

4.9 SIGNS

4.9.1 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.

4.9.2 Applicability

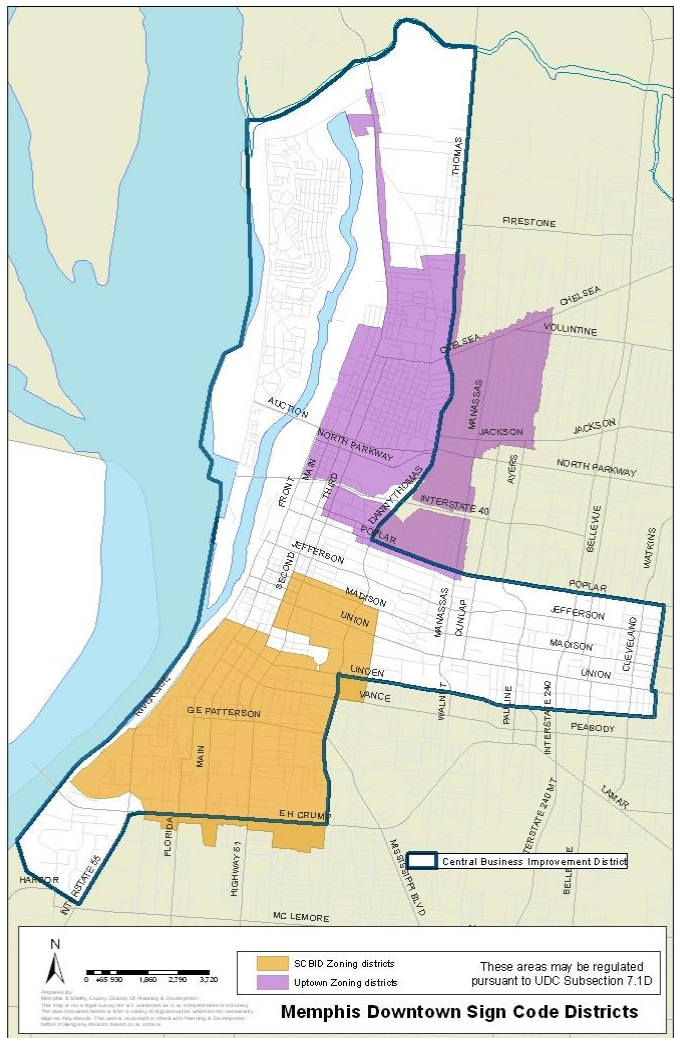
A. Generally

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:

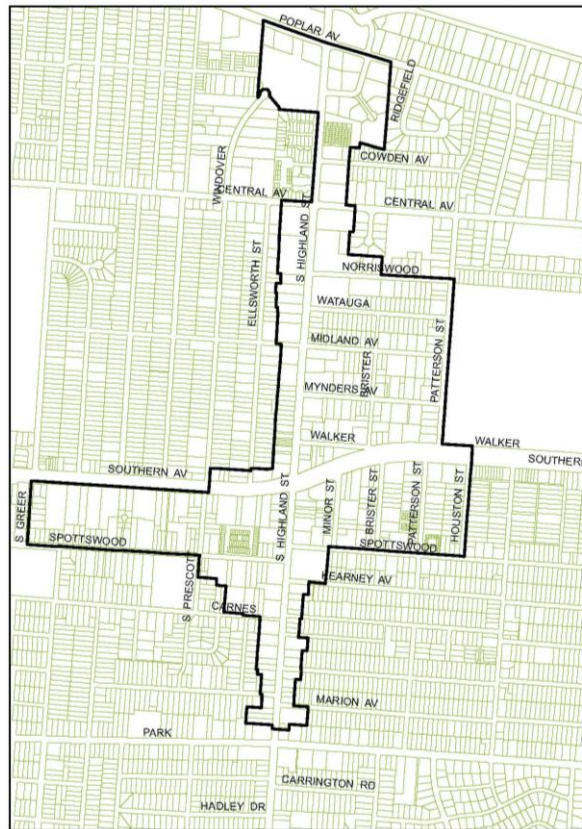
1. Any sign installed in a building or enclosed space and not visible or legible from the public right-of-way or from private or public property other than the property on which it is located;
2. Any sign which is not visible from a public right of way, public property or private property other than the lot on which the sign is located; provided, however, where a change in local condition causes the existing sign to become visible from any of the above listed locations, the existing sign shall comply with all existing sign ordinance elements and requirements at that time as if it were a new sign and, if those requirements and elements are met, a permit shall be required for the existing sign;
3. Any sign with a sign surface 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



Map 1: Location of the CBID, SCBID and Uptown areas

4. Signs located in the Central Business Improvement District (CBID) shall be subject only to the provisions of Memphis City Code §§12-32-1 and 12-36-1, the portion of the City Code commonly referred to as the CBID Sign Code (see Map 1 above).
5. Signs located in the South Central Business Improvement District (SCBID) shall be subject only to the provisions of Memphis City Code §§12-32-1 and 12-36-1, the portion of the City Code commonly referred to as the CBID Sign Code (see Map 1 above).
6. Signs located in the Uptown District (U) shall be subject only to the provisions of Memphis City Code §§12-32-1 and 12-36-1, the portion of the City Code commonly referred to as the CBID Sign Code (see Map 1 above).
7. Signs located in the nonresidential zoning districts within the University District Overlay shall meet the standards of the sign regulations set out in Section 8.3.13 (see Map 2 below).

University District Overlay (UDO)



Map 2: Location of the University District Overlay

C. Signs Subject to Other Standards

Signs listed in this sub-section shall be exempt from the permit requirements of this Chapter; 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 (see Sub-Section 4.9.15F);
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 Paragraph is electrified, it will require an electrical permit.

1. Signs used for the purpose of identifying the address of any building.
2. Detached signs not larger than six square feet in area and not taller than four feet in height, as measured from the final grade 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. 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. 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, not containing a commercial message, when erected in a lawful cemetery or graveyard.
8. 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. 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 Chapter but shall be subject to all other standards of this Chapter.

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 Paragraph 4.9.6E(2). This does not include changing the technology of a sign (see Paragraphs 4.9.3B(2) and 4.9.6E(1), Item 4.9.8H(2)(a) and Sub-Section 4.9.15(E)).
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations.
3. Installation of permanent signs smaller than six square feet where such signs are permitted by this Chapter, 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 Chapter and conform with this Chapter in all respects.

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

1. Nothing in this Chapter shall prohibit or limit the outdoor display of products where allowed under this development code, although a particular product may be a thing which would be prohibited by this Chapter if used as a sign and although one or more such products may have on them permanent labels that might otherwise be regulated under this Chapter. This Chapter shall 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 are allowed without a permit provided the signs do not flash and that the signs are either not legible from any public right-of-way, public property or private property other than the 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 Chapter.
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 are allowed without a permit when less than 25 square feet in size, and provided that the only word(s) on such device that are legible from any location other than the lot on which it is located shall include no commercial message but may only identify the device as a "menu," "directory," "instructions," "information" or something similar. A menu board or other device larger than four square feet that includes a commercial message legible from any location other than the lot on which it is located or, if it is electrified, shall require a sign permit.
4. In districts where lighted or unlighted recreation fields are permitted as a principal or accessory use, a scoreboard located inside such athletic field is allowed without a permit.

G. Distances from Residential Districts

Any distance requirement between a sign and residential zoning district articulated by this Chapter shall not include portions of a residential zoning district encompassing interstate highway right-of-way.

4.9.3 Registration, Permits and Decals Required

A. Registration of Signs

1. Except for signs listed in Sub-Section 4.9.2 B, C, or D, and other actions listed in Sub-Section 4.9.2.E, any sign existing prior to the effective date of this development code 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. Regardless of any exemption noted above all illuminated signs and all portable signs shall be registered with the building official.
2. 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.
3. 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 development code and all documents accompanying the registration form in his or her office. The building official shall make the registration forms and all accompanying documents available for public inspection during regular business hours.
4. The building official shall maintain a log of all registered signs that includes but not limited to 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

1. Except for the signs listed in Sub-Sections 4.9.2B, C, and D, and other actions listed in Sub-Section 4.9.2E, no sign may be constructed, erected, relocated, expanded or altered unless the owner thereof obtains a sign permit from the building official.
2. Converting a sign to a different technology including but not limited to a change to tri-vision, changeable copy, or automatic changeable copy technology, shall require a permit to provide for administrative review of the conformance of the proposed modifications with this Chapter.
3. 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 technical codes.
4. 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.

