

ARTICLE II. SIGNS

DIVISION 1. GENERALLY

Sec. 86-26. Title of Article.

This article shall be known as the sign ordinance for the city.
(Ord. No. 1994-10, § 1.0, 9-27-94)

Sec. 86-27. Purpose of Article.

The purposes of this article are to:

- (1) Promote the health, safety, morals, and the general welfare of the city.
- (2) Create the legal framework for the comprehensive but balanced system of street graphics and thereby to facilitate an easy and pleasant communication between people and their environment.
- (3) Promote the use of signs in the city which are safe, compatible with their surroundings and legible in the circumstances in which they are seen. This article also recognizes the need for a well-maintained and attractive physical appearance of the community and the need for adequate business identification for the conduct of competitive commerce. This article is also adopted for the purpose of reducing sign or advertising distractions which may increase traffic accidents and result in visual congestion for pedestrians.
- (4) Protect and Promote the tourist industry, which is an important element in the city's economy, by providing for an unobstructed view of the city's scenic areas, and where signs are necessary, by reducing the negative impression of the city which may be conveyed to tourists and visitors by signs which are not properly installed and maintained.

(Ord. No. 1994-10 § 2.0, 9-27-94)

Sec. 86-28. Findings of fact.

In adopting this article, the board of aldermen makes the following findings:

- (1) The people of the city have an interest in controlling the erection, location, and maintenance of signs in a manner to protect the public health, safety, and morals, and to promote the public welfare.
- (2) The natural beauty of landscape, view and attractive surroundings of the city constitute an attraction for tourists and visitors.

- (3) The indiscriminate erection and maintenance of large and/or numerous signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the city which, in turn, injuriously affect the tourist trade and thereby the economic well-being of the city.
- (4) Portable signs, whether located on-premises or off-premises, generally create a higher degree of danger and distraction to the public, are less attractive aesthetically, are more difficult to monitor and regulate, are more susceptible to abuse, and therefore should be prohibited.
- (5) For the promotion, and preservation of the public health, safety and welfare of the people of the city, it is deemed necessary that the erection, construction, location, and maintenance of signs be regulated and controlled.
- (6) The regulations contained in this article are the minimum amount of regulation necessary to achieve the article's purposes.

(Ord. No. 1994-10, § 3.0, 9-27-94)

Sec. 86-29. Rules of construction.

For the purposes of this article, certain rules and construction shall apply to the text as follows:

- (1) The term "must" is always mandatory and not discretionary; the word "should" is permissive.
- (2) Words or terms not interpreted or defined by this section shall be used with a meaning of common or standard utilization or as otherwise specifically provided in this article.
- (3) The words "use" or "occupy" shall include the words "intended," "designed," and "arranged" to be "used" or "occupied."
- (4) Any term not defined in this article shall be construed to be used in this article as by the latest edition of Webster's Unabridged Dictionary.

(Ord. No. 1994-10, § 4.0(b), (c), (d), (e), (f), 9-27-94)

Sec. 86-30. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Sign means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed, except as otherwise permitted for off-premises advertising.

Animated Sign means any sign which includes action or motion. For purposes of this article, this term does not refer to flashing or changing, all of which are separately defined.

Banner means a sign made of fabric, plastic, paper or other light pliable material, not enclosed in a rigid frame, so as to permit movement of the sign by wind or atmospheric movement.

Billboard. See standard outdoor advertising structure.

Board of adjustment means a board consisting of five members appointed by the board of aldermen to approve matters pertaining to this article and appeal and decisions of the sign enforcement officer.

Building face or wall means all window and wall area of a building in one plane or elevation.

Canopy means any structure attached to a building at the inner end and supported on the other end, or free-standing structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

Changeable copy signs (automatic) means 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.

Changeable copy signs (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Church Bulletin Board means a sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.

City means the City of Natchez.

Copy means the working or graphics on a sign surface.

District means as defined under the zoning ordinance and zoning district map.

Erect means to build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

Façade, principle means the front or main part of a building facing a public street.

Façade, secondary means the side of a building facing a secondary access street, parking lot or major privately owned circulation road; a side of a building other than the principle façade.

Face of Sign means the entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a place.

Flashing Sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not classed as “flashing signs.”

Frontage means the length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Gasoline and Oil Service Station means any business which dispenses, or is designed to dispense gasoline and/or oil for use in motor vehicles or boats.

Ground Level means immediate surrounding grade.

Height of Sign means the vertical distance measured from the surrounding grade to the highest point of sign.

Illegal Sign means a sign which contravenes this article, or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

Interior Property Lines means property lines other than those forming a dedicated public right-of-way.

Landmark or Landmark Site means a building, structure, objet, and its appurtenances and historically associated land or water, or an unimproved or improved parcel of ground designated by the city preservation commission and approved by the city through an ordinance, which possess particular archaeological, architectural, cultural, geological, or historical significance, and as further defined in Section 102-1 et seq.

Landmark Design Review Area means that area within 300 feet of the property line of a designated landmark or landmark site, that falls under the review authority of the city preservation commission, as defined in Section 102-1 et seq.

Logo means a letter, character or symbol used to represent a person, corporation or business enterprise.

Lot means a parcel, tract, plat or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the office or the county recorder of deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the building inspector.

Off-Premises Sign means a sign which advertises an activity, business, product or service not conducted on the premises on which the sign is located.

Owner means a person recorded as such on official records and including duly authorized agent, purchaser, lessee, devisee, receiver, trustee or any person having a vested or contingent interest in the property or business in question.

Person means any natural person, firm, partnership, association, corporation, company, trust or organization of any kind.

Premises mean an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Preservation Commission means as established in section 102-1 et seq.

Preservation District means the district and area designated and approved by the city through a separate ordinance (section 102-1 et seq.), which contains a geographically definable area, urban or rural, possessing a significant concentration of sites, buildings, structures, or objects associated by past events or by plan or physical development.

Reader Board means any sign that has changeable or removable lettering.

Right-of-Way (R.O.W.) means any publicly owned or used right-of-way.

Roof Line means the highest point of the coping on a flat roof, false mansard or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof.

Seasonal or Special Occasion Temporary Signs means a sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Setback means the minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line, or proposed right-of-way line for streets. On private streets for public use, the setback is measured from the street easement, curb or pavement, or legally required width whichever results in greater setback.

Shopping Center means a building containing two or more shops, stores and other retail and/or service places of business, and providing off-street parking facilities in common for all of the businesses and their customers.

Show Window Sign means any temporary sign advertising sales or specials attached to or within three feet of the glass surface of any fixed window (glazing) visible from a public right-of-way.

Sign means any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purposes of this article, this definition shall include, but not limited to, those signs painted directly upon a building or structure. For the purpose of removal, signs shall also include all sign structures. Not included are decorative device or emblems as may be displayed on a residential mailbox.

Sign Area means the surface area of a sign shall be computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign, attached means a sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, canopy means any sign hanging entirely beneath a canopy, portico or marquee.

Sign, commercial directory means a permanent pole sign designating the name of a commercial center and listing the various tenants of the center.

Sign, construction means a temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

Sign, directional means a sign which indicates a direction for vehicular or pedestrian traffic or other movement.

Sign, electrical means a sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Sign, enforcement officer means the designated authority of officer charged with the administration and enforcement of this Code, or his duly authorized representative.

Sign, fluttering means a sign, including banners, flags, pennants or other flexible material which moves with the wind or by some artificial means.

Sign, grand opening means any temporary sign used to draw attention to a business or facility which has been newly opened, reopened, expanded in floor area or relocated.

Sign, ground means any detached sign on the same lot or parcel as the use it advertises which has its bottom-portion erected upon or supported by the ground, a ground planter box, or other supports.

Sign, illuminated means any sign which is illuminated by light sources mounted on or in the sign or at some other location.

