

CHAPTER 10. SIGN REGULATIONS

10.1 General

10.1.1 Purpose and Intent

It is the purpose of this subchapter entitled “Sign Regulations” to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This subchapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics and traffic and pedestrian safety. The purpose of this subchapter is to:

- (1) Encourage the effective use of signs as a means of communication in the City;
- (2) Maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (7) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (8) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (9) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (10) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (11) Preserve and enhance the historic character of the City; and
- (12) Enable the fair and consistent enforcement of these sign regulations.

10.1.2 Effect

- (1) To establish a permit system that allows a variety of types of signs on business premises and a limited variety of signs on other premises, subject to this Code and its permit procedures;
- (2) To allow certain small, unobtrusive signs incidental to the principal use of a site without a permit if such signs meet the substantive requirements of this Code;
- (3) To prohibit off-premise advertising signs, except where billboards are permitted by state or federal law or by this Code;
- (4) To allow a variety of types of noncommercial signs subject to the same substantive and permit requirements that control on-premise signs;
- (5) To allow certain types of signs to make minor encroachments of the public right-of-way, if specially permitted; and
- (6) To prohibit all signs not expressly permitted by this Code.

10.1.3 Applicability

This Section applies to signs which are intended to be viewed from a public right-of-way such highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.

This Section does not regulate the use of materials such as noncommercial holiday signs and decorations, signs on products, product containers or dispensers, public information and safety signs placed by government entities in their own rights of way, any signs required by local State or Federal law, or building design exclusive of any commercial message.

10.1.4 Approval Requirement

Except as otherwise stated in this Chapter, signs which are allowed under this Chapter shall not be erected or placed until and unless the person erecting or placing the sign or the property owner has obtained a sign permit from the Development Services Department pursuant to Section 12.13 of this Code.

All signs not specifically allowed by this Chapter are prohibited, unless a variance for their use is secured in accordance with Section 10.8 or 12.16 of this Code.

10.2 Interpretations and Definitions

A sign shall be any device, fixture, placard, or structure that uses color, form, graphics, words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are legible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed.

- (1) For the purposes of this section, this definition shall not include "trade dress," i.e.; architectural features identified with a product or business, as a sign.
- (2) The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

10.2.1 Definitions

ARTWORK: A two (2) or three (3) dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

BILLBOARD: A permanent sign, which is not dependent upon a building for support, with a surface displaying renewable or replaceable messages, using pasted bills, paint, or other media, regardless of the content of the message, and usually communicating a commercial or non-commercial message related to an activity conducted, a service rendered or commodity sold at a location other than where the sign is located. All off-site, non-attached signs the advertising surface for which is for rent, lease or periodic fee, whether collected or not, shall be deemed a billboard sign.

COPY: Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

COPY AREA: The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

FLAG: Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole or otherwise displayed from a building.

MENU BOARD: A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

NEON: Lights, tubes, or other devices used to emit neon light.

ROOF LINE: The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered.

SIGN, ABANDONED: Any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Section; a sign that has been blank for sixty (60) days or more; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

SIGN, A-FRAMED: (also a SANDWICH BOARD) A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

SIGN, ANIMATED: Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

SIGN, ATTACHED: A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face. Attached sign types include wall signs, awning signs, canopy signs, marquee signs, projecting signs and suspended signs.

SIGN, AWNING: A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

SIGN, BANNER: A sign made of flexible material that advertises a business, an event, or a product for sale.

SIGN, CANOPY: A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

SIGN, CHANGEABLE COPY: Any sign designed so that letters or numbers physically attached to the sign can be periodically changed to indicate a different message.

SIGN, CONVENIENCE: A sign displayed only for the direction, safety, and convenience of the public. Convenience Signs may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

SIGN, DEVELOPMENT: A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

SIGN, DEVELOPMENT-IN-PROGRESS: A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

SIGN, DIRECTORY: A sign displaying the names and/or logos of two (2) or more businesses located in the same building, shopping center, or development.

SIGN, ELECTRONIC GRAPHIC DISPLAY: Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

SIGN, ELECTRONIC READER BOARD: A sign capable of electronically displaying and changing advertising copy, but not images.

SIGN, FREESTANDING: (also GROUND MOUNTED)

(1) A sandwich board sign; or

(2) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support. Freestanding signs include monument and pylon signs.

SIGN, GOVERNMENT IMITATION: A sign that copies, imitates, or in any way approximates an official highway sign or carries the words “Stop” or “Danger.” Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

SIGN, HAND HELD: A sign that is held by or otherwise mounted on a person.

SIGN, SUSPENDED: A sign mounted on beams, brackets, or poles projecting from a building.

SIGN, INTEGRAL: A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

SIGN, INTERIOR ORIENTED: A convenience sign not intended to be read from outside the property, as indicated by distance from property line, direction the sign faces, or the size of copy on the sign. Interior oriented signs may include menu board signs or shopping center directional signs.

SIGN, MENU BOARD: A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

SIGN, NON-CONFORMING: A sign lawfully constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected in compliance with the sign regulations in effect at the time it was erected, but that is no longer in compliance.

SIGN, OFF-SITE: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

SIGN, PARKED VEHICLE: Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This term does not include signs that advertise the sale of the vehicles on which they are placed or that are placed on or affixed to vehicles but that are incidental to the primary use of the vehicle or trailer.

