

**AN ORDINANCE AMENDING THE
SIGNS AND OUTDOOR ADVERTISING
SECTION OF THE CITY OF ABERDEEN
ZONING ORDINANCE**

WHEREAS, Section 116 of the City of Aberdeen Zoning Ordinance authorizes the amendment of said Ordinance under the provisions set forth in Miss. Code Ann. §§ 17-1-15 and 17-1-17; and

WHEREAS, the Mayor and Board of Aldermen of the City of Aberdeen, have found it to be in the best interest of, and necessary for the growth and development of said City, that Section 114.03 titled “Signs and Outdoor Advertising” of the City of Aberdeen Zoning Ordinance be amended as set forth below; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ABERDEEN, MONROE COUNTY, MISSISSIPPI, AS FOLLOWS, TO-WIT:

Section 1: The following changes to the Section 114.03 titled “Signs and Outdoor Advertising” of the City of Aberdeen Zoning Ordinance adopted August 14, 1979 shall be made as follows:

114.03 Signs and Outdoor Advertising

Purpose and Scope

The purpose of this Part is to establish standards and limitations for the fabrication, erection, use and maintenance of signs, symbols, markings, and advertising devices within the City.

- (1) These regulations are designed to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, to preserve and improve the appearance of the City as a place in which to live and to work, to preserve and enhance the attractiveness of the City to non-residents who come to the City to visit or to trade, to reduce public safety hazards caused by signs which are improperly obstructed or maintained, or which impair visibility or otherwise distract the attention of motorists and, in general, to promote the health, safety and welfare of the general public.
- (2) It is also intended that this Part aid in the development and promotion of business and industry by providing regulations that encourage aesthetic values, creativity, effectiveness and flexibility in the design and use of signs without creating effects detrimental to the general public. While recognizing the need for adequate business and

non-commercial identification, advertising and communication, the Ordinance requires that signs;

- (a) Be compatible with their surroundings, and in compliance with proper design and zoning regulations;
 - (b) Be designed, installed and maintained to meet the needs of sign users while promoting the environment desired by the general public;
 - (c) Be designed, constructed, installed, and maintained in a manner that will not endanger the public safety or create traffic hazards;
 - (d) Be legible and readable in the circumstances in which they are utilized; and
 - (e) Be respectful of the reasonable rights of other advertisers, whose messages are displayed.
- (3) This Part applies to signs which are intended to be viewed from a public right-of-way such as highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.
- (4) This Part does not regulate the use of materials such as noncommercial holiday signs and decorations, signs on products, product containers or dispensers, public information and safety signs placed by government entities in their own rights of way, any signs required by local, State or Federal law or building design exclusive of any commercial messages.

114.03-1 Approval Requirements

Except as otherwise stated in this Part, signs, which are allowed under this Part shall not be erected, until and unless the person erecting the sign or the property owner has obtained a Building Permit from the City Building Inspector's Office.

114.03-2 Construction and Maintenance Requirements; Abandoned Signs

(1) Construction and compliance with codes.

- (a) All signs regardless of whether a permit is required for such signs shall comply with all the pertinent requirements of the Building Code and other construction codes adopted and in effect in the City.
- (b) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, fire hydrant, required exit, window, door or wall opening intended as a means of ingress or egress, or so as to interfere with any opening required for ventilation.
- (c) All signs and their supporting structures shall maintain clearance and non-interference with all sunken and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines, and shall not be placed so as to interfere with natural or official drainage or surface or underground water.
- (d) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

(2) General maintenance of signs and premises.

- (a) All signs and components thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material.
- (b) The Building Inspector shall have the authority to inspect all signs and order the painting, repair, alteration or removal of any sign, which constitutes a hazard to the

health, safety, or general welfare of the public by reason of inadequate maintenance, dilapidation or obsolescence.

(3) Glass and other breakable materials. All signs constructed in whole or in part with glass, plastic or other breakable materials which shall suffer any breakage, whether from natural or other causes shall be repaired by the owner of the premises on which the sign is located within a period of 30 days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Planning and Zoning Board, provided such extensions are requested in writing and the Planning and Zoning Board finds that such extensions would not defeat the basic purposes of this Ordinance.

(4) Billboards. Notwithstanding other requirements of this Section, billboards with paper or plastic film copy (poster) which is torn, peeling, or faded shall be cleared of such torn, peeling or faded covering within a period of 30 days from the time the disrepair occurs. Additional periods of time for repairs may be granted by the Planning and Zoning Board, provided such extensions are requested in writing and the Planning and Zoning Board finds that such extensions would not defeat the basic purposes of this Ordinance.

(5) Electrical signs.

(a) Electrical signs shall comply with the Electrical Code adopted by the City. In particular, extension cords shall not be used except in accordance with said Code. Clearance from all electrical power lines shall be in accordance with the requirements of the Aberdeen Electric Department.

