



The list below describes the proposed amended language that is proposed with this zoning text amendment. The actual language is included in this supporting document, which shows all proposed changes in **yellow highlights**.

1. 4.9.2B: Applicability

This section of the Sign Code contains a map showing the location of the CBID, the SCBID and Uptown, signs in which must adhere to the City's Downtown Memphis Commission sign code. The map in this section needs a label and a map number (Map 1). In addition the sections below it (Paragraphs 4.9.2B(4), (5) and (6) need to reference Map 1. Finally, a new Paragraph is needed to include a map of the University District Overlay and instructions to the reader of which sign regulations apply to that area, Section 8.3.10G(2).

2. 4.9.2E: Actions not requiring a sign permit

This section of the Sign Code contains a stipulation that a property or business owner does not need a sign permit when changing the copy of a manual or electronic changeable copy sign. However, this section is not to be misinterpreted to mean that a change in technology of a changeable copy sign, such as from manual to digital, can be achieved without a permit. The proposed language addresses this.

3. 4.9.6D(3): Revolving and oscillating signs

This section of the Code first states that signs in the Office and Residential zoning districts may not revolve or oscillate, but then it goes on to say that automatic and LED changeable copy are prohibited in these zoning districts. This last portion of this section needs to be updated since the Memphis City Council and Shelby County Board of Commissioners adopted UDC Item 4.9.6E(2)(h) with the adoption of ZTA 12-002. Item 4.9.6E(2)(h) was drafted and adopted in response to the many places of worship and schools that were forced to obtain approval by the Board of Adjustment to digitize their changeable copy signs. As far as video technology, it is still prohibited in residential districts, per Item 4.9.6E(2)(i)(i), which was part of the original UDC (ZTA 2009-001) and the 2007 sign code before it (ZTA 2007-004).

4. 4.9.6E(2): Changeable copy signs

This section of the Sign Code deals with permissible changeable copy. The first proposal for this section, a new Item 4.9.6E(2)(a), copies language from Paragraph 4.9.15F(4), but bears repeating throughout the Sign Code as much as possible: a change in technology of a nonconforming sign is prohibited. The second proposal for this section is a complete rewrite of the "brightness" regulations for electronic signs. These are currently contained in Item 4.9.6E(2)(e), which ostensibly only applies to video signs, as this section begins with the terminology "video technology in signs..." This proposal will replace the current "brightness:" rules with those that were adopted by the City of Knoxville in 2009. The new brightness standards are proposed to be included as Paragraph 4.9.6E(2)(f) of the UDC. The author of this report polled many jurisdictions in Tennessee and the brightness standards of the City of Knoxville were chosen due to the following factors: 1) the ordinance places the onus of calculating the brightness on the sign owners, 2) Knoxville is a central city to its metropolitan area similar to Memphis 3) the ordinance is simple and straight-forward and 4) it is relatively time-tested, having been adopted in 2009. The new Paragraph 4.9.6E(2)(f) also includes

language stipulating that all digital changeable copy signs, even those that predate this provision, must adhere to its brightness standards.

5. 4.9.6M(4), (5), (6) and (7): Miscellaneous requirements for detached signs

The core regulations for detached signs are found in Section 4.9.7, which is organized by zoning district. However, Sub-Section 4.9.6M contains a few regulations that apply to all detached signs. The proposed for this section involves moving a few regulations found in Sub-Sections 4.9.7G and 4.9.6O that pertain to detached signs to this section.

6. 4.9.7: Regulations by zoning district

This section contains regulations for permanent signs, organized by zoning district category. The first proposal in this section deals with the insertion of the zoning districts involved in each category at the beginning of each Sub-Section. More importantly, a new Paragraph 4.9.7A(2) is added that details the general rules for detached signs in one easily referenced table. This provides a simple reference point for both those who administer the Sign Code at the Office of Construction Code Enforcement and those industry professionals who read it. Additional changes in this Section involve references to other sections of the Sign Code that may apply in each category and various changes to section numbers and/or letters.

7. 4.9.7D: Regulations for signs in the commercial and industrial zoning districts

Currently, many of the regulations for signs in the commercial and industrial buildings are contained in tables and maps at the very end of the Sign Code. This proposal will involve moving the tables and maps that are currently at the end of the Sign Code to this section to make it easier to read, understand, administer and enforce. The tables are also given an editorial commentary to become easier to interpret. Furthermore, language is added to Sub-Item 4.9.7D(3)(b)(2) to clearly stipulate which detached signs are nonconforming and further state that the changeable copy technology within those signs that are nonconforming may not be changed.

