

**Ordinance No. 2022-12**

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF GLUCKSTADT, MISSISSIPPI AMENDING THE  
ZONING ORDINANCE OF THE CITY OF GLUCKSTADT, MISSISSIPPI TO  
REMOVING ARTICLE VII: SIGN REGULATIONS FROM THE ZONING ORDINANCE**

WHEREAS, the Zoning Ordinance of the City of Gluckstadt, Mississippi, was adopted on December 16, 2021, and became effective on 1/16/2022 2022; and,

WHEREAS, the Mayor and Board of Aldermen set a public hearing to consider amending certain sections of the Zoning Ordinance for the 8<sup>th</sup> day of November, 2022, at 6:00 o'clock p.m.; and,

WHEREAS, the City Clerk did cause notice of said hearing to be published in the Madison County Journal, a newspaper of general circulation in the City of Gluckstadt, Madison County, Mississippi, in the manner and for the time required by law; and,

WHEREAS, at the time date and place specified in the notice, the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi did conduct a full and complete hearing and thereafter did recommend that the Zoning Ordinance of the City of Gluckstadt, Mississippi be amended as set out hereinafter; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi, as follows, to-wit:

**SECTION 1**

That the matters and facts stated in the preamble hereof are found to be true and correct.

**SECTION 2**

That Article VII: Sign Regulations is hereby repealed.

**SECTION 3**

That Sections 1006, 1106, 1206, 1306, 1409, 1508, 1813, 2005, 2106, 2206, 2307, 2406, 2507, 2608, 2713, and 2810 of the Zoning Ordinance are amended to read as follows:

“See 2022 Gluckstadt Sign Ordinance.”

**SECTION 4**

This Ordinance shall be effective thirty (30) days after its passage and after publication of same as required in § 21-13-11 Mississippi Code of 1972.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi at its regular meeting held on the 8 day of November, 2022.

MOTION made to adopt the foregoing Ordinance was made by Alderman Slay and SECONDED by Alderman Bates and the foregoing having first been reduced to writing, was submitted to a Roll Call Vote, the result was as follows:

Alderman Bates voted:	<u>Aye</u> / Nay
Alderman Powell voted:	<u>Aye</u> / Nay
Alderman Slay voted:	<u>Aye</u> / Nay
Alderman Taylor voted:	<u>Aye</u> / Nay
Alderman Williams voted:	<u>Aye</u> / Nay

WHEREUPON, the Mayor declared the Motion had carried and that the Ordinance was adopted.

SO ORDAINED, ADOPTED, AND APPROVED by the Mayor and Board of Alderman of the City of Gluckstadt, Madison County, Mississippi at its regular meeting held on the 8 day of November, 2022.

Walter Morrison

Walter C. Morrison, Mayor of the  
City of Gluckstadt, Mississippi

ATTEST:

Lindsay Kellum  
Lindsay Kellum, City Clerk



**MAYOR**

Walter C. Morrison, IV

**CITY CLERK**

Lindsay D. Kellum

**POLICE CHIEF**

Wendell Watts

**CITY OF GLUCKSTADT**

MISSISSIPPI



**ALDERMEN**

Miya Bates

Jayce Powell

Wesley Slay

John Taylor

Lisa Williams

**PLANNING AND ZONING ADMINISTRATOR**

**343 DISTRIBUTION DRIVE**

**GLUCKSTADT, MS 39110**

Memorandum

October 11, 2022

To: The Mayor and Board of Alderman

From: Mike McCollum, Planning and Zoning Administrator

RE: Adoption of New Sign Regulations

I request that the Mayor and Board consider the adoption of the attached sign ordinance in order to provide a more comprehensive set of requirements and to improve the aesthetics of our City. I listed some of the provisions of the new ordinance below for your consideration:

1. Requires everyone who has a sign to obtain a sign permit from the City of Gluckstadt.
2. Provides an amortization schedule based on sign value to come into compliance with the new ordinance.
3. Give certain powers to the Building Official to write citations and to remove temporary signs without notice.
4. Provides an extensive list of prohibited signs.
5. Regulates billboard signs.
6. Restricts sign dimensions to include height, area, and setback
7. Provides for permits for temporary signs up to 4-14 day permits per year for a business.

If the Board is ready to move forward with the adoption of this ordinance we will need to set a public hearing date to remove the sign language in the Zoning Ordinance. I recommend November 8<sup>th</sup> 2022.

Thank you for your consideration in this matter. Please contact me if you have any questions.

**CITY OF  
GLUCKSTADT  
MISSISSIPPI**

**SIGN  
REGULATIONS**

**ADOPTED**

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# SIGN REGULATIONS

## SECTION I – PURPOSE

This Ordinance is adopted for the following purposes:

- A. Assists, the local business community in providing signage which directs the public to each individual business establishment.
- B. Provides, for consistent and equitable signage requirements for both large and small businesses.
- C. Provides, for a reasonable system of control of signs.
- D. Encourages, a desirable urban characteristic which has a minimum of overhead clutter.
- E. Enhances, the economic value of the community and each area thereof through the regulation of such things as size, location, design, and illumination of signs.
- F. Encourages, sign uses which are compatible with adjacent land use.
- G. Reduces, possible traffic and safety hazards through sign regulation.
- H. Ensures, that the type and amount of signage accurately reflects the character of the City

## SECTION II – DEFINITIONS

Abandoned Sign: A sign which no longer correctly advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Advertising Sign: See "Off Premises Sign".

Animated Sign: Any sign which moves, or which appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags, balloons, ribbons, streamers, or propellers. For purposes of this Ordinance, this term does not refer to flashing or changing signs, all of which are separately defined.

Balloons: Any display or arrangement of inflated objects, including large, inflated characters, blimps, replicas of hot air balloons, etc. which are anchored to the ground, a building or pole with the intention to attract the attention of the public to a location or business.

Banners: Any streamer, flag-like pennant, or other object, whether constructed of fabric or of other materials which, with or without insignia, attracts the attention of citizenry to a location or business. The term "banner" shall include those which are inside buildings, but which are visible through doors that remain open. Banners that are inside the building and located greater than ten (10) feet inside the door or opening are exempt from the above definition.

Board: - Planning and Zoning Review Board



Building Face or Wall: All window and wall area of a building in one plane or elevation.

Business Sign: A sign which directs the attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the same lot where the sign is located.

Campus Environment Office/Commercial/Industrial Project: A multi-building commercial or industrial development consisting of buildings with uniform architecture located within a subdivision containing covenants and restrictions and arranged with common areas and similar landscaping.

Changeable Copy Sign (Manual): A sign on which copy is changed manually (i.e., reader boards with changeable copy) the area of which shall be included within the allotted face of sign square footage, and if ground mounted, enclosed under a locked and vandal proof case, at the discretion of the Building Official. Changing Sign (Automatic), which does not change the message more than once per month, is considered Changeable Copy Sign (Manual).

Changing Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Civic Signs: Signs used for announcements, directing and identification by churches, schools, clubs, and other non-profit organizations.

Construction sign: A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

Copy: The wording or graphics on a sign surface.

Districts: Zoning Districts as established by the Zoning Ordinance.

Development Sign: A temporary sign relating to the promotion of a sale or rental of a new development or subdivision being constructed on the site upon which the sign is located or located off-site and containing information and directions to a new development or subdivision.