4.9.4 Prohibited Signs, Lighting and Graphics

- A. The following signs, lighting and graphics are prohibited in all districts:
 1. Bench signs;
 2. Permanent off-premise signs except as expressly allowed under Section 4.9.8;
 3. 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 4.9.7;
 4. 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; and except signs that meet City or County utility pole installation policy which may be permitted.
 5. Signs which contain flashing or intermittent illuminations, except where expressly allowed in accordance with Sub-Section 4.9.6E;
 6. Portable signs except as allowed under Sub-Section 4.9.6L; and
 7. 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. 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 classified as a changeable copy sign.
 8. Signs that revolve, oscillate, are animated, or create an illusion of continuous movement are prohibited in the following districts: CA, R-E, R-15, R-10, R-8, R-6, R-3, RU-1, RU-2, RU-3, RW, OG and the exclusively residential zoning districts of the special purpose districts. See Sub-Section 4.9.6E.
 9. Window graphics that exceed the dimensions provided in Paragraph 4.9.2D(9).
 10. Rope Lighting

Prohibited rope lighting shall include any rope lighting along the exterior of a structure or along the perimeter of any window or within three feet of the interior of any window of said structure. Such rope lighting shall not be considered a "structure" for the purpose of this Code and shall furthermore not be afforded any nonconforming status under Article 10. All rope lighting, regardless of its time of installation, shall be deemed a violation of this Code and shall be removed. In an effort to allow the owner of the rope lighting a period to amortize the capital costs associated with the lighting, this Paragraph shall not take effect until 180 days after the effective date of this zoning text amendment (November 10, 2015).

- B. All portable signs are prohibited in the Residential Districts or Open Districts.

4.9.5 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 4.9.4. 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 4.9.4:
 - 1. Attached Signs:
 - a. Awning, canopy or marquee signs;
 - b. Wall sign;
 - c. Window graphic; and
 - 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; and
 - f. Sidewalk sign.
 - 3. Changeable Copy Signs

4.9.6 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.

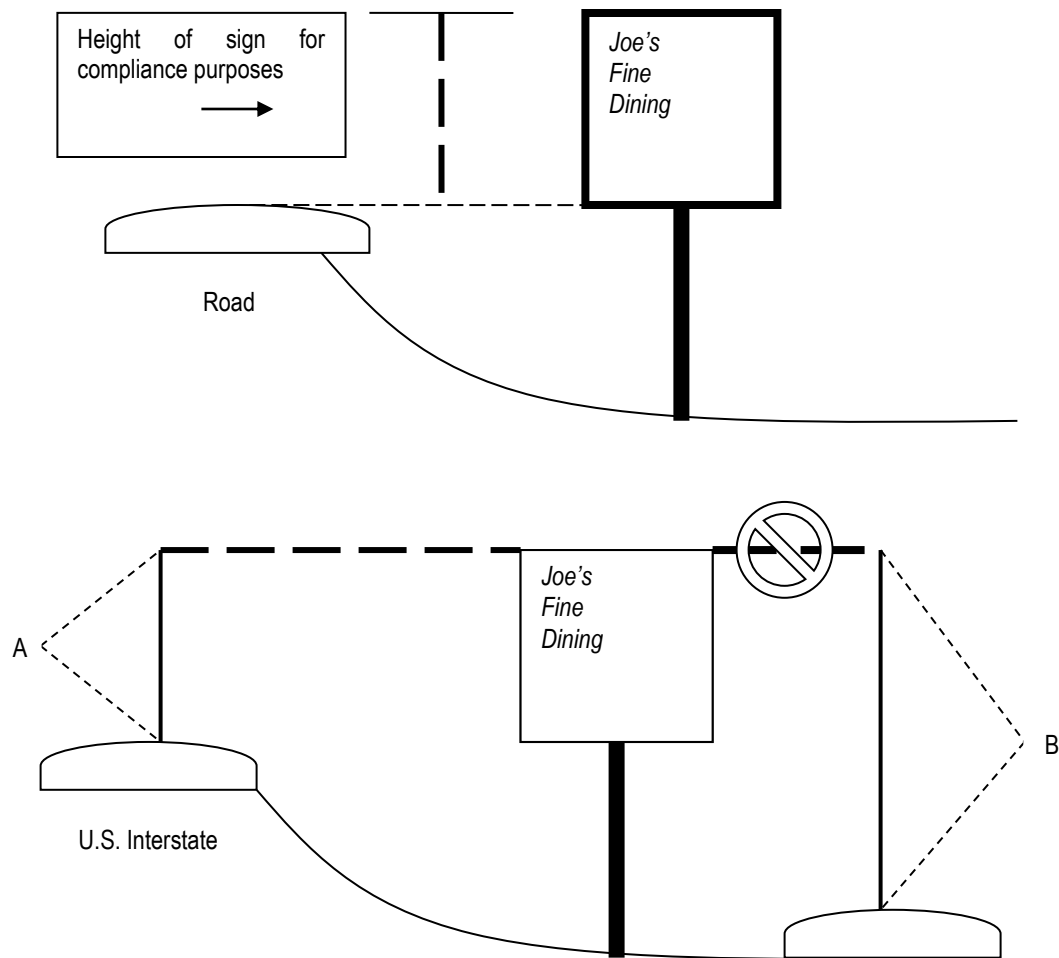
3. Computation of Area of Multifaced Signs

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 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 at the same time from any point along a public right-of-way, public property or private property other than the lot on which the sign, is located, 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.

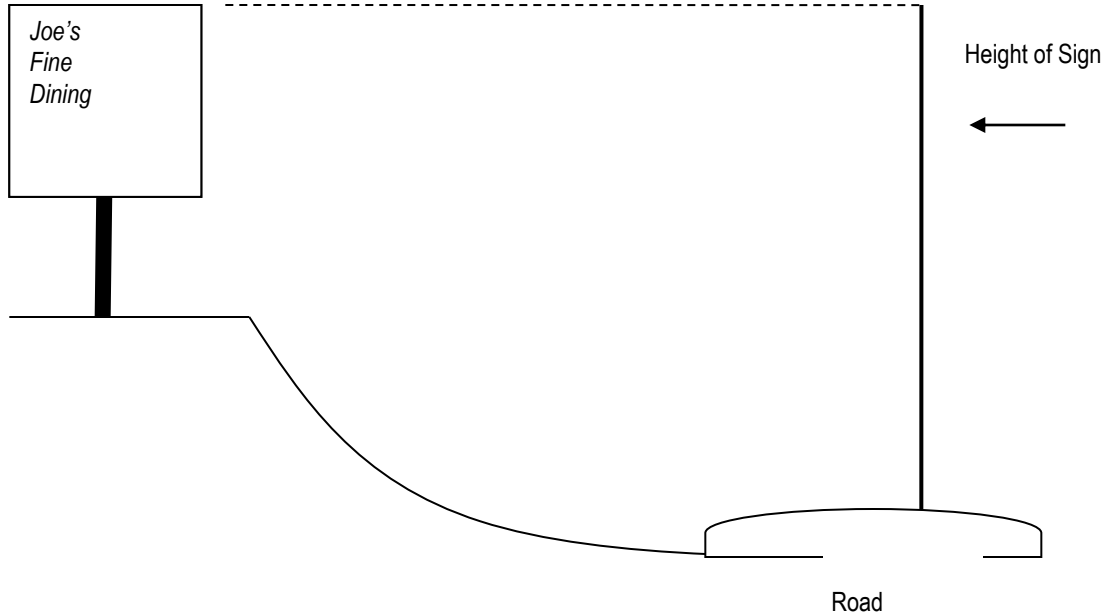
B. Measurement of Height of Sign

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.



For off premise signs intended to be read from U.S. interstate proper point of measurement is the crown of interstate (A), not the road in front of the sign (B)

Road providing lot frontage



C. Sign Setback and Location on the Lot

No sign greater than six square feet in area shall be erected in a Nonresidential District or in the non-residential portion of an approved planned development closer than ten (10) feet to any lot line, except as provided in this Article (see Paragraph 4.9.7C(3) and Sub-Item 4.9.7D(3)(b)(2) for provisions that allow for a 0-foot setback). 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; or
 - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face.
3. Signs in the Open Districts, Residential Districts, Residential Work (RW) and Office General (OG) districts may be illuminated but not flash, revolve, oscillate, be animated, or create an illusion of continuous movement, contain any automatic changeable copy, LED or digital elements.
4. Flashing and movement on signs in all other districts is subject to Sub-Section 4.9.6E.

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

1. Generally

On-site signs that are animated, flash, move (See Paragraph 4.9.4A(8)), or simulate movement are prohibited except as allowed under this Sub-Section. A changeable copy sign is considered a different classification of sign under this Chapter; conversion of an existing sign to a changeable copy sign, changing the technology of a changeable copy sign or to adding changeable copy elements to an existing sign is allowed only if the modified sign will conform with all standards in this Chapter 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 sign or similar technology shall require a permit in accordance with Sub-Section 4.9.3B (see Paragraphs 4.9.3B(2), Item 4.9.8H(2)(a) and Sub-Section 4.9.15(E)).