Sign, memorial or tablet means the permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication or other similar information.

Sign, monument means a freestanding identification sign, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

Sign, nonconforming means a sign legally erected under the previously existing ordinances of the city, but which does not conform to the provisions of this article.

Sign, occupational and/or identification means an attached wall sign not larger than one square foot in area identifying the name of a person occupying a building.

Sign, open letter means a sign consisting of letters and/or numbers attached to the face of a building without structural trim or background.

Sign, overhanging means any sign which projects more than 12 inches beyond the plane of the wall on which the sign is erected or attached.

Sign, placard means any cardboard, metal, plastic, fabric, or vinyl sign less than six square feet in area.

Sign, pole means any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single or multiple stationary pole or post.

Sign, political means a temporary sign advocating or opposing any political proposition or candidate for public office.

Sign, portable. See *Temporary Sign.*

Sign, project identification means a permanent ground sign identifying an apartment complex, condominium project or mobile home development entry, name and/or street names within the project.

Sign, projecting means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign, property real estate means a sign pertaining only to the prospective rental, lease or sale of the property upon which it is located.

Sign, residential construction project means any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.

Sign, roof means any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plan of a mansard-type roof shall be interpreted as the same as a wall of a building.

Sign, snipe means a temporary sign or poster affixed to a tree, fence, etc.

Sign, structure means the sign and all parts associated with its construction.

Sign, temporary means any sign intended for a limited or intermittent period of display or which is removable and not permanently affixed to real estate or any improvement thereon.

Sign, temporary window means a temporary sign affixed to the inside or hanging within three feet of an exterior window or glass door.

Sign, wall means a sign fastened 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.

Sign, window means a sign at the window of a building with the face parallel to and within 12 inches of the plane or building wall.

Sign, supports means all structures by which a sign is held up, including, for example, poles, braces, guys and anchors.

Special Displays means signs not exceeding 32 square feet, used for holidays, public demonstrations or promotion of civil welfare or charitable purposes.

Special permit. See Variance.

Standard Outdoor Advertising Structure, Off Premises Poster Panel and/or Billboard means any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry or other activity not conducted, sold or offered on the premises upon which the sign is erected, or a sign which advertises or identifies goods, products, or serves however, shall not include signs which identify or advertise the name of the business or person or primary and principal activity, good or services located on the premises where the sign is erected. By way of example, a billboard advertising a soft drink or beverage, which is sold as an incident to the business conducted on the premises, shall nevertheless, be considered a billboard, provided the owner or name of the business upon which such sign is located is not identified or named. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

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

Subdivision Identification Sign means a permanent ground sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

Use means the purpose of which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Variance means a relaxation of the terms of this article where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship.

Zoning Ordinance means the zoning ordinance of the city and the current zoning district map related thereto.

(Ord. No. 1991-10, § 5.0, 9-27-94; Ord. No. 2001-2, § 1, 8-28-2001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86-31. Conflicts.

If any portion of this article is found to be in conflict with any other provision of the zoning, building, fire, safety or health ordinances of the city, the provision of the ordinance which establishes the higher standard will prevail. Further and specifically, if there should arise a conflict between the provisions of Divisions 1—4 of this article and the provisions of Division 5 of this article, then Division 5 of this article shall control. (Ord. No. 1994-10, § 12.01, 9-27-94)

Cross reference(s)—Fire prevention and protection, Ch. 38; health and sanitation, Ch. 42; buildings and building regulations, Ch. 90; Zoning, Ch. 134.

Sec. 86-32. Construction Specifications.

All signs shall be installed in compliance with building and electrical codes are required by the sign enforcement officer.

(Ord. No. 1994-10, § 10.01, 9-27-94)

Sec. 86-33. Prohibited Signs.

Except as specifically provided otherwise in this article, the following signs and displays shall be strictly prohibited throughout the city, including the preservation district, as established in section 102-1 et seq. and the scenic or historic routes now or hereafter established in Division 5 of this article.

- (1) Portable signs and/or portable signs converted for purposes of permanent installation. They shall not be considered temporary signs. Portable signs shall not be grandfathered.
- (2) Signs in public rights-of-way which are not city, county, state, or federal regulatory signs.
- (3) Streamers, posters, ribbons, light strings, light bulbs, light bands, spinners, attention-getting devices that move; blinking, electronic or flashing signs except time, temperature and date signs; signs which exhibit changing natural or artificial light or color effects; and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street or a private residence.
- (4) Snipe signs or signs attached to trees, fences, public utility poles, standpipes, gutter drain or fire escapes, other than warning signs, issued by government officials or public utilities.
- (5) Abandoned or defunct signs, including the posts or other supports thereof, that advertise or identify or formerly advertise an activity, business product or services that is no longer conducted or available on the premises where such sign is located.
- (6) Signs which move, rotate, change position, have moving parts, or create the illusion of movement, whether the movement is caused by the wind or mechanically, except for the rotation of barber poles and permissible changeable copy signs.
- (7) Hazardous signs. No signs shall be erected, relocated, or maintained so as to prevent free ingress or access from any door, window, fire escape, driveway or utility lines.

- (8) Roof signs or any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, whichever forms the top line of the building silhouette.
 - (9) Hologram signs.
 - (10) Signs which emit an audible sound or odor.
 - (11) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or constructed to be a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, except where such sign is accessory to a parking area and gives directions or instructions to drivers or pedestrians.
 - (12) Signs which are illegal under federal or state laws or regulations are prohibited.
 - (13) Signs which hide or interfere with traffic flow or any street sign, signal or device.
 - (14) Signs or any advertising device attached to or located on a parked vehicle or trailer on a public right-of-way, public property or private property for the basic purpose of providing advertising of products or services or directing people to a business or activity located on the same or nearby property or any other premises. This does not apply to allowed signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
 - (15)
- (Ord. No. 1994-10, § 6.01, 9-27-94)

Sec. 86-34. Signs Requiring Permits

- (a) *Permanent.* All permanent signs allowed under this article, including existing signs, shall require a permit and payment of fees as described in division 2 of this article.
- (b) *Temporary.* Temporary signs shall observe the following restrictions:
 - (1) Street banners advertising a public event shall be removed within two days after the event.
 - (2) Seasonal or special occasion signs shall not be installed more than two weeks prior to the activity described and shall be removed two days after the activity or event.

- (3) All other temporary signs shall be removed upon expiration of permit.
- (c) *Existing.* Permits for all existing signs must be obtained within 90 days of passage of the ordinance, or be removed.
- (d) *Erected, altered, or relocated.* No sign shall be erected, altered, or relocated without a permit, except as otherwise provided in this article.
- (e) *Expiration of permit.* Permits shall be null and void if the permitted signage is not installed within 180 days from the date of issuance of the permit.

(Ord. No. 1994-10, § 6.02, 9-27-94)

Sec. 86-35. Signs Not Requiring Permits.

The following activities are exempted from permit requirements but must be in conformance with all other requirements of this article.

- (1) Changing of the advertising copy or message on an existing approved painted or printed sign, changeable copy sign or similar approved sign, whether electrical, illuminated or non-illuminated or painted message, which is specifically designed for the use of replaceable copy.
- (2) Painting, repainting, cleaning or other normal maintenance and repair of a sign for which a permit has been previously issued, so long as the sign is not otherwise modified in any way. Replacement of the plastic face will be exempted from the permit requirement, provide that it is due to breakage or deterioration of the face.
- (3) Changes in the content of a window display, window signs and window promotional signs.
- (4) Changes in the content of permitted temporary signs.
- (5) City, county, state and federal regulatory signs.
- (6) Pennants for model homes.
- (7) Signs painted on or attached to a truck, bus, trailer, or other vehicles which is used in the normal course of a business.
- (8) Tablets, grave markers, headstones, memorial statuary and plaques, or other remembrances of persons or events which are non-commercial in nature.

