

ORDINANCE # 2002-06

**AN ORINANCE REGULATING THE CONSTRUCTION AND
AESTHETIC IMPACT OF SIGNS WITHIN THE CORPORATE
LIMITS OF THE CITY OF STARKVILLE, MISSISSIPPI**

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, desire to regulate the location, size, construction, alteration, use and maintenance of all signs within the jurisdiction of the City, and

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, desire to protect the health, safety, welfare, convenience and natural beauty of the City and to protect the public from damage or injury caused or attributable to improperly designed or constructed signs.

THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Starkville, Mississippi, as follows:

Section 1. Definitions.

Sign means any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations. National and state flags, when properly displayed, are not considered a sign under these regulations.

Sign Areas mean the area of space on any face of the sign to be used for advertising purposes, including the spaces between open-type letter and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The largest face of a multi-faceted sign shall be used in calculating the area of a sign to determine compliance with this ordinance. The area of a wall sign shall be measured within a single, continuous perimeter of any straight-line geometric figure which encloses the extreme limits of the advertising message.

Banner / Temporary Sign means a display, informational sign or other advertising device constructed of cloth, canvas, fabric, wood, plastic or other temporary material(s), with or without a structural frame, and intended for a limited period of display and used to advertise an event, product, business or service.

Bench Sign means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Bus Bench Sign means a single side advertising message on a bus bench facing a public street.

Directional Sign means any sign of a noncommercial nature which directs the reader to the location of a public or educational institution, or to the location of historical structures or areas, or to the location of public parks or building. Directional signs are permitted in all zoning districts.

Electronic Message Board Sign means any sign that uses changing light (including LEDs) to form a message wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes. Such signs are prohibited if they contain, include, or are illuminated by any flashing, intermediate, or moving light(s). Signs must display printed messages using only alphabetic and Arabic numerals. Signs displaying characters other than those listed above are not allowed in any district.

Flashing Sign means any sign, which, by method or banner of illumination, produces flashing light through intermittent illumination, flashing, reflection or other means of conveyance or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Flashing signs are not permitted in any zoning district.

Free standing, Post or Pole Sign means any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and/or reading matter when such a sign is supported by one or more upright poles, posts, columns, or braces affixed in the ground or on the ground and not attached to any part of a building.

Height means the distance from the finished grade to the top of the structure.

Illuminated Sign means a sign illuminated in any manner by an artificial light source such as a spotlight or internally through a translucent background. Transparent backgrounds or surfaces are not allowed to be used in the construction of an Illuminated Sign. A neon tube shall be classified as an illuminated sign if it is non-changed and non-flashing.

Inflatable Display means any display used for advertising purposes, whether a specific advertising message is used or not, that is held in a rigid or semi-rigid state by a pressurized gas such as air or nitrogen, etc. Inflatable displays are governed by banner regulations and are not allowed on roofs.

Marquee, Awning, and Canopy signs mean any sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

Monument Sign means a sign directly attached to the ground by a structure other than a pole or poles. Monument signs are subject to the same regulations as a freestanding sign.

Multi-tenant Business Sign means a sign, attached to the ground through either a pole or monument structure, displayed at the entrance or exit to a mall or shopping-center facility that supports multiple businesses. Such mall or shopping center facility must be designed to support more than three two separate businesses and include a minimum of 5,000 square feet before it qualifies as a site eligible for a multi-tenant business sign. Multi-tenant business signs are only allowed in C-2 Commercial and M-1 Manufacturing zoning districts.

Nonconforming Sign means any sign existing at the effective date of the adoption of this ordinance which could not be built under the terms of this ordinance.

Offsite sign means any sign which directs attention to a business, commodity, service, entertainment, attraction, sold, offered or existing elsewhere other than upon the same parcel or lot where such a sign is displayed. The term “offsite” shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

Outdoor Advertising Sign (Billboard) means a surface on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or lot that the billboard is situated.