8. 4.9.7D(8): Integrated center signs

Similar to other signs in the commercial and industrial zoning districts, integrated center signs (those signs within a shopping center or other group of retail and office buildings) are currently governed by both this section (Paragraph 4.9.7D(8) and a table found at the end of the Sign Code. This proposal also eliminates language in Sub-Sub-Item 4.9.7D(8)(g)(iii)(d) that states that appeals of an administrative site plan associated with an integrated center sign proceed to the Land Use Control Board. This conflicts with the rest of the Sign Code, and particularly with the sections of the Unified Development Code outside of the Sign Code that deal with administrative site plans, which stipulate that appeals proceed to the Board of Adjustment (which serves as the City's Board of Zoning Appeals).

9. 4.9.8: Off-premise signs (billboards)

This section deals with off-premise signs, otherwise known as outdoor advertising or billboards. The proposed changes in this Section deal with cross-references. First, the many of the same changes made to the changeable copy section of the on-premise sign regulations are also made here, with the notable exception that movements occurring at a

frequency of more than every eight seconds are prohibited on billboards (see discussion in Item 4 of this staff report). Second, the nonconformity provisions of the billboard ordinance are being removed to cross-reference the nonconformity provisions for the entire sign code, which themselves contain provisions peculiar to billboards (Sub-Sections 4.9.8L and M).

#### 10. 4.9.9: Temporary sign regulations

This section of the Sign Code deals with temporary signs, as opposed to permanent signs that were the subject of the previous sections. The change in this section concerns the insertion of zoning districts in the Sub-Sections that deal with the various types of temporary signs, as is similarly proposed for permanent signs.

#### 11. 4.9.14: Maps and charts

As stated earlier, this section of the Code is being removed so that the maps and charts may be relocated closer to the regulations that pertain to them.

#### 12. 4.9.15: Nonconforming signs

This is one of the most important sections of the Sign Code, as it essentially spells out those special rules and regulations that pertain to nonconforming signs, or those signs that were erected under previous sign codes that do not meet the regulations of the current UDC. In some parts of the city, upwards of 90% of the signs are nonconforming. First, language is added to the end of Sub-Section 4.9.15B that stipulates that any sign constructed without a permit shall be deemed as an illegal sign and not afforded with the protections of being classified as a nonconforming sign.

Sub-Section 4.9.15E, which covers the prohibition of altering or expanding nonconforming signs, needs clarification so it is better understood by the sign permits department of the Office of Construction Code Enforcement and by the community. A second paragraph is proposed to this Sub-Section, which reiterates the current language but in a more explicit manner. For instance, it clarifies that any change in the dimensions of a nonconforming sign is prohibited, but that changes to the copy or plastic facing of a sign is permitted, unless the sign or the business that it is advertising has been discontinued for 365 days. A cross reference is then provided for the discontinuance clause, Paragraph 4.9.15F(1)(c).

In Paragraph 4.9.15F(1)(c), examples have been added as to what is exactly meant when this section of the Sign Code states “any nonconforming sign..., the use or copy of which is discontinued or removed for a period of ...365 days...shall be deemed to be abandoned and shall not...be reestablished.” These examples include the scenario in which a business ceases operations for more than a year but its sign is not removed and the scenario where a business does not cease operations but its sign has lost its plastic cover that advertises the business.

A change is also proposed to Paragraph 4.9.15F(1)(a), which covers situations in which nonconforming signs are damaged or destroyed by acts of God and other means out of the control of the sign owner. A good recent example is the old sign along Walker Avenue for the Tiger Bookstore, which was nonconforming due to its height. When the City widened Walker recently, the Tiger Bookstore sign had to be removed but could not be replaced since this section of the code says the sign must be of identical size in the **same location**

(emphasis added). The “same location” would have been inside the alignment of the new street. The proposed change to this section will allow signs in such a circumstance to be moved to “a location as near as practicable to the same location.”

Also, the title of Sub-Section 4.9.15F is being changed from the “Removal of Nonconforming Signs” to the “Removal and Alteration of Nonconforming Signs” since some of the sections of this Sub-Section speak to altering signs, such as changes in technology, rather than removing them. This may be one of the reasons the Office of Construction Code Enforcement has mistakenly overlooked the section cited below in the past, which occurred with the permitting of the digitization of a nonconforming billboard on Walnut Grove, west of Tillman. Also, Sub-Section 4.9.15F is being amended to read that, in the event that a two-sided billboard is abandoned for six months, the billboard becomes one-sided.

