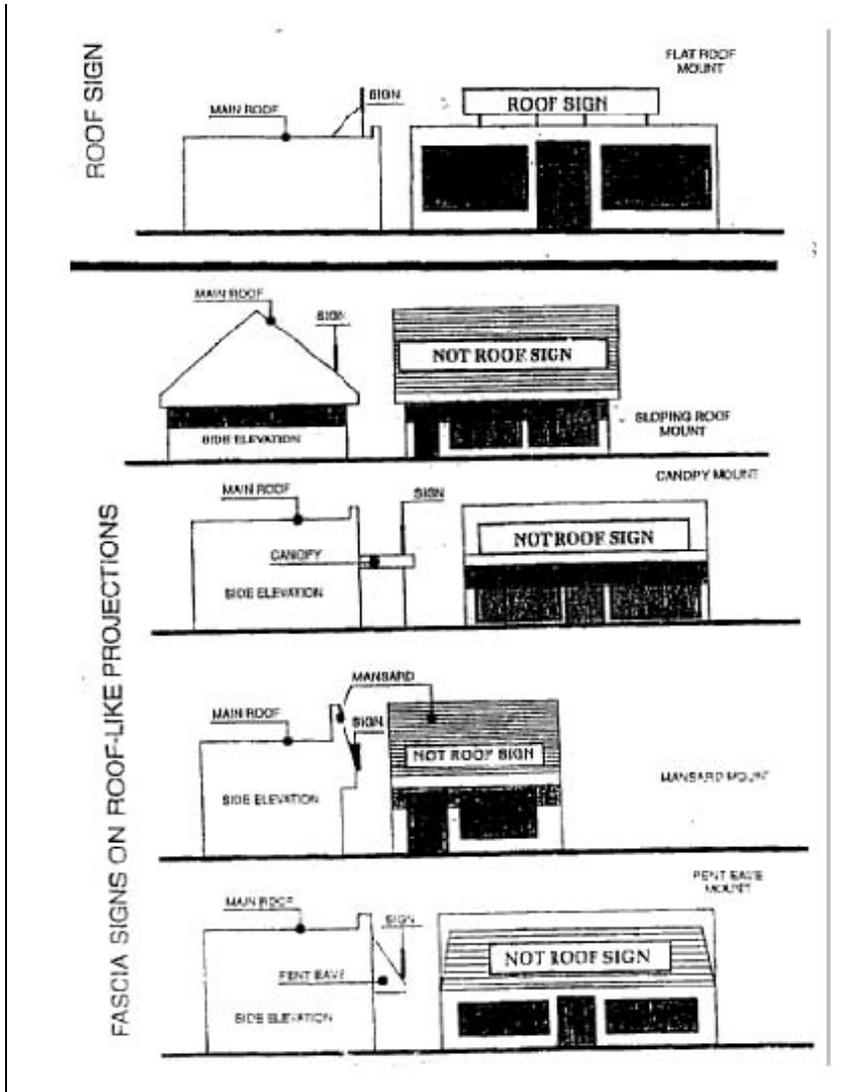


Figure 1
Comparison-Roof and Wall or Fascia Signs

“Setback” means a continuous line on a property that is parallel to any lot line and that is a designated distance from the right-of-way line.

“Sidewalk sign” means a freestanding sign all or part of which is located on a sidewalk.

“Sign” means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. “Sign” shall include any outdoor advertising display bearing a commercial message.

“Signable area” means an area on the facade of a building, located in one of the Uptown Memphis zoning districts, below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: twenty-five (25) feet above the adjoining sidewalks, the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof. The Uptown Memphis Zoning districts were created with the adoption by the Memphis City Council and Shelby County Commission of the

Comprehensive Uptown Memphis Rezoning and Redevelopment Plan in 2001 and a description of its boundaries can be found in that Plan.

“Temporary sign” means a sign whose removal within a specific period of time is required by this chapter and which otherwise complies with the provisions of this chapter.

“Vending machine” means a device which dispenses one or more commodities from an internal compartment and which must be periodically stocked with those commodities.

“Vision triangle” means an area up to ten (10) feet in height above the ground, bounded by the right-of-way lines of two intersecting roads and a line connecting two points that are twenty (20) feet from the intersection along each right-of-way.

“Wall sign” means a sign which is painted on or attached to a wall, not to exceed five hundred (500) feet in gross surface area and is within the perimeters of the wall.

“Wayfinding sign” means an on-site sign providing pedestrians or vehicle traffic with direction information or traffic control requirements and containing no commercial message.

“Window graphic” means a sign which is attached to or which is legible by looking into a window from the public right of way.

Sec. 16-112-6 Classification Of Signs.

A. Signs shall be generally classified as signs bearing a commercial message or not bearing a commercial message, and, as temporary or permanent signs, which are all defined in Section 16-112-5. Signs bearing a commercial message shall be further classified as those bearing off-premise commercial messages, generally called “off-premise” signs or “billboards,” and all other commercial signs.

B. Signs shall be classified as follows, according to structure and as defined in Section 16-112-5.

1. Attached signs:

- a. Awning, canopy or marquee signs;
- b. Wall sign;
- c. Window graphic;
- d. Roof sign.

2. Detached signs:

- a. A-frame sign;
- b. Ground sign;
- c. Pole, post or pylon sign;
- d. Portable sign;
- e. Projecting sign;
- f. Sidewalk sign.

3. Changeable Copy Signs:

Sec. 16-112-7 General standards.

A. Computation of Gross Surface Area.

1. Signs Other than Wall Signs

The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.