Parapet means the edge of a roof or the tip of a wall, which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

Political Sign means any sign, of four (4) square feet or less and of temporary construction, which supports any political candidate or issue. These signs are permitted in all zoning districts.

Portable Sign means a sign, usually of a temporary structure, which is by design not permanently affixed to a building or structure. Portable signs are not permitted in any zoning district if the sign also meets the definition of a Flashing Sign. A portable sign must be placed a minimum of twenty (20) feet from the right of way of a public street or road and a portable sign cannot be used in the construction of any other type of sign.

Real Estate Sign means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Roof Sign means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Searchlights means any light that produces an intense concentrated beam of light. These lights are not permitted as a permanent or temporary use in any zoning district.

Setback means measure from the closest edge of the sign to the closest edge of the right-of-way.

Snipe Sign means any sign of any size, made of any material including, but not limited to, paper, cardboard, wood, plastic, plastic-coated, or metal which is tacked, nailed, posted, pasted, glued, suspended in a wire-framework, or otherwise attached to trees, poles, fences or other objects and contains advertising matter not applicable to the premises on which the sign is located.

Wall sign means any sign that shall be affixed parallel to the wall or printed/painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted. For the purposes of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning or a building canopy shall be considered a wall sign. Any sign that is affixed to the wall and protrudes at right angles from the wall shall be considered a wall sign. Permanent and temporary signs affixed to or displayed in windows and doors shall be considered wall signs. Permanent signs affixed to walls may protrude above the roof line of a building by a maximum height of twenty percent (20%) of the height of the sign, or up to a total height of four (4) feet above the roof line, whichever is less.

Section 2. Sign Requirements for Zoning Districts.

This ordinance shall supercede Section VI, Part C of the Zoning Ordinance.

A. Agricultural District (A-1) and Residential Districts (R-E, R-1, R-2, R-3, R-4):

1. Signs advertising the sale, rental or lease of the property are allowed, but cannot exceed six (6) square feet in area. Home occupations are permissible but the sign is not to exceed six (6) square feet in area.
2. These signs shall be set back a minimum of ten (10) feet from the right-of-way.
3. Banners are permitted in Residential Zoning Districts, R-3 and R-5.
4. The following signs are not permitted: Electronic message board signs, canopy, marquee or awning signs, illuminated signs, wall signs, offsite outdoor advertising signs (billboard), roof signs, multi-tenant business signs, and portable signs.

B. Residential Districts (R-5 and R-6)

1. Signs advertising the sale, rental, or lease of the property are allowed but cannot exceed twelve (12) square feet in area.

2. Signs displaying the advertising of a permanent home occupation are permissible and the sign is not to exceed six (6) square feet in length.
3. These signs shall set back a minimum of ten (10) feet from the right-of-way.
4. Traffic control signs, lighted or unlighted, can be maintained within the limits of the mobile home park.
5. Mobile Home Park signs shall be a minimum of ten (10) feet from the right-of-way.
6. Banner signs are permitted in Residential Zoning Districts, R-3 and R-5. Political signs are permitted in all Zoning districts.
7. The following signs are prohibited: Offsite outdoor advertising signs (billboards), multi-tenant business signs, roof signs, flashing signs, electronic message board signs, canopy, marquee, and awning signs, wall signs, and portable signs.