- (9) Any flag, emblem, or insignia of a government or non-commercial enterprise, provided that it does not amount to an attention-getting device for commercial purposes.
- (10) “No Trespassing” signs, warning signs (such as “Beware of Dog”), notification signs for emergency personnel, and other such signs, provided that the sign does not exceed two square feet in sign surface area and there are no more than two signs on the lot.
- (11) Personal celebration, yard of the month, special events and garage sale signs, subject to the following:
 - (a) No such sign, other than a personal celebration sign, shall exceed six square feet in sign surface area.
 - (b) No more than two temporary signs shall be placed on the property at any one time, and no more than one temporary sign of a type shall be placed on the property at any one time.
 - (c) No such sign shall be illuminated.
 - (d) No such sign, other than a personal celebration sign, shall project higher than 42 inches above the ground level at the base of the sign.
 - (e) No such sign shall be located within ten feet of any other lot, parcel, or tract.
 - (f) The sign shall be erected no earlier than ten days before, and shall be removed no later than ten days after the sale, rental or other event to which it pertains.
 - (g) A temporary sign erected in connection with a rummage sale or garage sale shall in no case be erected for a period longer than three days, nor shall such signs be erected on the same property for a total of more than three days in any 30-day period.
 - (h) Yard of the month sign shall be removed at the expiration of reward period.
 - (i) A temporary sign erected in connection with a personal or family celebration shall in no case be erected for a period longer than one week.
- (12) Signs announcing candidate seeking public political office and other data pertinent thereto shall be permitted up to a total area of eight square feet for each zoning lot. These signs shall be confined within private property and kiosks in public place, and shall not be less than five feet from the nearest

edge of the street pavement and 100 feet from the nearest curb intersection from any street or road. Political campaign signs shall not be displayed more than 60 days prior to and seven days after the election for which they are intended. Candidates eliminated from consideration by the political process shall remove signs supporting his or her candidacy within seven days after the end of any such primary or election.

- (13) Real estate for sale or lease signs.
 - (a) For single-family, two-family or multifamily developed lots the sign area of one face shall not exceed nine square feet. In no case shall the sign area exceed 18 square feet.
 - (b) For undeveloped tracts of three acres or more the sign area of one face shall not exceed 40 square feet.
 - (c) Real estate signs shall be removed within seven days after the closing of the complete sale, rental or lease of premises.
- (14) Outdoor merchandise pricing signs are permitted in B-1, B-2, B-3, and I-1 districts, subject to the following.
 - (a) Signs may not be greater than one square foot in area;
 - (b) No more than one sign is permitted per individual item; and
 - (c) Signs shall be attached to the advertised merchandise and shall not be attached to buildings, utility poles, light poles, landscaping features, fences, screening walls or trees.

(Ord. No. 1994-10, § 6.04, 9-27-94)

Sec. 86-36. Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The sign enforcement officer shall have the right under section 86-61 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the building code.

(Ord. No. 1994-10, § 6.04, 9-27-97)

Sec. 86-37. Illumination Standards.

Internally or externally illuminated signs shall be permitted, provided that they meet the following requirements:

- (1) No sign shall have blinking, flashing or fluttering lights or other illumination devices which have changing light intensity, brightness or color. Beacon lights are not permitted.
- (2) No colored lights shall be used at any location in any manner so as to be confused with or constructed as traffic control devices.
- (3) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (4) Exposed bulbs shall not be used on the exterior surface of any signs.
- (5) Interior lighted individual translucent letters, numerals logos and graphic symbols, or interior lighted signs with translucent letters, logos and graphic symbols, are allowed for the uses listed in this subsection, provided that the specific location of the light source within the sign cannot be seen or determined when the lights are in operation.
 - (a) Permanent project signs in commercial and industrial zoned areas.
 - (b) Ground mounted signs in commercial and industrial zoned areas for the purpose of building or business identification and logos only.
 - (c) Wall signs for the purpose of building or business identification and logos only.
- (6) Electrical requirements for all signs shall conform to the pertinent requirements of the current National Electrical Code.

(Ord. No. 1994-10, § 6.05, 9-27-94)

Sec. 86-38. Sign contractor's license.

No person may engage in the business of erecting, altering, relocating, or constructing signs without a valid contractor's license and all required state and federal licenses.

(Ord. No. 1994-10, § 6.06, 9-27-94)

Sec. 86-39. Indemnification of city

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the city, its officers, agents, and employees, against any and all claims of

negligence resulting from such work insofar as this article has not specifically directed the placement of a sign.

(Ord. No. 1994-10, § 6.07, 9-27-94)

Secs. 86-40—86-50. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 86-51. Violation of article; repair or removal.

- (a) When, in the opinion of the sign enforcement officer, a violation of the article exists, the sign enforcement officer shall issue a written order to the alleged violator. The order shall specify those sections of the article which the individual may be in violation of and shall state that the individual has 30 days from the date of the order in which to correct the alleged violation or to appeal to the board of adjustment.
- (b) If upon inspection, the sign enforcement officer finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the sign enforcement officer shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of the order.
- (c) In cases of emergency, the sign enforcement officer may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

(Ord. No. 1994-10, § 11.09, 9-27-94)

Sec. 86-52. Penalty for violation of article.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed \$100.00. Each day's continuance of a violation shall be considered a separate offense and punishable as such. The owner of any sign, building or premises, or part thereof, where anything in violation of this article 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.

(Ord. No. 1994-10, § 11.11, 9-27-94)

Sec. 86-53. Sign enforcement officer; authorization; powers and duties.

- (a) The sign enforcement officer shall be authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this land development code. The sign enforcement officer is authorized to promulgate regulations and procedures consistent with this function.
- (b) The sign enforcement officer is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the city for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

(Ord. No. 1994-10, § 11.01, 9-27-94)

Sec. 86-54. Permit—Required.

- (a) *Permanent Sign.* All permanent signs allowed under this article, including existing signs, shall require a permit.
- (b) *Temporary Signs.* All temporary signs requiring a permit may be approved and granted by the sign enforcement officer for a period of time as specified by the applicable section of this article. Any request for extensions over the specified allowed time must be approved by the board of adjustment.
- (c) *Existing Signs; within 90 days.* All existing signs must be removed if no permit is obtained.
- (d) *Erected, altered or relocated signs.* No sign shall be erected, altered or relocated without a permit, excepts as otherwise provided in this article.
- (e) *Installation deadline.* Permits shall be null and void if the permitted signage is not installed within 180 days.

(Ord. No. 1994-10, § 11.02, 9-27-94)

Sec. 86-55. Same--Number display.

All signs requiring a permit shall display, in the lower righthand corner, the sign permit number and expiration date, where applicable.

(Ord, No. 1994-10, § 11.03, 9-27-94)

Sec. 86-56. Same—Application

Application for a sign permit shall be filed with the sign enforcement officer upon a form provided by the sign enforcement officer. The permit application shall contain the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) Type of sign or sign structure.
- (4) A site plan with measurements showing the proposed location of the sign along with the locations of all existing signs on the same premises.
- (5) Specifications and drawing showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
- (6) Permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application. However, any permit may be revoked at any time by the sign enforcement officer, upon a finding that the sign violates any provision or that the permittee made false representations in securing the sign permit. No fee which the permittee paid for the permit shall be refunded when a permit is revoked. If a sign faces or is directly adjacent to a state right-of-way, the sign may be subject to state laws.

(Ord. No. 1994-10, § 11.04, 9-27-94)

Sec. 86-57. Same—Fee establishment.