SIGN, PERMANENT: A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

SIGN, POLITICAL: A temporary sign erected on private property for the purpose of supporting a political candidate or stating a position regarding a political issue or similar purpose.

SIGN, PORTABLE: A temporary sign or device that is located on the ground, is easily movable, and is not permanently attached to the ground. Portable signs include, but are not limited to, counterbalance signs, trailer signs, and any variations thereof.

SIGN, PROJECTING: (See SIGN, SUSPENDED)

SIGN, PYLON: A free standing sign consisting of a display elevated above the ground on one (1) or more poles or columns.

SIGN, PUBLIC: A sign that is in the public interest and that is erected by, or on the order of, a governmental entity or agency. This term includes, without limitation, safety signs, danger signs, trespassing signs, traffic signs, signs of historical interest, wayfinding signs, signs pertaining to events sponsored or co-sponsored by the Town, and other similar signs.

SIGN, REAL ESTATE: A temporary sign pertaining to the sale, lease, or rental of property. This term includes, but is not limited to, real estate directional, open house, and open house directional signs.

SIGN, ROOF: An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

SIGN, SANDWICH BOARD: (also an A-FRAME SIGN) A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

SIGN, SNIPE: Any sign other than a convenience sign that is affixed by any means to trees, utility poles, fences or other objects.

SIGN, TEMPORARY: A sign that is intended for temporary use and a limited period, as allowed by this subchapter. Temporary Signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, political signs, portable signs, real estate signs,

SIGN, VARIABLE DISPLAY: A sign on which the copy and/or images may be changed, whether by rearrangement of physical lettering and graphic elements or by electronically controlled displays. Variable display signs include changeable copy signs, electronic reader boards, and electronic graphic display signs.

SIGN, WALL: A sign designating the name of the business, institution, or organization which is attached to, in a rigid manner, and parallel to a building wall 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.

SIGN, WINDBLOWN: Any device made of non-rigid material which by color and movement attracts attention for commercial purposes.

SIGN, WINDOW: A sign placed within, affixed to, in contact with, or located within twelve (12) inches of a window and intended to be seen from the exterior.

SPECIAL EVENT DISPLAY DEVICE: Any device used for advertising display not otherwise defined in this ordinance, including inflatables, tents, tethered balloons and similar items.

STRING LIGHTING: Lighting used to outline a structure and to attract attention for commercial purposes.

UNIFORM SIGN PLAN: A plan establishing parameters for the size, location and design of signs in a planned development.

10.3 Sign Standards

10.3.1 Sign Area

- (1) The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
- (2) Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.

- (3) On all signs other than wall signs, which shall only be allowed one (1) face, signs with identical sign faces placed in such a manner to ensure that the angle at which the two (2) sign faces are placed does not exceed sixty (60) degrees, shall be considered as a single (1) face. The area for a sign with more than one (1) face, placed at an angle that exceeds sixty (60) degrees, shall be computed by adding together the area of all sign faces.
- (4) The area of the address number required by Section 9.2.2 of the Tupelo Municipal Code, Structure Address Regulations, shall not be computed as part of the sign face unless it exceeds twice the minimum number height requirement. All such street address numbers shall be displayed in accordance with Section 9.2.2 of the Tupelo Municipal Code.

10.3.2 Sign Height

The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the natural grade of the land at the site of the sign, exclusive of any berm height.

10.3.3 Illumination

Sign illumination shall only be achieved through the following standards. The Planning Committee shall hear and decide any appeals of staff decisions related to the interpretation of this section.

(1) External Illumination:

- (a) Signs that are externally illuminated shall have the light source shielded from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public.
- (b) Illumination shall be achieved via a steady, stationary white light of reasonable intensity that is directed solely at the sign.
- (c) No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.
- (d) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code.

(2) Internal Illumination:

Internally illuminated signage may not be located within 100 feet of mixed use residential, medium density residential, or low density residential zoning districts.

10.3.4 General Visibility Quality

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

- (1) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;
- (2) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and
- (3) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.
- (4) Signs shall be located so as not to block windows, doors or other means of ingress and egress. No sign shall be erected or placed in such a manner as to impair visibility of any motorists.
- (5) No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:
 - (a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the City of Tupelo or State of Mississippi, whichever is appropriate.
 - (b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or
 - (c) In any area where trees or shrubs are required to remain under an approved development contract.

10.3.5 Design, Construction and Maintenance

- (1) All signs shall comply with applicable provisions of the International Building Code and the National Electrical Code as currently adopted by the City of Tupelo. Sign shall maintain a minimum horizontal clearance of eight (8) feet in addition to the fall radius and a vertical clearance of a least eight (8) feet from electrical lines, or the minimum clearance in accordance with the provisions of the current adopted National Electrical Code, which either is greater. Windblown signs shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.
- (2) Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for those signs that, by their nature, are considered temporary.

- (3) All signs and components thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The premises surrounding signs shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.
- (4) The Director of Development Services, or authorized representative, shall have the authority to inspect all signs and order the painting, repair, alteration or removal of a sign which shall constitute a hazard to the health, safety or general welfare of the public by reason of inadequate maintenance, dilapidation or obsolescence.
- (5) All signs constructed in whole or in part with glass, plastic or other breakable materials which shall suffer any breakage, whether from natural or other causes, shall be repaired by the owner of the premises on which the sign is located within a period thirty (30) days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Director of Development Services, provided such extensions are requested in writing and the Director of Development Services finds that such extensions would not defeat the basic purposes of this Code.