2. 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. No portion of a nonconforming sign shall convert to a different technology, including the converting of manual changeable copy or tri-vision copy to electronic or video changeable copy. See Paragraph 4.9.15F(4).
- b. Such technology shall be programmed so that the message or image on the sign changes no more often than once every eight seconds.

~~c. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.~~

- d. 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.
- e. **Brightness.** Electronic and 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 the following a pre-set distances: This distance shall be based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA) guidelines.

Sign Face Size	Distance
Less than 200 sq ft	100 feet
200-300 sq ft	150 feet
300-385 sq ft	200 feet
More then 385 sq ft	250 feet

The distances prescribed above shall be measured from the base of the sign to a point perpendicular to the face of the sign between three and six feet from the ground. In lieu of the foot candle standard, the owner of a sign may present evidence that a sign does not exceed a daytime luminous intensity of 7500 nits and a nighttime luminous intensity of 300 nits to adhere to this Item of the Code.

- f. 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.
- g. The area of a sign consisting of electric or electronic message board elements shall not constitute more than 200 square feet of a sign.
- h. 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 any Residential District or the residential portion of an approved planned development. This restriction shall not apply to the Mixed Use 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 any Residential District or the residential portion of an approved planned development. This restriction shall not apply to the Mixed Use Districts allowing residential uses.
 - 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 any Residential District or the residential portion of an approved planned development. Civic uses in residential districts may be permitted the use of such technology on signs, provided that the required separation of 100 feet from any residential use is maintained.
- i. The following limitations shall apply to the location of signs using an electric or electronic message board:
 - i. Signs with an electric or electronic message board are limited to sites that front arterial or collector roads, as identified by the Long Range Transportation Plan, and shall be limited to the frontage along said arterial or collector road.

- ii. A sign on which the electric or electronic message board includes 100 or more square feet of sign area shall not be erected within 500 feet of any property with a single-family dwelling.
- iii. A sign on which the electric or electronic message board 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 any property with a single-family dwelling.
- iv. A sign on which the electric or electronic message board includes less than 20 square feet of sign area shall not be erected within 100 feet of any property with a single-family dwelling.
- i. Fuel price signs. The maximum height of any numeral on a fuel price sign shall be three feet for a single grade. Additional grades may be listed with numerals of a maximum height of 18 inches.

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 Paragraph 4.9.2D(1), (2) or (3), may be located in any clear sight triangle, as defined in Section 4.4.7.

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 any technical 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. 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 adjacent property zoned for single-family residential uses;
4. Any such sign that is located within 150 feet of adjacent property zoned for single-family residential use shall be internally lighted and when lighted only direct, white light is permitted.

M. 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, shall be installed around the immediate base area of the sign. The maximum requirement for landscaped area shall be five hundred (500) square feet. If the sign is located within the landscaped area of streetscape plates S-7, S-8, S-9, S-10, S-11, or S-12, then the landscaping requirements of this sub-section shall be waived.
3. The landscaped area should be irrigated with an underground sprinkler system.

Other Requirements for Detached Signs (moved from Sub. Sec. 4.9.7G)

4. Spacing
The minimum permissible horizontal distance between freestanding signs on the same property is seventy-five (75) feet.
5. 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.
6. 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.
7. Pole, Post or Pylon Signs (moved from Sub. Sec. 4.9.6O)
All pole, post or pylon signs with support poles having a diameter (width) of less than eighteen (18) inches 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.

4.9.7 Regulations Applicable to Permanent Signs by Zoning District

A. Applicability of this Section

1. 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 4.9.8. In case of a conflict between that section and this section, Section 4.9.8 shall control. As to issues addressed in this section but as to which Section 4.9.8 is silent, this section shall control.

2. Detached Sign Table

The following table summarizes the heights, setbacks and size requirements for detached signs by zoning district. Please consult the provisions within this Section that follow this table for further details.

	Residential Zoning Districts (the P, OS, FW, CA, CIV, R-MP, RE, R-15, R-10, R-8, R-6, R-3, RU-1, RU-2, RU-3, RU-4, RU-5 and R-W districts)	Office Zoning District (OG)	Commercial & Industrial Zoning Districts (the CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD and IH districts)
Setback (minimum setback from right-of-way)	5'	0' for signs 10' in height or less; 10' for signs more than 10' in height	0' for signs 10' in height or less; 10' for signs more than 10' in height
Height (maximum height in feet)	5' for signs 12' in size or less; 12' for signs more than 12' in size	16'	6-50' (see Table 1 in Sub-Item 4.9.7D(2)(b)(2) for further details)
Size (maximum area in square feet)	12 sq. ft. or 12 sq. ft. per acre to a maximum of 32 sq. ft.	35 sq. ft.	23-300 sq. ft. (see Table 1 in Sub-Item 4.9.7D(2)(b)(2) for further details)
Number (maximum)	1 per street frontage except for permitted nonresidential	1 per street frontage	1 per street frontage or 1 per 300' of street frontage for larger lots

number of signs per street frontage)	uses on collectors and arterials; 1 per 300' of frontage		
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B. Standards for Signs in the Open Districts, Residential Districts, and Residential Work (RW) District

(the P, OS, FW, CA, CIV, R-MP, RE, R-15, R-10, R-8, R-6, R-3, RU-1, RU-2, RU-3, RU-4, RU-5 and R-W districts)

1. Structural Types Permitted

Attached and detached signs are permitted, however, no pole or roof signs are allowed.

2. Maximum Gross Surface Area

The maximum gross surface area of signs in the Open Districts, Residential Districts, and Residential Work (RW) District may not exceed twelve (12) square feet, or twelve (12) square feet per acre of area of the lot, whichever is greater, up to a maximum of thirty-two (32) square feet per sign.

3. Minimum Setback

No portion of a sign may be located within five (5) 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 any approved planned development unless the sign is an attached sign.

4. Maximum Number Permitted

a. Residential Uses

One attached or one detached sign is permitted per frontage per lot. Attached signs shall be limited to the name of the establishment only.

b. Nonresidential uses

No more than one attached and one detached sign are permitted per frontage per lot, except for sites that abut collectors and arterials where one attached sign and one detached sign are permitted for every 300 feet of frontage along said abutting collector or arterial. Attached signs shall be limited to the name of the establishment only.

5. Maximum Height

For detached signs, 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. For attached signs, the height requirement for the zoning district in which the sign is to be located shall govern the maximum permitted height for the sign.

6. Illumination

External or internal illumination shall be permitted.

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.

8. Additional Regulations for Detached and Changeable Copy Signs

See Sub-Section 4.9.6M for additional regulations pertaining to permanent, detached signs and Sub-Section 4.9.6E for additional regulations pertaining to changeable copy signs, including electronic and video changeable copy signs.

9. Complex Signs (moved from Sec. 4.9.7E)

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

a. Standards

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

b. Maximum Gross Surface Area

- i. The maximum gross surface area for a complex sign that conforms with the design standards of Sub-Section 4.9.6MN shall not exceed the size shown in the column of the table below opposite the type of street from which the complex is entered.

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

- ii. Complex signs which are not in conformance with the required elements of Sub-Section 4.9.6MN shall be reduced in size from the maximum area permitted, in accordance with each of the following.
- 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(s) or project, neighborhood, or complex character.
 - A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

c. Minimum Setback

Complex signs shall be setback at least ten (10) feet unless attached to a wall or fence.

d. Maximum Height

The maximum height of a complex sign shall not exceed the height shown in the table below.

Street Type	Maximum Height of Sign
Local street (<60 feet ROW)	10 feet
Connector street (60-68 feet ROW)	10 feet
Arterial street (69-160 feet ROW)	16 feet
Limited access road (>161 feet)	24 feet

e. Illumination

Direct or indirect illumination shall be permitted.

f. Structural Types Permitted

Complex signs may be detached or attached to a wall or fence.

g. Maximum Number Permitted

Two complex signs per frontage are permitted on the periphery of the complex.

C. Standards for Signs in the Office General (OG) District

1. Structural Types Permitted

Attached and detached signs are permitted, however, no roof signs are allowed.

2. Maximum Gross Surface Area

a. Attached

Thirty-five (35) square feet per sign for each face of building, except that for attached signs whose placement is above 35 feet in height, the maximum square footage per sign shall be 50 square feet.

b. Detached

Thirty-five (35) square feet per sign.

3. Minimum Setback

No portion of a sign greater than ten (10) feet in height 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. There shall be no minimum required setback for detached signs of ten (10) feet in height or less.

