

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

1. 4.9.2B: Applicability

This section of the Sign Code contains a map showing the location of the CBID, the SCBID and Uptown, signs in which must adhere to the City's Downtown Memphis Commission sign code. The map in this section needs a label and a map number (Map 1). In addition the sections below it (Paragraphs 4.9.2B(4), (5) and (6)) need to reference Map 1. Finally, a new Paragraph is needed to include a map of the University District Overlay and instructions to the reader of which sign regulations apply to that area, Section 8.3.13.

2. 4.9.2E: Actions not requiring a sign permit

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

3. 4.9.6D(3): LED signs in the residential districts

This section of the Code first states that signs in the Office and Residential zoning districts may not revolve or oscillate, but then it goes on to say that automatic and LED changeable copy are prohibited in these zoning districts. This last portion of this section needs to be updated since the Memphis City Council and Shelby County Board of Commissioners adopted UDC Item 4.9.6E(2)(h) with the adoption of ZTA 12-002. Item 4.9.6E(2)(h) was drafted and adopted in response to the many places of worship and schools that were forced to obtain approval by the Board of Adjustment to digitize their changeable copy signs. As far as video technology, it is still prohibited in residential districts, per Item 4.9.6E(2)(i)(i), which was part of the original UDC (ZTA 09-001) and the 2007 sign code before it (ZTA 07-004).

4. 4.9.6E(2): Changeable copy signs

This section of the Sign Code deals with permissible changeable copy. The first proposal for this section, a new Item 4.9.6E(2)(a), copies language from Paragraph 4.9.15F(4), but bears repeating throughout the Sign Code as much as possible: a change in technology of a nonconforming sign is prohibited. The second proposal for this section is to include distances by which foot candles will be measured to determine the brightness of a sign. These distances were determined by a survey of other Tennessee cities that regulate brightness by foot candles, as well as industry standards. They replace a reference to a book that costs about \$600 to purchase.

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

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

6. 4.9.7: Regulations by zoning district

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

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

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

8. 4.9.7D(8): Integrated center signs

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

9. 4.9.8: Off-premise signs (billboards)

This section deals with off-premise signs, otherwise known as outdoor advertising or billboards. The proposed changes in this Section deal with cross-references. First, the many of the same changes made to the changeable copy section of the on-premise sign regulations are also made here, with the notable exception that movements occurring at a frequency of more than every eight seconds are prohibited on billboards (see discussion in Item 4 of this staff report). Second, the nonconformity provisions of the billboard ordinance are being removed to cross-reference the nonconformity provisions for the entire sign code, which themselves contain provisions peculiar to billboards (Sub-Sections 4.9.8L and M).

10. 4.9.9: Temporary sign regulations

This section of the Sign Code deals with temporary signs, as opposed to permanent signs that were the subject of the previous sections. The change in this section concerns the

insertion of zoning districts in the Sub-Sections that deal with the various types of temporary signs, as is similarly proposed for permanent signs.

11. 4.9.14: Maps and charts

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

12. 4.9.15: Nonconforming signs

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

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

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

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

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

Finally, Sub-Section 4.9.15G is being amended by adding numbers, or Paragraph sections, for each paragraph and by adding language to new Paragraph 4.9.15G(4) that clarifies the process by which residents may petition the Building Official to cite billboards. This was a suggestion by Webb Brewer (see letter from Mr. Brewer at the end of this staff report).