10.4 Temporary Signs Allowed Without Permit

10.4.1 On-Premise Real Estate Sign

In residential districts on projects not involving multiple lots, such signs shall not exceed six (6) square feet in area and four (4) feet in height and are limited to one (1) per lot. In all other circumstances, such signs shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. The sign shall be removed prior to the issuance of a Certificate of Compliance or within fifteen (15) days after closing or execution of a lease.

10.4.2 Off-Premise Real Estate Sign

- (1) Signs that solely provide directional information regarding the sale or lease of residential property.
- (2) The signs contain only directional information [i.e., directional arrows, "left 100 yards", "2nd right", etc.] and "house for rent", "open house", "new house(s) for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.
- (3) The signs shall be temporary signs on white background, unlit, and limited to two (2) square feet per side for a single user. The sign message may be placed on each side of the sign. The signs shall not exceed four (4) feet in height and shall not obstruct vision clearances.
 - (a) In order to avoid the placement of a series of signs along several miles of roadway, no more than five (5) signs shall be allowed per project or per property when a single dwelling is for sale or rent. Signs shall be placed no farther one (1) mile from the project

or property for which directions are given.

- (b) Each user is allowed only one (1) sign per intersection.
- (c) Signs for properties for sale or lease shall be removed when a contract is closed on the last property for sale or lease in the project.
- (d) To encourage assistance in compliance with these requirements, the Director of Development Services, or designee, may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions.

10.4.3 Public/Nonprofit Announcement Sign

May be erected up to two (2) weeks prior to the event and shall be removed within seven (7) days after the event.

10.4.4 Setback Requirements

No temporary sign shall be placed or erected within the right-of-way of any street, or within fifteen (15) feet of any curb line or street edge. Temporary signs which do not meet the setback requirements may be removed by city staff without notice.

10.5 Permanent Signs Allowed Without a Permit

10.5.1 Convenience Sign

An on-premise sign giving information or direction for the convenience and necessity of the public such as address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

Convenience signs visible from outside the property shall not exceed three (3) square feet of area per sign or four (4) feet in height and shall not contain any logos. Interior oriented signs may not exceed 32 square feet in area or the height of the nearest building.

10.5.2 Historic Marker Sign

A sign attached to a building, indicating the date of construction or the name of the building or the principals involved in its construction. Also includes attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or local basis or to properties within a duly authorized local historic district.

(1) **Historic Marker Standards:** The plan or program sponsoring the sign shall employ uniform standards of eligibility and the sign or marker shall commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance.

(a) Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weatherproof material.

(b) Signs attached to buildings shall not exceed six (6) square feet in area

10.5.3 Window Sign: Signs that are attached to, painted on, or etched into a window or displayed within twelve (12) inches (measured horizontally) of the window and are legible from outside of the window.

(1) Window signs shall not exceed thirty percent (30%) of the window area on each façade and in combination with all other signs on the lot shall not exceed the maximum permitted sign area for the lot.

10.5.4 Traffic Control Signs On Private Property: Any public notice or warning required by applicable federal, state or local law, regulation or Code. Any federal, state, or local traffic control or other public sign when located on private property.

(1) The face shall meet Mississippi Department of Transportation standards.

(2) The sign shall contain no commercial logo or message.

10.5.5 Vending Machines, Automatic Tellers, Gasoline Pumps: Signs that display the name, trademark, prices or logo of the company or brand, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump.

(1) The sign shall not exceed four (4) square feet in area per side.

10.5.6 Residential Identification Sign

(1) Up to two (2) freestanding signs may be placed on private property at each entrance to identify the subdivision.

(2) Each sign shall be limited to six (6) feet in height and twelve (12) square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall or masonry column.

10.5.7 Mixed Use and Multifamily Developments

(1) Up to two (2) freestanding signs may be placed on private property at each entrance to identify the project.

(2) Each sign shall be limited to six (6) feet in height and the total sign area shall not exceed thirty-

two (32) square feet in area for a single sign and sixteen (16) square feet each if two (2) signs are used.

- (3) The sign shall be incorporated into a permanent landscape feature such as a wall or masonry column.

10.5.8. Windblown Signs

- (1) Up to fifty (50) square feet of windblown signs, such as streamers, flags, pennants, et cetera, per one hundred feet of street frontage may be placed on property within Mixed Use Commercial Corridor, Regional Commercial, or Mixed Use Employment zoning districts.
- (2) Windblown signs may not have any copy or logo relating to the business.
- (3) Such windblown signs shall be securely affixed to the ground or to a building and may not exceed twenty five (25) feet in height.
- (4) Windblown signs which become faded or tattered shall be replaced or removed.
- (4) Flags conforming to official standards of the United States Government or the State of Mississippi shall not be considered or used as windblown signs.