C. Commercial District (C-2) and Manufacturing District (M-1):

1. Outdoor advertising signs (billboards) are permitted in these zones. These signs may not be placed closer than 2640 feet from any other outdoor advertising sign.
2. The total surface area of an outdoor advertising sign may not exceed twelve (12) feet in height and twenty-four (24) feet in width or a total area of 288 square feet and shall be a minimum of fifty (50) feet from the right-of-way. The total height from the road grade shall not exceed forty-five (45) feet.
3. Outdoor advertising signs shall not contain animation(s) or moving parts or flashing lights or beacons. They shall not emit sound and shall not be embellished with flags, banners, twirlers, balloons, or any similar features.
4. Outdoor advertising signs (billboards) shall be a maximum of two single-sided panels or one double-sided panel.
5. Onsite freestanding signs advertising the name of a business and services provided by a business shall not exceed 144 square feet in area and must be a minimum of ten (10) feet from the right-of-way. Multiple onsite signs advertising the name and services provided by the same business must be separated by a minimum of six hundred sixty (660) linear feet of frontage along a public street. Onsite signs may not exceed forty-five (45) feet in height.
6. Onsite signs advertising the sale, rental or lease of the property are allowed, but cannot exceed thirty-two (32) square feet in area.

7. Wall signs are permitted in this zone and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50% of the total square footage of the individual wall, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. Those wall signs hanging over the right-of-way shall be placed a minimum of eight (8) feet above the finished grade, shall not present a danger to the public and shall not alter the walking path of the public.
8. Roof signs are permitted in C-2 and M-1 zoning districts. Roof signs may not exceed a maximum of eighty (80) square feet in area, and may not exceed a maximum height of four (4) feet nor exceed a maximum length of twenty (20) feet. Regardless of any requirements upon size, roof signs may not extend over the footprint of the building upon which it is attached, in any direction, nor extend more than twenty percent (20%) of the total height of the sign, or four (4) feet, whichever is less, above the highest point of the roof.
9. Banners are permitted in C-2 and M-1 zoning districts. Canopy, awning, marquee and post signs are permitted in Commercial districts C-1, C-2, and C-3 and Manufacturing District M-1. Electronic message board signs are also permitted.
10. Portable signs are temporarily permitted in C-2 and M-1 and shall be displayed for a maximum of fifteen (15) days and are permitted for only four (4) periods per location per calendar year and cannot be moved to a new location within 500 feet of the previous location if it is to be used by the same business.
11. Multi-tenant business signs are permitted in C-2 and M-1 zoning districts. Multi-tenant signs must be free-standing, and constructed and supported by either a pole or monument structure. The central part of the multi-tenant sign, normally reserved for advertising the name of the shopping facility or mall itself, must be no more than a maximum of one-hundred forty-four (144) square feet in area. Individual signs of facility tenants may be arranged along the sign, but no individual tenant related sign may be more than twenty-four (24) square feet in size. The entire structure may not exceed forty-five (45) feet in height, and must meet all applicable setbacks. Multiple multi-tenant business signs may be allowed on the same property, providing that the signs are separated in distance by 660 linear feet of frontage along a public street.

D. Buffer District (B-1) and Commercial Districts (C-1 and C-3):

1. Signs advertising the sale, rental or lease of the property are allowed, but cannot exceed twelve (12) feet in area.
2. These signs shall be set back a minimum of ten (10) feet from the right-of-way.
3. Signs advertising the name of a business and services rendered by a business shall not exceed 144 square feet in area and must be a minimum of ten (10) feet from

the right-of-way.

4. Wall signs are permitted in this zone and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50% of the total square footage of the individual wall, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. Those wall signs hanging over the right-of-way shall be placed a minimum of eight (8) feet above the finished grade, shall not present a danger to the public and shall not alter the walking path of the public.
5. Banners are permitted in these Districts. Canopy, awning, and marquee signs are permitted in Commercial Districts C-1, C-2, and C-3 and Manufacturing District M-1.
6. The following signs are prohibited: Offsite outdoor advertising signs (billboards), roof signs, flashing signs, multi-tenant business signs, electronic message board signs, and portable signs.

E. Planned Unit Development (PUD):

The Board of Aldermen will assign signage limitations at time of the adoption of a PUD re-zoning. All PUD Districts already designated as such at the time of the adoption of this ordinance shall comply with R-5 Zoning District guidelines. Offsite outdoor advertising signs (billboards) are not permitted in PUD Districts.

Section 3. Banners.

