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. IV. 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 XV.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 & 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 m Square Feet	Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop Maximum m Height (ft.)	Zone 4** Interchange Maximum Height
Minor Street =59' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted District
Collector Street (60-70' ROW)	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted District
Major Arterial Road (71-160' ROW)	0.7	200	20	0.9	250	25	0.9	300	35	As Permitted District
Controlled Access Road (=161' ROW)	0.7	200	25	0.9	250	35	0.9	300	50	As Permitted 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) Table 2 Integrated Center Sign Area and Height Notes:

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

Zone 1 Inside East, North, South Parkway & Interstate Loop Frontage Multiplier	Zone 1 Inside East, North, South Parkway & Interstate Loop Maximum Square Feet	Zone 1 Inside East, North, South Parkway & Interstate Loop Maximum Height	Zone 2 Inside East, North, South Parkway & Interstate Loop Frontage Multipliet	Zone 2 Inside East, North, South Parkway & Interstate Loop Maximum Square Feet	Zone 2 Inside East, North, South Parkway & Interstate Loop Maximum Height	Zone 3 Inside East, North, South Parkway & Interstate Loop Frontage Multipliet	Zone 3 Inside East, North, South Parkway & Interstate Loop Maximum Square Feet	Zone 3 Inside East, North, South Parkway & Interstate Loop Maximum Height	Zone 4 Interstate Interchange
Local Street (=59' ROW)	0.0	35	8	0.2	50	8	0.2	50	As Permitted By District

Collector Street (60-70' ROW)	**0.2**	**100**	**15**	**0.3**	**150**	**15**	**0.4**	**200**	**As Permitted By District**
Major Arterial Road (71-160' ROW)	**0.8**	**300**	**20**	**1.0**	**350**	**35**	**1.0**	**400**	**As Permitted By District**
Controlled Access Road (=161' ROW)	**0.8**	**300**	**25**	**1.0**	**350**	**40**	**1.0**	**400**	**As Permitted By District**

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.

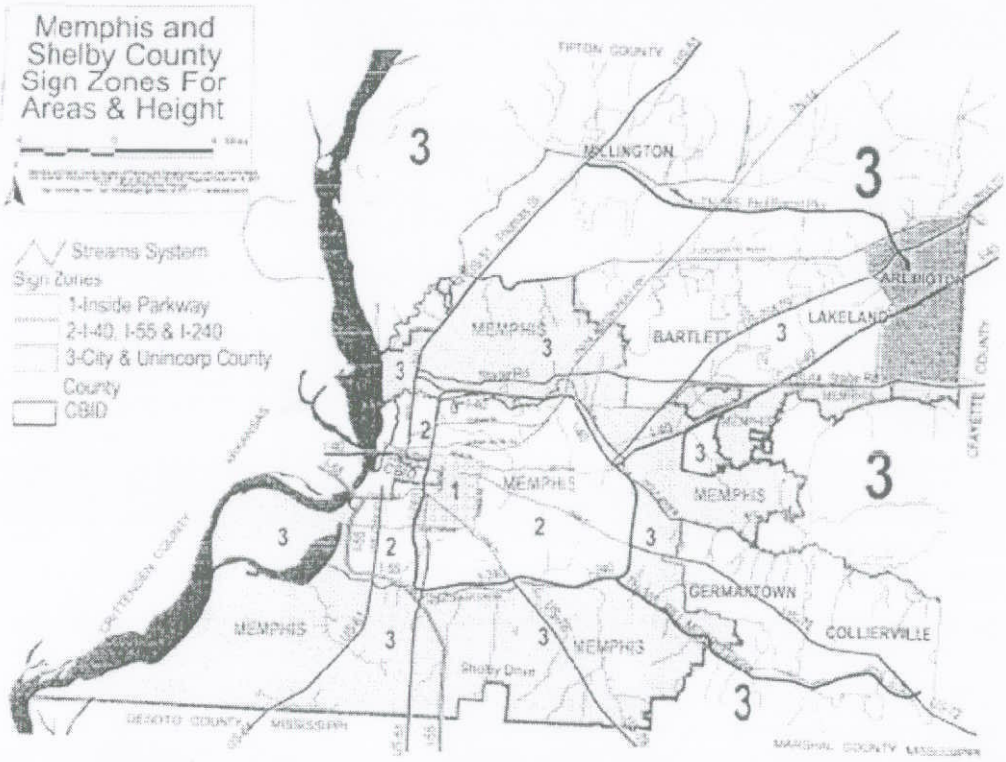
2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along Controlled Access Roads.

