

SIGN ORDINANCE

**SIGN ORDINANCE
OF THE CITY OF
FLOWOOD,
MISSISSIPPI**

**Adopted May 4, 2009
Effective June 4, 2009**

**AMENDED AND RESTATED ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF FLOWOOD, MISSISSIPPI REGULATING THE SIZE, LOCATION AND
HEIGHT OF ALL SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY AND
ADOPTING PROVISIONS FOR THE PURPOSE AND APPLICATION, NONCONFORMING
SIGNS, REPEAL AND SEVERABILITY, VIOLATIONS AND PENALTIES, VARIANCES,
SPECIAL USE PERMITS, INTERPRETATIONS, DEFINITIONS, PERMITTED SIGNS BY
ZONING DISTRICT, TEMPORARY SIGNS, GENERAL PROVISIONS, PROHIBITED SIGNS,
PERMIT REQUIREMENTS AND OTHER PROVISIONS OF SAID ORDINANCE**

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CHAPTER 1.0 INTRODUCTORY STATEMENT

1.1 Adoption: This Ordinance is adopted in accordance with the public health, safety and welfare of the citizens of the City of Flowood, Mississippi (the “City”). The Mayor and Board of Aldermen (the “Board”) have provided notice of public hearing and specifically find that this Ordinance was adopted only after public hearing in accordance with the provisions of Miss. Code. Ann. Section 17-1-1 et. seq. (1972), as amended.

1.2 Extension of Zoning Ordinance: This Ordinance is an extension of the City of Flowood Zoning Ordinance and shall be interpreted in accordance with the Miss. Code Ann. Sections 17-1-1 et. seq. (1972), as amended. Additionally, all requirements, restrictions and powers that are imposed to Zoning Ordinances through Miss. Code Ann. Sections 17-1-1 et. seq. shall apply to this Ordinance.

1.3 Smart Growth District: All areas are zoned with the Smart Growth District zoning overly are exempt from these provisions and shall be governed by a comprehensive sign plan developed by the applicant and approved by the Consolidated Review Committee (the “CRC”).

1.4 Amendments: Amendments to this Ordinance may only be adopted after notice of public hearing and a public hearing.

1.5 Variances: Variances as to depart from the literal requirements of this Ordinance generally involving dimensional and locational provisions and Use Permits or Special Use Permits, but excluding land use, may be granted with public hearing.

1.6 Repeal and Severability:

(A) The sign ordinance adopted by the Mayor and Board on the 2nd day of July, 2007 and any and all previous sign ordinances are hereby repealed; provided, that signs unlawfully constructed under said ordinance or under previous sign ordinances of the City are prohibited hereunder and shall be considered nonconforming signs.

(B) Should any portion or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. It is the express intent of the Mayor and Board that this Ordinance operate separately as to each provision contained herein and the invalidity of one provision shall not effect the enforceability of any other provision hereof.

1.7 Interpretation: If a provision of this Ordinance is subject to interpretation, the interpretation of the City Building Official and/or the City Attorney shall control.

CHAPTER 2.0 TITLE

2.1 Title: This Ordinance shall be known as the Sign Ordinance of the City of Flowood, Mississippi.

CHAPTER 3.0 PURPOSE AND APPLICATION

3.1 Purpose and Application:

(A) Purpose: The purpose of this Ordinance regulating signs of all types is to:

1. Preserve and protect the public health, safety and welfare within the City.

2. Encourage development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved.

3. Promote the effectiveness of signs by preventing theft, over concentration, improper placement and excessive size and number.

4. Enhance the flow of traffic and the convenience, ease and enjoyment of travel within the City.

5. To protect travelers in the City from injury or damage as a result of distraction or obstruction of vision attributable to faulty construction or improper situation of signs.

(B) Intent: The intent of the application of this Ordinance is to:

1. Reduce advertising distractions which may contribute to traffic accidents.

2. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of sign structures.

3. Provide an improved visual environment for the citizens of and visitors to the City by reducing the number and surface area of signs.

(C) The Mayor and Board further find that:

1. The people of the City have a primary interest in controlling the erection, location, and maintenance of signs in a manner which will protect the public health and safety and promote the general public welfare;

2. The increased number and size of such signs, coupled with the increased use of motor vehicles, makes it imperative that the public streets and highways be kept free from signs which distract from traffic safety by diverting drivers' attention away from the flow of traffic;

3. The number, size, and height of signs, both off and on premises, is excessive, is unduly distracting and confusing to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct the public;

4. The aesthetic appearance of the City is harmed by the excessive number of signs;

5. The aforementioned effects detract from the pleasure, safety and economic well being of the community, and the number of distracting signs should be reduced in order to lessen the detrimental effects;

6. The construction, erection and maintenance of large signs suspended from or placed on top of buildings, walls and other structures constitute a direct danger to

pedestrian traffic below such signs, especially during winds of high velocity;

7. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire fighting techniques;

8. Portable Signs, whether located on or off premises, generally create a higher degree of distraction and danger to the public, are less attractive aesthetically, are more difficult to monitor and regulate, are more susceptible to abuse, are more likely to be placed in areas which create a traffic hazard and are more likely to be blown and moved during periods of high winds, and therefore, should be prohibited or only allowed in strict conformance with the provisions of this Ordinance;

9. For 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; and

10. The regulations contained in this Ordinance are the minimum amount of regulations necessary to achieve its purpose.

(D) Procedures Established: This Ordinance establishes procedures for the enforcement, interpretation and processing of Variances, Use Permits, Special Use Permits, and appeals, and for violations and penalties for infractions of the sign regulations.

(E) Repeal Intent: It is not the intention of this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance.

(F) All Uses: All buildings, structures and uses of land shall be subject to the provisions of this Ordinance.

CHAPTER 4.0 DEFINITIONS OF TERMS

4.1 Definitions of Terms:

Architectural Review Committee: The committee established pursuant to the Architectural Review Ordinance to review site plans, construction plans, signs and otherwise enforce and implement the provisions of the Architectural Review Ordinance.

Attached Sign: Any sign which is fastened, attached, connected or supported in whole or in part by a building.

Banner: A Temporary Sign of fabric, plastic, paper, or other light pliable material.

Billboard: A Sign, either commercial or non-commercial having more than one hundred (100) square feet of Sign Surface Area.

Box Sign: A sign that contains all the text or text and logo symbols within a single enclosed cabinet which may or may not be illuminated.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Can Sign: See Box Sign definition.

Canopy Sign: 1) A Building-mounted Sign functioning as a permanent canopy projecting over an entrance or 2) A Sign mounted on a canopy.

Comprehensive Sign Plan: See Section 7.4(I) of this Ordinance.

Contractor Sign: See Section 6.3 of this Ordinance.

Development Sign: See Section 6.4 of this Ordinance.