The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. Wall Signs

The gross surface area of a wall sign is the entire area contained within a single continuous perimeter, in a single geometric plane, which encloses the extreme limits of the advertising message(s), not including any irregularities or logos that are to be measured separately and included to determine the sign's gross surface area. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point along any public right-of-way, public property or private property, other than the zoning lot on which the sign is located, at one time. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point along a public right-of-way, public property or private property other than the zone lot on which the sign, is located at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

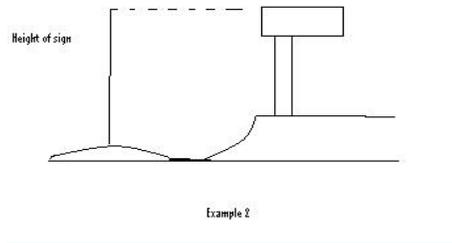
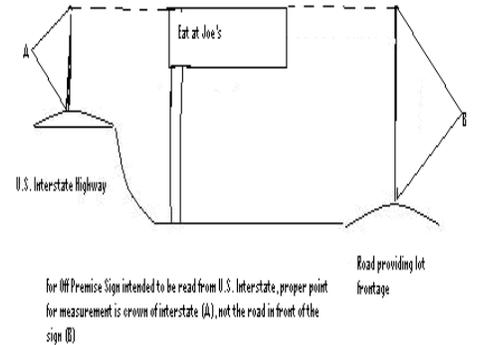
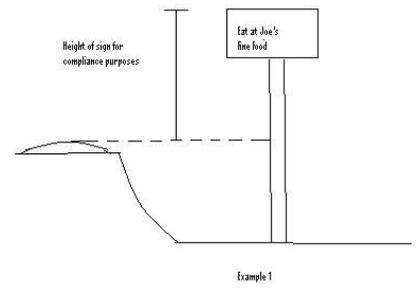
4. Computation of Maximum Total Permitted Detached Sign Area for a Zoning Lot.

The permitted sum of the area of all individual detached signs on a zoning lot shall be computed by multiplying the zoning lot foot frontage (F) times (x) the appropriate multiplier (M) shown in Table 1, Detached Sign Area and Height and Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter, for the type of street on which the lot is located. When a particular lot abuts two or more streets, the area for a sign(s) shall be computed on a basis of a single street frontage calculated from the intersection of the two street right-of-way lines.

B. Measurement of Height of Sign.

Sign height shall be measured from the elevation of the crown of the road that provides frontage for the lot on which the sign is located. This shall be considered the base elevation. The top elevation will be the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign. For permanent off-premise signs oriented to be viewed from a U.S. Interstate, the height shall be based on the elevation of the crown of the interstate perpendicular to the sign support pole(s). In the event this location is a multi-level ramp or flyover, the lowest roadway level will be used as the starting elevation.

See Examples below.



C. Sign Setback and Location on the Lot.

No sign greater than six square feet in area shall be erected in a nonresidential zoning district or in the nonresidential portion of an approved planned development closer than ten (10) feet to any lot line. No sign shall extend into any right-of-way except projecting signs where a building is located within six feet of the right-of-way.

D. Illuminated Signs.

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an approved planned development.

2. No sign legible from any public right-of-way shall utilize:
 - a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;
 - b. Any revolving beacon light;
 - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face;
3. Signs in the Agricultural (AG), Estate Residential (R-E), Single Family Residential (R-S), Duplex Residential (R-D), Townhouse Residential (R-TH), Multiple Dwelling Residential (R-M) and Office (O) districts may be illuminated but not flash, revolve, oscillate, be animated or create an illusion of continuous movement.
4. Flashing and movement on signs in all other districts is subject to 16-112-7.E., immediately following.

E. On-Site Flashing Signs, Moving Signs and Changeable Copy Signs.

1. General Rule

On-site signs that move, flash or simulate movement are prohibited except as allowed under this section or where allowed in accordance with the sign standards for portions of the Central Business Improvement District in Chapter 12-36. A changeable copy sign is considered a different classification of sign under this ordinance; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this section and with all other applicable standards related to the location, height, size and other characteristics of the sign. Conversion of an existing sign to tri-vision or changeable copy technology shall require a permit in accordance with §16-112-3.B.

2. Rules for Changeable Copy Signs Allowed under this Chapter

Automatic changeable copy signs shall be permitted only in those districts in which “changeable copy sign, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:

- a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.
- b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have

installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance. This distance shall be based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA)

e. Any sign using video technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

f. The area of a sign consisting of electric or electronic message board elements shall not constitute more than 200 square feet of a sign.

g. The following limitations shall apply to the location of signs using video technology for a message board:

i. A sign on which the video technology includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

ii. A sign on which the video technology includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.

iii. A sign on which the video technology includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and use exclusively for single family uses: it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained.

F. Interference with Roadway Visibility; Confusion of Drivers.

1. No sign shall be maintained at any location where by reason of its position, size or shape, may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.

2. No detached sign, except signs allowed under Section 16-112-2.D.1, 2 or 3 shall be located in any vision triangle on a corner lot, except no individual structural element shall extend more than eighteen (18) inches inside of any vision triangle or in the vision triangle of a private drive entrance/exit with an intersecting public street or private drive.

3. No sign or sign structure obstructing an area between two feet and six feet above grade shall be located within ten (10) feet of the public right-of-way.

G. Obstruction of Access Ways.

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door or other required access way.

H. Obstruction of Window Surface.

No sign shall project over, occupy or obstruct any window surface required by code for light or ventilation.

I. Sign Maintenance.

The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.

Nothing in this chapter shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

J. Projecting Sign.

A projecting sign shall be regulated as a detached sign and may project to within two feet of the curb line of a public street, provided however that no projecting sign shall project more than six feet into any required front yard. All projecting signs shall maintain a minimum clearance of eight feet above the right-of-way or sidewalk.

K. Awning, Canopy and Marquee Signs.

These signs shall be regulated as attached signs if they project eighteen (18) inches or less from the awning, canopy or marquee; and they shall be regulated as detached signs if they project more than eighteen (18) inches from the awning, canopy or marquee.

L. Portable Signs

Portable signs shall conform to the following requirements:

1. Signs, if illuminated, shall meet the Underwriters Laboratories, Inc. Standards and the city/county electrical code;
2. Signs must be so designed, built and located so that they will not be tipped over by wind velocities of less than eighty (80) miles per hour;
3. Signs shall have affixed the number and date of issuance of the permit authorizing its use; and

4. No sign shall be permitted to locate in a required parking space.

M. Supplemental Wayfinding Signs.

On any site with required off-street parking or any site zoned and used for purposes other than single-family dwellings, supplemental way-finding signs shall be allowed and encouraged, subject to the following:

1. No such sign shall exceed five feet in height or 16 square feet in area;
2. Any such sign that is located within 50 feet of the right-of-way or that is legible from the right-of-way shall bear no commercial message;
3. No such sign shall be located within 50 feet of property zoned for single-family residential uses;
4. Any such sign that is located within 150 feet of property zoned for single-family residential use shall be internally lighted and when lighted only direct, white light is permitted.