4. Maximum Number Permitted

a. Attached

One attached sign per ground floor establishment is permitted. If a site contains additional non-ground floor establishments then an additional attached sign is permitted for each non-ground floor establishment.

b. Detached

One detached sign per frontage per lot is permitted.

5. Maximum Height

c. Attached

The maximum height of attached signs is regulated as permitted by the district in which the sign is located.

d. Detached

The maximum height of a detached sign is sixteen (16) feet measured from the final grade to the top of the sign.

6. Illumination

External or internal illumination shall be permitted.

7. Additional Regulations for Detached and Changeable Copy Signs

See Sub-Section 4.9.6M for additional regulations pertaining to permanent, detached signs and Sub-Section 4.9.6E for additional regulations pertaining to changeable copy signs, including electronic and video changeable copy signs.

D. Standards for Signs in the Commercial Mixed Use Districts (excluding OG and RW) and Industrial Districts

(the CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD and IH districts)

1. Structural Types Permitted

Attached, detached and changeable copy signs are permitted. The size, operation and location of changeable copies signs shall be subject to the controls for this type of sign established in this chapter. Roof signs are permitted, provided the height restrictions of the zoning district are met.

2. Maximum Gross Surface Area

a. Attached

The maximum gross surface area of attached signs in the Mixed Use District (Excluding OG and RW) and Industrial Districts are not regulated.

b. Detached

In accordance with Table 1, Detached Sign Area and Height, set out at the end of this chapter.

1. Signs which are not in conformance with the required elements of Sub-Section 4.9.6MA shall be reduced in size from the maximum area permitted, in accordance with the following:

1. 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.
2. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.

2. Computation of Maximum Total Permitted Detached Sign Area for a Lot (moved from Sec. 4.9.6A(4):

The permitted sum of the area of all individual detached signs on a lot shall be computed by multiplying the lot foot frontage (F) times (x) the appropriate Frontage Multiplier (M) shown in Table 1, "Detached Sign Area and Height" below 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.

Instructions on the Table and Chart Below:

1. Let's say your lot has 125 feet of road frontage on an arterial road in Zone 2.
2. Go to Table 1. You will find that arterial roads in Zone 2 have a Frontage Multiplier of 0.9.
3. Multiply your road frontage (125 feet) by the Frontage Multiplier (0.9) and you are permitted a 112.5-square foot detached sign.
4. Another way to calculate your permitted area is to go to Chart 1. With a multiplier of 0.9 and a 125-foot lot, you can add up the figures to make up the area: 100+20+5 under the 0.9 Frontage Multiplier (90+18+4.5=112.5).
5. Heights of signs are covered in Table 1; a 125-foot lot may have a 25-foot tall sign in Zone 2.
6. Setbacks are simple: signs over 10 feet in height must be 10 feet from the right-of-way.

(table moved from Sec. 4.9.14B)

TABLE 1: Detached Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop			Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 4** Interchange
	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Maximum Height
Minor Street (= < 60' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted By District
Connector Street (60-70' ROW)	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted By District
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

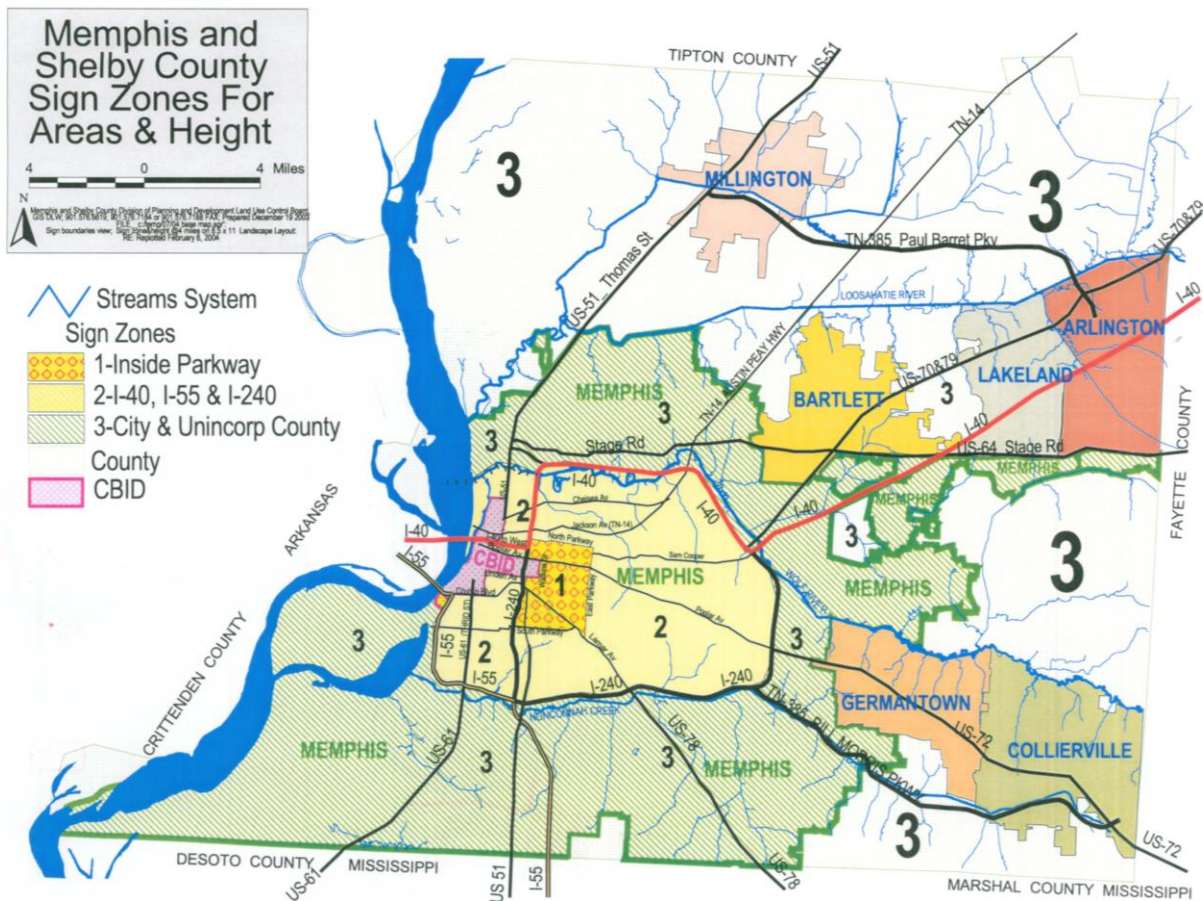
- Notes:
- 1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
 - 2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads. These minimum frontage requirements do not apply to off-premise signs.
- * As shown on Map #4 3 below.
 ** As shown on Map #2 4 below.

(chart moved from Sec. 4.9.14C)

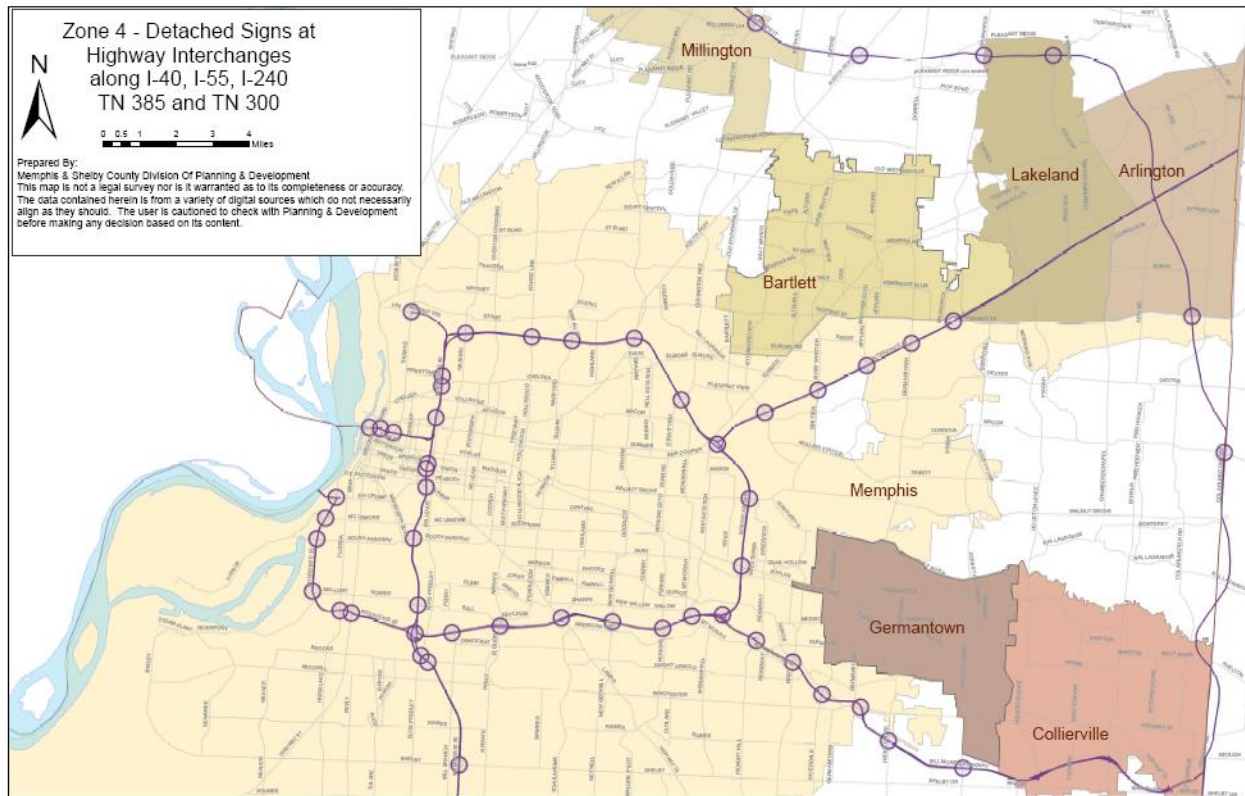
CHART I: Detached Sign Area Calculations (lot frontage in feet)