Financing Sign: See Section 6.6 of this Ordinance.

Freestanding Sign: Any Sign supported wholly by the ground or by a fence.

International Building Code (I.B.C.): The current edition of the International Building Codes adopted by the City.

Maintenance: The repair or replacement in kind of individual Sign components including paper, fabric or plastic copy panels; electrical wiring and bulbs; or paint, stucco or other exterior finishes. This definition shall not include the replacement of metal or wood cabinets, structural faces, supporting structural members, primary uprights, posts and poles, or the Sign in its entirety.

Marquee Sign: A Sign affixed to a projecting structure which is attached to the exterior facade of a building above the building's entrance.

Multi-Tenant Freestanding Sign: A Freestanding Sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising.

Off-Site Sign: A Sign which directs attention for a commercial purpose to a business, commodity, service, entertainment or product not related to the other commercial uses existing on the premises upon which the Sign is located. A Multi-Tenant Freestanding Sign shall not be regulated as an Off-Site Sign.

Ordinance: The Sign Ordinance of the City of Flowood, Mississippi.

Parcel: A unit of land shown on a subdivision map, record of survey map, parcel map, or a lot described by metes and bounds, which constitutes a development site whether composed of a single unit of land or contiguous units under common ownership or development.

Political and Campaign Sign: See Section 6.7 of this Ordinance.

Portable Sign: A Temporary Sign having no structural means of attachment to secure the Sign in place.

Raceways: See Box Sign definition.

Real Estate Sign: See Section 6.2 of this Ordinance.

Roof Sign: A Sign attached to a roof or a Sign extending above the parapet of a Building.

Sign: Any device conveying either commercial or non-commercial messages or both commercial and non-commercial messages for visual communication that is used for the purpose

of bringing the subject thereof to the attention of the public, but not including any lawful display of merchandise.

The term “Sign” shall also mean and include any display of one or more of the following:

(A) Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or

(B) Multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification; or

(C) Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or Parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

Sign Area: The entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of similar nature, together with any frame or other material which forms an integral part of the display and is used to differentiate such Sign from the wall or background against which it is placed: excluding the necessary supports or uprights on which such Sign is placed. Where a Sign has two (2) faces, the area of both faces shall be included in determining the area of the Sign, except that only one (1) face of a double faced Sign shall be considered in determining the Sign Area, provided both faces are parallel and the distance between faces does not exceed two (2) feet. Where a Sign has three (3) or four (4) faces, the area of the Sign shall be calculated as fifty percent (50%) of the total area of all faces, provided the interior angle between adjacent faces is ninety (90) degrees or less.

Where statuary, either genuine or simulated, is used as a Sign, the area of said Sign shall be the three (3) vertical sides of the smallest right triangle enclosing the figure that are most visible from the public right-of-way.

Sign Height: The vertical distance to the top of a Sign, including the Sign Structure and embellishments, measured from the finished grade at the approved Sign location. Any additional fill material under the sign and above finished grade shall be included in the Sign Height.

Sign Structure: The supports, uprights, braces and framework of a Sign.

Special Use Permit: A discretionary authorization issued by the City Mayor and Board in accordance with Section 10.1(D) of this Ordinance.

Street Frontage: The linear footage associated with the side of a Building facing a private or public street where the main entrance is located. A Building shall only have one (1) main entrance, which shall be determined by the Architectural Review Committee.

Temporary Sign: A Sign either portable or stationary used to display information relating to a land use or event of limited duration, which is intended to be removed upon termination of said land use or event.

Tenant Space Frontage: The linear footage associated with the tenant space on the side of the tenant space where the tenant’s main entrance is located. A tenant space shall only have one (1) main entrance, which shall be determined by the Architectural Review Committee.

Use Permit: A discretionary authorization issued by the City Building Official upon a finding that the proposed activity permitted by such Use Permit is in conformance with the intent of this Ordinance and the City of Flowood Zoning Ordinance; and will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general. Such Use Permit may be limited by specific conditions, restrictions, terms or time periods.

Variance: Authorization issued by the City's Mayor and Board to depart from the literal requirements of this Ordinance generally involving dimensional and locational provisions, but excluding land use.

Vehicle Sign: A Sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle so parked or placed so that the Sign thereon is visible from a public street or right-of-way.

Wall Sign: A Sign on the exterior wall of a building.

Window Sign: A Sign affixed to the inside or outside of a window.

CHAPTER 5.0 SIGNS PERMITTED BY ZONING DISTRICT

5.1 Purpose and Intent:

The purpose of this Chapter is to provide for reasonable signage for purposes of identification of buildings, developments and individual occupancies that is compatible with the associated land use and neighboring developments. It is the intent of this Chapter that Attached Signs and Freestanding Signs are permitted in scale with the intensity of the land use and the size of the development.

5.2 Single-Tenant Building Located in C-1 Zoning (Neighborhood Commercial District):

(A) Permitted Signs: In C-1 districts the following Signs shall be permitted:

- i) Wall Signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapters 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each lot regardless of whether the lot has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a Building.

(C) Surface Area: The total surface area of all Signs on a zoned lot shall not exceed one-half (1/2) square foot per lineal foot of Street Frontage with a maximum limit of two hundred (200) square feet total, including Freestanding Signs. No Sign may exceed one hundred (100) square feet total. Freestanding Signs shall not exceed thirty-two (32) square feet in area on a two (2) lane roadway or forty (40) square feet in area on a three (3) lane or more roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the right-of-way line to the leading edge of the Sign. Said Sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted Signs may be internally or externally illuminated except as provided in Chapters 6.0 and 7.0.

5.3 Multi-Tenant Building Located in C-1 Zoning (Neighborhood Commercial District):

(A) Permitted Signs: In C-1 districts the following Signs shall be permitted:

- i) Wall Signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapters 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each multi-tenant building regardless of whether the multi-tenant building has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a tenant space.

(C) Surface Area: Each tenant in a multi-tenant building is allowed twenty (20) square feet of signage regardless of the lineal feet of Tenant Space Frontage with the multi-tenant building having a maximum Sign Area of two hundred (200) square feet for the multi-tenant building as a whole. Each multi-tenant building shall also be allowed a Multi-Tenant Freestanding Sign which shall not exceed thirty-two (32) square feet in area on a two (2) lane roadway or forty (40) square feet in area on a three (3) lane or more roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the lot line to the leading edge of the Sign. Said Sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted Signs may be internally or externally illuminated except as provided in Chapters 6.0 and 7.0.

5.4 Single-Tenant Building Located in C-2 Zoning (Restricted Commercial District):

(A) Permitted Signs: In C-2 districts the following signs shall be permitted:

- i) Wall Signs

- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapter 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each lot regardless of whether the lot has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a Building.