Directional Sign: An off-premises sign denoting the name and direction to a civic organization.

Exterior Directory Sign: A sign containing the building identification and address and the name and location of each tenant and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Facade: The face of a building most nearly parallel with the right of way line of the street upon which the building faces.

Face of Sign: The entire area of a sign on which copy could be placed, and in the instance where a double-faced sign is utilized, the area of one face shall be included to determine face square footage if both faces include the same copy.

Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, changes in the degree of light intensity, or any externally mounted intermittent light source.

Front Footage: The lineal width measured parallel to the street frontage of the heated and enclosed structure, not including outbuilding or appurtenant structures, unless said structure has no street frontage in which case the front footage shall be the structure's side width of principal entrance.

Ground Level: Immediate surrounding grade.

Ground Sign: A sign mounted at or near ground level, the face of which is no more than thirty-six (36) inches and no less than twenty-four (24) inches above the centerline of the adjacent street, highway, or right of way. If the ground level is higher than the adjacent street, highway, or right of way, the face of the sign shall be no more than thirty-six (36) inches and no less than twenty-four (24) inches above the ground level. If the ground level is lower than the adjacent street, highway, or right of way, the Mayor and Board of Aldermen may grant a height variance to consider topographic conditions. Ground signs permitted prior to the date of the adoption of this amended Ordinance shall not be required to seek a variance to consider topographic conditions. All other regulations regarding said signs shall continue to be fully applicable.

Height of Sign: The vertical distance measured above the centerline of the adjacent street, highway, or right of way to the highest point of the sign.

Instructional Sign: A sign conveying instructions strictly for the direction safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign and similar signs.

Mall: A shopping center in which access for tenants is provided by a roofed or enclosed common pedestrian area.

Multi-Family Projects: A project consisting of other than single-family dwellings, including, but not limited to, multi-family dwellings, apartments, and condominiums.

Multi-Story Office Building: An office building three (3) or more stories in height, regardless of the number of tenants or occupants.

Office Building: A building principally used by companies to conduct business, or the uses allowed in the C-1A and C-1 Zoning Districts of the City.

Office Park: A project of one or more buildings that has been planned as an integrated unit or cluster on property that is under unified control or ownership or multiple buildings that have been master planned and regulated by covenants and may include separate ownerships.

Off Premises Sign: A sign directing attention to a business, profession, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including, but not limited to, billboard signs.

On Premises Sign: See "Business Sign".

Opening Sign: A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Outdoor Advertising Sign: An off-premises signs commonly referred to as a billboard and supported by one or more poles.

Pole Sign: A sign erected on a free-standing frame, mast, or pole and not attached to any building.

Political Sign: A temporary sign erected to publish the name of a candidate or to enlist votes in any official public election.

Portable Signs: Any sign constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means for temporary use and is not designed to be nor is it permanently affixed to a building or lot.

Project Sign: A sign erected to display the identity of a single building, business, office, or shopping complex.

Real Estate Sign: A temporary sign employed to announce or display the sale or lease of real property, said sign being erected on the property for sale or lease.

Regional Retail Center: A commercial center developed as a unit, providing for the sale of goods or personal services, and comprising a minimum of forty (40) acres and 400,000 square feet of floor area.

Retail Business: A business principally engaged in the sale of commodities, services, or goods to the ultimate consumer.

Roof Line: The apex, or highest point of the roof. If there is a series of roofs, the apex of the lowest roof will be considered.

Roof Sign: A sign which is erected, constructed, or maintained on a roof. All bracing to the roof shall be concealed (not visible from road or ground) by the same material as the face of the sign.

School: A school is the use of a building or structure or any portion thereof, by six or more persons at any time for educational purposes from the first through twelfth grade and community colleges.

Set Back: The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line and the sign structure as specified in a particular section of this Ordinance.

Shopping Center: A commercial area consisting of two or more retail businesses providing convenience goods, general merchandise, office, or recreational activities; providing for off-street parking adjacent to such activities.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good or service, activity, place, person, or any other item of information.

Sign Area: The surface area of a sign computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all the display area of the sign and including all the elements of the matter displayed. Base, apron, supports, and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign Conversion: The permanent affixation to building, pole, or lot of a portable sign.

Sign Structure: Any structure which supports, has supported, or can support a sign including decorative cover.

Single Office Building: An office building containing five (5) or less tenants or occupants and less than three stories in height.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Banner: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Strip Plaza: A linear arrangement of two or more businesses or offices under one or many ownerships or management providing off-street parking and consisting of a similar or compatible Planning and Zoning or graphic character of theme.

Subdivision Entrance Sign: An on-site sign, masonry wall, landscaping, or similar materials or features, which separately or together form a display to identify the subdivision, provided that the legend of such sign shall consist only of the name of the subdivision.

Temporary Sign: A sign which is not permanent and is allowed for a specific time.

Wall Sign: A sign which is fastened and parallel to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the

background surface of the sign, and which does not extend more than twelve (12) inches from such building or structure.

Window Sign: A business sign painted on or posted in a window and visible from a public right-of-way.

### **SECTION III – GENERAL SIGN REQUIREMENTS FOR ALL DISTRICTS**

#### **III.A Design**

1. Sign permits shall not be issued by the Building Official if, in instances where the number, and/or location of signs as provided for above constitute, in his judgment, a traffic hazard, nuisance or infringement upon the rights of an adjacent property owner. If any party is aggrieved by the decision of the Building Official appeals shall be made directly to the Board.
2. Ground Signs shall incorporate architectural features of the corresponding building.
3. Prior to the issuance of a permit for a new sign, the design of any sign shall be subject to the review and approval of the Building Official his designated representative. If any party is aggrieved by the decision of the Building Official appeals shall be made directly to the Board.

#### **III.B Wall Signs**

1. The total area of wall signage shall not exceed one and one-half (1-1/2) square feet of sign for every foot of front footage of the applicable building, subject to the following restrictions:
  - (a) The maximum square footage wall sign allotment shall not exceed one hundred and fifty (150) square feet except as provided herein.
  - (b) Where the front footage of a building would allow for more than the maximum wall sign size as stated above, additional square footage may be allowed, upon approval of the Board. This additional square footage shall not exceed 1-1/2 square feet per linear foot of a building and shall not exceed a maximum wall sign size of 300 square feet. Wall signs shall be computed based on the building elevation that fronts the adjacent street but may be placed on any building elevation at the owner's discretion if the sign does not exceed 1-1/2 square feet per linear foot of the elevation for which the sign will be installed.
  - (c) Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed separately for each street.
2. Wall signs shall not be higher than the roof line or facade of the building.

### III.C Ground Signs

1. Refer to Appendix A for height and size, regulations for ground signs.
2. Ground signs must be in the yard for the street on which the sign fronts. In no case shall any business be allowed to have more than one ground sign in any front yard.
3. Changeable Copy Signs are limited to Grounds Signs only. No more than one-third (1/3) of the square footage of the ground sign shall be Changeable Copy Sign (Manual).

### III.D Setback Requirements

In instances where a sign setback requirement from the public right-of-way is not physically possible, the Building Official may allow for a smaller sign setback from the right-of-way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance, or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right-of-way.

### III.E Window Signs

Window Signs are allowed in Office, Commercial, and Industrial Districts. Window Signs shall not exceed 20% of the total surface area of a window including frames.