lot frontage in feet (→)	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100	
Frontage Multiplier (ft) (↓)																				
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	0.9	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	

Map 3: Zones 1, 2 and 3 (moved from Sec. 4.9.14E)



**Map 4: Zone 4, Interchanges
(moved from Sec. 4.9.14E)**



4.9.7D, continued

3. Minimum Setback

a. Attached

The minimum setback of attached signs in the Nonresidential Districts (Excluding OG and RW) and Industrial Districts are not regulated.

b. Detached

1. As regulated in Sub-Section 4.9.6C, but no sign shall be located within fifty (50) feet of an Open Space District or Residential District or residential portion of an approved planned development.
2. All signs greater than ten (10) feet in height shall have a minimum setback of ten (10) feet from the right-of-way which fronts the property. There shall be no minimum required setback for detached signs of ten (10) feet in height or less. Any sign over ten (10) feet in height and set back less than ten (10) feet from the right-of-way shall be considered a nonconforming sign. See Sec. 4.9.15 for restrictions on nonconforming signs, including the prohibition on changing technology on nonconforming signs such as the digitization of a changeable copy sign in Paragraph 4.9.15(3).

4. Maximum Number Permitted

a. Attached

1. Standalone Buildings: For establishments that occupy an entire building, five signs per establishment and no more than two of the five may be located on any building façade, 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 District four additional signs, not on a canopy, awning, or marquee, are allowed.
2. Shopping Centers: For establishments within a structure that houses multiple businesses, such as a shopping center, one sign per establishment may be located on any building façade, awning, canopy or marquee, per building façade. An additional three signs may be located on fuel pump canopies for establishments within the shopping center that sell gasoline.
3. Office Buildings: For establishments within a multi-storied structure, such as an office building, one sign per ground floor establishment may be located on any building façade, awning, canopy or marquee, per building façade, provided the sign(s) is located along the outside of the area of the building that houses the establishment. In addition, one rooftop sign, per building façade, may be permitted to advertise an establishment located anywhere within the building.

- b. Detached:** one sign per road frontage in accordance with the table below. If installed, an integrated center sign shall be considered as one of the detached signs.

Road frontage	Maximum number of signs per road frontage
up to 399 feet	1
400-599 feet	2
600-899 feet	3
900-1199 feet	4
Over 1200 feet	5*

*An additional sign is permitted for every 300 feet of frontage over 1200 feet.

5. Maximum Height

a. Attached

The maximum height of attached signs is regulated as permitted by the district in which the sign is located.

b. Detached

1. In accordance with Sub-Item 4.9.7D(2)(b)(2). Table 1, Detached Sign Area and Height (see Map 1 for zone) set out at the end of this chapter.
2. 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.
3. 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:
 1. The sign is oriented to and visible from the controlled access road travel lanes;
 2. The sign is located more than five hundred (500) feet from property which is utilized for single-family residences, including residential portions of a PD, or R-E, R-15, R-10, R-8, R-6, R-3 zoning;
 3. The sign will conform in all respects except height with the standards applicable to the district in which the sign is located;
 4. If the sign will be legible from any property zoned for single-family residential use, including residential portions of a PD, 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

External or internal illumination shall be permitted.

7. Additional Regulations for Detached and Changeable Copy Signs

See Sub-Section 4.9.6M for additional regulations pertaining to permanent, detached signs and Sub-Section 4.9.6E for additional regulations pertaining to changeable copy signs, including electronic and video changeable copy signs.

8. Integrated Center Sign (moved from Sec. 4.9.7F)

In addition to the above permitted signage, an integrated center sign shall be permitted provided the following standards and requirements are met.

a. Permitted Districts

An Integrated Center Sign shall be allowed in the Mixed Use Districts and the Industrial Districts for any integrated center in such districts.

b. Structural Types Permitted

Detached signs are permitted provided that no changeable copy signs are allowed in the Office General (OG) district.

c. Standards

- i. 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 lot, provided the permanent detached on-premise sign requirements (this section) shall be calculated as if the integrated center was one lot. Otherwise, an integrated center sign is not permitted.
- ii. An integrated center sign shall also be permitted in the Office General (OG) 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 Item 4.9.7E(3)(a).

d. Maximum Gross Surface Area

~~In accordance with Table 2, Integrated Center Sign Area and Height, set out at the end of this chapter.~~

(moved from Sec. 4.9.6A(4):

The permitted sum of the area of integrated center all individual detached signs on a lot shall be computed by multiplying the lot foot frontage (F) times (x) the appropriate Frontage Multiplier (M) shown in Table 1, Detached Sign Area and Height and Table 2, "Integrated Center Sign Area and Height" below, 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.

(table moved from Sec. 4.9.14D)

TABLE 2: Integrated Center Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop			Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 4** Interchange
	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Maximum Height
Minor Street (=59' ROW)	0.0	35	8	0.2	50	8	0.2	50	20	As Permitted By District
Connector Street (60-70' ROW)	0.2	100	15	0.3	150	15	0.4	200	35	As Permitted By District
Arterial Road (71-160' ROW)	0.8	300	20	1.0	350	35	1.0	400	40'	As Permitted By District
Controlled Access Road (=161' ROW)	0.8	300	25	1.0	350	40	1.0	400	55'	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. These minimum frontage requirements do not apply to off-premise signs.

* As shown on Map #13 (see Sub-Item 4.9.7D(2)(b)(2)).

** As shown on Map #24 (see Sub-Item 4.9.7D(2)(b)(2)).

- ii. Integrated center signs which are not in conformance with the required elements of Sub-Section 4.9.6MN, 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; substantially the same; or similar materials of the building.
 - b. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
- e. Minimum Setback**
- No integrated center sign shall be located within fifty (50) feet of a Residential District or Open District, or equivalent residential portion of a planned development.
- f. 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.
- g. Maximum Height**
- i. In accordance with Table 2, Integrated Center Sign Area and Height (See Map 1 for zone), set out at the end of this section.
 - ii. 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 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 each of 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 residential (R-E, R-15, R-10, R-8, R-6, R-3) zoning, including residential portions of a PD.
 - 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 PD, 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.

h. Illumination

External or internal illumination shall be permitted.

4.9.8 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 Mixed Use-3 (CMU-3), Central Business District (CBD), Employment (EMP), or Heavy Industrial (IH) zoning district;
2. Located within 300 feet of an U.S. Interstate highway; and
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

No permanent off-premise signs shall have a maximum gross surface area larger than six hundred seventy-two (672) square feet.

C. Structural Type Permitted

The following structural types of permanent off-premise signs are permitted:

1. Attached wall signs;
2. Detached signs; and
3. Changeable copy signs.

D. Minimum Setback

For supporting columns the minimum required front setback for the district in which the sign is located, 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. However; 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 1,000 feet from another off-premise sign, or closer than 2,000 feet where the signs include 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. Landscaping

Landscaping shall not be required around the base of a permanent off-premise sign, unless so conditioned by the Board of Adjustment, Land Use Control Board or governing body.

G. Other Standards

The following requirements shall apply to all off-premises signs in all districts.

1. No portion of a detached sign, if it is legible from the interstate freeway, shall be closer than twenty (20) 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:
Along all U.S. Interstate Highways in Memphis and Shelby County: six hundred seventy-two (672) square feet.
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 4.9.7).
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 Office of Construction Code Enforcement taking action as described in Paragraph 4.9.3C(4).