All banners displaying commercial advertisements shall be displayed for a maximum of fifteen (15) calendar days. These banners are permitted for only four (4) periods per location per calendar year. These banners shall not be affixed to poles, trees, wire utility lines or any city owned property. A banner shall not exceed thirty-six (36) square feet in area. Banners shall not be placed within ten (10) feet of the right-of-way. Banners shall not advertise alcohol or tobacco products.

Banners are not allowed across public or private streets within the Municipal boundaries, except by written permission from the Mayor and Board of Aldermen for the City of Starkville, and shall not contain any commercial advertising. Banners are not permitted in A-1, R-E, R-1, R-2, R-4 and PUD Zoning Districts.

Section 4. Snipe Signs.

Snipe signs displaying information for garage sales, lost animals/persons, or similar circumstances as well as seasonal commercial advertisements are allowed in all districts. Snipe signs that are not listed explicitly above must be authorized by the Zoning Department and shall be in public view for a maximum of 15 days before re-authorization is required. Any signs violating this definition will be removed by the

Code Enforcement Official without notification. Snipe signs shall not be permitted in any public right-of-way.

Section 4. Bus Bench Signs.

Bus bench signs are allowed only on benches authorized by a municipal transit provider along established bus routes. No other bus bench signs are permitted.

Section 5. Inflatable Displays.

These displays are permitted under the same guidelines as banners. The maximum height is twenty (20) feet and shall be setback a minimum of twenty (20) feet from the edge of the right-of-way. These displays may not be placed on a roof structure.

Section 6. Political Signs.

Political signs may not be placed upon government buildings or adjacent lawns or upon public utility poles. Political signs may be placed upon public right-of-way, streets, alleys and sidewalks, provided that the signs may not be placed in such a way as to interfere in any with traffic visibility, and/or foot traffic. Political signs are permitted in all Zoning Districts. Political signs may be placed on private property with the permission of the property owner. All political signs must be removed within three (3) days following the election to which they pertain. If a political sign is not removed or placed improperly, the City is authorized to remove the sign, even if it is placed on private property. If any sign fails to comply with this reinforcement, the candidate being advertised shall be responsible for any penalties. For more details on penalties see Section 15, Enforcement.

Section 7. Flashing Signs.

These signs are prohibited in all zoning districts.

Section 8. Offsite Outdoor Advertising Signs (Billboards).

These signs are prohibited in all districts except C-2 and M-1. The size of the billboard is determined by the amount of linear frontage on a public street. Two (2) square feet of signs are allowed for each foot of linear frontage on a public street to a maximum sign face of 288 square feet.

Section 9. Inspection, Removal and Safety.

All signs shall be kept in good repair and in safe, neat, clean and attractive condition. The City Planner shall give written notice for the removal of any sign erected or maintained in violation of this ordinance (except for Snipe Signs – see definition for more information). Upon failure to comply with this notice, the Code Compliance Officer

shall take legal actions to enforce compliance with this ordinance. The City Planner or Code Compliance Officer may remove or have a sign removed at the owner's expense immediately and without notice if the sign presents an immediate threat to the safety of the public. The size and type of sign will determine the costs. A fee chart is attached as Appendix A.

APPENDIX A.

Any sign with a value, replacement, or repair cost of \$1,000.00 or more must also obtain a building permit by the Building Official.

Section 11. Exempted Signs.

The following signs and banners are subject to all provisions of this ordinance, but are exempted from all permitting requirements. The following signs and banners are allowed in addition to all signs allowed by this ordinance:

- A. Political signs as defined by this ordinance.
- B. Advertising signs for sale or lease of real estate (must comply with zoning requirements)
- C. Signs and banners placed upon the property of any public or private school, college or university supported entirely or partly by taxation, or by individual payments of tuition from attending students, or upon the property of any fraternal or social institution recognized as a student organization by such school, college or university, provided that the advertising contained on such sign or banner is directly related to an onsite activity conducted by such school, college, university or fraternal or social organization.
- D. Signs and banners placed upon the property of churches, provided that the advertising contained on such sign or banner is directly related to an onsite activity conducted by such church.
- E. Signs and banners placed upon the property for not-for-profit organizations shall have valid 501(c)3 status, provided that the advertising contained on such sign or banner is directly related to an onsite activity conducted by such no-for-profit organization.