10.6 Temporary Signs Requiring Permit

10.6.1 Temporary Signs

Temporary signs are intended for temporary use, not permanently mounted, and intended for a designated period of time. The temporary sign shall be for a special event, not a routine business activity. The following temporary signs shall be allowed in each zoning district, within the stated restrictions, provided permits are obtained for their construction or placement.

(1) Free Standing Signs:

- (a) Shall not be displayed for more than thirty (30) consecutive days.
- (b) Shall not exceed thirty-two (32) square feet.
- (c) Only one (1) sign shall be allowed per business per special event.
- (d) Each business site may be issued two (2) sign permits for a temporary sign within a twelve (12) month period. Each twelve (12) month period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date.

(2) Banners:

- (a) Allowed for a total of one (1) period of two (2) weeks in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive.
- (b) Banners shall not exceed seventy-five (75) square feet in size. Banners shall not be located within twenty (20) feet of any street.

(3) Political Signs:

- (a) Signs advertising political candidates, referenda or similar issues shall not be placed within the public right of way, closer than fifteen feet from a street edge, or within a corner visibility area as provided by Section 6.3.6 (11).
- (b) Such signs shall be removed within five (5) days after the election and special election in which the candidate is eliminated in the case of primary elections and within five (5) days after the general election for all other candidates, issues, and referenda.
- (c) Signs placed in violation of these regulations will be removed by City staff

- (4) Special Event Display Devices:** Advertising display devices not otherwise provided for in this Code, such as inflatables, tents, tethered balloons, et cetera are allowable for a total of a period of one (1) week in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive. A drawing or photograph of the proposed device, along with a plan showing location on the property shall be submitted to the Planning Department for review. The proposed device, excluding tethered balloons, may not exceed twenty-five (25) feet in height, shall not have any flashing or distracting illumination as described in Section 10.9.1(1), and shall not be located within forty (40) feet of any street right of way, or in any location that may interfere with drivers' visibility, the visibility of signage on other property, or electrical power lines

10.7 Permanent Signs Requiring Permit

10.7.1 Attached Sign

- (1) **Awning Signs:** Awning signs shall be permitted in all mixed use and nonresidential zoning districts subject to the following requirements:
- (a) Shall be flat against the surface of the awning.
 - (b) Shall maintain a clearance of eight (8) feet above a public right-of-way or required front yard.
 - (c) Shall not be closer than two (2) feet, measured in horizontal distance, from the curb line of any street.

- (d) Shall not extend more than five (5) feet into the right-of-way without specific approval of the City Council.
 - (e) Any fabric awning valance may not extend more than one (1) foot below the rigid mount of the awning.
 - (f) Maximum sign area is one square foot per linear foot of awning, determined using the area formula for wall signage in Section 10.7.1 (6).
 - (g) Only one (1) sign is permitted over each door or window.
 - (h) The area of all permitted awning signs shall be included in calculating the total area of all attached signs.
- (2) **Canopy Sign:** Canopy signs shall be permitted in all mixed use or nonresidential zoning districts subject to the following requirements:
- (a) Maximum sign area per canopy face is twelve (12) square feet.
 - (b) The vertical edge of the canopy sign shall be a maximum of two (2) feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be forty-two (42) inches.
 - (c) Shall not extend beyond the vertical edge of the canopy to which it is attached.
 - (d) The area of all permitted canopy signs shall be included in calculating the total area of all attached signs
- (5) **Marquee Sign:** Marquee signs shall be allowed in all non-residential districts, subject to the following conditions:
- (a) Shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
 - (b) Shall be no closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
 - (c) The message area may extend the full length of the marquee.
 - (d) The message area shall not exceed eight (8) feet in height.
 - (e) The message area shall not exceed two hundred (200) square feet in area, except in the MUD District where it shall not exceed three hundred-fifty (350) square feet in area.
 - (f) Only one (1) marquee sign shall be allowed per establishment.

- (g) The area of all permitted marquee signs shall be included in calculating the area of all attached signs.
- (4) **Projecting Sign:** Projecting signs shall be allowed in all mixed use or nonresidential zoning districts, subject to the following conditions:
- (a) Shall not extend above the top of the wall to which it is attached.
 - (b) Shall maintain a clearance of eight (8) feet above a public right-of-way or required front yard.
 - (c) Shall not extend into a required front yard more than six (6) feet or into a public right-of-way more than four and one-half (4 ½) feet.
 - (d) Shall not exceed twenty (20) square feet in area.
 - (e) Only one (1) sign shall be permitted per establishment.
 - (f) The area of all permitted projecting signs shall be included in calculating the area of all attached signs.
- (5) **Suspended Sign:** Suspended signs shall be permitted in all mixed use or nonresidential zoning districts, subject to the following regulations:
- (a) Shall be no closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
 - (b) Shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
 - (c) Sign area shall not exceed three and one-half (3½) square feet.
 - (d) Only one (1) sign shall be allowed per establishment.
 - (e) The area of all permitted suspended signs shall be included in calculating the area of all attached signs.
- (6) **Wall Sign:** Wall signs shall be allowed in all mixed use and nonresidential districts subject to the following requirements:
- (a) Shall not extend more than twelve (12) inches from the wall of the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
 - (b) Sign may extend up to twelve (12) inches into a public right-of-way.