### III.F Illumination

1. Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zoning.
  - (a) The light for or from any illuminated sign shall be so shaded, shielded, or directed that intensity will not be objectionable to surrounding areas, as determined by the Board.
  - (b) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color.
  - (c) No colored lights shall be used at any location in any manner to be confused with or construed as traffic control devices.
  - (d) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
  - (e) Exposed bulbs shall not be used on the exterior surface of any sign, except when approved by the Board.

### III.G Structural Requirements

All Signs shall comply with the pertinent requirements of the current adopted International Building Code and the National Electrical Code.

### III.H Landscape Requirements

The base of all ground signs and directional signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign. If the

sign (other than an interstate zone sign) is supported by an exposed pole, the landscape plants installed at the time of permitting shall reach the base of the sign face within 3 years and shall be maintained at a height level to completely screen view to the pole. It is the intent of this provision to require that the exposed pole be screened from view. If landscape renovations occur at a time after the original permitting of the sign, the landscape plants installed shall fully screen the exposed pole within 6 months. If the intent of this provision is not met, it shall be deemed a violation of this Ordinance.

### III.I Private Sign Standards

Private Sign Standards Required: In the case of an office park, strip plaza, shopping center or other grouping of five or more tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs to be approved by the City's Board. Such standards shall run with all leases or sales of portions of the development. The Board, when reviewing these standards, shall consider the size, colors, materials, styles of lettering, appearance of any logo, type of illumination, and location. Sign permits shall not be issued until the Board has approved the sign standards after having been assured that such standards will be enforced by the developer or owner. The sale, subdivision, or other partition of the site after development does not exempt the project or portions from complying with these regulations relative to number of signs, and the harmony and visual quality of signs to be installed. All businesses which come under this section shall submit private sign standards within ninety (90) days after the effective date of this Ordinance.

### III.J Construction Signs

1. Commercial and Industrial Districts: During physical construction under a valid building permit issued by the City one two-sided ground sign not to exceed thirty-two (32) square feet in face area per side shall be permitted. Construction signs shall be no greater than eight (8) feet in height and located on the premises no less than fifteen (15) feet from the face of curb or edge of pavement or outside of the public right-of-way, whichever is further. The construction sign shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit. This section does not apply to single family dwellings (See Section III.J.2).
2. Residential Districts: A temporary construction sign shall be permitted during physical construction under a valid building permit issued by the City. For a single family detached dwelling or a duplex, the sign face area shall not exceed nine (9) square feet. For a multi-family project or a subdivision of record, the sign face area shall not exceed thirty-two (32) square feet and shall conform to all other requirements set out in III.J.1 above. Construction signs for single family detached dwellings and duplexes shall be set back at least five (5) feet behind the curb face or edge of pavement, or outside of the right-of-way, whichever is further, and shall not exceed five (5) feet in height. Construction signs shall not be permitted to stand more than ninety (90) days without the express approval of the Board.

### III.K Real Estate Signs.

1. Commercial and Industrial Districts: One ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided said sign does not exceed twenty (20) square feet of sign area. If not attached to a building, the sign shall not exceed five (5) feet in height and shall be set back no less than ten (10) feet from the face of the curb or edge of pavement or outside of the public right-of-way, whichever is further. Real estate signs shall be removed within seven (7) days of the closing of the sale, rental, or lease of the premises.
  
2. Residential Districts: One temporary sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. Said signs shall not exceed the dimensions of two (2) feet by three (3) feet, with a total maximum sign face area of six (6) square feet per face, with a maximum of two (2) faces on a single plane of material. The maximum height of said signs shall be five (5) feet and said signs shall be set back no less than five (5) feet from the curb face or edge of pavement or outside of the right-of-way, whichever is further. Signs shall be removed within seven (7) days of the sale or lease of the property. Notwithstanding the foregoing, however, open house signs may be posted or placed on such premises on the day of any open house conducted thereon.
  
3. Off Premises Real Estate Signs: Notwithstanding any other provision of this Ordinance, the owner of a single-family residential lot or parcel may be granted by the Building Official a permit to post one (1) off-premises real estate sign on private property. In no case shall there be more than one sign of any type located on any parcel of land for the purposes of an off-premises real estate sign. The owner of the property on which the sign is posted must grant written permission to post said sign. The sign shall not exceed the dimensions of two (2) feet by three (3) feet, with a total sign face of not more than six (6) square feet per face. The maximum height of said sign shall be five (5) feet and shall be set back not less than five (5) feet from the curb face or edge of pavement. Signs must be removed within thirty (30) days from the date the permit is issued. Provided, however, said property owner may obtain two thirty (30) day extensions. Owners of single-family residences shall not be allowed more than two such permits or one permit and two extensions per year.

### **SECTION IV – SIGN REQUIREMENTS FOR OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

The following types of signs, along with Civic Signs (III), subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in the commercial and industrial zoning districts of the City.



IV.A Single Business Location (One building/one tenant)

1. The occupant of a single business structure may have one (1) wall sign and one additional sign (either wall or ground) per street frontage.
2. If a single business fronts on more than one street, the allowance for a ground sign shall be determined pursuant to Appendix "A", based upon the number of lanes for each street.

IV.B Single Office Building:

1. Each single office building with five (5) or less tenants shall be allowed one ground mounted project sign per street frontage. The sign shall contain the name of the project and the street address and may have up to five (5) tenants, along with the owner's name or the building name.
2. Each business within a single office building which has an exterior entrance shall be allowed one wall mounted sign no larger than four square feet adjacent to the entrance.

IV.C Strip Plaza, Office Parks and Shopping Centers:

1. Strip plazas, office parks, and shopping centers shall be allowed to display one ground sign per street frontage to identify the center. Tenant names shall be permitted with minimum eight-inch-high letters and logos. The sign shall be designed with uniform appearance and color. The street address shall be included on the sign.
2. Each individual business within the strip plaza, office park, or shopping center shall be allowed to display one wall sign. Tenant space located at an end of the building may have an additional wall sign if the secondary side of the tenant space has frontage on a public street.

IV.D Regional Retail Center:

1. Entrance Signs: Each regional retail center in areas zoned C-6 shall be allowed one ground mounted sign for each entrance. The entrance sign shall not exceed fifteen (15) feet in height from the grade; shall not exceed eight (8) feet in width; and shall be at least ten (10) feet from the pavement edge or curb of the public street or outside of the public right-of-way, whichever is further. Provided, however, one such entrance sign may be allowed which will not exceed thirty feet (30') in height from grade and eight feet (8') in width. Such sign shall only be permitted upon submission of a site plan to the Mayor and Board of Aldermen and then only upon an affirmative finding that such sign would not be inconsistent with purposes of the Ordinance as set out in Section I hereof.
2. Building Sign: An individual business establishment may have one wall sign per street frontage, with the sign surface area not exceeding fifteen percent (15%) of the surface area of the wall to which it is attached. Provided, however, that an individual business establishment whose building is in excess of two hundred (200) feet from the property line of the street on which it fronts may have a wall sign whose surface area does not exceed twenty-five percent (25%) of the wall on which it is located.

