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## Chapter 16-112 SIGNS

### *Sec. 16-112-1 Purpose and scope.*

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

- A. Implement the plans and planning policies of the City of Memphis and Shelby County, together with any subsequent adopted amendments;

- B. Provide liberally for the free expression of ideas through signs in residential and other areas;
- C. Encourage the effective use of signs as a means of communication and to facilitate way-finding in Memphis and Shelby County;
- D. Balance the desire and need of individuals to express their creativity in signs with the desire to maintain a pleasing visual environment for residents and the many visitors who come to the area each year;
- E. Protect and enhance the value of properties and to have signage appropriate to the planned character and development of each area in the City of Memphis;
- 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;
- F. 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;
- G. Provide clear and objective sign standards;
- H. Provide a clear and efficient review procedure for sign applications; and
- I. Enable fair and consistent enforcement of the regulations set forth in this Chapter.

***Sec. 16-112-2 Applicability.***

**A. Generally**

This chapter shall apply to its terms 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 from the public right-of-way or from private or public property other than the property on which it is located;
2. Any sign with a sign area of 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
3. Signs located in the central business improvement district shall be subject only to the provisions of Chapter 12-36.

### **C. Signs Subject to Other Standards**

Signs listed in this section shall be exempt from the permit requirements of this Ordinance; but, shall, to the maximum extent allowed by law, be subject to the other standards of this ordinance. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance. This sub-section shall apply to the following types of signs:

1. Signs conforming to the *Manual of Uniform Traffic Control Devices* and bearing no commercial message;
2. Signs bearing no commercial message and installed by employees or officials of the City of Memphis and Shelby County, a state or federal agency in the course of their governmental duties;
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 use; and
6. Signs installed by a transit company with a franchise or other right to operate in the City of Memphis and/or Shelby County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

### **D. Signs Allowed without a Permit**

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

1. Address Numbers. Signs used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs smaller than four square feet in area and less than four feet in height, and containing no commercial message (e.g., “Enter” or “Exit” signs);
3. Detached signs smaller than seven square feet, otherwise allowed in residential zoning districts;
4. Wall signs containing no commercial message and not larger than four square feet in area;

5. Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season, provided that no such decoration shall contain a commercial message of any type.
6. Memorial Signs. Signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six square feet in area nor shall any such sign be separately illuminated.
7. Gravestones. Gravestones not containing a commercial message, when erected in a lawful cemetery or graveyard.
8. Certain Flags. Flags not containing a commercial message. Such flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Chapter.
9. Window graphics, except if such graphics are located in the central business improvement district, in which case they shall be subject to the provisions of Chapters 12-32 and 12-36. A lighted window sign is subject to requirements of the electrical code.

*E. Other Actions Allowed without a Permit*

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

1. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 12-32-010;
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
3. Installation of permanent signs smaller than four square feet where such signs are permitted by this ordinance, contain no commercial message and involve no electrical installation.
4. Installation of temporary signs not larger than 32 square feet, where such signs are permitted by this ordinance and conform with this ordinance in all respects.

**F. Product Displays, Sales Devices, Menu Boards**

1. Nothing in this Chapter shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular

product may be a thing which would be prohibited by this ordinance if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this ordinance. This ordinance shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors.

2. Signs on gasoline pumps, vending machines and other machines and devices used for the sale or dispensing of products shall be allowed if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the zone lot on which the sign is located; or they consist entirely of letters that are less than four inches in height; all other signs on vending machines, gas pumps and similar devices shall be considered "signs" and shall be subject to all of the regulations of this ordinance. No sign permit shall be required for such devices or signs affixed to such devices and conforming with this paragraph.
3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed, provided that such device is less than 12 square feet in size, and that the only word(s) on such device that are legible from any location other than the zone lot on which it is located shall include no commercial message but shall simply identify the device as a "menu," "directory," "instructions," "information" or something similar. If such a menu board or other device is larger than four square feet or if it is electrified, it shall require a permit.

(Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(I); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

### ***Sec. 16-112-3 Registration, permits and decals required.***

#### **A. Registration of Signs.**

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

nonconforming or conforming within five business days after receipt of a complete registration form.

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

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

## **B. Permits Required.**

Except for the signs listed in Section 16-112-2(B), (C), and (D), and other actions listed in Section 16-112-2(E), , no sign shall be constructed, erected, relocated, expanded or altered unless the owner thereof obtains a sign permit from the building official. However, all illuminated signs shall obtain a permit. The applicant for a sign permit shall provide the building official with such information as the building official requires in rules published from time to time.