- (a) Fees for sign permits shall be determined and set by the mayor and board of alderman from time to time.
- (b) Sign permit fees shall be as follows:
 - (1) Fees for sign permits shall be in accordance with the latest edition of the Southern Building Code as adopted by the city, excepts that the minimum fee for any sign permit shall be \$20.00.
 - (2) Permanent Sign fees shall be paid as follows:
 - a. Each owner shall pay only one permit fee per property, but shall submit separate applications for each new sign to be erected.
 - b. Commercial retail centers (shopping centers, malls, offices, complexes, etc.) shall be required to submit a fee and applications for the overall development.

- (3) Temporary signs shall not require a fee.
- (4) Existing signs shall not require a fee.

(Ord. No. 1994-10, § 11.05, 9-27-94)

Sec. 86-58. Same—Exceptions.

- (a) Federal, state, county or city regulatory signs shall not require permits.
- (b) Utility company standard markers or warning signs denoting utilities will not require a permit.
- (c) Maintenance of signs: repainting, cleaning and other normal maintenance to prolong the life of the sign as originally approved shall not require a permit.
- (d) Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one square foot or less are excluded from this article.

(Ord. No. 1994-10, § 11.06, 9-27-94)

Sec. 86-59. Inspection upon completion of installation, alteration or relocation.

- (a) Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the sign enforcement officer upon completion of the work. The sign enforcement officer may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.
- (b) The sign enforcement officer may require at the time of issuance of a permit that written notification for an inspection is submitted prior to the installation of certain signs.

(Ord. No. 1994-10, § 11.07, 9-27-94)

Sec. 86-60. Variances.

- (a) *Grant upon condition of difficulty or hardship.* Variances are to be used to overcome some exceptional condition which clearly poses practical difficulty or particular hardship in such a way as to prevent an owner from displaying his or her sign as intended by this article. Such practical difficulty must be clearly exhibited and must be a result of an external influence; it may not be self-imposed.
- (b) *Petition.* Petitions may be filed according to the following condition and procedures:

- (1) *Proprietary Interest.* A petition for variation from any provisions of this article may be made by any person having a proprietary interest in the sign for which such variance is requested.
 - (2) *Filing.* A variance request shall be filed in writing with the sign enforcement officer and shall include the following information:
 - a. The names, addresses and telephone number of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - b. A description of the requested variance.
 - c. Clear justification of the requested variance.
 - d. The location of the building, structure, or lot which the sign is to be erected or affixed.
 - e. A site plan of the property involved showing accurate placement thereon of the proposed sign.
 - f. A drawing of the plans and specifications of the sign to be erected or affixed and the method of construction and attachment to the building or the ground. Such plans and specifications shall include details of dimension, material, color and weight.
 - g. The written consent of the owner of the building structure or property on which the sign is to be affixed.
 - h. Such other information as the sign enforcement official may require to determine full compliance with this and other applicable ordinances of the city.
 - (3) *Fees.* The fee for a sign variance request shall be \$50.00.
- (c) *Public hearing.* Public hearings shall be arranged as follows:
- (1) The petitioner shall mail, on or before ten days from the date of the hearing set for an appeal, a copy of the appeal to the owners of record of all real property located within or without the corporate limits of the city and lying within 160 feet of the boundaries of the property which is subject of the appeal, provided that such notice shall be mailed certified mail, return receipt requested, postage prepaid in the United States mail, and provided further that proof of mailing and return receipts as requested shall be filed by the petitioner with the secretary of the board of adjustment five days prior to the date of the hearing set for an appeal.

- (2) When an appeal has been filed, the secretary of the board of adjustment, who will ensure that notice of time, place and subject of the hearing shall be published once in a newspaper of general circulation in the city not less than 15 days before the hearing. The public hearing shall be held on the variance request within 60 days of its completed filing.

(Ord. No. 1994-10, § 11.08, 9-27-94)

Sec. 86-61. Removal by the sign enforcement officer.

- (a) The sign enforcement officer shall give written notice for the removal of any permanent sign erected or maintained in violation of this article. Upon failure to comply with this notice within 30 days, the sign enforcement officer shall remove the sign. Temporary signs erected or maintained in violation of this article may be removed by the sign enforcement officer without notice. The sign enforcement officer shall remove any sign immediately and without notice if the sign present an immediate threat to the safety of the public. Any cost of sign removal shall be at the expense of the property owner.
- (b) For purposes of removal, the definition of the word “sign” shall be expanded to include all sign embellishments and structures designed specifically to support the sign.

(Ord. No. 1994-10, § 11.10, 9-27-94)

Sec. 86-62. Appeal from decision of the sign enforcement officer.

- (a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, or board of the city affected by any decision of an administrative officer pursuant to this article. Such appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is take shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is take certifies to the board of adjustment after the notice of appeal shall have filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by the court of record on an application or notice to the officer from whom the appeal is taken and on due cause shown.
- (c) The board of adjustment shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication in a newspaper of general

circulation within the city at least one week in advance of the time set for the public hearing.

(Ord. No. 1994-10, § 11.12, 9-27-94)

Sec. 86-63. Appeals from decision of the board of adjustment.

Appeal from the decision of the board of adjustment in any case may be made as follows:

- (1) *Procedure for appeal.* Any party aggrieved by a decision of the board of adjustment may, within 15 days thereafter, appeal therefrom to the mayor and board of alderman, and he or she shall file with the board a written notice of appeal specifying the decision from which such appeal is taken.
- (2) *Transcripts of proceedings.* Upon receiving a notice of appeal, the board of adjustment shall transmit to the mayor and board of alderman solely on the question of whether the board of adjustment has acted beyond the limits of its powers or abused its discretion.

(Ord. No. 1994-10, § 11.13, 9-27-94)

Secs. 86-64—86-75. Reserved.

DIVISION 3. DISTRICT REGULATIONS

Sec. 86-76. All districts.

- (a) The following signs shall be permitted in all zoning districts: All signs not requiring permits (see section 86-35).
- (b) The following activities shall require sign permits:
 - (1) *Construction signs.* One sign shall be permitted that lists the building contractors, professional firms and lending institutions on-sites under construction. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed no later than 14 days after the substantial completion and/or occupancy of the project. Construction signs for projects up to ten acres shall not exceed 40 square feet, whichever is less. For construction projects exceeding ten acres, the sign shall not exceed 64 square feet.
 - (2) *Not-for-profit and religious signs.* Name and informational signs, and emblems of service clubs, places of worship and not-for-profit identification signs shall be permitted, but shall not exceed one square foot in area for each two feet of lot line adjoining a street with a maximum of 40 square feet. Such sign or signs on a corner lot may face each street but the

total area shall not exceed a maximum of 40 feet per sign. Not-for-profit and religious signs shall be subject to annual review. Message boards are permitted to occupy up to 40 percent of the sign face, and no commercial message or sponsor copy is permitted.

- (3) *Informational signs for public, charitable or religious events.* Temporary signs announcing any public, charitable, educational or religious event, up to a sign area of 40 square feet shall be permitted. Such signs shall be allowed no more than ten days prior to the event and must be removed within ten days after the event.
- (4) *Integral signs.* Names of buildings, dates of erection, monumental citations and commemorative tablets when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure shall be permitted.
- (5) *Banners and pennants.* Banners and pennants are permitted for grand openings, sales, and other similar special events on a temporary basis, for no more than 30 days at a time, and no more than five times per year.
- (6) *Cold air inflatable balloons.* Cold air balloons or other inflatable devices are permitted for grand openings, sales and other similar special events on a temporary basis, for no more than three days at a time, and no more than ten times per year.
- (7) *Directional signs.* Directional signs shall be permitted, provided that no such sign shall have a sign surface area larger than eight square feet. The maximum height of such sign shall be 3 ½ feet.
- (8) *Signs designating parking areas.* Signs designating parking areas and entrances and exits to parking areas, other than parking areas for single-family dwellings.
 - a. No more than one sign shall be permitted for each exit or entrance.
 - b. No such sign shall exceed a sign surface area of four square feet.
- (9) *Temporary signs.* Temporary signs shall be permitted as follows:
 - a. *Commercial banners.* Commercial banners are permitted for sales and special events on a temporary basis, subject to the following:
 1. Only one commercial banner may be displayed per business in a given permitting period;
 2. Commercial banners are permitted only in commercial and industrial zoning districts (B-1, B-2, B-3 and I-1);