(C) Surface Area: The total surface area of all signs on a zoned lot shall not exceed one (1) square foot per lineal foot of Street Frontage with a maximum limit of three hundred (300) square feet total, including Freestanding Signs. No one (1) Sign may exceed one hundred (100) square feet. Freestanding Signs shall not exceed thirty-two (32) square feet in area on a two (2) lane roadway, or forty (40) square feet in area on a three (3) lane or more roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the right-of-way line to the leading edge of the sign. Said sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted signs may be internally or externally illuminated except as provided in Chapters 6.0 and 7.0.

5.5 Multi-Tenant Building Located in C-2 Zoning (Restricted Commercial District):

(A) Permitted Signs: In C-2 districts the following signs shall be permitted:

- i) Wall Signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapter 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each multi-tenant building regardless of whether the lot has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a tenant space.

(C) Surface Area:

- i) If a multi-tenant building's total tenant space is equal to or less than ten thousand (10,000) square feet, each tenant in the multi-tenant building shall be allowed twenty (20) square feet of Sign Area.

ii) If a multi-tenant building's total tenant space is greater than ten thousand (10,000) square feet, each tenant in the multi-tenant building shall be allowed a minimum of twenty (20) square feet and shall be allowed an additional one (1) square foot of Sign Area for each additional foot of Tenant Space Frontage above twenty (20) linear feet up to one hundred (100) square feet. A tenant in a multi-tenant building shall not have a Sign that exceeds one hundred (100) square feet in Sign Area.

iii) Each multi-tenant building will also be allowed additional Sign Area for a Multi-Tenant Freestanding Sign. The Freestanding Sign shall not exceed thirty-two (32) square feet in Sign Area on a two (2) lane roadway or forty (40) square feet in Sign Area on a three (3) lane roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the right-of-way line to the leading edge of the Sign. Said sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted signs may be internally or externally illuminated except as provided in Chapters 6.0 and 7.0.

5.6 Single-Tenant Building Located in C-3 Zoning (General Commercial District):

(A) Permitted Signs: In C-3 districts the following signs shall be permitted:

- i) Wall Signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapter 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each lot regardless of whether the lot has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a Building.

(C) Surface Area: The total surface area of all Signs on a zoned lot shall not exceed two (2) square feet per lineal foot of Street Frontage. No one (1) Sign shall exceed one hundred (100) square feet in Sign Area. The total Sign Area for all Signs, including the Freestanding Sign shall not exceed three hundred (300) square feet. Freestanding Signs shall not exceed thirty-two (32) square feet in area on a two (2) lane roadway, or forty (40) square feet in area on a three (3) lane or more roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the right-of-

way line to the leading edge of the sign. Said Sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted Signs may be internally or externally illuminated except as provided in Chapter 6.0 and 7.0.

5.7 Multi-Tenant Building Located in C-3 Zoning (General Commercial District):

(A) Permitted Signs: In C-3 districts the following signs shall be permitted:

- i) Wall Signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Signs allowed in this district by Chapter 6.0 and 7.0
- v) Marquee Signs
- vi) Window Signs

(B) Number of Signs: Only one (1) Freestanding Sign shall be allowed for each lot regardless of whether the lot has frontage on two (2) or more streets and only one (1) Sign shall be allowed on each elevation of a tenant space.

(C) Surface Area:

i) If a multi-tenant building's total tenant space is equal to or less than ten thousand (10,000) square feet, each tenant in the multi-tenant building shall be allowed twenty (20) square feet of Sign Area.

ii) If a multi-tenant building's total tenant space is greater than ten thousand (10,000) square feet, each tenant in the multi-tenant building shall be allowed a minimum of twenty (20) square feet and shall be allowed an additional one (1) square foot of Sign Area for each additional foot of Tenant Space Frontage above twenty (20) linear feet up to one hundred (100) square feet. A tenant in a multi-tenant building shall not have a Sign that exceeds one hundred (100) square feet in Sign Area.

iii) Each multi-tenant building will also be allowed additional Sign Area for a Multi-Tenant Freestanding Sign. The Freestanding Sign shall not exceed thirty-two (32) square feet in Sign Area on a two (2) lane roadway or forty (40) square feet in Sign Area on a three (3) lane roadway.

(D) Location: Freestanding Signs may be located within the required yard adjacent to a street but not less than fifteen (15) feet from the right-of-way line measured from the right-of-way line to the leading edge of the Sign. Said Sign shall also have a five (5) foot side yard setback and a five (5) foot rear yard setback.

(E) Sign Height: Freestanding Signs shall not exceed eight (8) feet in Sign Height on a two (2) lane roadway or ten (10) feet in Sign Height on a three (3) lane or more roadway.

(F) Limitation: Except for non-commercial Signs of any nature, content of Signs shall be limited to the business, product, service, or activity available or conducted on a zoned lot but shall not include the cost of the goods or services provided.

(G) All permitted Signs may be internally or externally illuminated except as provided in Chapter 6.0 and 7.0.

5.8 Light Industrial District (I-1) or the Heavy Industrial District (I-2):

(A) Permitted Signs: In I-1 and I-2 districts the following signs shall be permitted:

- i) Wall signs
- ii) Canopy Signs
- iii) Freestanding Signs
- iv) Marquee Signs
- v) Signs allowed in this district by Chapter 6.0 and 7.0
- vi) Window Signs

(B) If the industrial building is a single tenant building, then all provisions of the Ordinance that apply to a Single-Tenant Building in C-3 Zoning apply (See Section 5.6). If the industrial building is a multi-tenant building, then all provisions of the Ordinance that apply to Multi-Tenant Buildings in C-3 Zoning apply (See Section 5.7).

CHAPTER 6.0 TEMPORARY SIGNS

6.1 Purpose and Intent:

The purpose of this Chapter is to allow temporary signage for specified land uses and events of a limited duration. It is intended that these provisions shall provide for increased flexibility of the Ordinance by recognizing the distinction between permanent and temporary signage. All Temporary Signs require a permit except for residential Real Estate Signs

6.2 Real Estate Signs:

(A) Rigid Signs pertaining only to the lease, sale or rental of the land or buildings upon which such Signs are displayed are permitted in all zoning districts in accordance with the following limitations:

1. Real Estate Signs for individual lots, buildings, or tenant space located in a residential district shall not exceed six (6) square feet of surface area, and must be displayed on the property, lots, building or tenant space offered for lease, sale or rental.
2. Real Estate Signs located in all commercial districts shall not exceed thirty-two (32) feet of surface area and ten (10) feet in Sign Height and shall be displayed on the property, lots, buildings, or tenant space offered for lease, sale or rent.
3. Real Estate Signs shall be removed within ten (10) days after the lease, sale or rental of the property or building has been accomplished.