(b) All electrical portable signs shall bear the approval of the Underwriters Laboratories, Inc.

(6) Visibility requirements. No sign shall be erected or placed in such a manner as to impair visibility of any motorists.

(7) Abandoned signs.

(a) Any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Part, shall be deemed to have been abandoned.

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

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

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

114.03-3 Permanent Signs

(1) Ground signs.

(a) Number. A maximum of one ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) shall be allowed for each section of the property's frontage which is separated from another section by property under separate ownership by a distance of at least 100 feet.

(b) Separation. Each ground sign shall be located a minimum of 100 feet from other ground signs on the same side of the street. The Building Inspector may grant a minor conditional use for a ground sign to be located less than 100 feet from another ground sign upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots provided that all other requirements of this Ordinance are met and the proposed sign is located as remotely from adjacent signs as possible. No such conditional use shall be granted when the existing sign is located on the same lot as the proposed sign. In this case, a directory sign is recommended. However the Building Inspector may grant a minor conditional use approval for a ground sign to be located not closer than 75 feet to another sign where a directory sign is not feasible or would be greater than 75 feet from the business seeking the Sign Permit.

(c) Setbacks. All ground signs shall be a minimum of 15 feet from the edge of any curb or street, upon which they are located. No ground sign shall be placed within or project over, the right-of-way of any street. No ground sign shall be placed within the required right-of-way of a major thoroughfare, which is scheduled to be widened as per any official Major Thoroughfare Plan of the City. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the 100 feet separation requirements in subsection (2) above.

(d) Size and height restrictions.

Districts	Maximum Size, sq. ft.	Maximum Height, ft.
All R	4	4
C-1	80	12
C-2, C-3, I-1	100	25

(e) Other restrictions. For ground signs with more than two faces, the maximum size of the largest face shall not exceed 75% of the maximum sign size for the district specified in subsection (4) above. A minimum of 25 square feet of landscaped area shall be located at the base of each ground sign in the R and C-1 districts. No political sign shall be placed on public property.

(f) Signs advertising the principal activities conducted on the property upon which they are located are allowed within 660 feet of the nearest edge of the right of way of state highways.

(2) Attached signs.

(a) Size. The total surface area of an attached sign shall not exceed in square feet 1 ½ times the linear feet that is the horizontal length of the wall to which the sign is to be attached.

(b) Location. An attached sign shall be no higher than the highest point of the

building's roofline. Signs, which hang from and under awnings, canopies, marquees, or other structures, shall extend no closer than 8 feet to the ground. Projecting signs shall not project from any structure a greater distance than 10 feet, shall not project into any street right-of-way, or within 3 feet of any street, public or private, and shall be at least 8 feet above ground level.

(3) Billboards.

(a) Allowable zones. Billboards shall be allowed in C-2, C-3, and I-1 zones only.

(b) Size and height restrictions. Billboards shall not exceed six hundred seventy-two (672) square feet in size and not any part of the structure shall exceed forty (40) feet in height as measured from road level to the highest point of the sign.

(c) The dimension of the sign shall not exceed forty-eight (48) feet wide or fourteen (14) feet in height.

(d) Setback and separation.

(i) The front setback, as required by the Zoning Ordinance for buildings, shall also apply to billboards.

(ii) A minimum distance of fifteen hundred (1500) feet measured at a radius shall separate billboards from all other billboards so as not to block the view of other signs including the City Welcome signs.

(iii) Billboards shall not be located any closer than three hundred fifty 350 feet to residential zones or historical sections of the City.

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

(f) Billboards shall not be doubled stacked one on top of the other.

(g) All Billboards require the approval of the Planning and Zoning Commission by a simple majority vote.

(4) Miscellaneous signs. The following types of signs are allowed in addition to ground and attached signs permitted by Sections (1), (2) and (3) above.

(a) Direction and instructional signs. Signs, which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed 8 square feet in size or 5 feet in height and are on the premises of the business.

(b) Menu signs. Signs at drive through windows of restaurants or other food service establishments, provided that such signs shall not exceed 30 square feet in size and shall not be located in any front yard.

(c) Name and address signs. Name and address signs shall not exceed 2 square feet in size.

(d) Interior signs. Signs completely within the premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.

(e) Window signs. Window signs, whether painted on or attached to windows of a structure, provided the total area of any such sign does not exceed 80% of the window area in any single window.

(f) Incidental signs. Signs such as credit card, rest room, public telephone and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and

do not exceed 4 square feet in size.

(g) Public notice bulletin boards. Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community as a whole, provided such signs do not exceed 20 square feet in size. Any larger sign may be permitted by applying to the Building Inspector's Office for a temporary permit.