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

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

SIGN TYPE	CURRENT DMC (CBID)	NEW UD OVERLAY
Awning Signs	Maximum signable area is 30% of awning face. Only lettering above 3" in height counted against Total Allowable Signage Area of building.	No percentage limit of awning face signable area. All lettering and graphics (regardless of height) counted against Total Allowable Signage Area of building.
Canopy Signs	Includes fabric canopies and definition confusing. 6" height limit	Non-fabric distinguishes from Awnings. Same height limits for lettering or graphics, but counts against Total Allowable Signage Area of building.
Banner Signs	Provisions relate only to street banners on streetlights, except for Ballpark District.	Banners on buildings count against Total Allowable Signage Area of building. Street Banner provisions re size, height from ground, etc. same as DMC.
Wall Signs	Limits to one wall sign per side of building that fronts public right of way. Total Allowable Signage Area is a little smaller than allowed in UD Table.	No limit to number of signs, but all must in aggregate comply with Total Allowable Signage Area. Total Allowable Signage Area a little greater than DMC.
Window Graphic	Size limits same as UD.	Size limits same as DMC, except Window Graphics count toward Total Allowable Signage Area.
Roof Signs, Roof Surface Signs, Above-Roof Wall Signs	Above Roof Wall Signs only allowed for limited types of businesses (hotels, hospitals, majority tenant), and only for buildings over 50 feet in height. Roof Signs only in Ballpark and Peabody Place Districts.	Prohibited without variance. UD also adds category of Roof Surface Signs to address situations like the new Cookout Restaurant on Highland which put up signs covering the mansard roof.
Hanging Signs	Do not believe these are addressed.	Limited to six sq. ft. Must leave 8 ft. clearance. Counts toward Total Allowable Signage Area.
Projecting Signs	Same as UD proposal.	Same as DMC.
Ground Signs	Not permitted unless business at least 35 ft. back from street. If so, both pole signs and monument signs permitted, subject to size limits. Pole Signs not permitted in certain Districts unless for public surface parking.	Pole Signs not permitted. Monument Signs permitted if business 35 ft. back from street. Size limits for Monument Signs same as DMC.
Sandwich Boards	Same as UD proposal.	Same as DMC.
Portable Signs	Not addressed in DMC ordinance.	Not permitted.
Changeable Copy Signs	Do not believe these are addressed in DMC ordinance. Limits placed on them in UDC.	Not permitted.
Off – Premises Signs	Only permitted in very limited situations.	Not permitted.

Temporary Signs	Basically the same as UD proposal.	Same as DMC, except specific time limitations for clarity and enforcement.
Murals	Do not believe murals are addressed in DMC ordinance.	Size limitations only on street facing facades. No size limits on other walls, except limit on advertising percentage.
Directional Signs	Size limits same as UD proposal.	Same as DMC, except prohibition of advertising graphics on directional signs.

Current Downtown Memphis Commission Allowable Signage Table

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

Proposed University District Allowable Signage Table

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

DEPARTMENT COMMENTS:

APPLICATION COMMENT SHEET

CASE NAME: Shelby County Unified Development Code (UDC) FILE NO: ZTA 17-002

LOCATION: OPD

In the space below, please provide any information from your agency regarding existing or planned public facilities at or near this site. Also make any comments or recommendations pertaining to this application. Return the form with your information and your comments or recommendations to the Memphis and Shelby County Office of Planning and Development (OPD). Return email this form with your comments to keva.jackson@memphistn.gov by the date indicated on the email to which this sheet was attached so that they may be included as part of the OPD staff report.

No Comment Comments As Follows

By: Greg Parker
Name of Person Reviewing Application

Comments:

No comments by the Water Quality Branch & Septic Tank Program.

OPPOSITION:

Josh Whitehead, Planning Director
Memphis and Shelby County Office of Planning and Development
City Hall, 125 N. Main Street
Memphis, TN 38103

Re: Opposition to proposed billboard text amendments

Dear Mr. Whitehead,

We are submitting this letter to register our opposition to your proposed amendments to the billboard regulations (ZTA 17-002). We are specifically objecting to new language you propose to add to Articles 4.9.15.F.1.a and 4.9.15.F.4. These are regulations specifically pertaining to billboards.

We are concerned that the purpose of your proposed amendment to UDC Article 4.9.15.F.1.a. is to give legal status to billboards we believe are not legal and should be removed through enforcement of existing regulations.

Further, we believe the amendment 4.9.15.F.4 is being proposed to allow billboards located within 300 feet of an interstate highway to convert to digital technology. Many of these billboards are illegal or nonconforming because of their location within a residential neighborhood.

We are attaching an aerial photograph and Google street view of the billboard at 475 Bellevue Blvd.. This billboard is located on the western edge of Crosstown. As you can see it is virtually in the back yards of homes along Bellevue.

This billboard is also visible from the sidewalks and front porches along Forrest Avenue on the west side of the interstate. We believe this billboard is illegal because it was allowed to be placed on a site that does not permit billboards. This was done when the interstate was widened some years ago.

We are concerned that under your proposed amendments to the billboard regulations this billboard and others in similar locations would be made legal and would be allowed to convert to digital display.

We request that you provide us with a map of all billboards that will be affected by these two amendments of the billboard regulations. We also request that you tell us exactly how the new rules will



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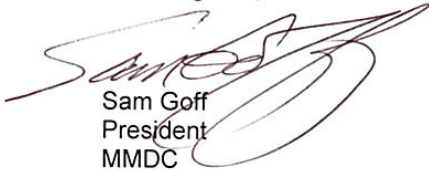
June Waddell West

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change the status of these billboards so that we can clearly understand how this will impact our homes and neighborhoods.

We appreciate the opportunity to comment on your proposed amendments to the Unified Development Code. We have other concerns about these amendments which we will submit at a later time.