6.3 Contractor Signs: See Section 6.4

6.4 Development Signs:

(A) Signs pertaining only to the proposed development of the property on which such Signs are located, including any information regarding the architects, contractors, lenders and other development-related professions engaged in the development of sites upon which such Signs are displayed, are permitted in all zoning districts subject to the following limitations:

1. Only one (1) Development Sign (including architects, contractors, lenders and other development-related service professions) per development site shall be allowed, except that in regard to subdivision developments, one (1) Development Sign will be allowed at each entrance to the subdivision.

2. Development Signs for developments of five (5) acres or less shall not exceed thirty-two (32) square feet in Sign Area and ten (10) feet in Sign Height.

3. Development Signs for developments in excess of five (5) acres, and not more than ten (10) acres, shall not exceed sixty-four (64) feet in Sign Area and ten (10) feet in Sign Height.

4. Development Signs for developments in excess of ten (10) acres shall not exceed one hundred (100) square feet of sign area, and ten (10) feet in Sign Height.

5. No Development Sign shall be erected on the lot before construction starts or remain on the lot for more than ten (10) days after completion of the development.

6.5 Banners and Non-Rigid Signs:

(A) Up to two (2) canvas Signs, banners, advertising flags, pennants, streamers, garlands and similar devices are permitted only for the first thirty (30) days after the initial opening of a new business, after new occupancy or after a change of the proprietor.

(B) Canvas Signs, banners, advertising flags, pennants, streamers, garland and similar devices may also be allowed for a maximum of thirty (30) days prior to non-profit events as long as the primary reason for the banner is to advertise the non-profit event.

6.6 Financing Signs: See Section 6.4

6.7 Political and Campaign Signs:

(A) Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts subject to the following limitations:

1. In single family residential districts on lots smaller than or equal to one (1) acre, one (1) Sign per street frontage for each candidate or measure not exceeding eight (8) square feet in area and six (6) feet in Sign Height.

2. In single family residential districts on lots larger than one (1) acre and in all other zoning districts, one (1) Sign per street frontage per lot or Parcel for each

candidate or measure not exceeding sixteen (16) square feet in area or eight (8) feet in Sign Height.

3. Signs shall not be displayed earlier than forty-five (45) days prior to an election and shall be removed within five (5) days following said election. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election but shall be removed within five (5) days after the general election.

4. Signs shall not be placed in any portion of the public right-of-way located between a street or sidewalk and a property line fence (i.e. residential lot backs up to an arterial street) or on any public properties.

5. The person, party or parties responsible for the distribution and display of such Signs shall be individually and jointly responsible for their removal.

CHAPTER 7.0 GENERAL PROVISIONS - EXCEPTIONS - SUPPLEMENTAL PROVISIONS - SIGN PERMITS - DESIGN AND CONSTRUCTION SPECIFICATIONS - REMOVAL OF ILLEGAL SIGNS - SIGN MAINTENANCE

7.1 Purpose and Intent:

The purpose of this Chapter is to allow for consideration of unusual or special situations that may require additional provisions and regulations. It is also the intent to provide procedures for the administration of this Ordinance, to identify prohibited Signs, to establish procedures for obtaining permits, and to provide for the removal of dangerous and discontinued Signs.

7.2 Exceptions and Signs Not Requiring a Permit:

(A) Exceptions: The provisions of this Ordinance shall not apply to the following, and are therefore excepted:

1. Flags, pennants or insignia of any nation, state, county, city or other political unit, or any church or religious organization;

2. Tablets, grave markers, headstones, statuary or remembrances of persons or events non-commercial in nature;

3. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events;

4. Temporary Signs for events of a general City wide civic or public benefit;

5. Signs not visible beyond the boundaries of the lot or Parcel upon which they are located, or from any public right-of-way;

6. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Mississippi and the City or other authorized public agency, and the posting of notices as required by law;

7. Non-illuminated directional or informational Signs of a non-commercial public or quasi-public nature, including street, building or suite numbers which do not

exceed six (6) square feet;

8. Signs displayed within the interior of a Building and not visible from the exterior of the Building; and

9. On-site directional and similar informational Signs provided such Signs are utilized only when necessary for traffic directional or similar informational purposes. Such Signs shall be wall mounted or, if detached, shall not exceed a Sign Height of three (3) feet.

(B) Permits Not Required: Sign permits are not required for the following Signs or actions associated with Signs provided that such Signs are subject to all other provisions of this Ordinance.

1. Standard Sign Maintenance.
2. Relocation as required by the City.
3. Residential Real Estate Signs.

7.3 Prohibited Signs:

(A) The following Signs and conditions are prohibited by this Ordinance:

1. "A" frame and all Portable Signs;
2. Vehicle Signs on vehicles primarily or consistently parked for display as advertising Signs, except for delivery vehicles actively used for business purposes other than advertising. After business hours, all vehicles with Vehicle Signs shall be parked in areas where the vehicles cannot be seen from the street, if such a parking location is available. Vehicles with Vehicle Signs which are not moved during a seven (7) day period will be deemed to be primarily or consistently parked for display as advertising Signs;
3. The use of ribbons, streamers, balloons, inflatable objects or flags for advertising, except if allowed under Section 6.5;
4. Billboards and Off-Site Signs, except for Off-Site Signs located on a Multi-Tenant Freestanding Sign;
5. Signs that are animated or audible, or rotate or have intermittent or flashing illumination, or emit audible sound or visible matter.
6. Signs located within a public right-of-way;
7. Signs displayed in a location prohibited by this Ordinance;
8. Signs placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the International Building Code, or by Fire Department Regulations;
9. Signs attached to any public utility pole or structure, street light, tree,

fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property;

10. Signs placed in any location which by reason of their location will obstruct the view of any authorized traffic sign, signal or other traffic control device. Nor may any Sign by reason of shape, color or position interfere with or be confused with any authorized traffic signal or device. Further, no Sign shall be placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;

11. Signs that employ any stereopticon or motion picture projection or have visible moving parts, or any portion of which moves or given the illusion of motion;

12. Discontinued Signs under Chapter 8.1(C);

13. The maximum area of any Sign located within the City shall not exceed three hundred (300) square feet;

14. Signs advertising the sale of beer or cigarettes including Signs located outside a building or any type of Sign located within a building which is visible from the outside;

15. Raceways, Box Signs or Can Signs except in the case of lighting an individual letter or an individual logo symbol which does not include text;

16. Roof Signs are not permitted in any zoning district; and

17. Except for Signs advertising the price of gas or diesel, Signs displaying the cost of the goods or services sold, unless the cost of the goods or services is the name of the business.

7.4 Supplemental Provisions:

(A) Schools and places of worship located in any zoning district are permitted signage as follows:

1. If a school or place of worship is located in an area zoned for residential use, then the provisions of the Ordinance associated with C-1 zoning apply.

2. If a school or place of worship is located in an area zoned for commercial use, then the provisions of the Ordinance associated with the zoning of the location of the school or place of worship apply.