- (c) Sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
- (d) Sign may not prevent the free entrance and exit from any window, door or fire escape.
- (e) The area of wall signs in the Regional Commercial zoning district or the mixed use zoning districts may not exceed one (1) square foot for each foot of horizontal length of the wall to which the sign is attached.
- (f) The area of wall signs in other non-residential zoning districts may not exceed one and one half (1½) square foot for each foot of horizontal length of the wall to which the sign is attached.
- (g) Nonresidential uses permitted in residential districts shall be allowed one (1) wall sign per building, provided the sign does not exceed one half (½) square foot for each foot of horizontal length of the wall to which the sign is attached; however, a minimum of eight (8) square feet of sign area shall be allowed.
- (h) Optional wall sign area formula: Five percent (5%) of the wall area, up to a maximum of two hundred (200) square feet, may be used as an alternative basis to calculate the permitted size of a wall sign in the Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment, and Regional Commercial Districts. This optional formula may be used on only one wall of a building. In the Mixed Use Downtown district, three percent (3%) of the wall area may be used for signs placed at the third or fourth story level or higher, up to three hundred (300) square feet; five percent (5%) of the wall area may be used for signage placed at the 5th story level or higher, up to six hundred (600) square feet; and the optional formula may be used on more than one wall.
- (i) Signs may not extend above the roof line.

10.7.2 Freestanding Signs

Freestanding signs shall be permitted in mixed use, nonresidential zoning districts and for non-residential uses in mixed use zoning districts subject to the following requirements:

Note: Nonresidential Uses in Residential Districts, including Mixed Use Residential Districts, may have monument signs only.

(1) Height:

- (a) **Monument Sign:** The distance from the ground to the highest point of the sign shall be not more than six (6) feet for signs placed at the minimum setback line of fifteen (15) feet from the street edge.

(b) **Pylon Sign:** Not permitted in residential districts. The distance from the ground to the highest point of the sign shall not exceed sixteen (16) feet for signs placed at the minimum setback line.

(2) **Flexibility:** Signs placed at a greater than minimum setback may be allowed additional height as follows:

(a) **Monument Signs:** One (1) additional foot of height for each five (5) feet of setback beyond the minimum, to a maximum of ten (10) feet.

(b) **Pylon Signs:** One (1) additional foot of height for each five (5) feet of setback beyond the minimum, to a maximum of twenty-five (25) feet in the Regional Commercial District, or thirty-five (35) feet in other districts. This flexibility may not be combined with the height limit exemption provided under “Highway interchange signage” below.

(3) **Number:** One (1) freestanding on-premise sign shall be permitted on each property. An off-premise billboard may be located on property with a freestanding on-premise sign, subject to location and separation standards of this section.

(4) **Area:**

(a) **Nonresidential Districts:** Individual signs on each street frontage of a property shall not exceed thirty-two (32) square feet in area when the frontage is less than one hundred-fifty (150) feet, and shall not exceed eight (80) square feet in area in the Regional Commercial District, or one hundred (100) square feet in area in other districts, when the frontage is one hundred-fifty (150) feet or more.

(b) **Residential Districts:** Individual signs on each street frontage of a property shall not exceed twelve (12) square feet in area when the frontage is less than one hundred-fifty (150) feet, and shall not exceed thirty-two (32) square feet in area when the frontage is one hundred-fifty (150) feet or more.

(5) **Flexibility:** Pylon signs placed at a greater than minimum setback from the street edge may be allowed additional area as follows:

(a) Two (2) additional square feet of area for each foot of setback beyond the minimum, to a maximum of one hundred (100) square feet in the Regional Commercial District, or one hundred twenty (120) square feet in other districts. This flexibility may not be combined with the height limit exemption provided in Section 10.7.2. (6) below, “Highway Interchange Signage”.

(6) **Highway Interchange Signage:**

The Director of Development Services may approve a pylon sign up to two hundred (200) feet in area and up to one hundred (100) feet in height for restaurants, hotels, motels, fuel sales establishments or other highway oriented establishments when located on property, any part of which shall be located within one-thousand (1000) feet of the center of the following

interchanges on U.S. Highways 45 or 78/I-22; US78/I-22 and McCullough Boulevard/MS178; US78/I-22 and Coley Road Extended; US78/I-22 and Veterans Boulevard; US78/I22 and Auburn Road; US45 and Eason Boulevard; and US45 and Green Street, and which is zoned Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment, or Industrial

An additional fifty (50) square feet in area may be allowed for additional businesses, up to a maximum of four hundred (400) square feet.

(7) Location:

- (a) Freestanding signs shall not be placed within fifteen (15) feet of a street edge and may not extend or project over the right of way.
- (b) Freestanding signs shall not be located within any sight distance triangles.
- (c) Each freestanding on-premise sign shall be located a minimum of one hundred (100) feet from other freestanding on-premise signs or billboards on the same side of the street.
- (f) The Director of Development Services may grant a “compatible use approval” for a ground sign to be located less than one hundred (100) feet from another ground sign upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots, provided that all other requirements of this Code are met and the proposed sign is located as remotely from adjacent signs as possible. No such compatible use approval shall be granted when the existing sign is located on the same lot as the proposed sign. In this case, a directory sign is recommended. However, the Director of Development Services may grant a compatible use approval for a ground sign to be located not closer than seventy-five (75) feet to another sign where a directory sign is not feasible or would be greater than seventy-five (75) feet from the business seeking the Sign Permit. All procedures regarding compatible uses as contained in Section 12.12 shall apply.