Finally, 4.9.15F(3) is proposed to be split between “alteration and expansion” of billboards and a new section, 4.9.15F(4), entitled “Converting Technology of any Nonconforming Sign.” Creating a separate section for the prohibition of the change in technology of a nonconforming sign will prevent it from being overlooked in the future. A new sentence is also being added that will clearly stipulate which billboards are nonconforming and ineligible for a change in technology.

13. 8.3.10G(2) and 8.3.13: Sign regulations for the University District Overlay

Currently, signs in the University District Overlay are regulated by the sign code utilized by the Downtown Memphis Commission and contained in Chapter 12 of the Memphis Code of Ordinances. This sign code has been difficult for the sign permitting department at the Office of Construction Code Enforcement to administer. This proposal would replace the current downtown regulations with sign rules tailored specifically to the University District. These were written in large part by the University Neighborhoods Development Corporation, the agency responsible for aiding in the development of the district. The tables below compare the existing requirements for signs, such as maximum size, compared to the proposed requirements.

SIGN TYPE	CURRENT DMC (CBID)	NEW UD OVERLAY
Awning Signs	Maximum signable area is 30% of awning face. Only lettering above 3” in height counted against Total Allowable Signage Area of building.	No percentage limit of awning face signable area. All lettering and graphics (regardless of height) counted against Total Allowable Signage Area of building.
Canopy Signs	Includes fabric canopies and definition confusing. 6” height limit	Non-fabric distinguishes from Awnings. Same height limits for lettering or graphics, but counts against Total Allowable Signage Area of building.
Banner Signs	Provisions relate only to street banners on streetlights, except for Ballpark District.	Banners on buildings count against Total Allowable Signage Area of building. Street Banner provisions re size, height from ground, etc. same as DMC.
Wall Signs	Limits to one wall sign per side of building that fronts public right of way. Total Allowable Signage Area is a little smaller than allowed in UD Table.	No limit to number of signs, but all must in aggregate comply with Total Allowable Signage Area. Total Allowable Signage Area a little greater than DMC.
Window Graphic	Size limits same as UD.	Size limits same as DMC, except Window Graphics count toward Total Allowable Signage Area.
Roof Signs, Roof Surface Signs, Above-Roof Wall	Above Roof Wall Signs only allowed for limited types of businesses (hotels, hospitals, majority tenant), and only for buildings over 50 feet in height. Roof Signs only in Ballpark and Peabody Place	Prohibited without variance. UD also adds category of Roof Surface Signs to address situations like the new Cookout Restaurant on Highland which put up signs covering the mansard roof.

Signs	Districts.	
Hanging Signs	Do not believe these are addressed.	Limited to six sq. ft. Must leave 8 ft. clearance. Counts toward Total Allowable Signage Area.
Projecting Signs	Same as UD proposal.	Same as DMC.
Ground Signs	Not permitted unless business at lease 35 ft. back from street. If so, both pole signs and monument signs permitted, subject to size limits. Pole Signs not permitted in certain Districts unless for public surface parking.	Pole Signs not permitted. Monument Signs permitted if business 35 ft. back from street. Size limits for Monument Signs same as DMC.
Sandwich Boards	Same as UD proposal.	Same as DMC.
Portable Signs	Not addressed in DMC ordinance.	Not permitted.
Changeable Copy Signs	Do not believe these are addressed in DMC ordinance. Limits placed on them in UDC.	Not permitted.
Off – Premises Signs	Only permitted in very limited situations.	Not permitted.
Temporary Signs	Basically the same as UD proposal.	Same as DMC, except specific time limitations for clarity and enforcement.
Murals	Do not believe murals are addressed in DMC ordinance.	Size limitations only on street facing facades. No size limits on other walls, except limit on advertising percentage.
Directional Signs	Size limits same as UD proposal.	Same as DMC, except prohibition of advertising graphics on directional signs.

Current Downtown Memphis Commission Allowable Signage Table

Length of Frontage on Public Right-of-Way	Total Allowable Signage (square feet)
Less than 30 feet	20
30' to 49' 11"	30
50' to 69' 11"	40
70' to 99' 11"	50
100' and greater	60

Proposed Univeristy District Allowable Signage Table

Length of Building Façade Frontage on Public Right-of-Way	Total Allowable Signage (square feet)
Less than 20 feet	20
20' to 29' 11"	30
30' to 49' 11"	40
50' to 69' 11"	50
70' and greater	60