(B) If a Sign is externally illuminated the source of illumination shall not be visible from any adjacent residential zone district.

(C) Buildings exceeding three (3) stories shall only be identified by the building, building complex or development name.

(D) No Freestanding Sign shall be located within fifty (50) feet of any other Freestanding Sign on any Parcel or development site.

(E) A Freestanding Sign may consist of more than one (1) Sign panel provided all such Sign panels are attached to one (1) common integrated Sign Structure.

(F) Statues, either genuine or simulated, used for commercial identification purposes are permitted in all multifamily residential districts, commercial and industrial districts subject to approval of a Special Use Permit. Except for decorative figurines and statues used as a part of landscaping, the area of said statue shall be deducted from the total allowable Sign Area.

(G) Residential subdivisions may display permanent entry identification Signs as follows:

1. A maximum of two (2) such subdivision entries may be identified by one (1) Sign on each side of said entry, to be wall-mounted only.

2. Each such Sign shall not exceed thirty-two (32) square feet in area, and the letters comprising the Sign shall not exceed a Sign Height of eight (8) feet.

3. Such Signs shall consist of low maintenance materials such as metal or ceramic tile.

4. Such Signs shall be located on private property, not within the public right-of-way.

(H) On-site directional or similar informational Signs are permitted in conjunction with any multiple residence, commercial, office or industrial development provided such Signs:

1. Do not exceed three (3) square feet in area and three (3) feet in Sign Height; and

2. Are utilized only when necessary for traffic directional or other informational purposes.

(I) A Comprehensive Sign Plan for a proposed or existing development may be approved by the Mayor and Board in conjunction with the granting of a Special Use Permit. The purpose of a Comprehensive Sign Plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific Ordinance provisions. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and Signs. A Comprehensive Sign Plan shall include the location, size, height, construction material, color, type of illumination and orientation of all proposed Signs either permanent or temporary.

A Comprehensive Sign Plan containing elements which exceed the permitted height, area and number of Signs specified in this Ordinance may be approved by the Mayor and Board only upon a finding that:

1. The development site contains unique or unusual physical conditions, such as topography, proportion, size or relation to a public street that would limit or restrict normal Sign visibility; or

2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or

3. The proposed signage incorporates special design features such as logos, emblems, murals or statuary that are integrated with the building architecture.

The construction and placement of individual Signs contained in the approved Comprehensive Sign Plan shall be subject to the issuance of Sign permits in accordance with this Ordinance and subject to submission of the Comprehensive Sign Plan and the individual signs to the Architectural Review Board for approval.

(J) Notwithstanding any other provision of this Ordinance to the contrary, any noncommercial message may be substituted for the message on any commercial Sign permitted by this Ordinance, and any other noncommercial message may be substituted for any noncommercial message on any Sign permitted by this Ordinance, subject to the approval by the Architectural Review Committee.

(K) Special event Signs intended to support, promote, identify, or advertise a non-profit special event as authorized by the City Building Official are permitted in all zoning districts, in accordance with the following:

1. Such Signs are located entirely upon private property with the authority of the land owner where the signs are located.
2. Such Signs shall not occupy any portion of a public right-of-way.
3. Such Signs shall not be displayed more than seven (7) days prior to the special event and shall be removed the day after the special event.
4. Such Signs are permitted in addition to signage otherwise permitted in Chapter 5.0 of this Ordinance.

(L) Multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification which constitute a Sign as defined in Chapter 4.0 of this Ordinance, and which exceed the maximum permitted signage as specified in Chapter 5.0 of this Ordinance shall only be permitted upon being submitted to the Architectural Review Board for review and upon a finding by the Mayor and Board, that such Signs:

1. Clearly serve as an architectural embellishment to the building or development;
2. Are compatible and harmonious with the primary color(s), style, and architecture of the building or development;
3. Are integrated into the primary physical elements of the building or development; and
4. Are constructed or composed of architectural-grade materials such as ceramic tile, metal, glass, or masonry.

7.5 Sign Permits and Fees:

(A) Except as provided in Section 7.2 of this Chapter, it shall be unlawful for any person to place, display, alter or relocate a Sign without first submitting the sign for approval by

the Architectural Review Committee and obtaining a permit or permits from the City Building Official.

(B) No person shall construct, place, display or maintain any Sign upon any property without the consent of the owner, owner's agent or other authorized representative.

(C) The City Building Official shall withhold permits for the use, construction, reconstruction, or alteration of any Sign Structure, unless adequate information is submitted to determine the proposed action is in conformance with the provisions of this Ordinance.

1. Application for a permit shall be on the official form provided therefore and accompanied by the following information for review by the Architectural Review Committee:

scale drawings; the sign legend or commercial message; sign location; dimensions, construction specifications; electrical components and wiring; method of attachment and design of structured members to which attachment is to be made; and location in relation to the property line and public right-of-way. A color rendering shall also be provided with the application.

2. The City Building Official shall not be compelled to issue a permit for the use, construction, reconstruction or alteration of any Sign Structure if such use, construction, reconstruction or alteration is found to be in conflict with the provisions of this Ordinance.

(D) Every permit issued by the City Building Official under the provisions of this Ordinance shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty (120) days or more at any time after the work is commenced. Before such work can be commenced or resumed thereafter a new permit shall first be obtained and the fee shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one (1) year.

(E) The City Building Official may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this Ordinance or any other regulation of the City.

(F) No permit for a Sign issued by the City shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

(G) Sign permits for new or additional Signs shall not be issued for a specific occupancy if such occupancy displays unlawful or nonconforming Signs except as provided in Chapter 8.0. A Sign permit may be issued for a specific occupancy provided the terms thereof specify modification or removal of nonconforming Signs resulting in conformity with the provisions of this Ordinance.

(H) Signs for which a permit has been issued shall not be constructed, installed, displayed or maintained except in complete conformance with all terms, requirements, and

stipulations specified by the approved plans and permit.

(I) When the City Building Official refuses to issue a permit on the grounds of violation of this Ordinance or other regulations of the City, appeal from such decision may be made to the Mayor and Board.

(J) Before issuing any Sign permit required by this Chapter, the City shall collect a fee in accordance with the following schedule:

1. Two percent (2%) of the Sign valuation plus sixty cents (\$0.60) per square foot of Sign Area and a filing fee of fifteen dollars (\$15.00).

EXCEPT:

1. Temporary Signs under Section 6.5(B) for events for non-profit organizations shall be required to obtain a permit, but the fee for the permit will be waived.

2. Political Signs under Section 6.7 shall require a permit. Each candidate shall be required to obtain one (1) permit for all of that candidate's signs per each election. The permit fee shall be a flat fee of Five Dollars (\$5.00) per candidate per election for an unlimited number of signs for that election.