3. Permits may be granted for a period not to exceed 30 days;
 4. No more than five permits may be issued per calendar year;
 5. No more than three weekend special event permits may be issued in a calendar year;
 6. Commercial banners may not exceed 30 square feet in area; and
 7. Commercial banners may only be attached to buildings, and may not be located within the public right-of-way, attached to utility poles, light poles, landscaping features, fences, screening walls or trees.
- b. *Grand opening signs and pennants.* Grand opening signs and pennants are permitted when a business or facility has been newly opened, reopened, expanded in floor area or relocated, subject to the following:
1. One grand opening sign is permitted per building façade;
 2. Permits for grand opening signs and pennants may be granted for a period not to exceed 45 days; and
 3. Grand opening signs and pennants may only be placed on buildings and shall not be located within the public right-of-way, attached to utility poles, light poles, landscaping features, fences, screening walls or trees.
- c. *Placard signs.* Placard signs are permitted to be located on properties in commercial or industrial districts (B-1, B-2, B-3 and I-1) subject to the following:
1. One placard sign is permitted per business;
 2. Placard signs may not exceed six square feet in area;
 3. Permits may be granted for a period not to exceed 30 days;
 4. No more than five permits may be issued in a calendar year;
 5. Placard signs may be placed only on the premises of the subject business; and
 6. Placard signs may be attached to an existing sign frame or building, but shall not be located within the public right-of-

way attached to utility poles, light poles, landscaping features, fences, screening walls or trees.

(Ord. No. 1994-10, § 7.01, 9-27-94; Ord. No. 2001-2, § 3, 8-28-2001)

Sec. 86-77. Requirements for permanent signs by district.

- (a) *Districts.* The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs as described in this section and as may be described under sections 86-34 and 86-35 will be permitted in each particular district, except city, county, state and federal regulatory signs.
- (b) *New district.* If a new district is created after the enactment of this article, no new signs shall be permitted therein until this article is amended to include the new district. All existing regulated signs must have a city permit or be removed in 90 days.
- (c) *Existing signs.* Permanent signs which were lawful before this article was adopted but which now would not be permitted under the terms of this article may be continued provided that they are properly maintained as provided in this article. See division 4 of this article. All temporary signs, including portable signs shall be removed.
- (d) *Construction.* All signs shall conform with the pertinent requirements of the current Standard Building Code and current National Electrical Code.

(Ord. No. 1994-10, § 7.02, 9-27-94)

Sec. 86-78. Residential districts.

In addition to those signs identified in section 86-76, only the following signs shall be allowed in residential districts O-L, R-1, R-2, and R-3.

- (1) *Single-family residential nameplates.* Single-family residential nameplates shall be permitted as follows:
 - a. Two single-family residential name signs not exceeding two square feet in are shall be permitted per single-family dwelling.
 - b. Such signs shall be allowed on mailboxes, but shall otherwise be located at least five feet from the nearest property line.
- (2) *Street address signs.* Street address signs shall be permitted as follows:
 - a. Two street number signs not exceeding two square feet in are shall be permitted in any residential district.

- b. Such signs shall be allowed on mailboxes, and near doorways, but shall otherwise be located at least five feet from the nearest property line.
- (3) *Multi-family building nameplate and identification sign.* Multi-family building nameplate and identification signs may be permitted as follows:
- a. In any multiple-family dwelling in which a central office is permitted, one nameplate sign and one identification sign shall be allowed at each vehicular entrance from a public right-of-way and at each major public entrance to the dwelling for all offices in the dwelling.
 - b. The identification sign shall not exceed 20 square feet.
 - c. On residential nameplate sign not exceeding two square feet in each area shall be permitted per dwelling unit.
 - d. Identification signs shall be located at least five feet from any property line, and the top of the sign shall not be over five feet above the ground, whether freestanding or on a building or structure.
 - e. The identification sign shall indicate of the name, address, telephone number and rental information.
- (4) *Subdivision identification signs.* Subdivision identification signs shall be permitted as follows:
- a. Two subdivision identification signs, located on the real estate, shall be allowed for each development of ten lots or 20 units or more.
 - b. Signs shall not exceed 12 square feet per acre, or 40 square feet, whichever is less.
- (5) *Identification signs for non-residential uses.* Identification signs for nonresidential uses shall be permitted as follows:
- a. No more than one such sign per lot, parcel or tract shall be permitted.
 - b. The freestanding sign area shall not exceed four square feet in sign surface area; the wall sign area shall not exceed four square in sign surface area.
 - c. The sign shall be located no closer than 15 feet to any other lot, parcel or tract.

- d. The sign shall not be greater than eight feet in height.
 - e. All allowed freestanding signs shall have a setback of five feet from any public right-of-way.
- (6) *Identification signs for institutional uses (including schools, churches and hospitals).* Identification signs for institutional uses shall be permitted as follows;
- a. No more than two such signs per lot, parcel or tract shall be permitted, no more than one of which shall be a changeable copy sign.
 - b. The freestanding sign area of all such signs on the property shall not exceed 100 square feet in sign surface area; the wall sign area shall not exceed 100 square feet in sign surface area.
 - c. The sign shall be located no closer than 15 feet to any other lot, parcel or tract.
 - d. The sign shall not be greater than ten feet in height.
 - e. All allowed freestanding signs shall have a setback of five feet from any public right-of-way.
- (7) *Window signs.* “For Rent” signs shall be permitted in windows, but shall not exceed 20 percent of the total window area.

(Ord. No. 1994-10, § 7.03, 9-27-94; Ord. No. 2001-2, § 4, 8-28-2001)

Sec. 86-79. Business districts.

In addition to those signs identified in sections 86-76 and 86-78, only the following signs shall be allowed in business zoning districts (B-1 and B-2), in accordance with the regulations set forth in this section and elsewhere in this division. However, the regulations provided in section 86-81 shall apply to auto dealers and gas stations.

- (1) *Freestanding identification signs.* Freestanding identification signs shall be permitted as follows:
- a. The sign area shall be one square foot per one linear foot of frontage, up to a maximum of 100 square feet for each of two sides.
 - b. One freestanding identification sign shall be allowed per lot, except for lots with over 300 feet of frontage on a public right-of-way, which may have up to two freestanding signs, and except for corner lots with over 300 feet of frontage on each public right-of-

way or major privately owned circulation road, which may have up to one freestanding sign per frontage, and for developments over 400,000 square feet, which may have on freestanding identification sign at each major entrance.