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 for each existing sign and shall accompany each permit issued for a new sign. The decal shall be displayed on the sign to which it has been assigned.
2. 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.
3. 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 thirty (30) 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.

(Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code

1985 Appx. A § 29(II); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

### **Sec. 16-112-4 Prohibited Signs**

The following signs are prohibited in all districts:

1. Signs on bus benches;
2. Portable signs in the AG, R-E, R-S, R-D, R-TH, R-M, O and FW districts;
3. Permanent off-premise signs except as expressly allowed under Section !!!;.
4. Any sign erected or painted upon a fence, tree, standpipe, rock, or other natural feature, except where certain signs are expressly allowed on fences under Section 16-112-!!!.
5. Any sign attached to or painted on a fire escape or utility pole, except the manufacturer's or installer's ID plate which shall not be legible from a distance of more than three (3) feet.
6. Signs which contain flashing or intermittent illuminations, except where expressly allowed in accordance with Section 16-112-7.E.
7. Portable signs except as allowed under Section 16-112-7.L.
8. Signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one time per minute shall not be considered to be an animated sign or a sign with movement.

(Ord. 5028AM § 5, 2004; Ord. 5028 § 5, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(V); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

### **Sec. 16-112-5 Definitions.**

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

“Abandoned sign” means a sign or sign structure which has not been utilized for a period of one hundred eighty (180) days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred. However, such sign may be used by the current landlord for its leasing and management

and shall be available for use by its new tenant so long as the structure of the sign is not modified. Any sign used for leasing and management rather than a tenant must be removed after three hundred sixty-five (365) days.

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

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

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

“Attached sign” means a sign permanently attached to a building, awning, canopy, marquee, wall or roof. “Awning” means a roof-like structure that serves as a shelter, as over a storefront, window, door or deck.

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

“Background area” means the entire surface of a sign on which copy is placed provided, however, only the rectangular block formed by the outermost points of the actual letters shall be considered if placed upon the permanent surface of a building.

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

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

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

Changeable Copy Sign, Automatic. “Automatic changeable copy sign” means a type of sign on which the copy changes automatically by means of intermittent lighting. All changeable copy shall be included within the allotted face of sign square footage.

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

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

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

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

“Complex sign” means a sign which has been approved to serve a complex as part of a master signage plan.

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

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

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

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

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

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

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

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

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

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

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

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

“Holiday decorations” refers to decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain a commercial message.

“Integrated center sign” means a sign approved as part of a master signage plan to serve an integrated center.

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

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

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

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

Lot, Zoning. “Zoning lot” means a lot of record as recorded in the Shelby County register’s office, or a parcel of land of at least four acres in area with independent frontage of at least fifty (50) feet on a dedicated road.

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

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

“Mansard” means an inclined decorative roof-like projection that is attached in an exterior building facade. “Marquee” means any hood, awning or canopy of permanent construction, projecting from the wall of a building above an entrance or projecting over walkways.

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

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

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

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

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

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

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

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

Road, Major Arterial. “Major arterial road” means streets providing unity throughout contiguous urban area; usually form boundaries for neighborhoods characterized as having minor access control, channelized intersections with parking generally prohibited having between sixty-nine (69) and one hundred sixty (160) feet of right-of-way.