(8) Setback:

(a) if the sign height is six (6) feet or less, there shall be no minimum setback required from the property line.

(b) If the sign height is over six (6) feet in height:

(i) For sign areas of thirty-two (32) square feet or less, a minimum setback of five (5) feet from all property lines shall be required, except that a minimum setback of twelve (12) feet from adjoining residential properties shall be required.

(ii) For sign areas of more than thirty-two (32) square feet, a minimum setback of ten (10) feet from all property lines shall be required, except that a minimum setback of twelve (12) feet from adjoining residential properties shall be required.

(c) Alternative sign locations may be approved by the Director of Development Services considering the width of the right-of-way.

(9) Landscaping: Freestanding signs shall incorporate the following landscaping requirements.

(a) A defined landscaped area shall be provided at the base of the sign. The required landscaped area shall be parallel to the face of the sign.

(b) The required landscaped area shall be at least twenty-five (25) square feet in area for signs with total sign area of less than thirty-two (32) square feet, and fifty (50) square feet of landscaped area for signs of thirty-two (32) or more square feet total sign area.

(c) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face. If the size of the site imposes practical difficulties on the placement of the plant materials, the Director of Development Services may make adjustments in these requirements.

(d) The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least fifty percent (50%) of the defined landscaped area at maturity.

(e) Paving and artificial plant materials shall not be included in fulfilling this requirement.

(f) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

(9) Address Requirement:

All monument signs shall incorporate a street address number or address range, unless an alternative addressing location has been approved by the Development Services

Department. Street address numbers shall be a minimum of four inches high in all zoning districts.

(10) Uniform or Directory Signs:

- (a) A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of site plan approval and for all other multi-occupant non-residential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.
- (b) The uniform sign plan shall consist of five (5) elements which shall govern all signs within the shopping center or development: location, materials, size, letter style, and color. The uniform sign plan shall include drawings, specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to the requirements of this part.
- (c) The uniform sign plan shall be subject to approval by the Development Services Department. For shopping centers and other multi-occupant developments, the uniform sign plan must be submitted, reviewed, and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein or out-parcels connected thereto.
- (d) Freestanding signs advertising two (2) businesses may be up to one hundred, twenty (120) square feet in size and twenty-five (25) feet in height. Freestanding signs advertising three (3) businesses may be up to one hundred, fifty (150) square feet in size and thirty (30) feet in height.
- (e) Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified above.
- (f) A uniform sign plan for the shopping center or development shall not be approved until and unless the Development Services Department finds that;
- (g) The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction;
- (h) The plan provides for signs which meet the size limitations, location requirements, and other applicable requirements of this part.

(11) Billboards:

- (a) **Allowable Zones:** Billboards shall be allowed in Agriculture/Open Space, Mixed Use Commercial Corridor, Mixed Use Employment Center, and Industrial zones.

(b) **Size and Height Restrictions:** Billboards shall not exceed four hundred (400) square feet in size and not exceed thirty-five (35) feet in height as measured from ground level to the highest point of the sign.

(c) **Setback and Separation:**

- i. The front setback, as required by the zoning Code for buildings, shall also apply to billboards.
- ii. Billboards shall be separated from all other billboards by a minimum distance of one thousand-five hundred (1,500) feet measured at a radius. Billboards shall be separated from freestanding signs by a minimum distance of one hundred (100) feet.
- iii. Billboards located within two hundred-fifty (250) feet of the edge of the pavement of Martin Luther King, Jr. Drive (U. S. Highway 45) or U. S. Highway 78 shall be separated from all other billboards by a minimum distance of five hundred (500) feet measured at a radius.

(d) **Other Restrictions:**

- i. Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building.
- ii. Double sided billboards shall be allowed and shall be considered as one (1) billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

(12) **Variable Display Signs:** Signs meeting the definitions of these sign types in Chapter 2 are required to meet specific design standards as follows:

(a) **Changeable Copy Signs:**

- i. **Location:** The sign must be located on the site of the use identified or advertised by the sign.
- ii. **Zoning District:** Changeable copy signs are allowable in any zoning district according to general standards for signs in such district.
- iii. **Area:** As provided in Sections 10.7.2. (4) and overlay district requirements if applicable.

(b) **Electronic Reader Board Signs:**

- i. **Location:** The sign must be located on the site of the use identified or advertised by the sign.

- ii. **Zoning District:** Allowed in Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment, and Industrial Districts.
- iii. **Setback and Orientation:** The sign must be a minimum of one hundred (100) feet from any residential zoning district; if located within two hundred (200) feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principal structure on a residentially zoned lot.
- iv. **Display:** To pictorial images; texts may not exceed ten (10) words or text elements; the minimum time a text or portion of a text may be displayed is one (1) second per word or text element; no more than one (1) color of illuminating device is allowed; the minimum pitch (space between pixels) shall be twenty-three (23) millimeters.
- v. **Brightness:** Electronic reader board signs must have a primary and secondary means of reducing the brightness of the display to seventy percent (70%) of peak capacity brightness after sunset. These methods may include light sensing devices embedded within the display's controlling system or software provisions to reduce brightness on a timed basis.
- vi. **Separation:** The sign must be a minimum of one hundred (100) feet from any other ground sign and no compatible or flexible use process as described in Section 12.12 may be used to allow a lesser separation distance.
- vii. **Area:** Electronic reader board signs placed as wall or freestanding signs may not exceed forty percent (40%) of the sign area allowed for wall or freestanding signs in Sections 10.7.2. (4). If located in a commercial overlay district, the forty percent (40%) limitation applies to the sign area standards specified for the overlay district. For legibility and the ability to display a complete text message, the minimum size of an electronic reader board sign shall be six (6) square feet.