- c. The maximum height of such sign shall be 30 feet.
 - d. The maximum thickness of such sign shall be two feet.
 - e. The maximum width of the border or support structure of such sign shall be one foot per side, unless the applicant demonstrates to the reasonable satisfaction of the governing authority that the structural demands of the sign require an increase in the size of the support structure.
 - f. No sign shall be placed or erected within the public right-of-way of any street.
 - g. Message boards shall be permitted for commercial buildings, which may occupy no more than 30 percent of the freestanding identification sign face, provided that no tenants names are listed on the sign. No message shall be permitted for office buildings.\
 - h. One menu board and one preview board shall be allowed for each drive in service window. With a maximum height of six feet and a maximum of 40 square feet sign area for each menu board or preview board.
- (2) *Freestanding identification sign alternatives; multi-tenant properties.* The following freestanding identification sign alternatives may be permitted, subject to approval by the sign enforcement officer:
- a. *Two or more businesses.* The allowable sign area on properties advertising two or more individual businesses may be increased to 1.5 square feet per linear foot of frontage, up to a maximum of 150 square feet for each of two sides, if the following is true:
 - 1. Signs advertising multi-tenant complexes are designed as one cohesive monument sign structure with changeable sign faces for individual businesses;
 - 2. The appearance of the sign structure and the individual sign elements are visually related to form an orderly whole;
 - 3. The maximum height of such sign shall be eight feet;

4. The sign may not be located that ten feet to any public right-of-way and may not be closer than 30 feet to the intersection of any public streets; and
 5. A planting area must be installed at the sign location. The planting area shall be equal to 30 percent of the sign area. A plan for landscaping, maintenance and irrigation of the planting area shall be submitted for approval by the department of planning and zoning.
- b. *Five or more businesses.*
1. Signs advertising multitenant complexes with five or more individual businesses may install one complex identification sign on an approved sign structure. Such identification sign shall only contain the name of the complex, and shall have a maximum size of 20 square feet. The identification sign shall not be included in calculating the sign area.
 2. Signs advertising multitenant complexes with five or more individual businesses may be increased to 200 square feet, subject to the following conditions:
 - i. Signs advertising multi-tenant complexes are designed as one, cohesive monument sign structure with changeable sign faces for individual businesses;
 - ii. The appearance of the sign structure and the individual sign elements are visually related to form an orderly whole;
 - iii. Each business storefront shall be provided a sign area of equal size;
 - iv. The sign may not be greater than 15 feet in height;
 - v. The sign may not be located closer than 15 feet to any public right-of-way and may not be closer than 30 feet to the intersection of any public streets; and
 - vi. A planting area must be installed at the sign location. The planting area shall be equal to 30 percent of the sign area. A plan for landscaping, maintenance and irrigation of the planting area shall be submitted for approval by the department of planning and zoning.

- (3) *Wall signs.* Wall signs shall be permitted as follows:
- a. Wall signs shall be placed on the principle façade of the building. The maximum total sign area of wall signs shall not exceed ten percent of the area of the first two stories of building elevation on which it is placed. However, where an establishment has a rear entrance which is not visible from another sign for the establishment, an additional sign which also directs persons to the rear entrance may be posted above or to the side of the rear entrance, provided that such sign does not exceed four square feet in sign face area.
 - b. The maximum sign area shall be ten percent of the area of the first two stories of building elevation on which it is placed, or in the case of a multitenant retail commercial building or multi-owner office condominium, each tenant or owner may have a sign area not to exceed ten percent of the area of its leased exterior storefront.
 - c. Commercial buildings may have an entrance identification sign on a wall other than specified above, provided that the entrance identification sign does not exceed ten square feet and is located on the wall within ten feet of the primary public entrance which leads directly into a lobby or waiting area.
 1. Wall signs may not cover any part of a window or extend above the roofline.
 2. Canopy signs are considered wall signs. Lettering must not exceed 20 percent of the total canopy area, subject to the other wall sign area limitations in this division; and canopies are limited to placement above windows, doors, and principal walkways.
 3. Movie theaters may have, as addition signs, attraction board wall signs. The traditional marquee signs shall be permitted.
 4. The wall sign shall extend no further than 18 inches from the wall to which it is attached.
 - d. Secondary façade wall signs.
 1. One secondary façade wall sign may be permitted in lieu of freestanding signs. The maximum total area of the secondary faced wall sign shall not exceed ten percent of the area of the first two stories of the building elevation of the secondary façade; or

2. Additional wall signs may be permitted in addition to freestanding signs, provided the combined total sign area on all facades does not exceed ten percent of the area of the first two stories of the building elevation of the principle façade.
- (4) *Windows sign.* Window signs shall be permitted as follows:
- a. Window signs must not exceed 20 percent of the total window area.
 - b. Neon lettering shall be permitted on window signs. Lettering must not exceed 20 percent of the total window area. However, the window cannot be framed in neon.
- (5) *Projecting signs.* Projecting signs shall be permitted as follows:
- a. Projecting signs shall be at least ten feet at their lowest level above the street or ground level.
 - b. Projecting signs shall not project over a public right-of-way nor project by more than five feet beyond the building line.
 - c. Surface area of projecting signs shall not exceed 40 square feet per facing.
 - d. Height of projecting signs shall not exceed the top of the top of the second story of the structure.
 - e. Number of projecting signs shall not exceed one per structure.

(Ord. No. 1994-10, § 7.04, 9-27-94; Ord. No. 2001-2, § 5, 8-28-2001)

Sec. 86-80. Industrial districts.

In addition to those signs identified in sections 86-76, 86-78 and 86-79, only the following signs shall be allowed in industrial zoning districts (I-1):

- (1) *Freestanding identification signs.* Freestanding identification signs shall be permitted as follows:
 - a. The maximum sign face area shall be one square foot per one linear foot of frontage, up to 100 square feet for each of two sides.
 - b. One freestanding identification sign shall be allowed per lot and one freestanding sign shall be allowed as an identification sign for an industrial park.
 - c. The maximum height of such sign shall be 30 feet.

- d. The maximum thickness of such sign shall be two feet.
 - e. The minimum setback of such sign from the right-of-way property line shall be five feet.
 - f. Listing of tenants names shall be permitted, but shall occupy no more than 80 percent of the freestanding identification sign face.
 - g. Message boards shall be permitted which may occupy no more than 25 percent of the freestanding identification sign face, provided that no tenants' names are listed.
- (2) *Wall signs.* Wall signs are permitted as follows:
- a. Unless the wall faces a minor street with residences across the street, one wall sign shall be allowed per lot frontage on a public right-of-way or major privately owned circulation road.
 - b. The maximum sign area shall be 7.5 percent of the area of the first two stories of building elevation on which it is placed, or in the case of a multitenant industrial building, each tenant may have a sign area not to exceed 7.5 percent of the area of its leased exterior storefront.
 - c. Industrial buildings may have an entrance identification sign on a wall other than specified in this subsection, provided that the entrance identification sign does not exceed ten square feet and is located on the wall within ten feet of the primary public entrance which leads directly into a lobby or waiting area.
 - d. Wall signs may not cover any part of a window or extend above the roofline.
 - e. Canopies are considered wall signs. Lettering must not exceed 20 percent of the total canopy area, subject to the other wall sign area limitations in this section, and canopies area limited to placement above windows, doors and principal walkways.
 - f. The wall shall extend no further than 18 inches from the wall to which it is attached.
- (3) *Window signs.* Window signs shall be permitted as follows:
- a. Lettering must not exceed 20 percent of the total window area.
 - b. Neon lettering shall be permitted on windows signs. However, the window cannot be framed in neon. Lettering must not exceed 20 percent of the total window area.

- (4) *Projecting signs.* Projecting signs shall be permitted as follows:
- a. Projecting signs shall be at least ten feet at their lowest level above the street or ground level.
 - b. Projecting signs shall not project over a public right-of-way, nor project by more than five feet beyond the building line.
 - c. Surface area of projecting signs shall not exceed 40 square feet per facing.
 - d. Height of projecting sign shall not exceed the top of the top of the second story of the structure.
 - e. Number of projecting signs shall not exceed one per structure.

(Ord. No. 1994-10, § 7.05, 9-27-94)

Sec. 86-81. Automobile dealers and automobile service stations.

In addition to those signs identified in section 86-76, only the following signs shall be allowed for automobile dealers and automobile service stations:

- (1) *Wall signs.* Wall signs shall be permitted as follows:
- a. Only one wall sign shall be permitted for each building façade.
 - b. The maximum sign area shall be 7.5 percent of the area of the first two stories of building elevation on which it is placed.
 - c. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
 - d. The wall sign shall extend no further than 18 inches from the wall to which it is attached.
- (2) *Freestanding identification signs.* Freestanding identification signs shall be permitted as follows:
- a. One freestanding identification sign per franchise to a maximum of three signs without a special permit from the board of adjustment shall be permitted for any automobile dealership or any automobile service station.
 - b. For automobile dealerships, such sign may identify additional automobile or truck product lines. For automobile service stations, such sign may identify a car wash.