H. 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 Sub-Section 4.9.3B.
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 each of the following additional restrictions:

- a. No portion of a nonconforming sign shall convert to a different technology, including the converting of manual changeable copy or tri-vision copy to electronic or video changeable copy. See Paragraph 4.9.15F(4).
- b. Such technology shall be programmed so that the message or image on the sign changes no more often than once every eight seconds.
- c. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- d. 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.
- j. **Brightness. Electronic and 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 the following a pre-set distances: This distance shall be based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA) guidelines.

Sign Face Size	Distance
Less than 200 sq ft	100 feet
200-300 sq ft	150 feet
300-385 sq ft	200 feet
More then 385 sq ft	250 feet

The distances prescribed above shall be measured from the base of the sign to a point perpendicular to the face of the sign between three and six feet from the ground. In lieu of the foot candle standard, the owner of a sign may present evidence that a sign does not exceed a daytime luminous intensity of 7500 nits and a nighttime luminous intensity of 300 nits to adhere to this Item of the Code.

- 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.

I. 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; or
 - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face.

J. 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.

K. 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 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 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.

L. Nonconformity Provisions Related To Off-Premise Signs

See Paragraph 4.9.15F(2).

In addition to the provisions of Section 4.9.15, which apply to all nonconforming signs, the following provisions shall apply to nonconforming off-premise signs:

1. 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.
2. 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 re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
3. 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.

M. Removal of Nonconforming Signs

See 4.9.15F.

4.9.9 Temporary Sign Regulations

A. Temporary Sign Regulations in all Districts Portable Signs (moved from Sec. 4.9.6L)

Temporary signs in all districts 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 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.

B. Standards for Residential Districts, and Conservation Agriculture (CA) Districts and RW District (the P, OS, FW, CA, CIV, R-MP, RE, R-15, R-10, R-8, R-6, R-3, RU-1, RU-2, RU-3, RU-4, RU-5 and RW districts)

1. Dimensions and Types Permitted

- a. Temporary signs shall be either detached or attached signs.
- b. Temporary signs in the CA, RU-3, RU-4, RU-5 and RW 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. Temporary signs for schools, places of worship, community services and parks in the R-E, R-15, R-10, R-8, R-6, R-3, RU-1 and RU-2 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. Temporary signs for all other uses in the R-E, R-15, R-10, R-8, R-6, R-3, RU-1 and RU-2 Districts shall not exceed five feet in height and seven square feet in area.
- d. Temporary signs may be double-faced, with the area limitation applying only to one face.
- e. Temporary 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 R-E, R-15, R-10, R-8, R-6, R-3, RU-1 and RU-2 Districts shall not be separately illuminated. Signs in the CA, RU-3, RU-4, RU-5 and RW 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 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, yard sale, estate sale or auction) 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.

C. **Standards for Mixed Use Districts**

(the OG, CMU-1, CMU-2, CMU-3, CBD, CMP-1 and CMP-2 districts)

1. Dimensions and Types Permitted

- a. Temporary signs shall be either detached or attached signs.
- b. Temporary detached signs shall not exceed eight feet in height. No such sign may 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. Temporary signs may be double-faced, with the area limitation applying only to one face.
- d. Temporary detached 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 these districts shall be allowed one temporary detached sign and one temporary attached sign per lot frontage.

3. Illumination

Temporary signs shall not be separately illuminated.

4. Limitations on Commercial Messages

Such sign may 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.

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.

D. **Standards for the Industrial Districts**

(the EMP, WD and IH districts)

1. Dimensions and Types Permitted

- a. Temporary signs shall be either detached or attached signs.
- b. Temporary 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. Temporary 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. Temporary signs may be double faced with the area limitation applying to one face.
- e. Temporary 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

Temporary signs shall not be separately illuminated.

4. Limitation of Commercial Messages

Such sign may 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.

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.

4.9.10 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.

4.9.11 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.

4.9.12 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.

4.9.13 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 4.9.13B.

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 Section 4.9.4 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 4.9.13A.

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 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.

4.9.14 Maps and Charts Reserved (moved to the sections above)

A. Setbacks

~~The tables, charts and maps in this Section contain regulations related to the area and height of permitted signs. Please refer to Sections 4.9.7 and 4.9.8 for setbacks of permitted signs.~~

4.9.15 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 as contained in Memphis Code of Ordinances 12-32 through 12-44.

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 this Chapter shall be deemed illegal and removed, or otherwise made to conform with the current requirements of this Chapter within thirty (30) days of written notification by the building official. Any sign that did not receive a permit for its construction shall be classified as an illegal sign and not afforded the protections of this Section.

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 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 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 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.

For the purpose of this Sub-Section, "changed or altered in any way" shall be interpreted to include any change in the dimensions of a nonconforming sign. However, changing the copy of a sign, including whatever backdrop on which the copy is placed, shall be permitted on a nonconforming sign, provided the previous copy and the previous use that it advertised was not discontinued or removed within 365 days of the date of the application for a sign permit for the new establishment (see also Paragraph 4.9.15F(1)(c) below).

F. **Removal and Alteration of Nonconforming Signs (moved from Sec. 4.9.8M)**

~~See Sub-Section 4.9.8M.~~

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.

For the purpose of this Paragraph, the "use or copy of which is discontinued or removed" shall be interpreted to cover the following situations:

- i. A business ceases operations. The nonconforming sign that advertises the business is not removed from the premises. A new business must remove the nonconforming sign if it submits a sign permit application 365 days or more after the business ceased operations.
 - ii. The plastic face of a nonconforming sign falls off. The business does not cease to operate. If 365 days have passed and no sign permit application has been filed, the nonconforming sign must be removed.
- 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 Paragraph.

2. **Off-Premise Sign**

In addition to the provisions of Paragraph 1 of this Sub-Section **M**, which apply to all nonconforming signs, each of 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 re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign. **This Item shall be applied individually to each side of a multi-faced sign so that a two-sided, nonconforming off-premise sign shall become one-sided if the use or copy of one of its sides is discontinued for a period of six months.**
- 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. 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.

4. Converting Technology on any Nonconforming Sign (this was formerly the second half of Sec. 3 above)

Converting a sign to a different technology, such as tri-vision or changeable copy technology is prohibited unless the modified sign fully conforms to the applicable restrictions of this Chapter, including but not limited to those that specify the locations at which such technology is permitted. **Converting the technology of an off-premise sign is prohibited if the off-premise sign is located along a street other than an interstate highway and does not meet all other additional requirements for off-premise signs contained within this Code.**

5. 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 other provisions of this Chapter or other provisions of this Code or other sections of the Memphis and Shelby County Codes of Ordinances 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.

6. 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 Section 2.5.2, Permitted Use Table, or any other Permitted Use Table found in this Code.

7. Removal

For the purpose of this Chapter, "removal" shall mean removal of the entire structure of the sign, including any portion of the structure above the surrounding grade.

G. Enforcement of Removal

1. 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.
2. If any sign is not removed as required by Sub-Section C and Paragraphs 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.
3. 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.

4. 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. **Should a resident of the city or county of Shelby notify the Building Official that a billboard sign is illegal, the Building Official shall promptly notify the owner that a resident has asserted that a sign is illegal and conduct an investigation of the status of the sign. If the Building Official fails to take action to remove the sign within ninety days of the notification the resident may initiate proceedings to remove the sign in Environmental Court.**
5. Any owner who fails to remove a nonconforming sign within the applicable time set forth in Sub-Sections 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 Sub-Sections 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.
6. 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 Sub-Sections 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 Sub-Sections F.1 through 3 of this section.
7. 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.
8. 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.

4.9.16 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.

8.3.10G(2) Sign regulations in all nonresidential underlying zoning districts shall meet the standards of the sign regulations set out in **Section 8.3.13 Chapter 12-36 of the City of Memphis Code of Ordinances.**

8.3.13 University District Overlay Sign Regulations

A. Established

There is established a uniform sign code of the University District which shall read as set forth in this chapter. The following design provisions apply to any property located within the University District, as defined in the map in Section 8.3.6B.

B. Design Regulations – Purpose

Signs are a vital component of a community's streetscape and good commercial signage can make a significant contribution to the physical appearance and to the economic prosperity of a community. The design regulations outlined herein are intended to ensure that property owners in the University District have available to them a palette of street graphics that enhances and celebrates the character of the University District.

C. Definitions

The following definitions shall apply to this Section. In instances where terms are not defined here, refer to the sign definitions in Section 12.3.4.

ABOVE-ROOF WALL SIGN means a wall sign which is attached to the façade of the building but portions of which extend above the Roof Line.

AWNING SIGN means a sign painted on or attached flat or flush against the surface of an awning, but not extending above, below or beyond the awning or attached to the underside. Awnings are typically made of cloth or a cloth substitute and are typically hung at an angle.