N. Detached, Permanent Signs.

The following elements shall be a requirement for all detached signs:

1. The colors and materials of which the sign structure is constructed shall be of similar materials and complementary to the principal structure.
2. A landscaped area, containing a maximum area equivalent to two times the area of the permitted sign, should be installed around the immediate base area of the sign. The maximum requirement for landscaped area shall be five hundred (500) square feet. Landscaping, provided at the around the immediate base of a sign, which is located within a required A-1, A-2, A-3 or A-4 landscape plate, along public or private street frontage, shall be construed as meeting the landscaping requirements of the required landscape plate.
3. The landscaped area should be irrigated with an underground sprinkler system.

O. Pole, Post or Pylon Signs.

All pole, post or pylon signs with support poles having a diameter (width) of less than eighteen (18) inches (1.5 feet) shall be constructed with a pole cover or jacket around the support pole(s). The minimum dimension (depth or width) of the pole cover or jacket shall be twelve (12) inches.

Sec. 16-112-8 Regulations Applicable to Permanent Signs.

A. Applicability of this Section:

The provisions of this section shall apply to all permanent signs. In addition, permanent signs

containing off-premise messages or otherwise classified as off-premise signs, shall be subject to the standards of Section 16-112-9. In case of a conflict between that section and this section, Section 16-112-9 shall control. As to issues addressed in this section but as to which 16-112-9 is silent, this section shall control.

B. Standards for Signs in the Agricultural (AG), Estate Residential (RE), Single Family Residential (RS), Duplex Residential (RD), Townhouse Residential (RTH), Multiple Dwelling Residential (three stories or less)(RML), Multiple Dwelling Residential(more than three stories)(RMM), Limited Office (OL), and Floodway (FW) Districts

1. Structural types permitted:

Attached and detached signs, except for pole and roof signs, and except as regulated by the central business improvement district I and II as contained in Chapters 12-32 through 12-44.

2. Maximum gross surface area:

Twelve (12) square feet, or twelve (12) square feet per acre of area of the zoning lot, whichever is greater, up to a maximum of thirty-two (32) square feet.

3. Minimum setback:

No portion of a sign shall be located within ten (10) feet of a right-of-way, and no sign greater than twelve (12) square feet in area shall be located within fifty (50) feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.

4. Maximum Number Permitted.

a. Residential uses: either one attached or one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.

b. Nonresidential uses: one attached and one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.

5. Maximum height:

Five feet for signs twelve (12) square feet in area or less, and twelve (12) feet for signs greater than twelve (12) square feet in area.

6. Illumination:

External or internal.

7. Lettering size of nonresidential attached signs:

a. Maximum of eighteen (18) inches in height if sign is located less than or equal to one hundred (100) feet from the street.

b. Maximum of thirty (30) inches in height if sign is located more than one hundred (100) feet from the street.

C. Standards for Signs in the General Office (OG) and Residential Multiple Dwelling, High Density (RMH) Districts.

1. Structural types permitted:

Attached and detached signs

Exception: Roof signs are only allowed in areas regulated by the Central Business Improvement District I and II as contained in Chapters 12-32 through 12-44.”

2. Maximum gross surface area:

Thirty-five (35) square feet per sign.

3. Minimum Setback.

No portion of a sign shall be located within ten (10) feet of a right-of-way, and no sign greater than twelve (12) square feet in area shall be located within fifty (50) feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.

4. Maximum Number Permitted.

a. Attached: one per ground floor establishment plus one for those with multiple establishments.

b. Detached: one per frontage per zoning lot.

5. Maximum Height.

a. Attached: as permitted by the district in which the sign is located.

b. Detached: sixteen (16) feet.

6. Illumination:

External or internal.

D. Standards for Signs in the Planned Commercial (CP), Local Commercial (CL), Parking (P), Hospital (H), College and University (CU), Highway Commercial (CH), Central Business District (CBD), Light Industrial (IL) and Heavy Industrial (IH) districts.

1. Structural types permitted:

Attached, detached and all types of changeable copy signs except as regulated by the central business improvement district I and II as contained in Chapters 12-32 through 12-44. The size, operation and location of changeable copies signs shall be subject to the controls for this type of sign established in this chapter.

2. Maximum Gross Surface Area.

a. Attached: not regulated.

b. Detached:

i. In accordance with Table 1, Detached Sign Area and Height, set out at the

end of this chapter.

ii. Signs which are not in conformance with the required elements of Section 16-112-N. shall be reduced in size from the maximum area permitted, in accordance with the following:

(A) A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.

(B) A mandatory reduction of twelve (12) percent shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

3. Minimum Setback.

a. Attached: not regulated.

b. Detached:

i. As regulated above, but no sign shall be located within fifty (50) feet of a Residential Townhouse (R-TH), Duplex Residential (R-D), Single Family Residential (R-S), Estate Residential (R-E) or Agriculture (AG) district or equivalent residential portion of a planned development.

ii. All signs shall have a minimum setback of ten (10) feet from the roadway which fronts the property.

4. Maximum Number Permitted.

a. Attached: five per establishment and no more than two of the five may be located on any awning, canopy or marquee. Only one changeable copy sign shall be allowed. If a single owner or tenant occupies a building of more than 200,000 square feet in an industrial zone four additional signs, not on a canopy, awning, or marquee, are allowed.

b. Detached: one sign per road frontage up to two hundred (200) feet of the zoning lot, plus one additional sign for each additional two hundred (200) feet of road frontage, to a maximum of three signs. After three signs an additional sign may be added for each additional three hundred (300) feet of frontage. If installed an integrated center sign shall be considered as one of the detached signs.

5. Maximum Height.

a. Attached: as permitted by the district in which the sign is located.

b. Detached:

i. In accordance with Table 1, Detached Sign Area and Height (see Map 1 for zone) set out at the end of this chapter.

ii. Interstate Highways 40, 55, 240, TN State Highways 300 and 385 controlled

access road interchange maximum height.

If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of a controlled access interchange measured from the center point of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.

iii. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:

(A) The sign is oriented to and visible from the controlled access road travel lanes;

(B) The sign is located more than five hundred (500) feet from property which is utilized for single-family residences, including residential portions of a PUD, or R-S zoning; and

(C) The sign will conform in all respects except height with the standards applicable to the district in which the sign is located.