- c. For automobile dealerships and automobile service station, the sign area of a freestanding identification sign shall be one square foot per one linear foot of frontage, up to a maximum of 100 square feet for each exposed face.
 - d. For automobile dealerships and automobile service stations, the height of a freestanding sign shall not exceed 30 feet.
- (3) *Service bay identification signs.* Such service bay identification signs may provide direction or instruction to persons using the facility. However, no advertising material of any kind shall be allowed on service bay identification signs. All such signs shall be wall signs and shall be located adjacent to a service bay entrance. There shall not be more than one service bay identification sign for each service bay located on the premises. The area of a service bay identification sign shall not exceed ten square feet. Such sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (4) *Window signs.* Window signs shall not exceed 20 percent of the total window area. Neon lettering shall be permitted on windows signs. However, the window cannot be framed in neon. Lettering must not exceed 20 percent of the total window area. Banners (automobile dealers only). Banner affixed to parking light poles shall be allowed only on light poles bordering or parallel to the street with a maximum of one per 30 linear feet of frontage. No banners shall be permitted on interior parking lot light poles.
- (5) Service island canopy signs (automobile service stations only). Service island canopy signs for only automobile service stations shall be permitted as follows:
- a. Only one canopy sign shall be permitted facing each frontage.
 - b. The gross surface area of such sign shall not exceed 20 percent of the gross surface area of the face of the canopy to which such sign is to be affixed.
 - c. Such sign shall not project higher than the top or below the bottom of the canopy to which such sign is to be affixed.

(Ord. No. 1994-10, § 7.06, 9-27-94)

Sec. 86-82. Preservation district, landmarks and landmark sites, landmark design review areas, and scenic or historic routes

- (a) *Applicability.* This article shall have city-wide application and shall include the preservation district, scenic or historic routes and other areas included within the

preservation district as set forth in division 5 of this article and chapter 102. In the event of conflict with provisions of this chapter, chapter 102 shall prevail.

- (b) *Off-premises sign regulations.* In addition to the other requirements of this article and other ordinances of the city, off-premises sign shall be constructed, erected and maintained in accordance with the following regulations:
- (1) *Maximum size.* The maximum sign area shall be 700 square feet, with a maximum height of 50 feet and maximum length of 50 feet, inclusive of any border or trim, but excluding the base or apron, supports and other structural members. Projections beyond the border shall be limited in size to no more than five feet above, two feet to the sides and on foot below the normal display area, provided that the total area of the sign face shall not exceed 750 square feet.
 - (2) *Spacing.* An off-premises sign shall not be erected closer to another off-premises sign on the same side of the street or highway than the following prescribed distances: On all federal interstate and primary roads, as designated by the Federal Highway Administration, the minimum spacing between off-premises sign shall be as follows:
 - a. Signs up to 100 square feet shall be 300 feet apart.
 - b. Signs between 100 and 300 square feet shall be 500 feet apart.
 - c. Signs above 300 square feet shall be 1,000 feet apart.
 - (3) *Maximum height.* The maximum overall height for any off-premises sign shall be 50 feet above ground level at its base; provided, however, that when the ground level is lower than the main travelled way of the street or highway to which the sign is directed, then the maximum height may be extended to a point 25 feet above the plane of the main-travelled way.
 - (4) *Location.* Signs shall be located no less than 15 feet from the edge of any curb or street upon which they are located. No ground sign shall be placed within the required right-of-way of any street.
 - (5) *Designated areas.* Off-premises sign are prohibited in any residential district (O-L, R-1, R-2, and R-3), or in any area designated by the board as one of scenic beauty or historical interest, and within the areas covered by the preservation ordinance as established by chapter 102 and more specifically set forth in division 5 of this article.

(Ord. No. 1994-10, § 7.07, 9-27-94)

Secs. 86-83—86-90. Reserved.

DIVISION 4. NONCONFORMING SIGNS

Sec. 86-91. Continued maintenance and use; restrictions.

Any sign legally existing prior to September 27, 1994, but which shall violate any provision of this article, may continue to be maintained and used after such date. All signs shall be installed in compliance with building, electrical and other applicable codes as required by city ordinance, as well as applicable state or federal laws, rules or regulations. All legally existing signs shall be subject to the following provisions.

- (1) *Enlargement.* No nonconforming sign shall be enlarged, expanded or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of this article.
- (2) *Relocation.* No nonconforming sign shall be moved in whole or in part to any other portion of the lot, parcel or building not so occupied on September 27, 1994, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening or improvement of a street, highway or other public purpose, may be relocated once and allowed to be maintained and used as before.
- (3) *Discontinuance.* Except for seasonal signs, if the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding 90 calendar days, the nonconforming sign shall be classified as an abandoned sign, and subject to removal. Any cost of sign removal shall be at the expense of the property owner.
- (4) *Eventual removal; amortization.* Sign lawfully existing on September 27, 1994, not conforming to the provisions of this article, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs. The signs may be continued for period of ten years after the effective date of this article, provided they are properly maintained as provided in this article and continue to be in conformance with ordinances of this city. Following the expiration of ten years, such sign shall be removed by and or at the property owner's expense. Applications and permits are required for nonconforming signs.
- (5) *Waiver.* Failure to obtain a permit for a nonconforming sign within 90 days after the effective date of this article shall constitute a waiver, and any such sign without a permit shall not be considered a nonconforming sign.

(Ord. No. 1994-10, § 9.01, 9-27-94)

Sec. 86-93. Maintenance and repair.

- (a) The legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
- (b) Should any nonconforming sign be damaged to an extent of greater than 50 percent of its structure, it shall not be reconstructed, except in conformance with the requirements of this article.

(Ord. No. 1994-10, § 9.03, 9-27-94)

Secs. 86-94—86-105. Reserved.

DIVISION 5. HISTORICAL AREAS

***Cross reference(s)**—Historic preservation, ch. 102.

Sec. 86-106. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billboard means an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling advertising space on that sign.

Development sign means any sign indicating the names of principal contractors, architect, landscapers, painters, lending institutions, or similar parties responsible for developments of the site on which the sign is placed, together with other information included thereon.

Downtown historic district means the area in and around downtown Natchez containing a concentration of historic buildings and historic sites. The regulations included as part of this division shall pertain to the same locally designated historic district that falls under the jurisdiction of the Natchez Preservation Ordinance and is delineated on the Natchez Landmarks Map.

Effective date of the ordinance means the effective date of the ordinance from which this division is derived, as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming.

Individual historic sites means designated landmark sites within the city, yet not within the downtown historic district. The regulations included as part of this division shall pertain to all properties within 300 feet of the boundary line of individual historic

sites under the jurisdiction of the Natchez Preservation Ordinance and identified on the Natchez Landmarks Map.

Nonconforming sign means any sign which does not conform to the regulations of this division.

Off-premises sign means a sign intended to draw attention to, or communicate information about, a business, service, commodity, organization, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located, or a sign which advertises or identifies good, products or services which may incidentally be sold or stored on the property on which the sign is located.

Real estate sign means any sign which is used to offer for sale or lease of the property upon which the sign is placed.

Scenic or historical routes means those certain areas in the city as defined in this division or as designated by the board of aldermen, which routes are of particular scenic beauty or historical interest and which serve as primary corridors to and from the downtown historic district of the city.

Sign face means the portion of a sign used to convey information and not including the framing, support brackets, poles, etc.

(Code 1969, § 3-52; Ord. No. 1994-9, § 2, 9-27-94)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86. 86-107. Statement of purpose of division.