(K) Whenever any Sign for which a permit is required by this Chapter has been placed or displayed without first obtaining a permit, a special investigation shall be made before a permit may be issued. An investigation fee equal to, and in addition to, the permit fee shall be collected.

(L) All Signs for which a permit is required shall be subject to the following inspections by the City Building Official, unless waived by the City Building Official:

1. Location of off-building signs before sign construction and

2. Final inspection, which shall cover the Sign location, Sign Height, structural members and placement of the insignia.

(M) Sign permits may be issued for individual Signs authorized by an approved Comprehensive Sign Plan in accordance with Section 7.4(I) of this Chapter, provided:

1. Such Signs conform to all applicable conditions of the Special Use Permit; and

2. Such Sign permits are applied for within one (1) year of the date of approval of the Special Use Permit or within a time period specified by the Zoning Administrator and/or City Building Official; or

3. Such Sign permits are applied for prior to any subsequent amendment to the Ordinance that is more restrictive than provisions existing when the Special Use Permit was approved.

When Sign permits may not be issued due to non-compliance with the terms specified above, a modification to the Comprehensive Sign Plan may be requested

pursuant to the procedures set forth in 7.4(I).

7.6 Design and Construction Specifications:

(A) Design Specifications:

1. All Signs shall comply with the appropriate detailed provisions of the International Building Code relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the National Electrical Code and shall be approved by the Architectural Review Committee.

(B) Construction Specifications:

1. No combustible materials other than approved plastics shall be used in the construction of electric Signs.

2. Nonstructural trim may be wood, metal, approved plastics, or any combination thereof.

3. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

4. There shall be no visible angle iron supports, guy wires, braces or secondary supports. All Sign supports shall be an integral part of the Sign design.

5. a. All electric Signs shall conform in design and construction to the appropriate sections of the then current National Electrical Code and other requirements as may be deemed necessary by the City Building Official in accordance with International Building Codes adopted by the City.

b. Electric discharge tubing (neon, argon, etc.) not terminated in an exterior metal sign raceway shall be terminated in receptacles designed and approved for the purpose.

7.7 Removal of Dangerous, Discontinued or Illegal Signs:

(A) Removal of Signs:

1. The City Building Official may remove or cause to be removed any discontinued, dangerous, defective, illegal, prohibited or nonconforming Sign subject to removal under the provisions of this Ordinance, or any other Sign maintained in violation of the provisions of this Ordinance.

2. Notwithstanding the above, in case of emergency, the City Building Official may institute the immediate removal of a dangerous or defective Sign without notice.

3. The City Building Official may cause the removal of unauthorized advertising Signs from the public right-of-way. Such Signs may be impounded as evidence, or disposed of as abandoned property unless claimed by the owner within thirty (30) days. Such Signs shall be deemed a nuisance and subject to removal without notice.

(B) Disposal of Signs:

Any Sign removed by the City Building Official pursuant with the provisions of this Ordinance shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. Cost of removal of the Sign by the City shall be considered a debt owed to the City by the owner of the Sign and the owner of the property, and may be recovered in an appropriate court action. The cost of abatement or removal shall include any and all incidental expenses incurred by the City in connection with the Sign abatement or removal.

7.8 Sign Maintenance:

It shall be unlawful for any person to maintain or permit to be maintained on any premises owned or controlled by said person any Sign which is in a dangerous or defective or damaged condition. Any such Sign shall be removed or repaired by the owner of the Sign or the owner of the premises.

7.9 Sign Permits:

No Sign permit will be issued unless all proposed Signs comply with this Ordinance. All existing and future Signs must be approved by the City prior to issuance of a certificate of occupancy.

CHAPTER 8.0 NONCONFORMING AND DISCONTINUED SIGNS

8.1 Nonconforming and Discontinued Signs:

(A) Signs for a Legal Nonconforming Use:

1. New or additional Signs for a nonconforming use shall be permitted in accordance with permitted signage for the zoning district in which the nonconforming use is located after the effective date of this Ordinance.

2. A nonconforming Sign for a nonconforming use which is discontinued for a period exceeding six (6) months, or is superseded by a conforming use, shall be considered a prohibited Sign and shall be removed or brought into conformance upon establishment of a conforming use. A nonconforming use shall be deemed discontinued when such use is suspended as evidenced by the cessation of activities or conditions which constitute the nonconforming status of the use.

(B) Signs Rendered Nonconforming:

1. If at the time of the adoption of this Ordinance, or amendments thereto, or of any extension resulting from annexation, or of any amendment to the Flowood regulations, any Sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this Ordinance, shall be deemed nonconforming. Such Sign may continue only in the manner and to the extent that it existed at the time of such adoption, amendment or extension.

2. Any Sign which becomes nonconforming subsequent to the effective date of this Ordinance, either by reason of annexation into the City, or amendment of this Ordinance or the Zoning Ordinance, so as to render such Sign nonconforming, shall be subject to the provisions of this Ordinance.

3. Notwithstanding any other provision of this Chapter, legal non-conforming Signs that are located on a Parcel of property which is severed from a larger Parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining Parcel without extinguishing the legal nonconforming status of that Sign provided that the nonconforming Sign:

- (a) is not increased in area or height;
- (b) remains structurally unchanged except for reasonable repairs or alterations;
- (c) is placed in the same relative position on the remaining property that it occupied prior to the relocation; and
- (d) is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming Sign shall be subject to all provisions of this Ordinance in its new location.

(C) Signs Rendered Discontinued:

1. The use of any Sign which is located on property which becomes vacant and unoccupied for a period exceeding six (6) months shall be deemed to have been discontinued. Any Sign which use has been discontinued is prohibited and shall be removed by the owner of the Sign or owner of the premises. Signs and Sign Structures shall be deemed discontinued if left vacant and unoccupied for a period exceeding six (6) months; provided, that Signs related to existing on-site businesses which become unused because the building is temporarily vacant may remain so long as the building is on the market for sale.

2. Signs and Sign Structures which remain vacant, unoccupied devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

3. A Sign whose use has been discontinued is prohibited and shall be removed by the owner of the Sign or owner of the premises.

(D) Alteration or Removal of Nonconforming Signs:

1. A nonconforming Sign or Sign Structure shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance, except as provided in Section 8.1(B)3. If fifty percent (50%) or more of the Sign Area of a Sign is replaced or if fifty percent (50%) or more of the Sign Structure is replaced, both the Sign and the Sign Structure shall be brought into compliance with the requirements of this Ordinance.

2. Any construction permit which involves certificate of occupancy requirements shall specify and require that any nonconforming Sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this Ordinance, provided that if the nonconforming Sign is a type of Sign that is prohibited under Section 7.3 of this Ordinance, it shall be

removed.