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

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

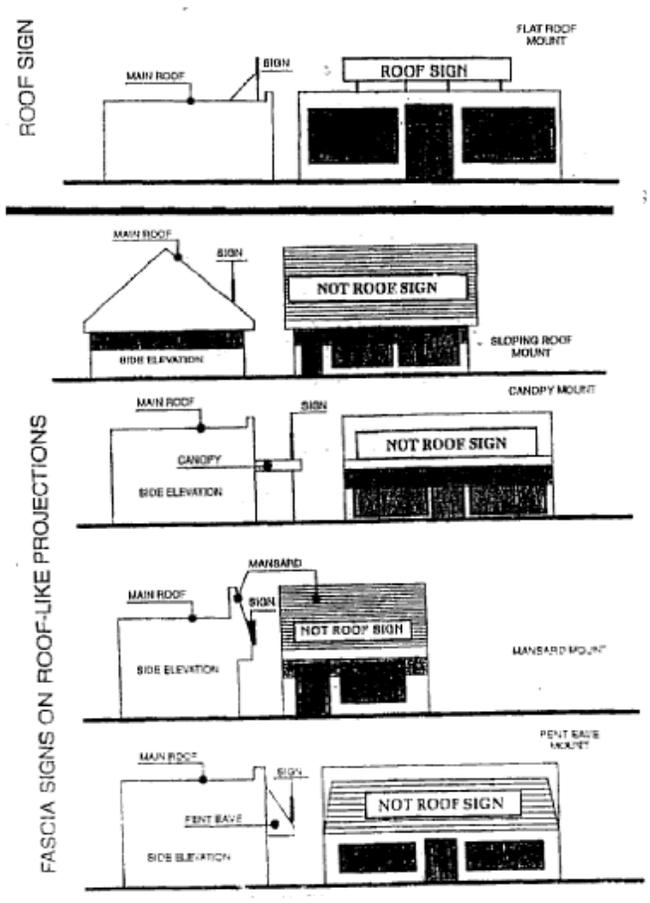


Figure 1  
Comparison-Roof and Wall or Fascia Signs

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

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

“Sign” means any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

“Signable area” means an area on the facade of a building, located in one of the uptown Memphis zoning districts, below the roof line which is free of windows, doors or major

architectural details and not higher than the lowest of the following: twenty-five (25) feet above the adjoining sidewalks, the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof.

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

“Vending machine” means a device which dispenses one or more commodities.

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

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

“Window graphic” means a sign which is attached to or which can be seen by looking into a window.

(Ord. 5028AM § 3, 2004; Ord. 5028 § 3, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(III); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

### ***Sec. 16-112-6 Classification of signs.***

- A. Signs shall be generally classified as signs bearing a commercial message or not bearing a commercial message, and, as temporary or permanent signs, and as real estate signs, which are all defined in Section 16-112-5. Signs bearing a commercial message shall be further classified as those bearing off-premise commercial messages, generally called “off-premise” signs or “billboards,” and all other commercial signs.
- B. Signs shall be classified as follows, according to structure and as defined in Section 16-112-5.
  - 1. Attached signs:
    - a. Awning, canopy or marquee signs;
    - b. Wall sign;
    - c. Window graphic;
    - d. Roof sign.
  - 2. Detached signs:
    - a. A-frame sign;
    - b. Ground sign;

- c. Pole, post or pylon sign;
- d. Portable sign;
- e. Projecting sign;
- f. Sidewalk sign.

(Ord. 5028AM § 4, 2004; Ord. 5028 § 4, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(IV); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

**Sec. 16-112-7      *General standards.***

**A.      *Computation of Gross Surface Area.***

**1.      *Signs Other than Wall Signs***

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

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

**2.      *Wall Signs***

The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). 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. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are

part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

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

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

**B. Measurement of Height of Sign.**

Sign height shall be measured from the elevation of the crown of the road from the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign.

**C. Sign Setback.**

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

**D. Illuminated Signs.**

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an approved planned development.
2. No sign legible any public right-of-way shall utilize:
  - a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;
  - b. Any revolving beacon light;
  - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face;
3. Signs in the AG, R-E, R-S, R-D, R-TH, R-M and O districts may be illuminated but not flash, revolve, oscillate, be animated or create an illusion of continuous movement.

4. Flashing and movement on signs in all other districts is subject to 16-112-7.E., immediately following.

**E. Flashing Signs, Moving Signs and Changeable Copy Signs.**

**1. General Rule**

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

**2. Rules for Changeable Copy Signs Allowed under this Chapter**

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

- a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.
- b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard’s face at its maximum brightness, during daylight hours and 500 nits when measured from the billboard face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.
- 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.

- f. The area of a sign consisting of electric or electronic message board elements shall not constitute more than 200 square feet of a sign.
- g. The following limitations shall apply to the location of signs using video technology for a message board:
  - i. A sign on which the video technology includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.
  - ii. A sign on which the video technology includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City's or County's residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.
  - iii. A sign on which the video technology includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single family uses: it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained.

**F. Interference with Roadway Visibility; Confusion of Drivers.**

- 1. No sign shall be maintained at any location where by reason of its position, size or shape, may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
- 2. No detached sign, except signs allowed under Section 16-112-2.D.1, 2 or 3 shall be located in any vision triangle on a corner lot, except no individual structural element shall extend more than eighteen (18) inches inside of any vision triangle or in the vision triangle of a private drive entrance/exit with an intersecting public street or private drive.
- 3. No sign or sign structure obstructing an area between two feet and six feet above grade shall be located within ten (10) feet of the public right-of-way.

**G. Obstruction of Access Ways.**

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

**H. Obstruction of Window Surface.**

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

**I. Sign Maintenance.**

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

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

**J. Projecting Sign.**

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

**K. Awning, Canopy and Marquee Signs.**

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

**L. Portable Signs**

Portable signs shall conform to the following requirements:

1. Signs, if illuminated, shall meet the Underwriters Laboratories, Inc. Standards and the city/county electrical code;
2. Signs must be so designed, built and located so that they will not be tipped over by wind velocities of less than eighty (80) miles per hour;
3. Signs shall have affixed the number and date of issuance of the permit authorizing its use; and
4. No sign shall be permitted to locate in a required parking space.