BANNER SIGN means a sign attached to a building, streetlight, utility pole or other structure, having the characters, letters, illustrations or ornamentation applied to cloth, paper or fabric of any kind with only such material for a backing.

CANOPY SIGN is any sign attached to or part of a Canopy. A Canopy is a permanent roof-like shelter extending from part or all of a building face. Canopies may be constructed of durable materials such as wood or metal.

CHANGEABLE COPY SIGN means a sign on which copy or graphics can be changed manually or electronically. This term shall include an Electronic Message Sign.

CONSTRUCTION SIGN means a temporary graphic placed on a construction site listing such information as contractor, engineer or architect, and is considered a Temporary Sign.

DIRECTIONAL SIGN means a graphic giving direction or information without advertising.

ELECTRONIC MESSAGE SIGN means a sign that is either electronically or electrically controlled to cause different copy or graphic changes on the same sign, and is considered a Changeable Copy Sign.

GRAPHIC means any letter, symbol, logo, number, or combination of these.

GRAPHIC ELEMENT means any syllable, abbreviation, number, or geometric shape.

GROUND SIGN means a freestanding display sign, and includes, without limitation, Monument Signs and Pole Signs.

ITEM OF INFORMATION means any of the following: a syllable; an abbreviation; a number; a symbol; a geometric shape.

HANGING SIGN (sometimes called a SHINGLE SIGN) means a sign that is hanging or suspended (such as by chains or hooks) below a canopy, awning, marquee, or building overhang. These signs are intended to be small, whose audiences are pedestrians on the sidewalk.

MONUMENT SIGN means a sign that is erected on a solid base placed directly on the ground and is constructed of a solid material. A Monument Sign is a type of Ground Sign.

MURAL means images or graphics that are applied to a building through painting, sanding or etching. The intent of a Mural is for artistic expression or community place making and not advertising.

NONCONFORMING SIGN means any sign in existence (and in place) on the effective date of this Chapter which violates or does not conform to the current provisions of this Chapter and was constructed, erected or maintained in accordance with the requirements of previously existing ordinances or regulations.

OFF-PREMISES SIGN means a sign which attracts attention to a product, service, commodity or entertainment which is primarily conducted, sold, produced or offered off the premises where the sign is located.

POLE SIGN means a sign that is mounted on one or more freestanding supports, such as a frame, column, mast or pole or similar support, such that the bottom of the sign face or its lowest sign module is not in contact with the ground. A Pole Sign is a type of Ground Sign.

PORTABLE SIGN means any sign that is not affixed or attached to a building or the ground and that is designed to be able to be moved from location to location. A sign built on a wheeled trailer is a common example of a Portable Sign. It does not include a Sandwich Board Sign.

PROJECTING SIGN (sometimes called a **BLADE SIGN** or a **FLAG SIGN**) means a display sign which is attached directly to the building wall and which extends more than 18 inches from the face of the wall.

REAL ESTATE SIGN means a temporary graphic erected by the owner, or his or her agent, advertising the real property upon which the sign is located, for rent, for lease, or for sale.

ROOF LINE means either the top edge of the roof or the top of the parapet (sometimes called the ridge line), whichever forms the top line of the building silhouette. Where a building has several roof levels, the applicable roof or parapet shall be the roof level belonging to that portion of the building where the sign is to be located. Elevator penthouses, mechanical enclosures and similar structures shall not be considered in determining the Roof Line.

ROOF SIGN means a sign that is structurally attached to the roof of the building and a majority of which is exhibited above the roof line.

ROOF SURFACE SIGN means a sign that is displayed above the eaves or fascia and under the Roof Line of the roof. For example, signs placed on a mansard or similar roof shall be deemed to be Roof Surface Signs.

SANDWICH BOARD means a portable sign designed in an A-Frame or other fashion, and having back-to-back sign faces.

SHINGLE SIGN. See definition for **HANGING SIGN**.

SIGN includes any announcement, declaration, or demonstration, display, illustration or insignia used to advertise or promote the intent of any person when the same is placed for the view of the general public.

SIGNABLE AREA means an area of the facade of the building below the Roof Line which is free of windows, doors or major architectural details and not higher than the lowest of the following: 25 feet above the adjoining sidewalk or the bottom of the window sills of the second story.

TEMPORARY SIGN means any sign, banner, pennant, valance, or display constructed of cloth, canvas, light fabric, cardboard, or light material with or without frames, intended to be displayed for a limited period of time only.

TOTAL ALLOWABLE SIGNAGE AREA means the total signage area of all attached signs on a building, as shown on Table 1 in Section 8.3.13H.

UNIVERSITY DISTRICT or **UD** means that area shown in the University Overlay Section 8.3.6B

WALL SIGN means a sign that is engraved, painted on, produced or attached directly to the building wall and not more than 18 inches from the face of the wall. Often this is intended to be a business' primary sign and is most often above the storefront on the wall containing the main entrance to the business or building.

WINDOW GRAPHIC means a sign that is painted on, attached to or visible through a window.

D. 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 the public right-of-way, public property or private property other than the lot on which the sign is located; provided, however, where a change in local condition causes the existing sign to

become visible from any of the above listed locations, the existing sign shall comply with all existing ordinance elements and requirements at that time as if it were a new sign and, if those requirements and elements are met, a permit shall be required for the existing sign.

E. Design Regulations – General UD Sign Standards

1. All signs in the UD shall adhere to the following guidelines and size limitations except in cases where outstandingly creative design solutions are offered, or unusual building characteristics not of the making of the building owner exists. In such rare cases, if a proposal incorporates unique or high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting (such as floodlighting), unique shapes, and outstanding graphic composition, a sign exceeding the limits stated in this chapter may be approved by proper request for variance. All signs should, however, be appropriately scaled to fit their context, should complement the building on which they are located, should not intrude upon any architectural detail, and should complement the neighborhood design goals which the University District Overlay promotes.
2. Number and Size of Signs. Except as specifically provided herein, this Chapter does not regulate the number of signs per building, but all signs on a building or the lot on which a building is located must, in the aggregate, comply with the Total Allowable Signage Area reflected on Table 1 in Section 8.3.13H. The size of a sign will be determined by the larger of the following two measurements: (1) the area of a rectangle enclosing all elements of a sign, including any sign cabinet or edges of a cabinet; or (2) the sum total of all areas of all elements of a sign.
3. Location of Signs. Although signage may be displayed or disbursed in various areas as provided herein, a minimum of fifty percent (50%) of the Total Allowable Signage Area must be displayed on the primary façade, which typically houses the entrance door.
4. Identification. All signs within the UD are encouraged to utilize creative approaches to property and business identification; however, signs should be used for identification only, not for the advertisement of services or products available within a building or site.
5. Removal of Outdated or Noncomplying Signs. When a business closes or relocates, its sign, including all poles, supports, bases and footings, shall be removed within three (3) months of the date of close. If the sign has not been removed within three (3) months of the close of the building or business, it can be removed by the city at the owner's expense.
6. Disrepair. When a sign (designated for identification or off-premises advertising) falls into disrepair or is abandoned, the city may notify the property owner that the sign is noncompliant and request that the sign be removed. Unless the owner can provide a reason acceptable to the city that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within three months following notification, it can be removed by the city at the owner's expense.
7. No Nonconforming Sign shall be changed or altered in any manner which would increase the degree of its nonconformity, be expanded in size, area or height, structurally altered to prolong its useful life or removed in whole or in part to any other location where it would be nonconforming.

F. Classification of Signs

Signs within the UD shall be classified as follows, according to structure and as defined in Sub-Section 8.3.13C.