Best Regards,



Sam Goff
President
MMDC

RESPONSE:



Thu 8/17/2017 10:33 AM

Whitehead, Josh

RE: Billboards

To: Sam Goff

Sam:

The purpose of the proposed change to 4.9.15F(1)(a) was to prevent situations such as what happened with the Tiger Book Store sign (where they had to go to the Board of Adjustment for a variance after Walker was widened); I did not intend for it to apply to billboards. Since I know of only one instance (Tiger Book Store) that this language would have addressed, I'll agree to drop it.

The purpose of 4.9.15F(4) is in response to Judge Potter's comments from the Walnut Grove and Tillman billboard case: that the Code needs to be more explicit with regards to changing technology for existing nonconforming billboards. Currently, this prohibition is buried in mid-paragraph and the Office of Construction Code Enforcement, which administers requests for billboard permits, missed it on Walnut Grove. I want to prevent that from happening again. Therefore, any sign that is nonconforming, including many along the interstate, would be prohibited from converting to digital. See [pink change](#) below; I think this addresses your concern.

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 any other additional requirements for off-premise signs contained within this Code.](#)

Thanks.

*Josh Whitehead, AICP
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A PROFESSIONAL LIMITED LIABILITY COMPANY
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August 28, 2017

Via E-mail

Josh Whitehead, Planning Director
Memphis and Shelby County Office of Planning and Development
City Hall, 125 Main Street
Memphis, TN 38103

I write on behalf of the Memphis Bioworks Foundation in response to proposed changes to the sign chapter of the Unified Development Code, which are on the agenda for discussion at the September 14, 2017 meeting of the Land Use Control Board.

The Planning Director has proposed two significant changes relating to billboard signs, those being to §§4.9.15 (F) (1) and 4.9.15 (F) (4).

The change to §4.9.15 (F) (1) (which had previously been §4.9.8 M) would permit an owner of a nonconforming sign that was damaged or destroyed by a force of nature or other action beyond the control of the sign owner to replace the sign at a location “as near as practicable to the same location”. Existing regulations only permit a new sign of the identical size at the same location.

We oppose this change because it represents a more permissive interpretation of nonconforming sign and would, arguably, convert several signs that are currently illegal into nonconforming signs. The concept of allowing nonconforming signs to continue to exist was an equitable “grandfathering” of signs that were legal when constructed but no longer conform to existing zoning. The intent was to permit an owner who had invested in a sign that was fully conforming when erected to avoid an inequitable loss because of subsequent changes. The existing regulations do not permit any alterations to nonconforming signs that would extend their useful life so that the nonconforming signs would be “phased out” over time. The proposed change is inconsistent with this concept in that it would allow an owner to erect a new sign on newly acquired or leased property that is not a conforming location for a billboard. This violates the concept of grandfathering existing signs to avoid hardship to the owner. An owner could conceivably erect an entirely new sign on land with a long-term new lease and remain in place for many years, and possibly forever, under this section. **We recommend that the current language remain.**

We agree with the intent of the proposed change to §4.9.15(F) (4) to make clear that a conversion to digital, tri-vision or changeable copy signs may now be made **only** within 300 of an Interstate highway; however, we are concerned that the proposed change might be interpreted as allowing **any** sign within 300 of an Interstate highway to be converted. For this reason we propose the following new language, which we believe is more clear and to the point: “Converting the technology of a nonconforming or illegal sign to digital, tri-vision or changeable copy is prohibited.”

This may seem redundant; however, conversions of illegal or nonconforming signs have, on at least one occasion, been permitted. Moreover, Allen Medlock, the Building Official with responsibility for enforcement of the Chapter has written a memo regarding conversion of one kind of changeable copy sign to another in response to an Environmental Court case in which the OCCE allowed conversion from one kind of changeable copy sign to another. To make this issue as clear as possible, we recommend that the language be incorporated in the section as well.

Under our proposed change, the section would state:

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 a nonconforming or illegal sign to digital, tri-vision or changeable copy is prohibited. This includes the conversion of a static sign to a changeable copy sign, such as a tri-vision sign, to a different type, such as a digital or video sign.**

There are areas adjacent to Interstate highways that are not currently zoned for off-premises signs. Beyond that, there are a number of other reasons that property along an Interstate highway is not appropriate for a billboard sign. For example, the site could already have a primary structure or may be too close to residential zoning. This is especially a critical issue in inner-city areas such as Crosstown or the Medical Center where Interstate highways were cut through existing residential neighborhoods. An example of a sign at 475 Bellevue is practically in the backyard of homes along Forrest Avenue in Crosstown. Another good example was a sign at 383 Ayers, which was recently removed in settlement of an Environmental Court petition. That sign was too close to property zoned as residential.