#### IV.E Campus Environment Office/Commercial/Industrial Project.

1. Each campus environment project shall be allowed no more than two (2) **project** signs per entrance. However, in the event the entrance contains a curbed median, three (3) **project** signs shall be allowed for that entrance. Multiple signs for each project entrance must maintain a uniform appearance and design.
2. A campus environment project may have a ground **address sign** for each building within the project. The **address sign** shall be out of the right of way, no higher than five (5) feet and no wider than five (5) feet.
3. Exterior **directory** signs shall be allowed for each building within a campus environment project. The purpose of the directory shall be for customer convenience, direction, and safety.
  - (a) For Buildings less than 50,000 square feet, the directories shall not exceed fifteen (15) square feet per face. Directories shall be located no more than seventy-five (75) feet from building entrance(s) and set back at least fifteen (15) feet from curb entrance or edge of pavement. No exterior **directory** shall exceed six (6) feet in height as measured from surrounding grade. Building identification letters shall not exceed six (6) inches and tenant identification shall not exceed four (4) inches. Each tenant listing shall be of identical size, shape, and color. Directories may be a changeable copy sign (manual). There may be one directory for each main entrance to the building.
  - (b) For building exceeding 50,000 square feet, the directories shall not exceed seventy-two (72) square feet per face. Directories shall be located no more than five hundred (500) feet from building entrance(s) and set back at least fifteen (15) feet from curb entrance or edge of pavement. No exterior **directory** shall exceed twelve (12) feet in height as measured from surrounding grade. Building identification letters shall not exceed eighteen (18) inches and tenant identification shall not exceed six (6) inches. Each tenant listing shall be of identical size, shape, and color. Directories may be a changeable copy sign (manual). In the event the development elect's signage under the sub-section, only one (1) directory sign will be allowed.
4. An exterior **directory** sign and an **identification** sign shall be allowed for each single tenant building within a campus environment project. The maximum size of the signage per face shall not exceed that as set forth in Paragraph 3 above. The purpose of the exterior **directory** and **identification** sign shall be for customer convenience, direction, and safety. These signs shall be set back at least ten (10) feet from curb entrance or edge of pavement and may be located within a driveway median outside of the set-back area. No ground exterior **directory** or **identification** sign shall exceed six (6) feet in height as measured from surrounding grade.
5. Where a building within a campus environment project fronts on more than one (1) street, the building may have one **wall** or ground mounted **identification** sign per street frontage. The surface area of a **wall** sign may not exceed fifteen percent (15%) of the surface area of the wall to which it is attached. Provided, however, that a single tenant building which is more than two hundred (200) feet from the property line of the street on which it fronts may have a **wall** sign whose surface area does not exceed twenty-five percent (25%) of the wall on which it is located.
6. In addition to all signage allowed in a campus environment project, each building located within a campus environment project may place a **numerical**

**identification** on the exterior of the building which will not exceed sixteen (16) square feet per face. The purpose of the **numerical identification** shall be for customer convenience, direction, and safety.

IV.F Special Provisions for Service Stations and Convenience Stores.

1. A service station/convenience store which is engaged in the retail distribution of petroleum and petroleum products in addition to the sign allotment hereinbefore provided shall be entitled to the following additional signs:
  - (a) One non-illuminated price sign per street front, said sign not to exceed two (2) square feet in face area, and located upon the pump island nearest to said street or upon the face of the station building.
  - (b) Two non-illuminating self-service or full-service signs per pump island, said signs not to exceed two (2) square feet in sign area nor to be located at a height more than eight (8) feet from the surrounding grade.
  - (c) Canopy signage shall be included in total wall signage allowed in Section III.B.1.
  - (d) Signs displaying the federal and state stamps, octane ratings, pump use directions, no smoking signs, and other signs as required by federal, state, and local authorities provided that the accumulated total square footage of same shall not exceed two (2) square feet per pump island.

IV.G Multi-Story Office Building.

1. Each Multi-Story Office Building shall be permitted to have:
  - (a) One ground mounted project sign per street frontage. The sign shall contain the name of the project and the street address and may contain the owner's name.
  - (b) Each business within a Multi-Story Office Building which has an exterior entrance, shall be allowed one wall mounted sign no larger than four square feet adjacent to the entrance, unless otherwise prohibited.
  - (c) The same signage as a single office building if said building contains five (5) or fewer tenants.
  - (d) An exterior directory permitted in Campus Environment Office Projects if the building contains more than five tenants.
  - (e) The owner of any multi-story office building may submit private sign standards which would allow additional signage in accordance with such standards. Before any additional signage may be permitted the Board must find:
    - (1) That because of the unusual characteristics of a particular parcel of land and building or buildings located thereon that additional or different signage is necessary or desirable to facilitate the purposes of this Ordinance; and
    - (2) That the private sign standards provide for type of signage that is permitted to another office classification, (i.e., "office park" "single office building" "campus environment office project"); provided, however, that additional signage may be approved for buildings more than 150,000 square feet of gross floor space; and

(3) That the private sign standards meet all the requirements for private sign standards otherwise provided for by this Ordinance.

IV.H Entrance Signs:

For each Office, Commercial or Industrial development which has an approved plat of record, there shall be permitted two entrance signs at the intersection of every major street within the platted project. The entrance signs shall be permanent signs and shall contain only the name of the platted project and a logo, if wanted.

**SECTION V – CIVIC SIGNS**

V.A General

The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for use by churches, schools, clubs, and other non-profit organizations whether located in commercial or residential zoning districts in the City. In instances where a sign setback requirement from the public right of way is not physically possible, the Building Official may allow for a smaller sign setback from the right of way if, in his judgment, the placement of the sign will in no manner constitute a traffic hazard, create a nuisance, or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right of way.

V.B Ground Signs

Each civic organization shall be allowed one ground sign per location. This sign shall have a height no greater than eight (8) feet, an area of no more than 48 square feet and shall be set back at least five feet (5') from the edge of pavement or curb, or outside of the right of way, whichever is further. The area surrounding the sign shall be landscaped.

V.C Wall Signs

Each civil organization may have a wall sign of no greater than 48 square feet for each side of the building which has street frontage. The sign copy may contain the name and/or the denomination of the church or civil organization.

V.D Changeable Copy Sign (Manual)

In lieu of the ground sign set out in "A" above, the civic organization may have a ground mounted changeable copy sign (manual) which may contain the name of the institution or organization; the name or names of the persons connected with it; and greetings, announcement of events or activities occurring at the institution or similar messages.

V.E Directional Signs

Each civic organization may have two (2) off-premises directional signs. The signs shall be no larger than six (6) square feet, no higher than six feet. The copy of the sign can contain only the name of the organization, its logo, and the directional arrow.

V.F Temporary Signs

An organization may request from the Building Official a temporary conditional use permit to allow a temporary sign pertaining to campaigns, drives, or events of a civic, philanthropic, educational, or religious nature. The temporary sign, which may be made of fabric, but cannot be a portable sign, shall not exceed thirty-two (32) square feet nor be higher than six feet (6'). The sign shall be set back from the edge of the right of way at least ten feet (10'). No more than one temporary sign shall be allowed per street frontage. The temporary permit shall be for no more than fourteen days and shall be allowed no more than four times per year.

V.G Schools

Notwithstanding the preceding provisions of this section on civic signs, schools, as defined in the Ordinance, are permitted one ground sign per entrance, which may be changeable copy signs as allowed by the Section, subject to the allowance provided by Appendix "A" of this Ordinance. A school is permitted two wall signs with a combined maximum area of 150 square feet. The building official is authorized to permit a temporary conditional use permit to install temporary signs for a specified time. The temporary signs shall not exceed 32 square feet in area. There is no limit on the number of temporary signs so long as they are not visible or at least 300 feet from the public right-of-way. All signs located at a school are exempt from the fees established by appendix (B) of this Ordinance.