3. Any nonconforming Sign shall be removed or rebuilt, including the Sign Structure, in full conformity to the terms of this Ordinance if it is damaged or allowed to deteriorate to such an extent that fifty percent (50%) or more of the Sign Area of the Sign or fifty percent (50%) or more of the Sign Structure must be replaced.

CHAPTER 9.0 VIOLATIONS AND ENFORCEMENT

9.1 Violations and Enforcement:

(A) Declaration and Unlawful Acts: It is hereby declared unlawful for any person, firm or corporation to construct, place, install, alter, change, maintain, use or to permit the construction, placement, installation, alteration, change, Maintenance, or use of any Sign contrary to or in violation of any provisions of this Ordinance, or of any provision designated as a condition of approval by the Mayor and Board made in compliance with the provisions of this Ordinance, Zoning Ordinance or other regulations of the City.

(B) Unlawful Acts: The installation, construction or display of any illegal or prohibited Sign is hereby declared unlawful and a violation of this Ordinance.

(C) If the City Building Official finds that any of the provisions, of this Ordinance are being violated, he shall notify in writing the person believed to be responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct the violations. The City Building Official shall order removal of any illegal, nonpermitted, or unauthorized Signs. The City Building Official shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Any action by the City Building Official to enforce, ensure compliance, or prevent violation of this Ordinance is subject to appeal to the Mayor and Board.

(D) The Chief of Police will assist the City Building Official in the enforcement of this Ordinance.

(E) This Ordinance may further be enforced by injunction or declaratory judgment proceedings in the Chancery Court of Rankin County, Mississippi. Nothing in this section shall preclude the City from seeking voluntary compliance with the provisions of this Ordinance, or from enforcing this Ordinance through notices of violation, warnings or through other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances. Violations of this Ordinance are in addition to any other violation established by law, and this Ordinance shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the City or other persons under other laws, ordinances or rules.

(F) Defendants and Responsible Parties:

Any owner or occupant who causes, permits, facilitates, aids or abets any violation of this Ordinance, or who fails to perform any act or duty required pursuant to this Ordinance, is subject to the enforcement provisions of this Ordinance. The owner and occupant are individually and jointly responsible for the violations, the prescribed civil or criminal sanctions, and for abating the violations.

(G) Fines and Each Day Separate Violation:

Any person, firm, or corporation who knowingly violates, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not more than One Hundred Dollars (\$100.00). Each calendar day that a violation exists without reasonable effort on part of defendant to correct the violation, shall constitute a separate offense.

(H) Failure to Provide Evidence of Identity:

A person who fails or refuses to provide evidence of his or her identity to a duly authorized agent of the City upon request, when such agent has reasonable cause to believe the person has committed a violation of this Ordinance, is guilty of a misdemeanor. Evidence of identity under this Section shall consist of a person's full name, residence address, and date of birth.

CHAPTER 10.0 VARIANCES, SPECIAL USE PERMITS AND INTERPRETATIONS

10.1 Variances, Special Use Permits and Interpretations:

(A) Application: An application for a request for Variance from the provisions of this Ordinance or Special Use Permit shall be submitted to the City Building Official.

(B) Hearing: All applications for a Variance or Special Use Permit shall be heard by the Mayor and Board after notice and with a public hearing. However, although the Mayor and Board may grant Variances from the literal requirements of this Ordinance generally involving dimensional and locational provisions it may not grant Variances from the land use requirements.

(C) Granting Conditions: A Variance may only be granted upon a finding by the Mayor and Board that:

1. There are special circumstances or conditions applying to the land, building, or use application; and
2. That such special circumstances or conditions are pre-existing and not created by the property owner or appellant; and
3. The authorizing of the Variance is necessary for the preservation and enjoyment of substantial property rights; and
4. The authorizing of the Variance will not be materially detrimental to persons residing or working in the vicinity of the property, to the neighborhood, or the public welfare in general.

(D) Special Use Permits: Applications for Special Use Permits required by this Ordinance, shall be filed with the City Building Official. A Special Use Permit may only be granted upon a finding by the Mayor and Board that the Sign covered by the permit and any related use or building will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

10.2 Application Fees

(A) At the time of filing an application for a variance or a Special Use Permit, there

shall be paid to the City Clerk a fee of Three Hundred Dollars (\$300.00) to cover incidental expenses of the City for the processing of said application. This fee shall not be refundable.

(B) The applicant shall be responsible for performing, at his expense, all actions required by this Ordinance or by law for the request, if authorized or granted, to be effective, including the preparation of all applications, draft orders, notices, exhibits, affidavits, transcripts and records; the publication of all notices required to be published, the posting of all notices required to be posted, the mailing of all notices required to be mailed, and the certification of all statements required to be certified.

10.3 Variance and Special Use Permit Application and Notice Procedure

(A) An applicant seeking a Variance or a Special Use Permit shall file a request therefore in the form of an application with the City Building Official. The application must be completed in its entirety. The application shall be reviewed for sufficiency by the City Building Official. When the application is found sufficient, the City Building Official shall determine the date for a public hearing on the request before the Mayor and Board, such date shall be a regularly scheduled meeting of the Mayor and Board, and shall set the request for public hearing on the agenda for that meeting. In determining the date of the regularly scheduled meeting of the Mayor and Board at which the public hearing is to be held, the City Building Official shall take into consideration the time necessary for the provision of all notices required prior to said hearing, the dates acceptable to the applicant, and the substance and duration of other matters set for hearing and debate at such regularly scheduled meetings. Provided, unless the applicant consents in writing, the public hearing shall be held at a regularly scheduled meeting of the Mayor and Board within ninety (90) days of the date the application is determined by the City Building Official to be sufficient.

(B) The City Building Official shall notify the applicant of the date, time and location of the regularly scheduled meeting of the Mayor and Board during which the hearing shall be held.

(C) The applicant for a Variance or Special Use Permit shall give Public Notice of the date, time and place for the required public hearing before the Mayor and Board by causing notice thereof to be published at least fifteen (15) days prior to the date of said public hearing. The notice shall be titled "PUBLIC NOTICE," be signed by the applicant or the officer, agent or attorney of the applicant, and shall read substantially as follows:

Notice is hereby given to any and all persons interested in or in any way affected thereby that [insert name of person or party holding the controlling ownership interest in the property where the sign is located] has filed an application with the City Building Official requesting a [Variance or Special Use Permit] to allow the following described sign to be [insert description of proposed use, duration, relief requested, etc.]

A copy of said application is on file with the City Clerk and is available for review during normal business hours. Said application and request will come before the Mayor and Board of Aldermen for public hearing on [insert date of hearing] during their regularly scheduled meeting which begins at [insert time of meeting] and which is to be held at City Hall, 2101 Airport Road, Flowood, MS. Any person desiring to express his or her views on the application and request may be present and do so at said hearing or may deliver his or her written statement to the City Clerk prior to said hearing. Written statements about the application and proposed amendment should be addressed to the

undersigned at [insert the address and telephone number of the applicant or officer, agent or attorney of the applicant] with a copy to the City Clerk at 2101 Airport Road, Flowood, MS 39232.