If it is decided to keep the proposed language, at a minimum the Office of Planning and Development should provide information about all signs that would be affected by the proposed change before any this item is considered by the Land Use Control Board. The information should include the specific locations of the signs and an explanation of exactly how the proposed new language would affect the status of those billboards. This information is essential to provide appropriate public notice to the affected citizens and neighborhoods.

In addition to commenting on proposed amendments to the sign chapter of the UDC, we

propose the following change. The current § UDC § 4.9.15 (G) states in its entirety:

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

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

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

Any resident of the city or county of Shelby is authorized or empowered to initiate the necessary proceedings in environmental court to secure removal of the 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 as set forth in the preceding paragraph. (Emphasis added.)

Any owner who fails to remove a nonconforming sign within the applicable time set forth in Sub- Section 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 an illegal sign is not removed within the applicable time set forth in Sub- Section F. 1 through 3 of this section, the city or county of Shelby are authorized to remove, but are not required, to remove the sign with all reasonable costs associated therewith to be paid by the owner. The city or county of Shelby shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in removing the sign.

Any resident of the city or county of Shelby is authorized or empowered to initiate the necessary proceedings in environmental court to secure removal of the nonconforming sign if removal of the sign is required under Sub- Section 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 within ninety (90) days of the applicable time set forth in Sub- Section F. 1 through 3 of this section. (Emphasis added.)

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 to environmental court.

The removal expense may be made a lien upon such real property by the building official sending by certified mail to the owner of such 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 removal.

Residents of Memphis and Shelby County have brought petitions to remove several signs based upon the cited language. In each instance, letters were written asserting that specific signs were illegal and should be removed. One such letter was written by the current Mayor of Memphis. Mr. Medlock wrote back saying that the signs were nonconforming, but not illegal and, therefore, did not require removal. When more than ninety days passed with no further action by the Building Official, petitions were brought in Environmental Court for removal of the signs. The Environmental Court held that that court does not have jurisdiction to hear a petition to remove the sign unless the Building Official had given notice to the sign owner that the sign was illegal and must be removed. On appeal the Circuit Court has ruled similarly and the issue is now before the Tennessee Court of Appeals.

In sworn deposition testimony, the Building Official, Mr. Medlock has acknowledged that his office has not had resources to conduct routine inspections of billboards for a number of years and does not have records relating to signs prior to the merger of the city and county code enforcement offices in the mid- 1980s. He acknowledged that, given these severe limitations, his department presumes that if a sign exists it must have been legally constructed and entitled to nonconforming status. The end result of this situation is that illegal signs remain without scrutiny and efforts by residents to have the signs removed are thwarted.

We recommend that the fourth paragraph of the preceding section be amended to add the following language: “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 a meaningful 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 bring an action to remove the sign in Environmental Court.”

The fourth paragraph of the cited section would then state:

Any resident of the city or county of Shelby is authorized or empowered to initiate the necessary proceedings in environmental court to secure removal of the 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 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**