V.H Athletic Fields

Churches, schools, clubs, institutions, and non-profit organizations where athletics fields (football, baseball, softball, hockey, and soccer) are located may install permanent on or off premises signs on the playing field side of the fence or wall surrounding the playing field. The sign face shall not be directed away from the playing field. The maximum area for the signs is 32 square feet. Signs shall not project above the top of the fence or wall surrounding the field but in no case exceed 10 feet in height. Each athletic field may install no more than two (2) scoreboards with a maximum overall height of 15 feet above surrounding average grade. Each scoreboard may have an off-premises advertisement not to exceed 20 square feet in area and shall not project above the scoreboard. Each organization shall submit sign standards to determine the location, color, aesthetics, and number of signs. The Board will approve the sign standard before a sign permit is issued.

## **SECTION VI – SIGN REQUIREMENTS FOR RESIDENTIAL DISTRICTS**

The following types of signs, along with Civic Signs (Section V), subject to the limitations prescribed for them, shall be the only signs permitted for use within the residential zoning districts of the City.

### **VI.A Development Sign.**

1. While a formerly recorded subdivision, approved on a plat of record, is under physical construction, there shall be permitted two (2) temporary off-premises signs giving exclusively the name and directions to the subdivision. The sign face of each sign shall not exceed thirty-two (32) square feet. The height of the sign shall not exceed eight (8) feet. The off-premises development sign shall require the approval of the Board concerning location, setback, copy, lighting, and design and the request shall be made along with the site review request.
2. In addition to the off-premises development signs, one two-sided on-premises construction sign, as provided in Section III.J, shall be permitted per entrance.

### **VI.B Multi-Family Project Identification Signs.**

All multi-family projects, apartment complexes and/or condominiums with four (4) or more units shall be permitted two (2) externally lighted ground or wall signs for identification. If the project fronts on more than one street, two (2) additional multi-family project identification signs shall be permitted at a major entrance on the additional street frontage. Wall signs shall be subject to the same requirements as Single Business Locations (Section IV.A).

### **VI.C Subdivisions Entrance Signs.**

In single family detached residential developments which have an approved plat of record, there shall be permitted two subdivision entrance signs at the intersection of every major street with the subdivision. The entrance signs shall be permanent and shall contain only the name of the subdivision.

### **VI.D Off-Premises Garage Sale Signs.**

Notwithstanding any other provision of this Ordinance, holders of permits to conduct garage sales within the City shall be permitted to post not more than two off-premises signs on private property. No such sign shall be posted or placed without the consent of the property owner. No permit other than that required by the Ordinance for the conduct of a garage sale shall be required. No additional fee for such permit shall be imposed. Said signs shall not exceed two (2) feet by three (3) feet.

## SECTION VII – TEMPORARY SIGNS

- VII.A Notwithstanding other provisions of this Ordinance, a newly established, expanded in floor area, or relocated commercial business, in addition to the hereinbefore specified sign allotment, may for a period of forty-five (45) days display one temporary wall, window, or ground sign per street frontage.
- VII.B Each allowed Temporary Sign shall not exceed thirty - two (32) square feet in face area. Ground signs shall not exceed six (6') feet in height and shall be set back from the right-of-way line no less than five feet (5'). (A permit fee of Ten Dollars (\$10.00) shall be charged per sign).
- VII.C Temporary signs, which may be made of fabric, cannot be a portable sign.
- VII.D A business may request from the Building Official, a temporary conditional use permit to allow a temporary sign related to a sale or a new product. No more than one temporary conditional use sign per street frontage shall be allowed. A temporary conditional use permit issued under this paragraph shall not exceed a period of seven (7) days. Businesses shall not be allowed more than four (4) temporary conditional use signs per calendar year. A permit fee of Ten Dollars (\$10.00) shall be charged per sign.
- VII.E If construction within a public road right-of-way restricts access to a commercial/industrial site, temporary off premises signs are permitted. The maximum square footage is six square feet and maximum height is three feet subject to review and permitting by the Building Official. A maximum of two signs are permitted for the duration of the road project as determined by the Building Official. The purpose of these temporary signs is to redirect customer traffic to a temporary entrance. The temporary signs are to be removed ten days after the completion of the work within the right-of-way which restricted access.
- VII.F Temporary Signs are exempt from landscape requirements.

## SECTION VIII – EXEMPT SIGNS

VIII.A The following signs are exempt from the provisions of this Ordinance:

1. Official public notices and notices posted by public officers in the performance of their duties.
2. Governmental signs for the control or direction of traffic and other regulatory purposes.
3. Flags or emblems of the United States, the State of Mississippi, any other state or nation or their political subdivisions, or any institution of higher learning. The flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of

which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such. No such flag shall be flown or displayed for commercial purposes under this provision.

4. Memorial plaques, cornerstones, historical tablets, and the like.
5. Signs not visible off the lot upon which they are situated, such as drive-up menu boards at Fast Food Facilities.
6. Signs posted in conjunction with doorbells or mailboxes, none exceeding thirty-six (36) square inches in surface area.
7. Small, illuminated, or non-illuminated instructional signs, none exceeding four (4) square feet in surface area.
8. Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premises upon which, they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed to facilitate emergency identification for public service employees.
9. Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one (1) square foot or less.
10. Political signs.
11. Except for Christmas displays which are already addressed by other portions of the Sign Ordinance, the City recognizes special celebration displays which are allowed without commercial symbols, emblems or message for a period beginning twenty-one days before the date and ending two days after the date of the celebration. Display areas are limited to the front yard of the commercial business and not allowed with the public right-of-way. Animated signs are not permitted. Inflatable displays are permitted in celebration displays up to twelve feet in height. No sign permit is required for these "celebration displays". Celebrations recognized by the provision include:
  - (a) New Years Day
  - (b) Martin Luther King's Birthday
  - (c) Valentine's Day
  - (d) President's Day
  - (e) Easter
  - (f) Independence Day
  - (g) Memorial Day
  - (h) Labor Day
  - (i) Halloween
  - (j) Thanksgiving



## SECTION IX – NON-CONFORMING SIGNS

IX.A Intent: Signs which were legally in existence prior to the adoption of this Ordinance which do not conform to the provisions of this Ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and as possible, of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance.

IX.B. Variance from Non-Conforming.

Signs which are legally in existence on the date of adoption of this Ordinance which are within twenty percent (20%) of following the set-back, maximum height and maximum sign area allowances of this Ordinance shall be deemed to follow this Ordinance and not non-conforming. However, if any one requirement is greater than the allowances by more than twenty percent (20%), the entire sign must be brought into compliance pursuant to the remainder of this section. Signs in areas annexed into the City which are legally in existence on the effective day of annexation or incorporation shall be treated in the manner set out above and are required to obtain a new sign permit.

IX.C General Non-Conforming Sign Provisions.