(D) The City shall also post at least one (1) sign at a conspicuous location along each public or private street on which the subject property where the sign is located abuts, or if the subject land does not abut a public or private street, than at a conspicuous location on the subject property where the sign is located. Each sign will be posted for at least fifteen (15) days during the three (3) weeks immediately preceding the public hearing.

1. On each sign, the title "PUBLIC NOTICE" shall be two (2) inches high and all other words and letters shall be legible.

2. Each sign shall give notice to the public that the property is subject to a request for a Variance or Special Use Permit and that the application requesting same is available for review at the City of Flowood City Hall.

(E) The applicant shall serve notice by Certified Mail to each owner of a part or parcel of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property where the sign is located.

1. This required mailed notice shall read substantially the same as the required published public notice.

2. The required mail notice shall be mailed at least fifteen (15) days prior to the scheduled date of the required public hearing.

10.4 Public Hearings

(A) The applicant for a Variance or Special Use Permit shall be required to present orally and in writing credible evidence that the proposed Variance or Special Use Permit will not adversely affect the neighborhood, public interest, and general welfare and, in the case of a Variance, that the granting conditions detailed in 10.1(C) exist on the subject property.

(B) The applicant shall provide proof that all the actions necessary to effect all required notices were performed, including the proof of publication of the notice in a newspaper of general circulation in the City and the U.S. Postal Service receipts for certified mail sent to owners of all parts and parcels of property within one hundred sixty (160) feet, excluding street rights-of-way.

(C) The Mayor and Board may limit in any reasonable manner oral presentations by the applicant and any other person or persons present at the hearing desiring to express his or her views on the application and request. Such limitations shall be uniformly applied.

(D) At the direction of the Mayor and Board, the City Building Official may preside at any public hearing.

10.5 Order Granting Request

(A) The City Building Official will prepare, with the assistance of the applicant, the order necessary to authorize or deny the Variance or Special Use Permit as proposed in the application.

(B) If the Mayor and Board pass the order according to the procedure required therefore by law and this Ordinance, the order shall be entered into the minutes of the meeting and shall be effective when the minutes are approved as provided by law.

10.6 Interpretations

(A) Interpretations: Requests for interpretations of the provisions of this Ordinance shall be filed with the City Clerk on a form prescribed by the City Building Official. The terms and provisions of this Ordinance cannot be changed through an interpretation.

TABLE OF SIGN STANDARDS

Single Tenant Buildings						Multi-Tenant Building, Malls and Power Centers				
	Permitted Signs	Number of Signs Allowed on Building	Number, Height & Surface Area of Freestanding Signs Allowed	Sign Surface Area Allowed	Sign Setbacks	Permitted Signs	Number of Signs allowed on building	Sign Surface Area Allowed	Number, Height and Surface Area Freestanding Signs Allowed	Sign Setbacks
C-1	Note 1	Only one (1) sign allowed on each elevation of a building.	One (1) Freestanding Sign allowed with a height and surface area limitation as detailed in Note 2	½ SF per foot of Street Frontage 100 sq. ft max per sign 200 sq. ft. max for total sq. ft of all Signs	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback	Note1	Only one (1) sign allowed on each elevation of a tenant space.	20 Sq Feet per tenant plus one Freestanding Sign with Sign Area in accordance with Note 2. Max 200 Sq. Ft. per multi-tenant building, plus 1 Freestanding Sign.	One (1) Freestanding Sign allowed with a height limitation and surface area limitation as detailed in Note 2	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback
C-2	Note 1	Only 1 sign allowed on each elevation of a building.	One (1) Freestanding Sign allowed with a height and surface area limitation as detailed in Note 2	1 Sq. ft. per foot of Street Frontage 100 sq. ft max per sign 300 sq. ft. max for total sq. ft of all Signs	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback	Note1	Only one (1) sign allowed on each elevation of a tenant space.	Building ≤ 10,000 sq. ft, then 20 sq. ft. of sign area per tenant; plus 1 Freestanding Sign Building > 10,000 sq. ft, then 20 sq. ft of sign area per tenant plus 1 additional sq. ft. for each linear foot of Tenant Space Frontage above 20 ft.; plus 1 Freestanding Sign	One (1) Freestanding Sign allowed with a height limitation and surface area limitation as detailed in Note 2	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback
C-3 I-1 I-2	Note1	Only 1 sign allowed on each elevation of a building.	One (1) Freestanding Sign allowed with a height and surface area limitation as detailed in Note 2	2 Sq. Ft. per foot of Street Frontage 100 Sq. Ft. max per sign 300 Sq. Ft. max for Sign Area of all Signs	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback	Note1	Only one (1) sign allowed on each elevation of a tenant space.	Building ≤ 10,000 sq. ft, then 20 sq. ft. of sign area per tenant; plus 1 Freestanding Sign. Building > 10,000 sq. ft, then 20 sq. ft per tenant plus 1 additional sq. ft. for each linear foot of Tenant Space Frontage above 20 ft.; plus 1 Freestanding Sign	One (1) Freestanding Sign allowed with a height limitation and surface area limitation as detailed in Note 2	15 Feet setback from ROW; 5 Ft Side Yard Setback & 5 Ft. Rear Yard Setback

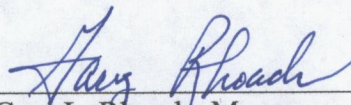
Note 1 – Wall Signs, Canopy Signs, Marquee Signs, Freestanding Signs, Signs allowed in this zone by Chapters 6.0 and 7.0.

Note 2 – Signs on a 3 lane or more roadway shall not exceed 10 feet in Sign Height and 40 square feet in Sign Area. Signs on a 2 lane roadway shall not exceed 8 feet in Sign Height and 32 square feet in Sign Area.

A motion to adopt the Ordinance was made by Alderman Flynt and seconded by Alderman Shearer. The Ordinance was put to a vote, and the result was as follows:

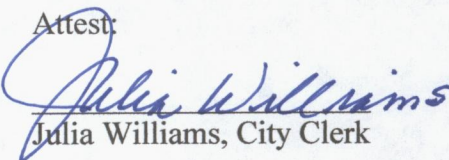
Alderman Flynt voted: Aye
Alderman Harmon voted: Aye
Alderman McDaniel voted: Aye
Alderman Rhoads voted: Aye
Alderman Shearer voted: Aye

The motion having received the affirmative vote of a majority of the members of the Board of Aldermen present, being a quorum of said Board of Aldermen, the Mayor declared the motion carried and the Ordinance adopted this the 4th day of May, 2009.



Gary L. Rhoads, Mayor

Attest:


Julia Williams, City Clerk