**M. Supplemental Way-Finding 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 eight feet in height or 16 square feet in area;

2. Any such sign that is located within 50 feet of the right-of-way or that is legible from the right-of-way shall bear no commercial message;
3. No such sign shall be located within 50 feet of property zoned for single-family residential uses;
4. Any such sign that is located within 150 feet of property zoned for single-family residential use shall be lighted only with direct, white light.

**N. Detached, Permanent Signs.**

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

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

**O. Pole, Post or Pylon Signs.**

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

(Ord. 5028AM § 6, 2004; Ord. 5028 § 6, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(VI); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

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

**A. Applicability of this section:**

The provisions of this section shall apply to all permanent signs. In addition, permanent signs containing off-premise messages or otherwise classified as off-premise signs, shall be subject to the standards of Section 16-112-9. In case of a conflict between that section and this section, Section 16-112-9 shall control. As

to issues addressed in this section but as to which 16-112-9 is silent, this section shall control.

**B. Standards for Signs in the AG, R-E, R-S, R-D, R-TH, R-ML, R-MM, O-L, and FW Districts**

**1. Structural types permitted:**

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

**2. Maximum gross surface area:**

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

**3. Minimum setback:**

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

**4. Maximum Number Permitted.**

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

**5. Maximum height:**

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

**6. Illumination:**

External or internal.

**7. Lettering size of nonresidential attached signs:**

- a. Maximum of eighteen (18) inches in height if sign is located less than or equal to one hundred (100) feet from the street.
- b. Maximum of thirty (30) inches in height if sign is located more than one hundred (100) feet from the street.

**C. Standards for Signs in the O-G and R-MH Districts.**

**1. Structural types permitted:**

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

**2. Maximum gross surface area:**

Thirty-five (35) square feet per sign.

**3. Minimum Setback.**

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

**4. Maximum Number Permitted.**

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

b. Detached: one per frontage per zoning lot.

**5. Maximum Height.**

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

b. Detached: sixteen (16) feet.

**6. Illumination:**

External or internal.

**D. Standards for Signs in the C-P, C-L, P, H, CU, C-H, CBD, I-L and I-H districts.**

**1. Structural types permitted:**

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

**2. Maximum Gross Surface Area.**

a. Attached: not regulated.

b. Detached:

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

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

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

**3. Minimum Setback.**

- a. Attached: not regulated.
- b. Detached:
  - i. As regulated above, but no sign shall be located within fifty (50) feet of a R-TH, R-D, R-S, R-E or AG district or equivalent residential portion of a planned development.
  - ii. All signs shall have a minimum setback of ten (10) feet from the roadway which fronts the property.

**4. Maximum Number Permitted.**

- a. Attached: five per establishment and no more than two of the five may be located on any awning, canopy or marquee.
- b. Detached: one sign per road frontage up to two hundred (200) feet of the zoning lot, plus one additional sign for each additional two hundred (200) feet of road frontage, to a maximum of three signs. After three signs an additional sign may be added for each additional three hundred (300) feet of frontage. If installed an integrated center sign shall be considered as one of the detached signs.

**5. Maximum Height.**

- a. Attached: as permitted by the district in which the sign is located.
- b. Detached:
  - i. In accordance with Table 1, Detached Sign Area and Height (see Map 1 for zone) set out at the end of this chapter.
  - ii. Interstate Highways 40, 55, 240, TN State Highways 300 and 385 controlled access road interchange maximum height.  
  
If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of

a controlled access interchange measured from the center point of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.

- iii. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:
  - (A) The sign is oriented to and visible from the controlled access road travel lanes;
  - (B) The sign is located more than five hundred (500) feet from property which is utilized for single-family residences, including residential portions of a PUD, or R-S zoning; and
  - (C) The sign will conform in all respects except height with the standards applicable to the district in which the sign is located.
  - (D) If the sign will be legible from any property zoned for single-family residential use, including residential portions of a PUD, it shall not contain any moving or flashing elements.

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

**6. Illumination permitted:**

External or internal.

**D. Standards for the HDR, MDR, MU, UH, ULI and SNS Districts.**

**E. Standards for the BR, GC, RR, SDBP, SDR, SE, and SME Districts.**

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

**F. Complex Sign.**

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

**1. Permitted districts:**

A complex sign shall be allowed in the AG, R-E, R-S, R-D, R-TH, or R-M Districts for any complex for which a master signage plan has been approved in accordance with Section 16-112-11.