1. Subject to the exceptions and amortization schedule hereinafter set forth, any non-conforming signs may be continued in operation and maintained after the effective date of the Sign Ordinance adopted on \_\_\_\_\_. provided that non-conforming signs shall not be:
  - (a) Changed to or replaced with another non-conforming sign including changing the sign face (except on changeable copy signs which comply with this regulation and Outdoor Advertising Signs.)
  - (b) Structurally altered to extend their useful life.
  - (c) Expanded.
  - (d) Relocated.
  - (e) Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.
  - (f) Modified in any way that would increase the degree of non-conformity of such sign.
2. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Official. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current market value of the existing sign structure.

IX.D Termination of Non-Conforming Signs/Amortization Schedule.

1. Any non-conforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond fifty percent (50%) of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.

2. Any non-conforming sign or sign structure which is improved and altered to comply with the provisions of this Ordinance shall thereafter be considered as conforming.
3. All other non-conforming signs or aggregate sign conditions, other than outdoor advertising signs, shall be removed, changed, altered, or otherwise made to conform according to the following schedule:

(a) All Signs

Original Construction Cost	Amortization Period
Temporary Signs, Portable Signs, Sign Conversions, and Animated Signs	45 days
Indeterminable Cost to \$250	6 months
\$251 to \$750	1 year
\$751 to \$2,750	2 years
\$2,751 to \$5,000	3 years
\$5,001 to \$7,000	4 years
Greater than \$7,000	5 years

- (b) The amortization shall begin as of the effective date of the Sign Ordinance adopted on \_\_\_\_\_.
- (c) For the purposes of this section, existing signs and sign structures prohibited by this Ordinance shall be treated as non-conforming.
- (d) The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:
  - (i) Original value from sign permit, if available.
  - (ii) An original bill of sale, including installation costs, fees, etc.
  - (iii) Depreciation schedules from federal or state tax returns showing original cost.
- (e) Upon the determination of the City that a sign remains non-conforming after termination of the allowable time periods provided for hereinabove, the City shall notify the sign owner and/or the owner of the land on which the non-conforming sign is located, and such owner shall have thirty (30) days after such written notice within which to remove said sign. At the end of the thirty (30) day

period, if the sign has not been removed or brought into compliance, the City shall issue a summons into City Court.

- (f) Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign.
- (g) Any non-conforming on-premises sign shall be removed or brought into compliance with this Ordinance immediately upon a change in the principal use or ownership of the site.
- (h) Signs, other than Outdoor Advertising Signs, made non-conforming due to annexation or incorporation into the City after the effective date of this Ordinance shall be removed or modified to conform according to the amortization schedules established herein; but the initiation date of the schedules shall be the effective date of annexation or incorporation rather than the effective date of this Ordinance.
- (i) In the event a sign becomes subject to this Ordinance because of annexation or incorporation the amortization period set out in IX.D.3 shall apply from and after the effective date of such annexation or incorporation.
- (j) In the event a sign becomes non-conforming because of any amendment to this Ordinance the amortization period set out in IX.D.3 shall apply from and after the effective date of such amendment.

## **SECTION X – PROHIBITED SIGNS**

### **X.A General:**

1. Animated Signs.
2. Flashing signs having intermittent or animated illumination or moving parts. No signs shall have lights which imitate or resemble official emergency vehicle or traffic signs or signals. Changeable Copy Signs (Automatic) are allowed to provide time and temperature only.
3. Strips or strings of lights, banners, flags, balloons, or pennants outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other features of a building, which are not a part of the original structure. This prohibition shall not apply to Christmas lights displayed between Thanksgiving Day and New Year's Day of each calendar year.
4. Signs on public property, other than those erected at the direction of and with the permission of a public authority having jurisdiction.

5. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to portable signs (including sign conversions).
6. No sign or other device regulated by this Ordinance shall be erected or continue to be displayed in such a manner as to obstruct the free and clear vision of vehicle drivers; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic, or government sign, signal, or device; or which makes use of the words "stop", "look", "danger", or any other words, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
7. Signs which contain reflective materials, which present a hazard or danger to traffic or the public.
8. Signs which exhibit more than two (2) faces.
9. Off-Premises Signs, except outdoor advertising signs, which were erected as of the effective date of this Ordinance.
10. Outdoor Advertising Signs (Billboards). However, outdoor advertising signs are not subject to the amortization provisions of this Ordinance except as herein otherwise set out in Section XI.
11. Signs which contain words or pictures of an obscene, indecent, or immoral character which could offend public morals or decency.
12. Beacon or strobe lights.
13. Signs which are structurally unsound, or which are rendered structurally sound by guy wires or unapproved facing or bracing.
14. No sign shall be placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
15. Pole signs (other than outdoor advertising signs and signs within the interstate zone) with poles greater than three (3) feet in height.
16. Signs installed, erected, enlarged, or structurally altered in violation of the provisions of this Ordinance.
17. Signs erected on or that project above a roof line or above the face of flat roofed buildings (i.e., roof sign).
18. Any changeable copy sign (manual) that does not have locked, vandal-proof cover if required by the Building Official.
19. Signs which obstruct any window, door, fire escape, stairway, or any opening intended to provide air, ingress, or egress for any building or structure, are hereby prohibited, if required by the Building Official.
20. No sign or advertising device shall be erected on, be placed on, projected, or overhang any right-of-way, walkway, street, alley, or easement.
21. The tacking, painting, posting, or affixing of signs, posters, or advertising devices of any kind on trees, fences, rocks, utility poles, and other such structures is hereby prohibited.
22. Structures not meeting construction standards, and advertising of defunct businesses, and signs or structures which have been erected without a permit having been issued therefore and thus are illegal are prohibited.
23. Signs which are illegal under federal, or state laws or regulations are prohibited.
24. All signs which are not expressly permitted by this Ordinance or any other Ordinance of the City.

X.B Portable and Flashing Signs.

1. Due to the manifest traffic safety hazards, the use of portable and/or flashing signs, with or without changeable copy board attached are declared a public nuisance and therefore prohibited. This includes not only intact portable signs, but also sign conversions.
2. Upon written notice by the City to the owner or lessee of such portable and/or flashing sign, such sign shall be removed within twenty-four (24) hours.
3. Upon failure to comply with this notice, the City Building Official shall cite the sign owner or lessee into the City Court. If found in violation, owner shall be responsible for all costs incurred in removing the sign in addition to any court-assessed fees and penalties.

**SECTION XI – OUTDOOR ADVERTISING SIGNS**

XI.A Classes of Outdoor Advertising Signs (Billboards): All existing outdoor advertising signs within the City shall be divided into two classes as follows:

1. Class 1: Class 1 outdoor advertising signs (billboards) shall be those subject to the provisions of Sections 49-23-1 through 49-23-29 of the Mississippi Code of 1972 as the same exists on the effective date of this Ordinance.
2. Class 2: Class 2 outdoor advertising signs (billboards) shall include all such signs within the City which are not regulated by the provisions of 49-23-1 through 49-23-29 of the Mississippi Code of 1972.

XI.B Prohibited Signs (Billboards): Billboards are hereby declared prohibited signs within the City subject to the right to remain within the City as Non-conforming Billboards.

XI.C Non-conforming Billboards: Outdoor Advertising Signs (Billboards) which were legally in existence prior to the adoption of this Ordinance are declared non-conforming billboards. It is the intent of this section to recognize that the eventual elimination, as expeditiously and as possible, of non-conforming Billboards is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance. All outdoor advertising signs (billboards) heretofore lawfully constructed within the City are hereby declared legal non-conforming billboards. All such class 1 non-conforming outdoor advertising signs shall be classified as class 1 non-conforming Billboards. All such Class 2 Outdoor Advertising Signs are classified as Class 2 Non-conforming Billboards.