(h) No trespassing/dumping signs. Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed 20 square feet in size.

(i) Home business signs. Signs, which identify home businesses as approved in accordance with this Ordinance.

(j) Gasoline price signs. Signs advertising the price of gasoline, provided such signs shall not exceed 100 square feet in size, per gas or service station.

(k) Flag signs. Each business within a C-2 or C-3 district shall be allowed up to fifty (50) square feet of flag signs per 100 feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height. For signs attached to buildings, the height shall not exceed ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs, which are faded or torn, shall be removed or replaced immediately. Before any such flag signs are erected, all nonconforming streamers and banners must be removed.

(l) Setbacks. No miscellaneous signs shall extend within or over any street right-of way, or be located within 15 feet of any curb line or street edge unless approved by the Building Inspectors Office.

(m) Church Directional signs. Church directional signs located on State highways inside the City limits shall be permitted only with the approval of the Planning and Zoning Commission. The signs shall be placed and erected in accordance with all other regulations in this Ordinance and shall be no larger than eight (8) square feet. They shall be no taller than twelve (12) feet from the ground.

114.03-4 Temporary Signs

In addition to the permanent signs, which are allowed in each zoning district under Section 114.03-3, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth.

(1) Signs requiring permits. The following temporary signs are allowable, within the stated restrictions, provided permits are obtained for their construction, erection or placement.

(a) Banners and streamers. Banners and/or streamers are allowable for a total of one period of six (6) weeks in duration per quarter year for each business or location, and these periods may not be consecutive. Banners shall not exceed 75 square feet in size. Banners or streamers shall not be located within 20 feet of any street. A permit issued for either a banner or streamer shall be deemed as allowing either or both uses.

(b) Street banners. Street banners are allowable for official, civic, or philanthropic parades, festivals or events, and shall not be erected more than three weeks in advance of such events, and shall be erected within one week after such event. Street banners should not exceed 125 square feet in size and may not extend across or above streets or highways unless approved by the City Building Inspector.

- (c) Political signs. Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than six (6) months in advance of any election, referenda or similar issue and shall be removed within fifteen days after the election and special election in which the candidate is eliminated in the case of primary elections and within fifteen days after the general election for all other candidates, issues, and referenda. All persons and groups wishing to use signs for political candidates, referenda or similar issues as a means of media within the City of Aberdeen, shall pay an administrative fee of \$50.00 to the City of Aberdeen for all signs collectively prior to erecting any signs. The administrative fee of \$50.00 may be refunded after the persons and groups have removed all of their political signs. Such signs shall comply with size and setback regulations pertinent to permanent signs contained in Section 114.03-3. Signs placed in violation of these regulations will be removed by City staff and deposited at City Hall. These signs will be released to the holder of the permit on payment of a fee of \$5.00 per sign.
- (2) Signs not requiring permits. The following temporary signs are allowable, without requiring permits, provided the cited restrictions are met:
 - (a) Real estate signs. Real estate signs shall not exceed 10 square feet in size or 5 feet in height in residential zones and shall not exceed 75 square feet in size or 15 feet in height in all other zones. All real estate signs shall be removed within 7 days after the closing of the sale, lease or rental of premises, or as determined by the Building Inspector for multiple lease or tenants spaces in a single project.
 - (b) Construction and development signs. Construction and development signs shall not exceed 75 feet of total signage area per construction project or development. Such signs shall be removed within one week of the substantial completion of the project or the installation of any permanent sign.
 - (c) Carport and yard sale signs. Signs advertising carport or yard sales should not exceed 8 square feet in size or 4 feet in height. Such signs shall be placed not more than one day in advance of the sale and shall be removed within one day of the completion of the sale.
 - (d) Public and semipublic signs. Signs advertising public and semipublic affairs such as civic, school, church and similar affairs and events are allowable provided they do not exceed 36 square feet in size or 10 feet in height. Such signs shall be placed a maximum of 10 days in advance of the event advertised and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.
 - (3) Setback requirements. No temporary sign shall be placed or erected within the right-of way of any street or within 15 feet of any curb line or street edge. Temporary signs, which do not meet the setback requirements, may be removed by city staff without notice.

114.03-5 Prohibited Signs

The following types of signs are prohibited:

- (1) Flashing or other distracting illumination.
 - (a) No sign shall consist of, or display, in whole or in part, any flashing lights or

other illuminating devices which change in intensity, brightness or color, excepting electronic reader board signs, provided the message on such sign does not flash on and off.