(D) If the sign will be legible from any property zoned for single-family residential use, including residential portions of a PUD, it shall not contain any moving, flashing or changeable copy elements.

If the administrative site plan is rejected, the property owner may appeal the decision of the office of planning and development to the land use control board and subsequently to the appropriate governing body.

6. Illumination permitted:

External or internal.

E. Standards for the High Density Residential (HDR), Medium Density Residential (MDR), Mixed Use (MU), Hospital Use (UH), Light Industrial Use (ULI) and SNS Districts.

F. Standards for the Bluffview Residential District (BR), Gateway Commercial District (GC), Riverfront Residential District (RR), South Downtown Business Park District (SDBP), South Downtown Residential District (SDR), Sports and Entertainment District (SE), and South Main and South Main Extended District (SME).

Signs standards for these districts are set forth in Chapter 16-92.

G. Complex Sign.

In addition to the above permitted signage, a complex sign is permitted if the following
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standards and requirements are met:

1. Permitted districts:

A complex sign shall be allowed in the Agricultural (AG), Estate Residential (R-E), Single Family Residential (R-S), Duplex Residential (R-D), Townhouse Residential (R-TH), or Multiple Dwelling Residential (R-M) Districts.

2. Standards.

The sign may bear no commercial message except the name of a neighborhood, project or complex containing a minimum of thirty-five (35) zoning lots or ten (10) dwelling units.

3. Maximum gross surface area:

a. The maximum gross surface area for a complex sign that conforms with the design standards of Section 12-112-7.(N) shall not exceed the size shown in the column of the table below opposite the type of street from which the complex is entered:

Type of Street	Maximum Gross Surface Area for Sign
Local street (<60 feet ROW)	30 square feet.
Collector street (60-68 feet ROW)	30 square feet.
Major arterial street (69-160 feet ROW)	50 square feet.
Limited access road (>161 feet)	100 square feet.

b. Complex signs which are not in conformance with the required elements of Section 16-112-7.N. shall be reduced in size from the maximum area permitted, in accordance with the following:

- i. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.
- ii. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

4. Minimum setback:

Ten (10) feet unless attached to a wall or fence.

5. Maximum height:

The maximum height of a complex sign shall not exceed the height shown in the column of the table below opposite the type of street from which the complex is entered:

Type of Street	Maximum Height of Sign
Local street (<60 feet ROW)	10 feet.
Collector street (60-68 feet ROW)	10 feet.
Major arterial road(69-160 feet ROW)	16 feet.
Controlled access road (>161 feet ROW)	24 feet.

6. Illumination:

Direct or indirect.

7. Structural types permitted:

Detached or attached to a wall or fence.

8. Maximum number permitted:

One per frontage on the periphery of the complex.

H. Integrated Center Sign.

In addition to the above permitted signage, an integrated center sign is permitted if the following standards and requirements are met:

1. Permitted districts:

An Integrated Center Sign shall be allowed in the General Office (O-G), Planned Commercial (C-P), Parking (P), Hospital (H), College and University (C-U), Highway Commercial (C-H), Light Industrial (I-L) and Heavy Industrial (I-H) districts for any integrated center in such districts .

2. Structural types permitted:

Detached and all types of changeable copy signs except changeable copy signs shall not be allowed in the General Office (O-G).

3. Standards.

a. The sign can only identify the name of the integrated center and/or the center's establishments. If the sign is to contain the establishments of the center it must contain at least two establishments. An integrated center may contain more than one zoning lot, however, in this instance the permanent detached on-premise sign requirements (this section) shall be calculated as if the integrated center was one zoning lot. Otherwise an integrated center sign is not permitted.

b. An integrated center sign shall also be permitted in the General Office O-G district, if the center contains three or more zoning lots, has a total of two or more acres, and has shared parking or shared access; or meets the requirements of subsection (G)(3)(a) of this section.

4. Maximum gross surface area:

- a. In accordance with Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter.
- b. Integrated center signs which are not in conformance with the required elements of Section 16-112-7.(N), shall be reduced in size from the maximum area permitted, in accordance with the following:
 - i. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.
 - ii. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

5. Minimum Setback.

No integrated center sign shall be located within fifty (50) feet of a Townhouse Residential (R-TH), Duplex Residential (R-D), Single Family Residential (R-S) or Agricultural (AG) district, or equivalent residential portion of a planned development.

6. Maximum number permitted:

One per frontage up to six hundred (600) feet of the integrated center, plus one additional integrated center sign for each additional four hundred (400) feet of each road frontage. However, frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.

7. Maximum Height.

a. In accordance with Table 2, Integrated Center Sign Area and Height (See Map 1 for zone), set out at the end of this section.

b. U.S. Interstate Highways 40, 55, 240 and TN State Highways 300 and 385 controlled access road interchange maximum height.

If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.

c. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:

- i. The sign is oriented to and visible from the controlled access road travel lanes;

ii. The sign is located more than five hundred (500) feet from property which is utilized for single-family residences (R-S) zoning, including residential portions of a PUD; and

iii. The sign will conform in all respects except height with the standards applicable to the district in which the sign is located.

iv. If the sign will be legible from any property zoned for single-family residential use, including residential portions of a PUD, it shall not contain any moving, flashing or changeable copy elements.

If the administrative site plan is rejected, the property owner may appeal the decision of the office of planning and development to the land use control board and subsequently to the appropriate governing body.

8. Illumination:

External or internal.

I. Other Requirements for Detached Signs.

1. Spacing

The minimum permissible horizontal distance between freestanding signs on the same property is seventy-five (75) feet.

2. Protection from Vehicle Damage

Where a freestanding sign is located in a vehicular parking or circulation area, a base or barrier of concrete or steel, not less than thirty (30) inches high, shall be provided to protect the base of the sign from damage by vehicles.

3. Requirement for Street Address

All detached signs shall provide the address and street of the building served, with minimum four-inch text. The address shall be posted in a color contrasting that of the marquee/signboard/pole cover jacket/base. When the building utilizes multiple addresses, such as multiple occupant mercantile tenants, the address range shall be posted.

Sec. 16-112-9 Standards Applicable to Permanent Off-premise Signs.