XI.D Continuance of Class 1 Non-conforming Billboards: Class 1 Non-conforming Billboards may continue provided that the non-conforming billboard shall not be:

1. Changed to or replaced with another non-conforming sign except to periodically change the sign face.
2. Structurally altered to extend their useful life.

3. Expanded.
4. Relocated except as hereinafter provided.
5. Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.
6. Modified in any way that would increase the degree of non-conformity of such sign.

XI.E Continuance of Class 2 Non-Conforming Billboards:

1. Any non-conforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond fifty percent (50%) of its current physical replacement costs shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.
2. Class 2 Non-conforming Billboards shall be removed according to the following schedule:
  - (a) Signs with an original construction cost of less than \$250,000.00 – Ten Years
  - (b) Signs with an original construction cost of \$250,000.00 or more –Twelve Years.
3. It is the intent that all Class 2 Signs shall be removed not later than 12 years from the effective date of this Ordinance. No improvements, relocations, repairs, or modifications shall extend beyond the specified amortization period as defined above.
4. In adopting the amortization schedule set out above the City is cognizant that no new Outdoor Advertising Signs have been permitted in the City since the adoption of the current sign Ordinance in 1991. As a result, much of the useful life of such signs has been experienced.
5. The amortization of Class 2 Billboards shall begin as of the effective date of this Ordinance adopted on \_\_\_\_\_.

XI.F Strengthening or Restoring to a Safe Condition: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Official. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current physical replacement costs of the existing sign structure.

XI.G Permits: All existing billboards and any relocated billboards shall be permitted by the Planning and Zoning Department. The owner of each billboard shall complete within 30 days of the effective date of this Ordinance an application in the form to be determined by the Building Official or other designated person. A fee as established in Appendix 'B' shall be paid for each permit issued. Any permit granted hereunder shall in no way create any rights not heretofore available to the owner of any billboard.

1. All Outdoor Advertising signs shall be permitted as required by the Gluckstadt Sign Ordinance. The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:
  - (a) Original construction costs from sign permit, if available.

- (b) An original bill of sale, including installation costs, fees, etc.
- (c) Depreciation schedules from federal or state tax returns showing original cost.

- 2. Upon the determination of the City that a sign remains non-conforming after termination of the allowable time periods provided for hereinabove, the City shall notify the sign owner and/or the owner of the land on which the non-conforming sign is located, and such owner shall have thirty (30) days after such written notice within which to remove said sign. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance, the City shall issue a summons into City Court.
- 3. Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign. The Sign Owner shall have thirty (30) days to remove said sign after written notice from the City
- 4. Any non-conforming sign shall be removed or brought into compliance with this Ordinance immediately upon a change in the principal use or ownership of the site.
- 5. In the event a sign becomes subject to this Ordinance because of annexation the amortization period set out in above shall apply from and after the effective date of such annexation.

XI.H Petition: The owner of any existing billboard may voluntarily petition the Mayor and Board of Aldermen to allow the relocation or modification of an existing billboard. Approval of any such Petition shall be conditioned on an overall net reduction in the number of billboards within the city by voluntary removal. The approval of the Mayor and Board of Aldermen is discretionary. At a minimum, the Petition shall set out the following:

- 1. A description of any modification to an existing sign
- 2. The existing and proposed locations of a relocated sign
- 3. The location of any signs proposed to be removed from within the City
- 4. An acknowledgement that the request is voluntary and that to the extent that compensation may have otherwise been required any such compensation is waived.
- 5. The time required to remove any existing signs.
- 6. Other such information as may be requested by the Planning and Zoning Department.

XI.I Net Reduction Required for Modification or Removal: No billboard may be substantially modified or moved unless the modification or relocation results in the removal of one or more existing billboards. The result must be a net reduction in the number of billboards in the City. At the time of the adoption of this Ordinance there exists several billboards in the City which are which are anticipated for removal as the result of ongoing land development which will require removal soon. A schedule of said billboards is attached to this Ordinance. Any billboard on the attached schedule shall not be considered as a removal of a billboard for the purposes of relocation or modification under this Ordinance.

XI.J Modification: Modification(s) to existing billboards shall only be made upon approval by the Mayor and Board of Aldermen upon the petition of the owner of the billboard. Any such modification(s) must be reviewed by City Staff and the Board

who may provide a recommendation to the Mayor and Board of Aldermen. The approval of the Mayor and Board of Aldermen is discretionary. Approval shall only be granted if the Mayor and Board of Aldermen make an affirmative finding that the grant of the petition will further the purposes of this Ordinance.

## **SECTION XII – INSPECTION, REMOVAL, AND SAFETY**

- XII.A Inspection: All signs shall be inspected periodically by the Building Official for compliance with this Ordinance.
- XII.B Permit Number Display: All temporary signs, except real estate signs, requiring a permit shall display, in the lower right-hand corner, the sign permit number and expiration date. All permanent signs shall display a permit decal with permit number, date of issuance, and name of owner.
- XII.C Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition.
- XII.D Removal of Sign: The building official shall give written notice of the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the building official shall issue a summons to the owner into City Court. Temporary signs erected or maintained in violation of this Ordinance may be removed by the building inspector without notice. The building inspector shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.
- XII.E Obsolete and Abandoned Signs:
1. Any sign which advertises or pertains to a business, product, service, event, activity, or purpose which is no longer conducted or that has not been in use for three (3) months, or which is no longer imminent, or any sign structure that no longer displays any sign copy for a period of at least three (3) months shall be deemed to be obsolete or abandoned.
  2. Permanent signs applicable to a business suspended because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six (6) months for non-conforming signs, or twelve (12) months if the signs otherwise conform to all provisions of this Ordinance.
  3. Obsolete or abandoned signs are prohibited and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the Building Inspector.
  4. In the event of non-compliance with the aforesaid terms and provisions, then the Building Inspector shall have the authority to cite the sign owner and/or lessee into City Court for hearing.



## **SECTION XIII – PERMITS AND FEES**

### **XIII.A Permits and Fee Requirements:**

1. All permanent signs permitted under this Ordinance, including existing signs, shall require a permit.
2. No sign shall be erected, altered, or relocated without a permit, except as otherwise provided herein. Electrical permits as required shall be obtained at the same time as the sign permit.

### **XIII.B Signs Existing on Effective Date of the Sign Ordinance Adopted:**

1. Owners of existing signs, including outdoor advertising signs shall be required to obtain a permit for existing signs for regulatory purposes. The permit issued does not confer any new rights to reconstruct a non-conforming use or sign.
2. For any sign existing in the City on the effective date of date of the sign Ordinance adopted, an application for a sign permit must be submitted to the building official within ninety (90) days thereafter. For any sign on property annexed later, application for sign permits shall be submitted within ninety (90) days of the effective date of the annexation or incorporation. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all the terms and conditions of this Ordinance and shall not be entitled to the protection of Section X.C. Pursuant to this provision, applications for permits for existing signs submitted shall be exempt from the initial fees adopted under authority of this Ordinance, but not from renewal and subsequent fees.