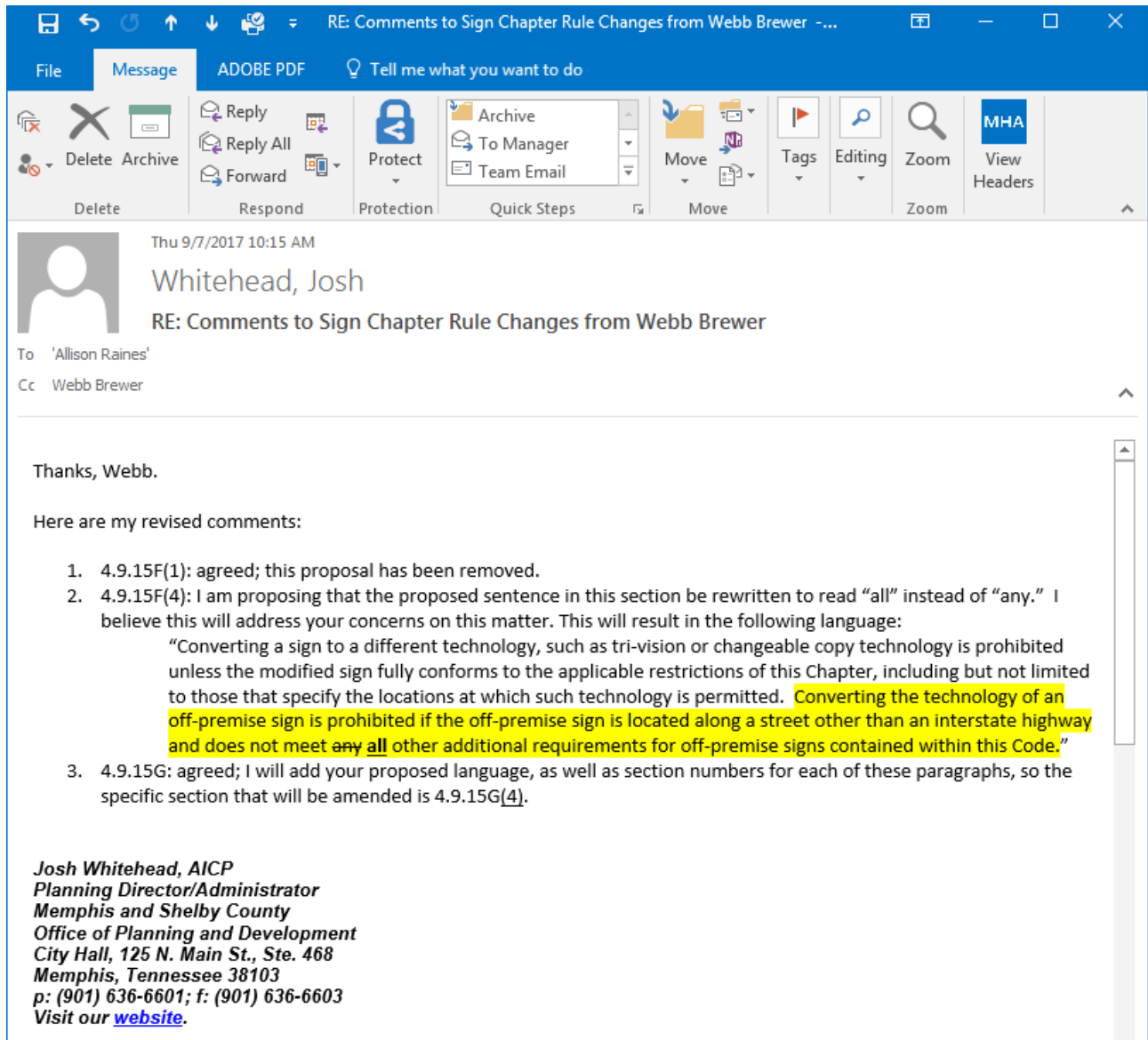
Official shall promptly notify the owner that a resident has asserted that a sign is illegal and conduct an investigation of the status of the sign. If the Building Official fails to take action to remove the sign within ninety days of the notification the resident may initiate proceedings to remove the sign in Environmental Court.

In enacting the sign chapter of the Unified Development Code, it is clear that the local legislative bodies intended to give residents a voice in the continued existence of billboard signs. Adding the suggested language would ensure that concerned citizens can initiate a meaningful inquiry into the status of a billboard that s/he believes is illegal. This avenue is especially important since the Office of Construction Code Enforcement is not able to conduct regular inspections and does not have information on file about many existing billboards. At the same time, we believe that adequate funding should be provided to the OCCE to conduct annual inspections as required by the Code and that, as part of the initial inspections, a serious investigation be made to determine whether each existing sign was legal when constructed and entitled to nonconforming status. Perhaps a dedicated funding source, such as an additional assessment to sign owners to fund the oversight called for in the Code.

Sincerely yours,

Webb A. Brewer

RESPONSE:



The screenshot shows an Outlook email window titled "RE: Comments to Sign Chapter Rule Changes from Webb Brewer -...". The ribbon includes "File", "Message", "ADOBE PDF", and "Tell me what you want to do". The ribbon buttons are: Delete, Archive, Reply, Reply All, Forward, Protect, Archive, To Manager, Team Email, Move, Tags, Editing, Zoom, and View Headers. The email header shows the sender as "Whitehead, Josh" with a profile picture, dated "Thu 9/7/2017 10:15 AM". The recipient list includes "To: 'Allison Raines'" and "Cc: Webb Brewer". The email body contains the following text:

Thanks, Webb.

Here are my revised comments:

1. 4.9.15F(1): agreed; this proposal has been removed.
2. 4.9.15F(4): I am proposing that the proposed sentence in this section be rewritten to read "all" instead of "any." I believe this will address your concerns on this matter. This will result in the following language:
"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 any all other additional requirements for off-premise signs contained within this Code.**"
3. 4.9.15G: agreed; I will add your proposed language, as well as section numbers for each of these paragraphs, so the specific section that will be amended is 4.9.15G(4).

Josh Whitehead, AICP
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