1. Attached Signs
 - a. Awning Signs
 - b. Canopy Signs
 - c. Banner Signs
 - d. Wall Signs
 - e. Window Graphic
 - f. Roof Signs, Roof Surface Signs and Above-Roof Wall Signs

- g. Hanging Signs
 - h. Projecting Signs
 - 2. Detached Signs
 - a. Ground Signs
 - b. Sandwich Board Signs
 - c. Portable Signs
 - 3. Changeable Copy Signs
 - 4. Off-Premises Signs
 - 5. Temporary Signs
 - 6. Murals
 - 7. Directional Signs
- G. Design Regulations – Type Specific Sign Standards**
- 1. Attached Signs
 - a. Awnings and Awning Signs. Awnings can greatly enhance the appearance of a building, can provide shade and shelter, and can provide an alternative means of tenant identification. As extensions of the building to which they are attached, they must be carefully considered for their appropriateness of design in relation to the building's architectural character.
 - i. Buildings of historic character should have awnings that respect and complement the architecture. Contemporary building designs may accept a wider range of awning styles. Buildings or storefronts with early or mid 20th century facades should, typically, have simple, sloped awnings, rather than curved or rounded awnings or one of more modern design.
 - ii. Awnings should fit the openings of the building on which they are attached and not overlap the opening or multiple openings.
 - iii. Awnings should not obscure any significant architectural detail such as ornamental metal, glass or woodwork.
 - iv. Lettering or graphics on awnings will be counted against the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H. In such cases, the area of the lettering or graphic will be determined by measuring the area of the smallest rectangle that encloses all of the elements of the lettering and/or graphic.
 - v. The recommended material for awnings shall be canvas, particularly on historic buildings; however, vinyl-type awnings may be allowed on more contemporary buildings.
 - vi. Illumination of Awnings is allowed only from the exterior or and only if the illumination is directed downward.
 - b. Canopies and Canopy Signs. Canopies are to be constructed of well-crafted wood, or metal and are generally supported by vertical supports along their length. For the purposes of this Chapter, however, a canopy that is of differing construction and that projects out from a building and/or is supported from above or by supports attached to the building façade also falls under the guidelines outlined in this section.
 - i. Canopies are integral parts of buildings, and as such, require great sensitivity in order to make certain that they complement the design and character of the building.
 - ii. Lettering or graphics on canopies should not be greater than six inches in height and should be located only on vertical surfaces and not on sloped or curved sections of the canopy. Any lettering or graphic will be counted against the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H. In such cases, the area of the lettering and/or graphic

will be determined by measuring the area of the smallest rectangle that encloses all of the elements of the lettering and/or graphic. Illumination of canopies is allowed only from the exterior or and only if the illumination is directed downward.

c. Banners and Banner Signs

- i. Banner Signs on buildings are permitted in the UD. Banner Signs on buildings count against the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H.
- ii. Banners on streetlights and/or utility poles ("Street Banners") are allowed throughout the UD, but are permitted only for nonprofit organizations or governmental entities. No for-profit, commercial enterprises will be allowed to hang Street Banners to advertise or to promote their businesses, merchandise, products or services. Street Banners are permitted only to notify the public of upcoming community events, to identify the area community, or to promote the UD or the University of Memphis.
- iii. Street Banners shall be a maximum of five feet in length and 30 inches wide. The minimum distance from the bottom of the banner to the top of the curb shall be 12 feet, unless it is installed on an existing mechanism that is currently part of the public infrastructure.
- iv. Coordination with the city engineer is necessary before any Street Banner is installed on a street light, utility pole or any other publically owned structure.
- v. Installation and removal of Street Banners is the responsibility of the sponsoring organization, but must be performed by a licensed sign company with proof of adequate liability insurance.
- vi. Maintenance and replacement of damaged or missing Street Banners is the responsibility of the sponsoring organization for the duration of the Street Banners' display and shall be addressed in a timely manner.

d. Wall Signs. Wall signs may be attached flat to or pinned away from and parallel to the wall and may not project from the wall by more than 18 inches. In no case should a wall sign obscure architectural details, window openings, or other open areas of a building facade. Wall Signs can only be displayed within the Signable Area of a building. Above-Roof Wall Signs are further addressed in (f) below.

- i. All Wall Signs count toward the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H. Notwithstanding the above, however, if two sides of a corner building (or multiple sides of a full block building) each front onto a public right-of-way, the Total Allowable Signage Area shall be calculated independently for each public right-of-way facing facade.
- ii. Upper floor tenants. Upper floor tenants are not allowed signs at the ground level unless they have a separate dedicated entrance at the ground level fronting onto a public right-of-way. Upper floor tenants in all cases are allowed, subject to the limits below, window or door graphics on the ground level and window graphics at the floor on which they are located. All such signs and graphics will be counted toward the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H.

e. Window Graphics. Permanent window graphics shall be affixed to the window and are limited to 25 percent of the total area of the window in which they are displayed. In addition to permanent window graphics as described and limited above, temporary window graphics displayed not more than thirty (30) days shall be also allowed but shall be limited to 15 percent of the total window area. In addition to the percentage restriction above, permanent Window Graphics shall count toward Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H.

f. Roof Signs, Roof Surface Signs and Above Roof Wall Signs. Roof Signs, Roof Surface Signs and Above-Roof Wall Signs are prohibited in the UD. However, if a permanently attached rooftop structural system designed for signs reflecting current and future tenant identification in multiple tenant buildings was in existence prior to the adoption of this Chapter, signs may be substituted or installed to reflect changes in tenants in the ordinary course of business, subject to the other provisions of this Chapter including Total Allowable Signage Area. Under any circumstances, however, the Total Allowable Signage Area shown on Table 1 in Section 8.3.13H shall apply.

- g. Hanging Signs. Hanging signs shall count toward Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H. In addition, the sign area for a hanging sign shall not exceed 6 square feet and there shall be a minimum vertical clearance (from ground) of 8 feet for any hanging sign.
- h. Projecting signs. Any activity may display one projecting sign on each public right-of-way frontage. A projecting sign may not extend above the roof of the structure to which it is attached.
 - i. Projecting signs shall be mounted at right angles to the building facade except if the building is a corner building. On corner buildings, a projecting sign may be mounted at a 45 degree angle to the building; however, in such cases, the sign at a 45 degree angle would be the only projecting sign allowed for the activity.
 - ii. Projecting signs must clear the sidewalk by at least 8 feet and shall project no more than 4 feet from the building face or one-third of the sidewalk width (whichever is less).
 - iii. The vertical axis of a projecting sign will be no more than 25 percent of the height of the building to which it is attached. The overall size of a Projecting Sign counts toward and must comply with the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H.

2. Detached Signs

- a. Ground signs. Ground signs are freestanding elements, and include Pole Signs and Monument Signs. No Ground Signs are permitted in the UD except as set forth below.
 - i. Pole signs are not permitted in the UD.
 - ii. If the front façade of a building is set back from the street or public right-of-way by at least 35 feet, its establishment may display one Monument Sign. Such Monument Sign shall not exceed 30 square feet. The height of a monument sign shall not exceed five feet. Monument signs shall be designed and located so that they do not create security hazards or visual barriers to traffic or to adjacent businesses.
 - iii. Ground signs count toward and must comply with the Total Allowable Signage Area for the building shown on Table 1 in Section 8.3.13H.
- b. Sandwich Board Signs. A Sandwich Board does not count against the Total Allowable Signage Area. One Sandwich Board is allowed for each business that is located on the first floor of a building. Sandwich Boards shall be designed to allow folding, and must be removed at the close of business each day. The size of each Sandwich Board shall not exceed twelve (12) square feet and the overall sign shall be no taller than four feet. A Sandwich Board within the public right-of-way must be placed such that at least a five-foot unobstructed sidewalk width remains between the curb and the building front. Painted wood and metal and other materials that appear similar in finish to painted wood are permitted. No illumination of Sandwich Board Signs is permitted.
- c. Portable Signs. Portable Signs are not permitted in the UD.

3. Changeable Copy Signs. Changeable Copy Signs are not permitted in the UD Area.

4. Off-Premises Signs. Off-Premises Signs are not permitted in the UD.

5. Temporary Signs. Temporary Signs may be erected a maximum of forty-five (45) days preceding the event that they are associated with. A Temporary Sign must be removed within five (5) days after the event. The use of Temporary Signs is intended for events such as the opening of a new business or the closing of a business. If the Temporary Sign is advertising a sale of merchandise, in the ordinary course of business or that occurs more than once a year, the Temporary Sign may only be displayed a maximum of ten (10) consecutive calendar days and no more than thirty (30) total days per year. Tethered Signs such as blimps or balloons, or the use of flag signs or animated or inflated figures or objects are not permitted in the UD. For Sale and For Lease signs are permitted if they are limited to one sign for each available space or building frontage and are twenty (20) square feet or smaller. Construction Signs may be displayed only during actual construction of a building.

6. Murals. A Mural is allowed on a building façade facing a street if it occupies no more than 20% of the building façade and does not exceed 8 feet in its vertical dimensions at any point. A Mural is allowed without size limit on

any other part of a building that faces a side or rear property line. No more than 10% of a Mural or 15 square feet, whichever is less, may include text associated with the current use of the property, and that area shall count toward the Total Allowable Signage Area.

7. Directional Signs. Directional signage is allowed only for purposes of way finding only and may not be used for advertising or contain graphics related to any business. Directional signage must be kept to a minimum necessary to locate the intended destination. Directional signs do not count toward the Total Allowable Signage Area. These signs can be vehicular or pedestrian oriented, but in no case, should they exceed a size of six square feet if oriented toward vehicles or three square feet if oriented toward pedestrians or a height of four feet. Directional signs should not be designed or situated as to provide a traffic or security hazard. In no case shall they be located within a public right-of-way.

H. Table 1

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

12.3.4 Sign Definitions

NIT: A unit of luminous intensity equal to one candela per square meter.