A. Where permitted:

Permanent, off-premise signs are declared to be a principal use of the property on which they are located and are therefore allowed on sites which are legal lots in accordance with the requirements of the subdivision regulations and are:

1. Located in the Commercial Highway (C-H), Central Business District (CBD) (outside the Central Business Improvement District (CBID)), Light Industrial (I-L), or Heavy Industrial (I-H) zoning district;

2. Located within 300 feet of an U.S. Interstate highway;

3. Has legal access from a public highway or street other than the U.S. Interstate Highway, or from a legally recorded easement from such public highway or street other than the U. S. Interstate Highway.

B. Maximum gross surface area:

Six hundred seventy-two (672) square feet.

C. Structural type permitted:

1. Attached wall signs (See definition of wall sign, Section 16-112-3);
2. Detached signs.
3. Changeable Copy

D. Minimum setback:

For supporting columns the minimum required front yard for the district in which the sign is located (See Chart II of zoning ordinance, set out at the end of this title), or no closer than the setback of the closest nonresidential principal building on the same side of the road that is within two hundred (200) feet of the proposed sign, whichever is less. In no instance shall any portion of the sign, or column be setback less than twenty (20) feet.

E. Maximum number permitted:

1. One sign (either attached or detached) with one thousand (1,000) foot spacing between such signs (measured from the center of the pole or edge of wall if attached) located along the same side of the same road.

Exception: If more than eleven percent (11%) of a sign surface area consists of an automatic changeable copy video element there shall be a 2,000 foot separation between it and any other automatic changeable copy video sign with more than eleven percent (11%) of its sign face containing an automatic changeable copy video element along the same side of the same road facing the same direction.

2. Where located at or along the interchange of two or more U.S. Interstate Highways, no off-premise sign shall be closer than 1000 feet from another off-premise sign, or closer than 2000 feet where the signs includes more than eleven percent (11%) of their sign faces as automatic changeable copy video signs, along the same side of a direct route of travel available to a motorist via roadway or ramp connecting these interstates.

3. All off-premise automatic changeable copy video signs including more than eleven percent (11%) of their sign face as automatic changeable copy video and that require a permit from the Tennessee Department of Transportation shall first obtain that state permit and shall include a copy of that permit with the application of a building permit to Construction Code Enforcement.

F. Other Standards.

In addition to the above, the following requirements shall apply to all off-premises signs in all
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districts:

1. No portion of a detached sign, if it is legible from the interstate freeway, shall be closer than ten (10) feet from the interstate freeway right-of-way and/or one hundred (100) feet from any emergency stopping shoulder lane.
2. No detached sign shall be permitted where the sign face or back of the sign is located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development at the time the sign permit is secured.
3. No portion of a detached sign, pole or other supporting structure shall be located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development.
4. The maximum gross surface area of a sign is as follows:
 - a. Along all U.S. highways and interstate highways in Memphis and Shelby County; six hundred seventy-two (672) square feet.
 - b. Notwithstanding the other provisions of this section, off-premise signs are not permitted in the Central Business Improvement District (CBID) and Central Business Improvement District II (CBIDII), regardless of the proximity to, or potential legibility from, a U.S. Interstate Highway.
5. Signs may be externally or internally illuminated.
6. Signs shall not exceed the maximum height permitted for detached signs in the district where the sign is located (see Section 16-112-8).
7. Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within 300 feet of U.S. Interstate Highways and the sign face is oriented toward such U.S. Interstate Highway.
8. Two decals are required for each off-premise sign. The decal on the board shall include the name of the current owner. The decal on the pole shall be at eye level and shall include the meter box address of the sign. Decals shall be provided at the final inspection of the sign by the Building Official. Failure to display the decals or improper display of the decals will result in the Department taking action as described in Section 16-112-3 C.3.

G. Flashing Signs, Moving Signs and Changeable Copy On Off-Premise Signs.

1. General Rule - Signs that move, flash or simulate movement are prohibited. A changeable copy sign is considered a different classification of sign under this ordinance; conversion of an existing sign to an automatic changeable copy video sign or to add an automatic changeable copy video element(s) to it is allowed only if the modified sign will conform with all standards in this section and with all other applicable standards related to the location, height, size and other characteristics of the sign. Conversion of an existing off premise sign to an automatic changeable copy sign or to another changeable copy technology, including digital changeable copy, shall require a permit in accordance with §16-112-3.B.

2. Rules for Changeable Copy Signs Allowed under this Chapter. Automatic changeable copy off-premise signs shall be permitted only in those districts in which “changeable copy video sign, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:

- a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.
- b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance of two hundred and fifty (250) feet for signs having a copy area of six hundred and seventy two (672) square feet. For electronic and digital copy area having a size other than 672 square feet, the pre-set distance of measurement shall be adjusted to an equivalent distance based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA)
- e. Any sign using video technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.

H. Illuminated Signs.

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an approved planned development.
2. No sign legible from any public right-of-way shall utilize:
 - a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;
 - b. Any revolving beacon light;
 - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face;

I. Sign Maintenance.

The sign owner shall be liable to maintain such sign, including its illumination sources, in neat

and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.

Nothing in this chapter shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

J. Nonconforming Off-Premise Sign Defined.

Any sign in existence on the effective date of this amendment which violates or does not conform to the current provisions of this Chapter, but was constructed, erected or maintained in accordance with the requirements of previously existing ordinances/resolutions or regulations, shall be regarded as a nonconforming sign. Any off-premise sign which was a legal nonconforming sign prior to the adoption of the 2005 amendments to the predecessor of this ordinance (which amendments prohibited off-premise signs at any location not within 300 feet of a U.S. Interstate Highway) shall remain a legal nonconforming sign and shall be treated as such, regardless of the fact that the passage of this amendment may create an additional characteristic of nonconformity because of its location other than along or within 300 feet of an U.S. Interstate Highway

K. Nonconformity Provisions Related To Off-Premise Signs

In addition to the provisions of paragraph 1 of sub-section F of Section 16-116-5, which apply to all nonconforming signs, the following provisions shall apply to nonconforming off-premise signs:

- a. No nonconforming off-premise sign which has been removed voluntarily shall be replaced. This restriction is not intended to prevent the future erection of other signs on the site that conform fully with the provisions of this ordinance.
- b. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
- c. Any period of such discontinuance caused by governmental action, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purpose of this subdivision.