### **XIII.C Non-conforming Existing Signs, Permits, and Terms:**

1. A sign that would be permitted under this Ordinance only with a sign permit, but which was in existence on the effective date of this Ordinance or on a later date when the property is annexed to the City and which was constructed in accordance with the Ordinances and other applicable laws in effect on the date of this construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance, shall be issued a non-conforming sign permit if an application in accordance with Section X.B of this Ordinance is timely filed.
2. Such permit shall allow the sign(s) subject to such permit, which were made non-conforming by the adoption of this Ordinance, to remain in place and be maintained for a period ending no later than the date set out in Section IX.D. provided that no action is taken which increases the degree or extent of the nonconformity. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than fifty percent (50%) of the current market value of the existing sign structure.

**XIII.D Applications:** The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawing showing the design, location, materials, finishes, and colors of the sign and such other pertinent information

as may be required to ensure compliance with the Ordinance and requirements of the city. Applications shall be on forms provided by the City.

XIII.E Lapse of Sign Permit: A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of ninety (90) days or more and is not renewed within thirty (30) days of a notice from the City to the last permittee, sent to the premises that the sign permit will lapse if such activity is not renewed.

XIII.F Fee Establishment: Fees for sign permits are attached hereto as Appendix "B".

XIII.G Nullification: A sign permit shall become null and void if (1) the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit; (2) the sign varies in any respect from the approved design or location.

XIII.H Permit Exceptions: The repainting, cleaning, and other normal maintenance to prolong the life of the sign as originally approved shall not be considered as creating a sign and does not require a sign permit.

#### **SECTION XIV – ADMINISTRATION AND PENALTIES**

XIV.A Enforcement (Building Official): The Building Official or his duly authorized representative is hereby authorized and directed to enforce all the provisions of this Ordinance. Upon presentation of proper credentials, the building official or his duly authorized representative may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this Ordinance.

XIV.B Board:

1. Powers of the Board relating to matters as defined in this Ordinance:
  - (a) To hear and decide appeals from an order, requirement, decision, or determination made by the Building Inspector in carrying out the enforcement of this Ordinance, whereby it is alleged in writing that the Building Inspector is in error or has acted in an arbitrary manner.
  - (b) To hear and act upon application for variances in accordance with subsection two (2) below, to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Ordinance by reasons of unique structural or locational characteristics which would not be applicable to signs generally.

- (c) To review sign criteria of commercial businesses.
  - (d) To hear and decide all matters referred to it on which it is required to act under this Ordinance.
2. Standards for Variances: The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:
- (a) The physical surrounding shape, topographical, or location conditions of the specific property or structure involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance was carried out.
  - (b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property, or structure in the same general area.
  - (c) The request for variance is based upon a clause in a lease executed and effective prior to the effective date of this Ordinance or upon the subsequent renewal of said lease, if the original lease contains an automatic renewal clause.
  - (d) The variance will not authorize signs, sign structures, or other sign-related activities other than those permitted by this Ordinance.
  - (e) Financial returns only shall not be considered as a basis for granting a variance.
  - (f) The alleged difficulty or hardship has not been created by any person having an interest in the sign, sign structure, or property after the effective date of this Ordinance.
  - (g) That granting the variance requested will not confer on this application any special privilege that is denied by this Ordinance to other land structures, signs, sign structure, or buildings similarly situated.
  - (h) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure for sign purposes.
  - (i) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area which the sign is located.
  - (j) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
  - (k) The request for variance is based on a particular hardship causing difficulty in tenant entrance visibility. The owner of a strip plaza or shopping center may be granted a variance to post one (1) sign for each tenant not to exceed 4 square feet as long as the sign is

not visible from the street(s) and/or parking lot(s). The variance may be granted only for the purpose of identifying entrance locations.

- (l) The request for variance is based on architectural significance of various decorative features causing the sign to exceed the maximum square feet allowance. The owner of a commercial or industrial business may be granted a variance to exclude the decorative features from the maximum square feet allowance.
3. Prohibition of Prohibited Signs: Under no circumstances shall the Board grant a variance for a sign or sign structure which is expressly prohibited under the terms of this Ordinance.
4. Conditions and Restrictions by the Board: The Board may impose such conditions and restrictions upon the property, sign, or sign structure as may be necessary to comply with the provisions set out in subsection 8 above, to reduce or minimize the injurious effects of such variation upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.
5. Board Has Powers of Administrative Official on Appeals; Reversing Decisions of Administrative Official: In exercising its powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.
6. Variance Appeals: Any person including any agency of the City government aggrieved by a decision of the Board on a variance may appeal to the Board of Aldermen. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing, or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.
7. Penalties: Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars (\$50.00). Each day continuance of violations shall be considered a separate offense. The owner of any sign, building, or premises, or part thereof, where any matter in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

## **SECTION XV – SEVERABILITY**

If any section or provision of this section be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

**APPENDIX A**  
**TO THE CITY OF GLUCKSTADT**  
**SIGN ORDINANCE ALLOWANCE**  
**FOR GROUND SIGNS**

Roadway (4)	Setback (1)	Maximum (2) Height (feet)	Maximum Sign Area (sq. feet)
2 Lane	5	8	32
3 Lane	5	10	40
4 Lanes or More	5	12	50
Interstate (3) Zone	5	40	160

- (1) Setback distance is the minimum distance the leading edge of the sign must be from the roadway right-of-way.
- (2) Height includes the measurement from grade to the top of the sign, including the base area.
- (3) The interstate zone includes all property, any part of which lies between the right-of-way of the interstate to a line 300 feet in depth and parallel to the interstate right of way. However, specifically excluded from the interstate zone shall be any additional right-of-way utilized or reserved for future utilization as an interchange or ramp. Where there exists, right-of-way utilized or reserved for utilization as in interchange or ramp, the interstate zone shall be measured along a line connecting the right-of-way at the narrowest point on each side of the additional right-of-way used or to be used for a ramp or interchange. The Zoning Administrator shall maintain a map or plat reflecting the line to be used for the determination of the boundaries of the interstate zone. Said map shall be approved by the Mayor and Board of Aldermen and Certified by the Mayor. Total signage, including the ground sign, for all businesses within the interstate zone is 500 square feet.
- (4) Roadway criteria will be based on a list maintained by the Building Official and provided and determined by the Mayor and Board of Aldermen.

**APPENDIX B**  
**ORDER ESTABLISHING SCHEDULE OF FEES UNDER THE**  
**SIGN ORDINANCE OF THE CITY OF GLUCKSTADT**

IT IS HEREBY ORDERED that the following fees be imposed upon and collected from persons obtaining permits for signs in the City:

Filing Fee	\$10.00
Registration/Inspection for Compliance Fee	\$10.00
Electrical Inspection Fee	\$30.00
Off-Premises Signs: 1 sq. ft. through 229 sq. ft.	\$300.00
>229 sq. ft. and above	\$800.00
On-Premises Signs: 1 sq. ft. through 60 sq. ft.	\$40.00
>60 sq. ft. to 100 sq. ft.	\$50.00
>100 sq. ft. and above	\$75.00
Pole Mounted Sign (per 5 feet of height)	\$50.00
Temporary Sign Fee	\$10.00

Repairing, relocating, or re-facing an existing sign as set forth in this schedule, when at the same location, the fee shall be one-half that of a new sign, with a minimum fee of \$15.00 each.