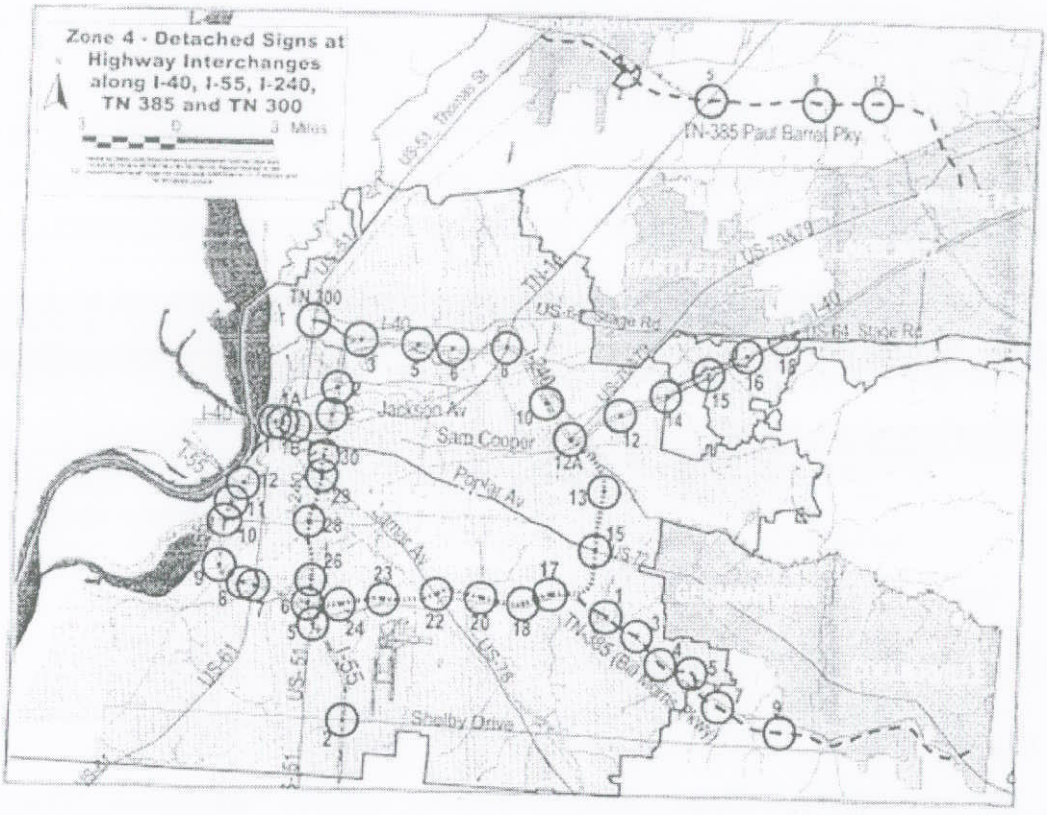
* As shown on Map #1.

** As shown on Map #2.

Chart II

Sign Area Calculations


Memphis and Shelby County Sign Zones For Areas & Height
Streams System
Sign Zones
1-Inside Parkway
2-I-40, I-55 & I-240
3-City & Unincorp County
County
CBID
TIPTON COUNTY
MILLINGTON
ARLINGTON
LAKELAND
BARTLETT
MEMPHIS
GERMANTOWN
COLLIERVILLE
Shelby Drive
DESOTO COUNTY MISSISSIPPI
MARSHAL COUNTY MISSISSIPPI
CRAYETTE COUNTY
CRITTENDEN COUNTY


Zone 4 - Detached Signs at Highway Interchanges along I-40, I-55, I-240, TN 385 and TN 300
Miles
TN-385 Paul Barrett Pky
US-51 Thomas St
US-70&79
TN 300
I-40
US-64 Stage Rd
Jackson Av
Sam Cooper
Poplar Av
Lamar Av
US-72
TN-385 (Bill Morris Pkwy)
US-61
US-51
I-55
US-78
Shelby Drive

Chapter 30 Nonconformities

Section V. Nonconforming Signs

A. Applicability

The provisions of this section shall not apply to signs located in the Central Business District within the CBID I and II.

B. Distinction of Effect on Illegal Signs.

Any sign in existence on the effective date of this amendment which was constructed, erected or maintained in violation of the requirements of ordinances/resolutions or regulations as previously existing, or any sign erected after the effective date of this amendment which does not conform to the requirements of Chapter 29 shall be deemed illegal and removed, or otherwise made to conform with the current requirements of Chapter 29 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 29, 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.

c. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of three hundred sixty-five (365) days regardless of any intent to resume or not to abandon such sign shall be deemed to be abandoned and shall not thereafter be reestablished. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

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

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.

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 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 (3) of this section, the building official shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this title.

Any owner who fails to remove an illegal sign within thirty (30) days of written notification by the building official, shall be fined fifty dollars ($50.00) per day until the sign is removed. In the event that an illegal sign is not removed within ninety (90) days of written notification of the owner by the building official, the city 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 3 of this section, shall be fined fifty dollars ($50.00) per day until the sign is removed. In the event that a nonconforming sign is not removed within the time set forth in subsection F.1. through 3 of this section, the city and/or county of Shelby are authorized to remove; but are not required to remove, the sign with all reasonable costs associated therewith to be paid by the owner. The city or county of Shelby shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing the sign.

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 3 of this section and if, but only if, the building official fails to initiate proceedings against the owner of the nonconforming sign to secure removal of the sign within ninety (90) days of the applicable time set forth in subsection F.1. through 3. 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.

Sec. VI. 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.