such as multiple occupant mercantile tenants, the address range shall be posted.

Sec. IX. Standards Applicable to Permanent Off-premise Signs.

A. Where permitted:

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

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

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

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

B. Maximum gross surface area:

Six hundred seventy-two (672) square feet.

C. Structural type permitted:

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

D. Minimum setback:

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

E. Maximum number permitted:

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

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

along the same side of the same road facing the same direction.

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

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

F. Other Standards.

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

1. No portion of a detached sign, if it is legible from the interstate freeway, shall be closer than ten (10) feet from the interstate freeway right-of-way and/or one hundred (100) feet from any emergency stopping shoulder lane.

2. No detached sign shall be permitted where the sign face or back of the sign is located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development at the time the sign permit is secured.

3. No portion of a detached sign, pole or other supporting structure shall be located within one hundred (100) feet of any property zoned residential or the residential portion of a planned development.

4. The maximum gross surface area of a sign is as follows:

a. Along all U.S .Interstate Highways in Memphis and Shelby County; six hundred seventy-two (672) square feet.

b. Notwithstanding the other provisions of this section, off-premise signs are not permitted in the Central Business Improvement District (CBID) and Central Business Improvement District II (CBIDII), regardless of the proximity to, or potential legibility from, a U.S. Interstate Highway.

5. Signs may be externally or internally illuminated.

6. Signs shall not exceed the maximum height permitted for detached signs in the district where the sign is located (see Section VIII).

7. Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within 300 feet of U.S.

Interstate Highways and the sign face is oriented toward such U.S. Interstate Highway.

8. Two decals are required for each off-premise sign. The decal on the board shall include the name of the current owner. The decal on the pole shall be at eye level and shall include the meter box address of the sign. Decals shall be provided at the final inspection of the sign by the Building Official. Failure to display the decals or improper display of the decals will result in the Department taking action as described in Section III.C.3.

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

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

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

a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.

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

c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.

d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards. All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic billboard based on ambient light conditions. Maximum brightness levels for electronic or digital display boards shall not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a preset distance of two hundred and fifty (250) feet for signs having a copy area of six hundred and seventy two (672) square feet. For electronic and digital copy area having a size other than 672 square feet, the pre-set distance of measurement shall be adjusted to an equivalent distance based upon the particular copy area size being considered as recommended by the Illuminating Engineering Society of North America (IESNA)

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

H. Illuminated Signs.

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

2. No sign legible from any public right-of-way shall utilize:

a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;

b. Any revolving beacon light;

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

I. Sign Maintenance.

The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign. Nothing in this chapter shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

J. Nonconforming Off-Premise Sign Defined.

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

K. Nonconformity Provisions Related To Off-Premise Signs

In addition to the provisions of paragraph 1 of sub-section F of Section V., 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 re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

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

L. Removal of Nonconforming Signs.

1. Any Nonconforming Sign.

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

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

2. Off-Premise Signs.

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

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

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

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

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

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

N. Severability of Prohibition on Off-Premise Signs.

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

Sec. X. Temporary Sign Regulations.

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

1. Dimensions and Types Permitted

a. Such signs shall be detached signs or attached;

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

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

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

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

2. Number Permitted

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

3. Illumination

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

4. Limitations on Commercial Messages

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

5. Limitations on Time of Display

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

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

1. Dimensions and Types Permitted

a. All such signs shall be attached or detached signs;

b. Such detached signs shall not exceed eight feet in height. No such sign has be larger

than 16 square feet for any parcel that is less than 2 acres and an additional 16 square feet for any parcel that is two acres or more;

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

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

2. Number Permitted

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

3. Illumination

Such signs shall not be separately illuminated.

4. Limitations on Commercial Messages

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

5. Limitations on Time of Display

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

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

1. Dimensions and Types Permitted.

a. Such signs shall be attached or detached signs;

b. Such detached signs shall not exceed 8 feet in height and 16 square feet for any parcel that is less than 2 acres and an addition 16 square feet for any parcel that is more than 2 acres.

c. Such attached signs shall not exceed 8 feet in height or 16 square feet for any parcel that is less than 2 acres and an additional 16 square feet for any parcel 2 acres or more unless it is a wall sign in which case it may be up to 500 square feet.

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

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

2. Number permitted

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

3. Illumination

Such signs shall not be separately illuminated

4. Limitation of Commercial Messages

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

5. Limitation on Time of Display

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

Sec. XI. 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.XII. Violations.

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

A. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

B. To install, create, or erect, any sign requiring a permit without such permit;

C. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which sign is located;

D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed;

E. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this title.

Sec. XIII. 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 is available to the city and county under the applicable provisions of the joint zoning ordinance/resolution and building code for such circumstances.

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

Sec. XIV. 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 XV.B.

B. Severability where less speech results.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this section or elsewhere in this Chapter or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is