L. Removal of Nonconforming Signs.

1. Any Nonconforming Sign.

- a. If a nonconforming sign is damaged or destroyed by a force of nature or other action beyond the control of the sign owner, then it may be replaced with a sign of identical size in the same location or by a conforming sign provided that a complete application for a permit for the replacement is filed within sixty (60) days of the date of the damage or destruction, and the replacement or repair is completed before the expiration of the permit or any valid extension thereof. The repaired or replacement

sign shall be considered a legal nonconforming sign.

b. If a nonconforming sign is voluntarily removed or damaged or destroyed through the actions of the sign owner, then such sign shall not be replaced except with a sign that fully conforms with the requirements of this ordinance. If such sign is an off-premise sign that is located more than 300 feet from a U.S. Interstate Highway, it shall not be replaced with an off-premise sign.

2. Off-Premise Signs.

In addition to the provisions of paragraph 1 of this sub-section L, which apply to all nonconforming signs, the following provisions shall apply to nonconforming off-premise signs:

a. No nonconforming off-premise sign which has been removed voluntarily shall be replaced. This restriction is not intended to prevent the future erection of other signs on the site that conform fully with the provisions of this ordinance.

b. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

c. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this subdivision.

M . Alteration, Expansion or Moving of Off-Premise Sign.

Any nonconforming off-premise sign shall not be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. Replacing the support structure of the sign shall be structurally altering the sign to prolong its useful life. Converting a sign to a different technology, such as tri-vision or changeable copy technology is prohibited unless the modified sign fully conforms with the applicable restrictions of this Chapter, including but not limited to those that specify the locations at which such technology is permitted.

N. Severability of Prohibition on Off-Premise Signs.

If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter and/or an other provisions of this Chapter or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect

the limitations on off-premise signs as contained herein.

Sec. 16-112-10 Temporary Sign Regulations.

A. Standards for Agricultural (AG), Single Family Residential (R-S), Duplex Residential (R-D), Townhouse Residential (R-TH), Multiple Dwelling Residential (R-M), Limited Office (O-L) Districts

1. Dimensions and Types Permitted

a. Such signs shall be detached signs or attached;

b. Signs in the Agricultural (AG), Multiple Dwelling Residential (R-M) and Limited Office (O-L) Districts shall not exceed eight feet in height and 16 square feet in area for any parcel that is less than two acres and an additional 16 square feet for any parcel that is two acres or more;

c. Signs in the Single Family Residential (R-S), Duplex Residential (R-D), Townhouse Residential (R-TH) Districts shall not exceed five feet in height and seven square feet in area;

d. All such signs may be double-faced, with the area limitation applying only to one face;

e. Such signs shall be set back at least 10 feet from the right-of-way and 15 feet from any other lot line.

2. Number Permitted

Each occupied lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time) in addition to the one temporary attached sign in those districts identified in this section as allowing temporary attached signs.

3. Illumination

Signs allowed under this subsection in the Single Family Residential (R-S), Duplex Residential (R-D) and Townhouse Residential (R-TH) Districts shall not be separately illuminated. Signs in the Agricultural (AG), Multiple Dwelling Residential (R-M), and Limited Office (O-L) Districts may be separately illuminated by direct white light, provided that no illuminated sign shall be located closer than 50 feet to any property zoned for single-family residential use.

4. Limitations on Commercial Messages

All such signs may bear any message that is not a commercial message. The permanent sign may not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs,

detached signs, temporary signs, and others, may contain a commercial message. The only commercial messages permitted on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

5. Limitations on Time of Display

Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

B. Standards for the General Office (OG), Planned Commercial (CP), Local Commercial (C-L), Parking (P), Hospital (H), College and University (CU), Highway Commercial (CH), and Central Business District (CBD) outside Central Business Improvement District (CBID) Districts

1. Dimensions and Types Permitted

- a. All such signs shall be attached or detached signs;
- b. Such detached signs shall not exceed eight feet in height. No such sign has be larger than 16 square feet for any parcel that is less than 2 acres and an additional 16 square feet for any parcel that is two acres or more;
- c. All such signs may be double-faced, with the area limitation applying only to one face; and
- d. Such detached signs shall be set back at least 15 feet from the right-of-way and 15 feet from any other lot line.

2. Number Permitted

Each occupied lot in these districts shall be allowed one temporary detached sign and one temporary attached sign per lot frontage

3. Illumination

Such signs shall not be separately illuminated.

4. Limitations on Commercial Messages

Such signs may bear any message that is not a commercial message. Any such sign may also bear a commercial message related to goods or services offered on the zoning lot where the sign is located, including the sale, rental or lease of the premises on which it is located or any part thereof. If the sign is located on a vacant lot, the sign shall only advertise a business, product or service permitted in the district where the sign is located, or that is permitted in any more restrictive district.

5 Limitations on Time of Display

Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event. Any sign with any other commercial message shall be removed within one year of the date of issuance of the permit.

C. Standards for the Light Industrial (I-L) and Heavy Industrial (I-H) Districts

1. Dimensions and Types Permitted.

- a. Such signs shall be attached or detached signs;
- b. Such detached signs shall not exceed 8 feet in height and 16 square feet for any parcel that is less than 2 acres and an addition 16 square feet for any parcel that is more than 2 acres.
- c. Such attached signs shall not exceed 8 feet in height or 16 square feet for any parcel that is less than 2 acres and an additional 16 square feet for any parcel 2 acres or more unless it is a wall sign in which case it may be up to 500 square feet.
- d. All such signs may be double faced with the area limitation applying to one face; and;
- e. Such signs shall be set back at least 15 feet from the right-of-way and 15 feet from any other lot line.

2. Number permitted

Each occupied lot in these districts shall be allowed one temporary detached sign and one temporary attached sign per lot frontage.

3. Illumination

Such signs shall not be separately illuminated

4. Limitation of Commercial Messages

Such signs may bear any message that is not a commercial message. Any such sign may also bear a commercial message related to goods or services offered on the zoning lot where the sign is located, including the sale, rental or lease of the premises on which it is located or any part thereof. If the detached sign is located on a vacant lot, the sign shall only advertise a business, product or service permitted in the district where the sign is located, or that is permitted in any more restrictive district.

5. Limitation on Time of Display

Any sign with any commercial message shall be removed within one year of the date of issuance of the permit and a permit for that sign is not renewable for three months thereafter.

Sec. 16-112-11 Noncommercial Messages Always Permitted

Any sign allowed under this Chapter may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this Chapter.