(c) Electronic Graphic Display Signs

- i. **Location:** The sign must be located on the site of the use identified or advertised by the sign, or in a location where a billboard may be permitted under the requirements of Section 10.7.2. (11).
- ii. **Zoning District:** Allowed for on-premises or off-premises use in Agriculture/Open Space, Mixed use Commercial Corridor, Mixed Use Activity Center, and Industrial districts.
- iii. **Setback & Orientation:** For on premises use, the sign must also be a minimum of one hundred (100) feet from any residential zoning district; if located within two hundred (200) feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principle structure on a residentially zoned

lot. For off premises use the sign must also meet the standards in Section 10.7.2. (11).

- iv. **Display:** The sign may include both text and pictorial images, but no motion. Displays may include multiple colors. Displays must remain in place for at least one (1) second per word or text element, with a minimum display time of eight (8) seconds. Displays may change only with a whole text screen transition. The minimum pitch (space between pixels) shall be twenty-three (23) millimeters.
- v. **Separation:** For on premises use, the sign must be a minimum of one hundred (100) feet from any other ground sign and no compatible or flexible variance process as described in Section 12.12 may be used to allow a lesser separation distance.
- vi. **Area:** For on premises use, electronic graphic display signs placed as freestanding signs or attached to structures may not exceed forty percent (40%) of the area allowed for freestanding or wall signs in Sections 10.7.2. (4). If located in a commercial overlay district, the forty percent (40%) limitation applies to the sign area standards specified for the overlay district. For off premises use the sign must meet size standards for billboards in Section 10.7.2. (11).
- vii. **Billboard Replacement:** For off premises use, an existing billboard may be replaced by an electronic graphic display sign provided that two (2) existing billboard signs are removed and not replaced.

(13) **Signs Allowed in Right-of-Way:** The following signs are allowed within the public right-of-way in all zoning districts. Where such signs are permanent signs, they shall require a license agreement approved by the Public Works Director, or designee, or an encroachment agreement approved by MDOT for streets under state jurisdiction, except as specified in Section 10.5, Permanent Signs Not Requiring Permits. Signs allowed in right-of-way shall meet all other applicable requirements of this Article.

- (a) Awning and Projecting signs projecting over a public right-of-way.
- (b) Emergency Warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
- (c) Public Signs erected by or on behalf of the City, County, State or federal government.
- (d) Permit Signs erected pursuant to a permit for temporary use issued by the Director of Development Services, or designee, subject to such Codes or regulations as may apply.
- (e) Moveable Signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the Mixed Use Downtown District shall be allowed, but not require a permit, provided that all the following requirements are met.

- (f) The sidewalk in the area near the moveable sign shall be wide enough to allow for at least five (5) feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
- (g) Each sidewalk sign allowed under this section shall not exceed two and one half (2 ½) feet in width and four (4) feet in height. The sign itself shall be moveable, shall not be permanently attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

(14)**Landmark Signs:** Signs which have been officially designated as Local Historic Landmarks pursuant the Tupelo Historic Preservation Code, and which retain those dimensional, locational, and lighting standards that the sign possessed when it received such a designation shall enjoy the following privileges:

- (a) May remain on roofs or exceed height limits found elsewhere in this Article.
- (b) May exceed dimensional limits found elsewhere in this Article.
- (c) May reference a product or business which is not related to the existing business on the property.
- (d) Shall not, if the sign is not related to an existing business, have the sign area deducted from the square footage of sign area granted by other standards of this Article.
- (e) May remain in a right-of-way unless it becomes a hazard to traffic.
- (f) May retain its original lighting patterns and materials.
- (g) The following regulations shall apply to signs which have been designated as Landmark Signs.
 - i. The voluntary removal of a Landmark Sign by an owner shall be allowed.
 - ii. Alterations to a Landmark Sign shall not be allowed without the issuance of a Certificate of Appropriateness by the Historic Preservation Commission using the criteria used in the Tupelo Historic Preservation Code.

10.8 Flexibility and Variances

10.8.1 Administrative Flexibility

The Director of Development Services may authorize additional sign height or area, of no more than ten percent (10%) of the applicable standard, on properties where other signage is reduced or not used, to the extent that the total area of signage is less than the maximum area allowable for all sign types on the property.

10.8.2 Variances

- (1) Requests for variances of greater than ten percent (10%), but not more than twenty-five percent (25%), of a sign dimensional standard will be reviewed under the provisions of Section 12.16.1, Compatibility Variance.
- (2) Requests for variances of more than twenty-five percent (25%) of a sign dimensional standard will be reviewed under the provisions of Section 12.16.2, Flexibility Variance.