**2. Standards.**

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

**3. Maximum gross surface area:**

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

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

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

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

**4. Minimum setback:**

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

**5. Maximum height:**

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

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

6. **Illumination:**  
Direct or indirect.
7. **Structural types permitted:**  
Detached or attached to a wall or fence.
8. **Maximum number permitted:**  
One per frontage on the periphery of the complex.

**G. Integrated Center Sign.**

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

1. **Permitted districts:**  
An Integrated Center Sign shall be allowed in the O-G, C-P, P, H, C-U, C-H, I-L and I-H districts for any integrated center for which a Master Signage Plan has been approved in accordance with Section 16-112-11.
2. **Structural types permitted:**  
Detached.
3. **Standards.**
  - a. The sign can only identify the name of the integrated center and/or the center's establishments. If the sign is to contain the establishments of the center it must contain at least two establishments. An integrated center may contain more than one zoning lot, however, in this instance the permanent detached on-premise sign requirements (this section) shall be calculated as if the integrated center was one zoning lot. Otherwise an integrated center sign is not permitted.
  - b. An integrated center sign shall also be permitted in the O-G district, if the center contains three or more zoning lots, has a total of two or more acres, and has shared parking or shared access; or meets the requirements of subsection (G)(3)(a) of this section.

**4. Maximum gross surface area:**

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

**5. Minimum Setback.**

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

**6. Maximum number permitted:**

One per frontage up to six hundred (600) feet of the integrated center, plus one additional integrated center sign for each additional four hundred (400) feet of each road frontage.

**7. Maximum Height.**

- a. In accordance with Table 2, Integrated Center Sign Area and Height (See Map 1 for zone), set out at the end of this section.
- b. Interstate Highways 40, 55, 240 and TN State Highways 300 and 385 controlled access road interchange maximum height.  
  
If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within one thousand five hundred (1,500) feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.
- c. For properties located within a radius of one thousand five hundred (1,500) feet from a controlled access road/arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to administrative site plan review if the property conforms to the following criteria:

- i. The sign is oriented to and visible from the controlled access road travel lanes;
- ii. The sign is located more than five hundred (500) feet from property which is utilized for single-family residences or R-S zoning, including residential portions of a PUD; and
  - iii. The sign will conform in all respects except height with the standards applicable to the district in which the sign is located.
  - iv. If the sign will be legible from any property zoned for single-family residential use, including residential portions of a PUD, it shall not contain any moving or flashing elements.

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

**8. Illumination:**

External or internal.

**H. Other Requirements for Detached Signs.**

1. The minimum permissible horizontal distance between freestanding signs on the same property is seventy-five (75) feet.
2. Where a freestanding sign is located in a vehicular parking or circulation area, a base or barrier of concrete or steel, not less than thirty (30) inches high, shall be provided to protect the base of the sign from damage by vehicles.
3. 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.

(Ord. 5028AM § 7, 2004; Ord. 5028 § 7, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(VII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

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

**A. Where permitted:**

Permanent, off-premise signs are allowed on sites which are:

1. Located in the C-H, CBD (outside CBID), I-L, or I-H zoning district;
2. Located within 660 feet of an Interstate highway at a location where a sign meeting the standards of this section will be legible from the Interstate without a height variance, berm to raise the sign, tree removal or other actions to improve legibility;
3. Has legal access from a public highway or street other than the Interstate highway, provided that an access easement across property zoned for primarily residential uses shall not be considered "legal access" for the commercial use of off-premise advertising signs.

**B. Maximum gross surface area:**

Six hundred seventy-two (672) square feet.

**C. Structural type permitted:**

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

**D. Minimum setback:**

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

**E. Maximum number permitted:**

One sign (either attached or detached) with one thousand (1,000) foot spacing between such signs (measured from the center of the pole) located along the same side of the same road, or on any road which intersects or is parallel to that road if the sign is intended to be viewed from those roads.

**BF Other Standards.**

In addition to the above, 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 ten (10) feet from the interstate freeway right-of-way or one hundred (100) feet from any emergency stopping shoulder lane.
2. No detached sign shall be permitted where the sign face or back of the sign is located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development at the time the sign permit is secured.
3. No portion of a detached sign, pole or other supporting structure shall be located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development.
4. The maximum gross surface area of a sign is as follows:
  - a. Along all U.S. highways and interstate highways in Memphis and Shelby County; six hundred seventy-two (672) square feet.
  - b. Notwithstanding the other provisions of this section, off-premise signs are not permitted in the CBID and CBIDII, regardless of the proximity to, or potential legibility from, a U.S. Interstate Highway.
5. Signs may be externally or internally illuminated.
6. Signs shall not exceed the maximum height permitted for detached signs in the district where the sign is located (see Section 16-112-8)..
7. Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within 300 feet of **U.S. Interstate Highways** and the sign face is oriented toward such Interstate Highway.

(Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(IX); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

### **Sec. 16-112-10 Temporary Sign Regulations.**

- A. Standards for AG, R-S, R-D, R-TH, R-M, O-L Districts1.**
  - Dimensions and Types Permitted**
  - a. Such signs shall be detached signs;
  - b. Signs in the AG, R-M and O-L Districts shall not exceed eight feet in height and 12 square feet in area;
  - c. Signs in the R-S, R-D, R-TH Districts shall not exceed five feet in height and seven square feet in area;

- d. All such signs may be double-faced, with the area limitation applying only to one face;
- e. Such signs shall be set back at least 10 feet from the right-of-way and 15 feet from any other lot line.

**2. Number Permitted**

Each occupied lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time),

**3. Illumination**

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

**4. Limitations on Commercial Messages**

All such signs may bear any message that is not a commercial message. The permanent sign may not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain a commercial message. The only commercial messages permitted on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

**5. Limitations on Time of Display**

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

**B. Standards for the O-G, C-P, C-L, P, H, CU, C-H, CBD outside CBID, I-L and I-H Districts**

**1. Dimensions and Types Permitted**

- a. All such signs shall be detached signs;

- b. Such signs shall not exceed eight feet in height and 32 square feet in area;
- c. All such signs may be double-faced, with the area limitation applying only to one face; and
- d. Such signs shall be set back at least 15 feet from the right-of-way and 15 feet from any other lot line.

**2. Number Permitted**

Each occupied lot in a residential district shall be allowed one temporary detached signs.

**3. Illumination**

Such signs shall not be separately illuminated.

**4. Limitations on Commercial Messages**

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

**5 Limitations on Time of Display**

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

(Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(X); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

## *Sec. 16-112-11 Master Signage Plans*

### **A. Purpose and Intent**

It is the purpose of the City and County in adding this section to its sign ordinance to offer incentives to sign users, particularly on larger sites or groups of sites, to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This section spells out specific criteria for review and incentives for compliance with the section, but the City Council and the Board of County Commissioners, respectively, recognize that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this section. Although the City Council and the Board of County Commissioners, respectively, have provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of these bodies that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Chapter. It is thus the intent of the City Council and the Board of County Commissioners, that, to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this section reverse or remand the decision of the Planning and Zoning Board only if it finds that such action is arbitrary and capricious.

### **B. Applicability**

Owners of any of the following may apply for approval of a Master Signage Plan for their respective properties in business, commercial or industrial zoning districts:

1. One or more zone lots that, if considered together, constitute or would constitute an “integrated center”.
2. One or more zone lots that, if considered together, constitute or would constitute a “complex.”
3. Other owner(s) of one or more lots, parcels or tracts of contiguous property in the same zoning district.

### **C. Procedure**

1. The owner(s) may apply to the WHO???? for approval of a Master Signage Plan. Where an application for approval of a Master Signage Plan is submitted simultaneously with an application for approval of a site development plan requiring the approval of the WHO???, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.
2. If the application is complete, it shall be placed on the agenda of the next meeting of the WHO???? occurring at least 10 days after the submission of the complete application. If it is incomplete, it shall be returned to the applicant with a specific list of the items that are incomplete.

3. The WHO??? shall act on the Master Signage Plan at the meeting at which it is first considered. If the Council fails to act at such meeting, the plan shall be deemed to have been denied, unless the applicant has consented to a delay in the decision.
4. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.
5. Any person aggrieved by the action of the WHO??? on a Master Signage Plan may appeal the decision by filing an appeal with the Board of Zoning Adjustment.

#### **D. Application Contents**

The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for Development Plan approval or where there is an approved Development Plan for the area for which the application for a Master Signage Plan is filed, the Master Signage Plan may refer to portions of the Development Plan application or approved Development Plan for related requirements:

1. An accurate plot plan of the development site, at such scale as the Director may reasonably require;
2. A proposed design plan showing signage design at a scale of 1/2" = 1 ft.
3. Location of buildings, parking lots, driveways, and landscaped areas on such development site;
4. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
5. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the permitted signage among the eligible tenants or users,
6. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;
7. The color schemes and design features (excluding specific messages) for proposed signs; and
8. The signatures of all owners or their authorized agents in such form as the Council may require.

#### **E. Amendments**

A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this section in effect at the time of submittal.