Sec. 16-112-12 Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this title:

- A. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;
- B. To install, create, or erect, any sign requiring a permit without such permit;
- C. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which sign is located;
- D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed;
- E. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this title.

Sec. 16-112-14 Enforcement And Penalties.

A. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of the joint zoning ordinance/resolution of the city and county. The remedies of the city and/or county shall include, but not be limited to the following:

- 1. Issuing a stop-work order for any and all work on any signs on the same zoning lot;
- 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
- 3. Imposing any penalties that can be imposed directly by the city and/or county under the joint zoning ordinance/resolution;
- 4. Seeking in court the imposition of any penalties that can be imposed by such court under the joint zoning ordinance/resolution; and
- 5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city and county under the applicable provisions of the joint zoning ordinance/resolution and building code for such circumstances.

B. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

Sec. 16-112-15 Severability

A. Generally.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter, except as limited by Section 16-112-15.B.

B. Severability where less speech results.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this section or elsewhere in this Chapter or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards

C. Severability of provisions pertaining to prohibited signs.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this section, or elsewhere in this Chapter or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Sec. 16-112-4 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, except as expressly provided in Section 16-112-15.A.

D. Severability of prohibition on off-premise signs.

If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter and/or an other provisions of this Chapter or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

Table 1

Detached Sign Area and Height
Final Draft Sign Ordinance

TABLE 1 DETACHED SIGN AREA & HEIGHT

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Square Feet	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Height (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 4** Interchange Maximum Height
Minor Street =59' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted By District
Collector Street (60- 70' ROW)	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted By District
Major Arterial Road (71- 160' ROW)	0.7	200	20	0.9	250	25	0.9	300	35	As Permitted By District
Controlled Access Road (=161' ROW)	0.7	200	25	0.9	250	35	0.9	300	50	As Permitted By District

Notes:

1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.

2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads.

* As shown on Map #1.

** As shown on Map #2.

Chart I
Detached Sign Area Calculations

(Lot Frontage in Feet)

Multiplier (feet)	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20
0.3	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3	6	9	12	15	18	21	24	27	30
0.4	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2	3.6	4	8	12	16	20	24	28	32	36	40
0.7	0.7	1.4	2.1	2.8	3.5	4.2	4.9	5.6	6.3	7	14	21	28	35	42	49	56	63	70
0.9	.9	1.8	2.7	3.5	4.5	5.4	6.3	7.2	8.1	9	18	27	36	45	56	63	72	81	90

Table 2
 Integrated Center Sign Area and Height

Local Street (=59' ROW)	0.0	35	8	0.2	50	8	0.2	50	As Permitted By District
Collector Street (60-70' ROW)	0.2	100	15	0.3	150	15	0.4	200	As Permitted By District
Major Arterial Road (71-160' ROW)	0.8	300	20	1.0	350	35	1.0	400	As Permitted By District
Controlled Access Road (=161' ROW)	0.8	300	25	1.0	350	40	1.0	400	As Permitted By District

Notes:

1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.

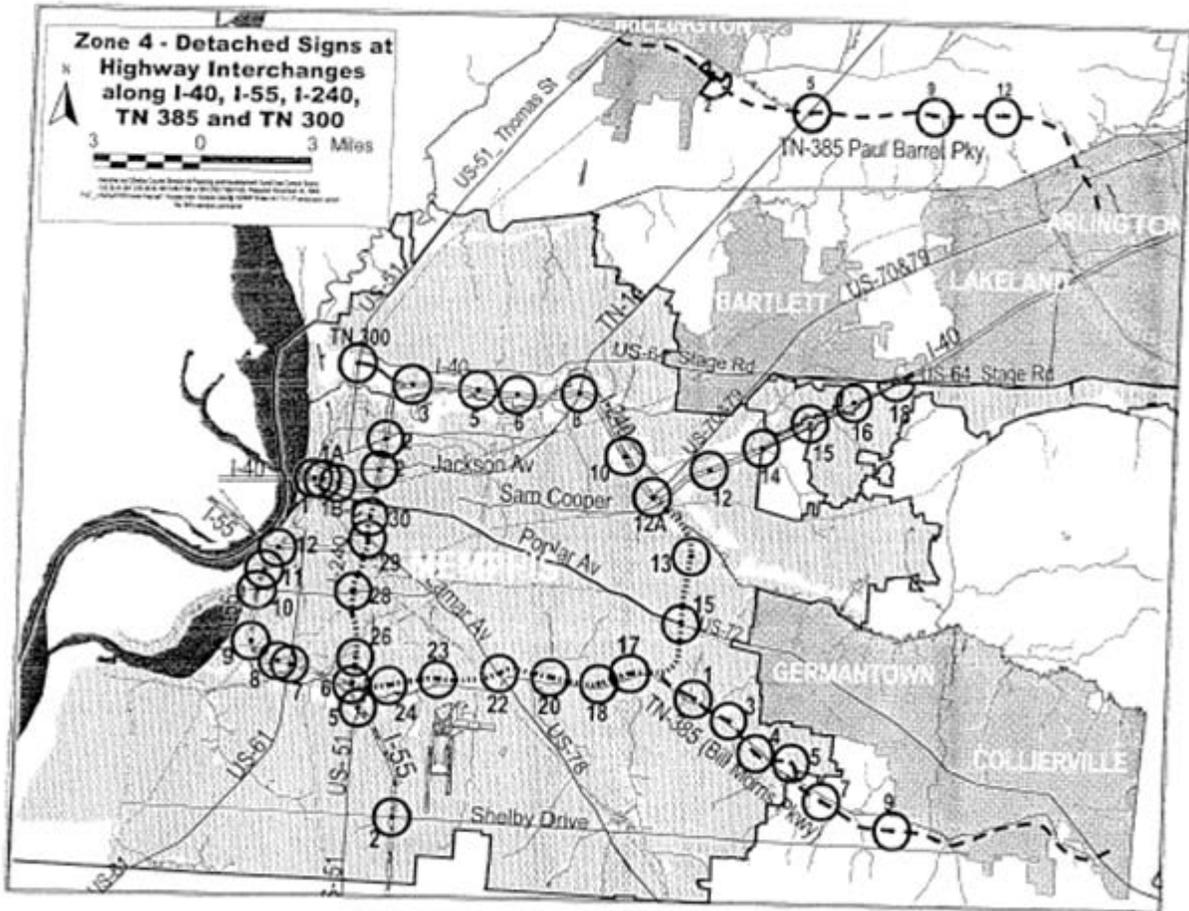
2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along Controlled Access Roads.