Section 12. Nonconforming Signs.

In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure may be allowed although such a sign does not conform to the provision hereof. No such nonconforming sign may be enlarged or altered in any way, which increases its nonconformity. No sign, which has been damaged more than 50% of its fair market value, shall be restored except in conformity

with the regulations of this ordinance. Any alteration or maintenance of a nonconforming sign such as painting of panels or frame, changing outface panels, or repairs to frame or panel requires a permit from the City Planning Department. Movement of a portable sign to conform with setback regulations does not invalidate the nonconforming status of the sign. The addition of a reader board of up to thirty-two (32) square feet in size to the existing supporting structure of a nonconforming sign does not invalidate the nonconforming status of the sign. Non-permitted banners and temporary signs must be removed within thirty (30) days of the effective date of this ordinance. All portable signs must be removed within a period of six (6) months from the effective date of this ordinance.

Section 13. Sign Restrictions and Prohibitions.

No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other sign erected by governmental agencies. All signs must be designed to withstand a wind of sixty (60) miles per hour. No sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with provisions of this ordinance.

Signs advertising the rental, sale or lease of property shall be removed immediately after such action has been done. Construction site identification signs shall be removed within thirty (30) days after the issuance of an occupancy permit. This does not include banners and other signs that are put up on a temporary basis per this ordinance.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located within the right-of-way of any street or road, unless the work is done pursuant to the expressed written authorization of the City Planning Department.

Signs, particularly electronic message board signs, with color patterns that disrupt the clear recognition of traffic signal lights by drivers and pedestrians are prohibited. Persons concerned with such issues should contact the Zoning Department prior to construction to avoid possible remodeling costs or removal of said sign(s).

Section 14. Enforcement.

- A. The City of Starkville City Planner and Code Compliance Officer shall be directed to enforce all of the provisions of this ordinance.
- B. Any person violating any provision of this ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 plus court cost for each offense, and each

day such violation continues shall constitute a separate offense.

- C. Any person aggrieved by any zoning interpretation or order of the Code Compliance Officer may appeal to the Planning and Zoning Commission within five (5) days after written notification by the City Planner. The Code Compliance Officer shall take no further action on the matter pending the Commission’s decision, except for unsafe signs, which present an immediate and serious danger to the public as provided in Section 10 of this ordinance. Decisions of the Planning and Zoning Commission may be appealed to the Mayor and Board of Aldermen within five (5) days of the action by the Planning and Zoning Commission. Appeals to the Commission (and if applicable, to the Board of Aldermen) carry the fee outlined in Appendix A.

Section 15. Severability.

The provisions of this Ordinance are severable. Should any portion thereof be determined to be invalid, the remainder nonetheless remain in full force and effect.

Section 16. Publication.

The Municipal Clerk is instructed to publish this Ordinance one time in the Starkville Daily News and to obtain Proof of Publication thereof.

Section 17. Effective Date.

This ordinance shall take effect one (1) month after passage and publication of this ordinance.

ORDAINED AND ADOPTED, this the 17th day of June, A.D., 2002 at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

APPENDIX A: PERMITTING FEES

SEE CHART – EXCLUDING BANNERS

Size of Sign in Square Feet	Permitting Fee
0 sq. ft to 32 sq. ft	\$0
33 sq. ft to 287 sq ft.	\$25
288 sq. ft or greater	\$50
Fee for Appeal	Appeal Fee
Any sign issue	\$75

NOTE: This Ordinance was approved and adopted by the Mayor and Board of Aldermen at their Recess Meeting on June 17, 2002 and appears in the Minute Book 37 at pages 57 – 64.