#### **F. Provisions for Nonconforming Signs**

A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified

date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

### **G. Incentives**

To encourage the use of Master Signage Plans and thus to improve the appearance of signage within individual projects, the following incentives, which involve deviations from the regulations that would otherwise apply in the applicable zoning district, apply:

1. The area shown on the Master Signage Plan shall all be considered one “premises” for purposes of determining whether a sign is “off-premises”;
2. An integrated center with three (3) or more tenants or occupants, located in the with a Master Signage Plan shall be allowed, in addition to all other signage allowed under this Chapter, an integrated center sign.
3. A complex or neighborhood, as defined herein, shall be allowed, in addition to all other signage allowed under this Chapter, a complex sign.

### **H. Criteria for Approval**

A Master Signage Plan shall be approved if and only if the WHO??? finds that the proposed plan meets all of the standards set out in this subsection. If the WHO??? finds that the proposed plan substantially meets such standards or meets most of such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the WHO??? shall deny the application for plan approval:

1. Except as allowed by subsection G of this section, each proposed sign conforms with all applicable standards of this Article;
2. Except as allowed by subsection G of this section, the total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;
3. The proposed plan contains all of the information required by subsection D of this section
4. The allocation of permitted signage among eligible tenants shall be proportional to one of or a combination of the following criteria:
  - a. The number of public entrances to space leased to or controlled by each tenant or occupant;
  - b. The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or
  - c. The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.
5. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:
  - a. The materials and design of all wall signs shall follow one design scheme;

- b. The materials and design of freestanding commercial signs shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
- c. Each design scheme shall have require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
- d. If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
- e. The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and design features of the principal building on the site.

### **I. Effect**

After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Chapter, this Chapter shall prevail.

### **J. Special Severability Provisions**

The severability provisions of Section 16-112-15 are limited by this subsection. If any procedural aspect of this Section 16-112-11 is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City Council and Board of County Commissioners, respectively, that this entire section 16-112-11, but only this section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City Council and Board of County Commissioners, respectively, that such part be stricken and that the rest of this section remain in full force and effect, in accordance with the principles set out in more detail in Section 16-112-15.

### ***Sec. 16-112-12 Noncommercial Messages Always Permitted***

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

**Sec. 16-112-13 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 zone 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 zone 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.

(Ord. 5028AM § 8, 2004; Ord. 5028 § 8, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(XII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

**Sec. 16-112-14 Enforcement and penalties.**

- A. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of the joint zoning ordinance/resolution of the city and county. The remedies of the city and/or county shall include, but not be limited to the following:
  - 1. Issuing a stop-work order for any and all work on any signs on the same zoning lot;
  - 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
  - 3. Imposing any penalties that can be imposed directly by the city and/or county under the joint zoning ordinance/resolution;
  - 4. Seeking in court the imposition of any penalties that can be imposed by such court under the joint zoning ordinance/resolution; and
  - 5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city and county under the applicable provisions of the joint zoning ordinance/resolution and building code for such circumstances.

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

(Ord. 5028AM § 9, 2004; Ord. 5028 § 9, 2003; Ord. 4963 § 1, 10-1-02; Ord. 4917 § II, 1-22-02; Ord. 4856AM §§ 1, 2, 12-18-01; Ord. 4856 §§ 1, 2, 4-3-01; Ord. 4750 § 2, 3-7-00; Ord. 4723 § 1, 11-16-99; Ord. 4711 § 1, 10-26-99; Ord. 4208 § 2C, 8-24-93; Ord. 4037 § 1, 5-21-91; Ord. 4010 § 1, 12-11-90; Code 1985 Appx. A § 29(XIII); Ord. 3266 § 1, 3-1-83; Ord. 3237 § 1, 9-14-82; Ord. 3186 § 1, 1-26-82; Ord. 3064, 10-7-80)

## ***Sec. 16-112-15 Severability***

### **A. Generally.**

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

### **B. Severability where less speech results.**

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

### **C. Severability of provisions pertaining to prohibited signs.**

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

court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, except as expressly provided in Section 16-112-15.A.

**D. Severability of prohibition on off-premise signs.**

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

Table 1  
Detached Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 4** Interchange Maximum Height
Minor Street (=59' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted By District
Collector	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted

Street (60-70' ROW)											ed By District
Major Arterial Road (71-160' ROW)	0.7	200	20	0.9	250	25	0.9	300	35		As Permitted By District
Controlled Access Road (=161' ROW)	0.7	200	25	0.9	250	35	0.9	300	50		As Permitted By District

Notes:

- 1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
  - 2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads.
- \* As shown on Map #1.  
 \*\* As shown on Map #2.