* As shown on Map #1.

** As shown on Map #2.

Chart II

Sign Area Calculations



Sec. 16-116-5 Nonconforming Signs.

A. Applicability

The provisions of this section shall not apply to signs located in the central business district within the CBID I and II.

B. Distinction of Effect on Illegal Signs.

Any sign in existence on the effective date of this amendment which was constructed, erected or maintained in violation of the requirements of ordinances/resolutions or regulations as previously existing, or any sign erected after the effective date of this amendment which does not conform to the requirements of Chapter 16-112 shall be deemed illegal and removed, or otherwise made to conform with the current requirements of Chapter 16-112 within thirty (30) days of written notification by the building official.

C. Signs Granted a Variance.

Any sign granted a variance by the board of adjustment may be continued after the effective date of this chapter regardless of any nonconformity with these provisions.

D. Nonconforming Signs Defined.

Any sign in existence on the effective date of this amendment which violates or does not conform to the current provisions of Chapter 16-112, but was constructed, erected or maintained in accordance with the requirements of previously existing ordinances/resolutions or regulations, shall be regarded as a nonconforming sign. Any off-premise sign which was a legal nonconforming sign prior to the adoption of the 2005 amendments to the predecessor of this ordinance (which amendments prohibited off-premise signs at any location not within 300 feet of a U.S. Interstate Highway) shall remain a legal nonconforming sign and shall be treated as such, regardless of the fact that the passage of this amendment may create an additional characteristic of nonconformity because of its location other than along or within 300 feet of an U.S. Interstate Highway.

E. Alteration, Expansion Or Moving.

No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. Replacing the support structure of the sign shall be structurally altering the sign to prolong its useful life. Because the use of technologies such as tri-vision, changeable copy and automatic changeable copy increases the potential for distracting drivers and increases the visual intrusion of a sign on the streetscape, converting a sign to a different technology, such as tri-vision or changeable copy technology is prohibited unless the modified sign fully conforms with the applicable restrictions of this Chapter, including but not limited to those that specify the locations at which such technology is permitted.

F. Removal of Nonconforming Signs.

1. Any Nonconforming Sign.

- a. If a nonconforming sign is damaged or destroyed by a force of nature or other action beyond the control of the sign owner, then it may be replaced with a sign of identical size in the same location or by a conforming sign provided that a complete application for a permit for the replacement is filed within sixty (60) days of the date of the damage or destruction, and the replacement or repair is completed before the expiration of the permit or any valid extension thereof. The repaired or replacement sign shall be considered a legal nonconforming sign.
- b. If a nonconforming sign is voluntarily removed or damaged or destroyed through the actions of the sign owner, then such sign shall not be replaced except with a sign that fully conforms with the requirements of this ordinance. If such sign is an off-premise sign that is located more than 300 feet from a U.S. Interstate Highway, it shall not be replaced with an off-premise sign.
- c. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of three hundred sixty-five (365) days regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

d. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this subdivision.

2. Off-premise Signs.

In addition to the provisions of paragraph 1 of this sub-section F, which apply to all nonconforming signs, the following provisions shall apply to nonconforming off-premise signs:

a. No nonconforming off-premise sign which has been removed voluntarily shall be replaced. This restriction is not intended to prevent the future erection of other signs on the site that conform fully with the provisions of this ordinance.

b. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

c. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this subdivision.

3. Removal of Nonconforming Sign Upon Change of Principal Use.

Any nonconforming sign shall be removed or brought into compliance with this chapter immediately upon a change in the principal use of the site, in accordance with Chart 1, Uses Permitted, set out at the end of this title.

G. Enforcement of Removal.

The building official shall conduct an inspection of every sign at least once each year to determine whether the sign conforms with the provisions of this title, make a written record of each such inspection and make all such reports available for public inspection during regular business hours.

If any sign is not removed as required by subsection C and (F)(1) through (3) of this section, the building official shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this title.

Any owner who fails to remove an illegal sign within thirty (30) days of written notification by the building official, shall be fined fifty dollars (\$50.00) per day until the sign is removed. In the event that an illegal sign is not removed within ninety (90) days of written notification of the owner by the building official, the city and/or county of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be paid by the owner. The city or county of Shelby shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in

removing the sign.

Any resident of the city or the county of Shelby is authorized and empowered to initiate the necessary proceedings in environmental court to secure removal of an illegal sign if, but only if, the building official fails to initiate proceedings against the owner of the illegal sign to secure removal of the sign within ninety (90) days of written notification of the owner by the building official as set forth in the preceding paragraph.

Any owner who fails to remove a nonconforming sign within the applicable time set forth in subsection (F)(1) through (3) of this section, shall be fined fifty dollars (\$50.00) per day until the sign is removed. In the event that a nonconforming sign is not removed within the time set forth in subsection (F)(1) through (3) of this section, the city and/or county of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be paid by the owner. The city or county of Shelby shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing the sign.

Any resident of the city or the county of Shelby is authorized and empowered to initiate the necessary proceedings in environmental court to secure removal of a nonconforming sign if removal of the sign is required under subsection (F)(1) through (3) of this section and if, but only if, the building official fails to initiate proceedings against the owner of the nonconforming sign to secure removal of the sign within ninety (90) days of the applicable time set forth in subsection (F)(1) through (3) of this section.

Upon the determination of the building official that a sign remains nonconforming after termination of the allowable time periods provided for herein above, the building official shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have thirty (30) days after such written notice within which to remove the sign. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance or properly appealed before the Memphis and Shelby County board of adjustment, the building official shall issue a summons into environmental court.

The removal expense may be made a lien upon such real property by the building official sending by certified mail to the owner of such real property, a notice of lien for the cost of such removal. The cost of all such mailing and the cost of obtaining the name and address of the owners shall be part of the cost of such removal.

H. Forfeiture.

Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this chapter. In addition to other remedies granted to it by this chapter, the building official shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign in a civil action.

Sec. 16-116-6 Exception For Repairs Pursuant To Public Order.

Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it

to be restored to a safe condition provided such restoration is not otherwise in violation of the various provisions of this chapter prohibiting the repair or restoration of partially damaged or destroyed buildings, structures or signs.