- (a) The city, which is internationally known for its considerable and concentrated collection of southern antebellum architecture, has come to rely heavily upon heritage tourism as an important part of its economic base. To a large extent, the success of heritage tourism in the city is dependent upon the aesthetic quality of the downtown historic district and individual historic sites.
- (b) Furthermore, it has been determined that billboards and off-premises signs detract from the aesthetic quality of the historic areas of the city. Although such signs are presently recognized as a legitimate commercial use within appropriate areas of the city, it is also recognized that the location of billboards and off-premises signs within historic areas of the city can have a significant negative influence on the city's appearance.
- (c) The purpose of this division is to provide reasonable billboard and off-premises sign control, recognizing that community appearance is an important factor in ensuring the general welfare of the community.

(Code 1969, § 3-51)

State law reference(s)—Historic preservation districts and landmarks, MCA 1972, § 39-13-1 et seq.

Sec. 86-108. Sign excluded from regulation.

Development and real estate signs are exempt from the provisions and requirements of this division, subject to the following conditions:

- (1) The sign face of a development sign shall not exceed 20 square feet per side. No development sign shall have more than two sign faces or be in excess of six feet in height. Development signs must be removed from the site within 30 days of the completion of the development project. A development project shall be considered complete upon the issuance of a certificate of occupancy by the building official.
- (2) The sign face of a real estate sign located in residentially zoned areas shall not exceed ten square feet per side. The sign face of a real estate sign located in commercially zoned areas shall not exceed 20 square feet per side. No real estate sign shall have more than two sign faces or be in excess of six feet in height. Legally erected real estate sign shall be removed from a property within seven days of the sale or lease of the property.
- (3) No more than one development or real estate sign shall be erected on any single property.

Sec. 86-109. Prohibited signs.

Upon the effective date of the ordinance from which this section is derived, it shall be unlawful to erect billboards or off-premises signs in the following locations:

- (1) Those areas located within the boundaries of the downtown historic district or within 300 feet of the property line of a designated historic site, as described in subsection (3) of this section.
- (2) Any residential district, specifically O-L, R-1, R-2 and R-3.
- (3) Those areas now or hereafter designated by the board of aldermen upon recommendation of the Natchez Preservation Commission as a scenic or historic route and used as an entrance or exit way to or from the downtown historic district of the city. Effective with this division, the following areas or routes which shall bear such designation are as follows:
 - a. The area on both sides of St. Catherine, beginning with Concord Street and extending west to Martin Luther King, Jr. Street.

- b. The area on both sides of East Franklin Street, beginning with Martin Luther King, Jr. Street and extending east to Junkin Street.
- c. The area on both sides of D'Evereaux Drive, beginning with Lynda Lee Drive and extending west to Concord Street.
- d. The area on both sides from the foot of the Mississippi River bridges on John R. Junkin Drive easterly to Government Fleet Road.
- e. The area on both sides from the intersection of John R. Junkin Drive and Government Fleet Road north on Canal Street extending to the ICGR line.
- f. The area on both sides of Homochitto Street, beginning with John R. Junkin Drive and extending west to Martin Luther King, Jr. Street.

(Code 1969, § 3-54; Ord. No. 1994-9, § 3, 9-27-94)

Sec. 86-110. Nonconforming signs.

- (a) Any lawfully existing billboard or off-premises sign located within the boundaries of the downtown historic district, or within 300 feet of the property line of a designated historic site, or which is designated in this division or hereafter designated by the board of aldermen as provided in this section as an area of scenic beauty or of historic interest, or which is classified under the zoning ordinance of the city as a residential (O-L, R-1, R-2 or R-3) shall be considered nonconforming upon the effective date of the ordinance from which this section is derived.
- (b) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged, structurally reconstructed or altered in such a manner as to expand, extend, or perpetuate the nonconforming condition. Nor may any illumination be added to a nonconforming sign. The graphics on the sign face of nonconforming signs may be changed so long as the actual sign face is not expanded in size.
- (c) No non conforming sign may be moved for any distance on the same lot or to any other lot within the downtown historic district or within 300 feet of the property line of an individually designated historic site, or within the boundaries of a scenic or historical route. Any removal, replacement or alteration of a nonconforming sign by the sign owner or property owner shall constitute the voluntary relinquishment of all rights granted to owners of nonconforming signs.
- (d) If a nonconforming sign is destroyed by natural causes, it may not be thereafter repaired, reconstructed, or replaced except in conformity with all the provisions of

this division, and the remnants of the former sign structure shall be removed from the property. For the purposes of this section, a nonconforming sign is considered destroyed if it has been damaged to an extent exceeding 50 percent of its appraised value.

- (e) Subject to the other provisions of this section, a nonconforming sign destroyed by natural causes may be repaired or renovated so long as the cost of such work does not exceed 50 percent of the appraised value of such sign.
- (f) An off-premises sign that advertises a business, service, commodity, organization, accommodation, attraction, or other enterprise or activity that is no longer existing, offered or conducted shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (g) If a nonconforming billboard remains void for a continuous 90-day period, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For the purposes of this section, a sign is void if:
 - (1) It advertises a business, service, commodity, organization, accommodation, attraction, or other enterprise or activity that is no longer existing, operating, offered or conducted;
 - (2) The advertising message it displays becomes illegal in whole or a substantial part; or
 - (3) The advertising copy paid for by a party other than the sign owner has been removed.
- (h) As soon as reasonably possible following the effective date of the ordinance from which this section is derived, the building official shall make every reasonable effort to identify all nonconforming signs within the designated areas referenced as part of this division. The building official shall then contact the person responsible for each sign, as well as the owner of the property where the nonconforming sign is located, if different from the former, and inform such person that the sign is nonconforming, why it is nonconforming, what must be done to correct it and by what date, and the consequences of failure to make the necessary corrections. The building official shall keep complete written records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

(Code 1969, § 3-55; Ord. No. 1994-9, § 4, 9-27-94)

Sec. 86-111. Illegal signs.

Billboards of off-premises signs erected without a permit, either prior to or after the adoption of this division, are illegal signs if a permit was required for its erection according to the law in effect at the time the sign was erected. It shall be unlawful to maintain any illegal sign.

(Code 1969, § 3-56)

Sec. 86-112. Removal of nonconforming signs.

- (a) All nonconforming billboards and off-premises signs not exempted by section 86-108 and located within the boundaries of the downtown historic district or within 300 feet of an individually designated historic site shall be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign on or before October 27, 1999.
- (b) All nonconforming billboards and off-premises signs not exempted by section 86-108 and located within scenic or historical routes shall be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign on or before October 27, 1999.

(Code 1969, § 3-57; Ord. No. 1994-9, § 5, 9-27-94; Ord. No. 1995-5, § 1, 11-14-95)

Sec. 86-113. Appeals.

The Natchez Preservation Commission has authority through the city's preservation ordinance to make formal decisions relating to the design and aesthetic issues within the same geographic jurisdiction as that applicable to this division. Thus, any appeals relating to how a city zoning officer, building official, or other city staff interprets or implements this division shall be made to the preservation commission. Appeals will be reviewed in the same procedural format as are standard applications to the preservation commission based upon the city's preservation ordinance.

(Code 1969, § 3-58)

Sec. 86-114. Enforcement; penalties for violation of division.

The following civil and criminal penalties may be imposed upon those persons found to have violated requirements or prohibitions contained within this division:

- (1) *Civil penalty.* Any person who willfully violates any provision or requirements specified in this division shall be subject to civil penalties, in addition to any suit for injunctive, damages or other relief. Any action to enforce this provision shall be brought by the city, and any civil penalties shall be in addition to, and not in lieu of any criminal prosecution and penalty.

- (2) *Criminal penalty.* Any person who willfully violates any provision or requirements specified in this division shall be guilty of a misdemeanor and shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be punishable by a fine not to exceed \$1,000.00

(Code 1969, § 3-59; Ord. NO. 1994-9, § 6, 9-27-94)