Chart I

Detached Sign Area Calculations

(Lot Frontage In Feet)

Multiplier (feet)	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20

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

Table 2  
Integrated Center Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Frontage Multiplier (ft.)	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Square Feet	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop Maximum Height (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Frontage Multiplier (ft.)	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Square Feet	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum Height (ft.)	Zone 4** Interchange
Local Street (=59' ROW)	0.0	35	8	0.2	50	8	0.2	50	20	As Permitted By District
Collector Street (60-70' ROW)	0.2	100	15	0.3	150	15	0.4	200	35	As Permitted By District

Major 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.

\* As shown on Map #1.

\*\* As shown on Map #2.

Chart II

Sign Area Calculations





after the effective date of this amendment which does not conform to the requirements of Chapter 16-112 shall be deemed illegal and removed, or otherwise made to conform with the current requirements of Chapter 16-112 within thirty (30) days of written notification by the building official.

**C. Signs Granted a Variance.**

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

**D. Nonconforming Signs Defined.**

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

**E. Alteration, Expansion or Moving.**

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

**F. Removal of Nonconforming Signs.**

1. Any Nonconforming Sign.
  - a. If a nonconforming sign is damaged or destroyed by a force of nature or other action beyond the control of the sign owner, then it may be replaced with a sign of identical size in the same location or by a conforming sign provided that a complete application for a permit for the replacement is filed within sixty (60) days of the

date of the damage or destruction, and the replacement or repair is completed before the expiration of the permit or any valid extension thereof. The repaired or replacement sign shall be considered a legal nonconforming sign.

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

## **2. Off-premise Signs.**

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

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

## **3. Removal of Certain Nonconforming Signs.**

Nonconforming signs which do not comply with the requirements of Sections 16-112-5(B) and (C), 16-112-6(D) or (K) shall be removed or

shall be made to comply with the requirements of Chapter 16-112 within one year of the effective date of this title.

**4. Removal of Nonconforming Signs.**

All nonconforming off-premise signs not otherwise removed in accordance with the provisions of subsection (F)(1) through (3) of this section shall be removed within five years after the effective date of this title unless such signs are made to comply with the provisions of Chapter 16-112 within such five-year period, in which case, they may remain.

Removal provisions of this subdivision shall not apply to permanent off-premise signs that do not conform to the one hundred fifty (150) foot spacing requirement of Section 16-112-8(B); and, shall not apply to permanent off-premise signs greater than seventy (70) square feet in area.

Permanent off-premise signs located in the AG district shall be removed within five years.

- a. Ten (10) years if the sign is located within the unincorporated area of Shelby County but more than five miles from the corporate limits of the city; or
- b. Five years if the sign is located within the corporate limits of the city, or within five miles of the corporate limits of the city and within the unincorporated area of Shelby County.

**5. Removal of Nonconforming Sign Upon Change of Principal Use.**

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

**G. Enforcement of Removal.**

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

If any sign is not removed as required by subsection C and (F)(1) through (4) 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 one hundred dollars (\$100.00) per day until the sign is removed. In the event that an illegal sign is not removed within ninety (90) days of written notification of the owner by the building official, the city and/or county of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be

paid by the owner. The city or county of Shelby shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in removing the sign.

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

Any owner who fails to remove a nonconforming sign within the applicable time set forth in subsection (F)(1) through (4) of this section, shall be fined one hundred dollars (\$100.00) per day until the sign is removed. In the event that a nonconforming sign is not removed within the time set forth in subsection (F)(1) through (4) of this section, the city and/or county of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be paid by the owner. The city or county of Shelby shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing the sign.

Any resident of the city or the county of Shelby is authorized and empowered to initiate the necessary proceedings in environmental court to secure removal of a nonconforming sign if removal of the sign is required under subsection (F)(1) through (4) of this section and if, but only if, the building official fails to initiate proceedings against the owner of the nonconforming sign to secure removal of the sign within ninety (90) days of the applicable time set forth in subsection (F)(1) through (4) of this section.

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

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

## **H. Forfeiture.**

Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this chapter. In addition to other remedies granted to it by this chapter, the building

official shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign in a civil action.

(Ord. 5028AM § 10, 2004; Ord. 5028 § 10, 2003; Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(E); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)

***Sec. 16-116-6 Exception for repairs pursuant to public order.***

Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to be restored to a safe condition provided such restoration is not otherwise in violation of the various provisions of this chapter prohibiting the repair or restoration of partially damaged or destroyed buildings, structures or signs.

(Ord. 4723 § 1, 11-16-99; Ord. 4208 § 2D, 8-24-93; Code 1985 Appx. A § 30(F); Ord. 3266 § 2, 3-1-83; Ord. 3237 § 2, 9-14-82; Ord. 3064, 10-7-80)