10.8.3 Total signage area formula

As an alternative method of determining the amount of on-premise signage allowable when a business is applying for certificate of occupancy for a new location, the following formula may be used as the basis for granting flexibility of size within the total signage area available.

For lots or tenant spaces of one hundred feet width or less, measured at the street, count forty square feet for freestanding signage.

For lots or tenant spaces of more than one hundred feet width, measured at the street, count one hundred square feet for freestanding signage.

Count one square foot for every foot of length, up to 100 feet, of each wall facing a street;
Over 100 feet in length, count one half square foot for each additional linear foot.

Count fifty square feet as an allowance for temporary signage.

The total allowable area of signage shall be recorded on the certificate of occupancy. Sign permits may be issued allowing the placement of permanent or temporary signs up to the total allowable signage area. Specific signs may exceed the base area standards by up to forty percent. A one time permit may be issued authorizing a specific amount of temporary signage, which may be changed or replaced without further permit, as long as the allowed area is not exceeded.

If the total allowable area of signage is exceeded, the permit may be revoked and the base area standards for signage will be enforced.

10.9 Prohibited Signs

10.9.1 The following signs shall be prohibited, and may neither be erected nor maintained:

- (1) **Signs with Flashing or other Distracting Illumination:** No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness or color, excepting variable display signs as defined

in Chapter 2 and as provided in Section 10.7.2(12), provided the message on such sign does not flash on and off.

- (2) **Resemblance to Traffic Signs:** No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning" or any similar words or phrases that may be construed to misdirect or confuse traffic flow.
- (3) **Signs Constituting Traffic Hazards:** Any sign which constitutes a hazard to traffic including, but not limited to, signs located within the sight distance triangle of an intersection.
- (3) **Vehicle Signs:** No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in this Code. This will include portable signs, with or without illumination. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding two (2) square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

10.9.2 Prohibited Locations

- (1) **Public Right-of-Way:** No signs otherwise permitted by this Code shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way, except as allowed by Section 10.4 of this Code. Signs placed in right of way or on other public property in violation of this code may be removed without notice.
- (2) **Off Premise Signs:** No sign may be placed on a separate tract of land from the business or other use for which it provides advertisement, except as allowed by Section 10.7.2.(11), Billboards, of this Code.
- (3) **Roof Signs**
- (4) **Hand Held Signs in Right-of-Way**
- (5) **Signs on Natural Features** such as, trees other living vegetation, or rocks.
- (6) **Signs on benches, trash** receptacles or similar items.

10.9.3 Dilapidated or Damaged Signs: A sign that has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

10.9.4 General Prohibited Signs: All other signs not specifically allowed by this Code are prohibited.

10.10 Abandoned Signs

10.10.1 Any sign that is located on property which becomes vacant and is unoccupied for a period of twelve (12) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Section, shall be deemed to have been abandoned. Signs which are maintained and used to actively market vacant property shall not be deemed to have been abandoned.

10.10.2 Signs applicable to business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless this property remains vacant for a period of twelve (12) months or more.

10.10.3 Notwithstanding the above provisions, any sign that fails to meet the construction and maintenance requirements of this Section, shall be deemed to be abandoned and subject to removal if any such deficiencies are not corrected within thirty (30) days after a written notice from the Director of Development Services to the owner or tenant concerning said deficiencies. The Director of Development Services shall have the discretion to grant an additional thirty (30) days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the original notice.

10.10.4. Signs which are found to be in violation of this Section shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the Director of Development Services that the sign does not comply with the terms of this Section. Any such signs not removed within thirty (30) days from this written notice may be removed by the City and all costs charged to the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself.

10.11 Non-Conforming Signs

10.11.1 Signs that were lawful as of the effective date of this Code but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs, except as provided below:

- a. The signs and supporting structures may not be enlarged, moved to a different location in the City unless that location conforms to all applicable provisions of this ordinance, or improved through replacement by substantially different materials or in any other manner, except that a non-conforming billboard may be replaced by an electronic graphic display type billboard subject to the standards in Sections 10.7.2. (11) and 10.7.2. (12);

- b. Lights and/or other electric or electronic features may not be added, and the intensity of lighting may not be increased, except for billboard replacement as provided in Section 10.11.1. (a).

10.11.2 The signs must operate in compliance with all other restrictions in this Chapter, and the Development Code, and other local regulations, including but not limited to prohibitions on sign operation and sign features contained in Sec. 10.3.4 and prohibitions on dilapidated and damaged signs contained in Section 10.9.3.

- (1) The signs shall be removed if repair or damage to the sign and structure exceeds twenty-five (25%) of the lesser of the declared value when the sign permit was originally obtained or the replacement value.
- (2) The signs shall operate in compliance with all restrictions contained in federal and/or State law and regulation; and
- (3) The owner of such signs shall maintain all necessary records and documents, including permits, required to be obtained under previous Codes and/or State law or regulation, to demonstrate that the sign may continue to exist under the provisions of this Section.

10.11.3 The restrictions contained in this Section shall not be interpreted to prohibit the City from requiring removal of any nonconforming off-premise sign when removal is accomplished in accordance with applicable law, including but not limited to federal and/or state requirements regarding compensation, or from requiring removal of abandoned signs under the provisions of Section 10.9.

