

ORDINANCE 2001-5

AN ORDINANCE 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 total area of space on any side 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.

Banner means a display, informational sign or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, 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 public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings. Directional signs are permitted in all zoning districts.

Electronic Message Board Sign means any sign that uses changing light to form a sign message wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

Flashing Sign means any sign, which, by method or manner of illumination, flashes on or off or winks or blinks with varying light intensity, shows motion, 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 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 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-changing 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 means any sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

Monument Signs 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.

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 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 which supports any political candidate or issue. These signs are permitted in all zoning districts.

Portable Sign means a sign, usually of a temporary nature, which is by design not permanently affixed to the ground or 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.

Post Sign 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 stationary pole or post.

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. Roof signs are not permitted in any zoning district.

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.

Temporary Sign means a sign not constructed or intended for a long-term use, and not designed to be permanently attached to the ground, a building or structure. Included under this term are portable signs.

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.

Window Sign means an illustration or advertising message that is attached, painted or drawn on any material that is transparent.

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.
 2. Signs displaying the advertising of a permanent home occupation are permissible and the sign is not to exceed six (6) square feet in area.
 3. These signs shall be set back a minimum of ten (10) feet from the right-of-way.
 4. Banners are permitted in Residential Zoning Districts, R-3 and R-5.
 5. 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, window 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 area.
3. These signs shall be 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), window 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 grade shall not exceed forty-five (45) feet.
3. Outdoor advertising signs shall be removed promptly upon expiration of the ground lease upon which it is located or when it presents a safety hazard. The property owner shall remove these signs.
4. Offsite outdoor advertising signs shall not contain animation or moving parts nor flashing lights or beacons. They shall not emit sound and shall not be embellished with flags, banners, twirlers, balloons, or any similar features.
5. Offsite outdoor advertising signs (billboards) shall be a maximum of two single-sided panels or one double-sided panel.

6. Onsite 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.
7. Onsite signs advertising the sale, rental or lease of the property are allowed, but cannot exceed six (6) square feet in area.
8. Wall signs are permitted in this zone and shall not exceed a maximum of sixteen (16) square feet in area and shall be a minimum of ten (10) feet from the right-of-way. Those wall signs hanging over the right-of-way shall not present a danger to the public and shall not alter the walking path of the public. Refer to definitions of wall signs for a listing. Printed or painted wall signs shall be limited to one wall sign per business. The wall signs shall not exceed 20% of the surface area of the wall on which they are located.
9. Window signs shall not exceed 20% of the total surface area of a window including frames. Window signs shall be limited to one window sign per business.
10. 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.
11. 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 two (2) 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.

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

1. Signs advertising the sale, rental or lease of the property are allowed, but cannot 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. 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 shall not exceed a maximum of sixteen (16) square feet in area and shall be a minimum of ten (10) feet from the right-of-way. Refer to the definition of wall signs. Printed or painted wall signs shall be limited to one wall sign per business. The wall signs shall not exceed 20% of the area of the wall on which they are located.

5. Window signs shall not exceed 20% of the total surface area of a window including frames. Window signs shall be limited to one (1) window sign per business.
6. 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.
7. The following signs are prohibited: Offsite outdoor advertising signs (billboards), roof signs, flashing 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 advertisements shall be displayed for a maximum of fifteen (15) calendar days. These banners are permitted for only two (2) 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 advertising the sale of products shall not exceed twelve (12) square feet in area. A banner advertising an event or special occasion shall not exceed sixteen (16) 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. 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 governmental 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 way 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 ordinance, the candidate being advertised shall be responsible for any penalties. For more details on penalties see Section 15, Enforcement.

Section 7. Holiday Displays. Displays, including lighting, erected in connection with the observance of holidays shall not be installed more than forty-five (45) days before the holiday and must be removed within fifteen (15) days following the holiday.

Section 8. Flashing Signs and Roof Signs. These signs are prohibited in all zoning districts.

Section 9. 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 sign are allowed for each foot of linear frontage on a public street to a maximum sign face of 288 square feet.

Section 10. 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. 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. Any sign removed shall be at the expense of the property owner.

Section 11. Permits. All signs and banners larger than four (4) square feet in area are under this ordinance required to obtain a permit, which shall be obtained prior to the erection of the sign. This permit can be obtained from the City Planner or Code Compliance Officer. These permits shall range in price from \$25.00 to \$200.00. The size and type of sign will determine the cost. A fee chart is attached as Appendix A.

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

Section 12. Exempted Signs. The following signs do not have to obtain permits and shall be allowed in addition to all signs allowed by this ordinance.

- A. Signs erected by an authorized public agency for the purpose of directing traffic or providing information such as danger or safety and historical markers recognized by Local, State or Federal authorities.
- B. Political signs.
- C. Advertising signs or lease of real estate (must comply with zoning requirements).
- D. Non-directional and non-commercial signs that do not exceed four (4) square feet in area do not have to maintain a permit, but shall comply with the ordinance guidelines for placement.

Section 13. 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 provisions 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.

Nonconforming signs shall be brought into compliance with the new regulations of this ordinance within three (3) years from the effective date of this ordinance, except for flashing signs and the setback distance of portable signs which have thirty (30) days to be brought into compliance.

Section 14. 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 signs 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 the 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 public street or road, unless the work is done pursuant to the expressed written authorization of the City Planning Department.

Section 15. 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.

Section 16. Severability. The provisions of this Ordinance are severable. Should any portion thereof be determined to be invalid, the remainder nonetheless remains 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.

APPENDIX "A"
FEE CHART
(Excluding Banners)

SIZE OF SIGN (in square feet)	FEE FOR SIGN
6 - 14 sq. ft.	\$25.00
15 - 75 sq. ft.	\$50.00
76 - 199 sq. ft.	\$100.00
200 - 288 sq. ft.	\$200.00

FEE CHART FOR BANNERS
(Per 15 day period)

SIZE OF BANNER (in sq. ft.)	FEE FOR BANNER
6 - 10 sq. ft.	\$25.00
12 - 16 sq. ft.	\$50.00

UPON MOTION of Alderman Marie Lee, duly seconded by Alderman P.C. McLaurin, Jr., the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Alderman Marie Lee	Voted: Yea
Alderman Frank M. Davis, Sr.	Voted: Yea
Alderman P.C. McLaurin Jr.	Voted: Yea
Alderman Lee Beck	Voted: Yea
Alderman Virgil Bolin	Voted: Yea
Alderman Roy A'. Perkins	Voted: Absent
Alderman Vic Zitta	Voted: Yea

ORDAINED AND ADOPTED, this the 4th day of December, A.D., 2001 at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

MACK RUTLEDGE, Mayor
City of Starkville, Mississippi

VIVIAN E. COLLIER, Clerk
City of Starkville, Mississippi

(S E A L)