- (b) The light for or from any illuminated sign shall be so shaded, shielded, or directed that the light intensity shall not be objectionable to surrounding areas and shall not cause unnecessary glare to be directed toward traffic lanes
- (2) Resemblance to traffic signs. No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning" or any similar words or phrases that may be construed to misdirect or confuse traffic flow.
- (3) Vehicle signs. No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in this Ordinance. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding 2 square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.
- (4) Prohibited locations. No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way.
- (5) General prohibited signs. All other signs not specifically allowed by this Ordinance are prohibited, unless a major conditional use for their use can be secured.
- (6) Off premises signs. No advertising sign may be placed on a separate tract of land from the business or other use, for which it provides advertisement, except as allowed by Section 114.03-3(3) of this Ordinance. A sign, which advertises activities conducted on the premises, but also advertises products, services, or activities not conducted on the premises on a permanent basis, is not an on-premises sign.
- (7) Signs within 660 feet of the nearest edge of the right of way and visible from the traveled way of highways are prohibited, except as allowed by Section 114.03-3(3) of this Ordinance.
- (8) Those closer than sixty-five (65) feet to the centerline of any State Highway as provided in Section 49-23-31, Mississippi Code, 1972.
- (9) Signs adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or safety rest area, on any state highway.

114.03-6 Uniform Sign Plans for Shopping Centers and Other Multi-Occupant Non-Residential Developments:

A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of site plan approval and for all other multi-occupant non-residential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.

- (1) The uniform sign plan shall consist of five elements, which shall govern all signs within the shopping center or development: location, materials, size, letter style, and color. The uniform sign plan shall include drawings, specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to tie requirements of this Part.

- (2) The uniform sign plan shall be subject to approval by the Planning and Zoning Board. For shopping centers and other multi-occupant developments, the uniform sign plan must be submitted, reviewed, and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein or out-parcels connected thereto.
- (4) Ground sign advertising two (2) businesses may be up to 140 square feet in size and thirty (30) feet in height. Ground signs advertising three (3) businesses may be up to 175 square feet in size and thirty-five (35) feet in height
- (5) Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional sign and height specified by (d) above.
- (6) A uniform sign plan for the shopping center or development shall not be approved until and unless the Planning and Zoning Board finds that:
 - (a) The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction;
 - (b) The plan provides for signs, which meet the size limitation, location requirements, and other applicable requirements of this part.

114.03-7 Nonconforming Signs

- (1) A sign which was in place on December 2, 2003, which sign was also in compliance with any and all regulations at the time it was erected, shall be allowed to remain, even though it does not meet the requirements of this chapter. However, there shall be no changes to the sign. It shall not be enlarged or altered in any way which increases its nonconformity. Any new owner or occupant desiring to place different advertising on the sign must bring the sign into compliance with this Ordinance or must remove it altogether and erect a new sign which complies with the terms of this chapter.
- (2) Exceptions to the requirement that there be no changes to nonconforming signs are:
 - (a) Structural improvements;
 - (b) Refurbishing, but only with the same business or other entity being advertised;
 - (c) Directory signs.
- (3) Nothing in this section is intended to validate any sign which was in violation of the previous sign regulations contained in the Aberdeen Zoning Ordinance adopted August 14, 1979, nor placed after the grant of a variance, and which is also in violation of this Ordinance. Such signs must be removed immediately.

114.03-8 Inspection, removal and safety

- (1) The City Building Inspector is directed to enforce all of the provisions of this Sign Ordinance.
- (2) The Building Inspector shall give written notice for the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the Building Inspector shall take legal action to enforce compliance with this Ordinance. The Building Inspector may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Political signs in violation may be removed immediately by the Building Inspector and without notice.

- Any sign removal shall be at the expense of the property owner.
- (3) Any person aggrieved by any interpretation or order of the Building Inspector may appeal to the Planning and Zoning Board. The Building Inspector shall take no further action on the matter pending the Planning and Zoning Board's decision, except for unsafe signs which present an immediate and serious danger to the public.
 - (4) Signs described in Section 114.03-5 (1) and (2) are considered a threat to the safety of the public and must be removed.

114.03-9 Appeals from decisions

Any person or persons aggrieved by any decision of the Planning and Zoning Board may appeal in writing within ten (10) days to the Mayor and Board of Aldermen, and the Mayor and Board of Aldermen may affirm, reverse, remand or modify the decision as may be proper. Parties aggrieved by decisions of the Mayor and Board of Aldermen may seek review by a court of record as provided by law.

Section 2: That other than the aforesaid amendments, the City of Aberdeen Zoning Ordinance shall otherwise remain in full force and effect as duly recorded.

Section 3: If any section or part of a section of these amendments to said Ordinance are held to be unconstitutional or unenforceable for any reason, the same shall not affect the validity or enforceability of the remainder of these amendments to said Ordinance which shall remain and be in full force and effect.

Section 4: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall be published and take effect as provided by the laws and statutes of the State of Mississippi in such cases made and provided.

The above and foregoing Ordinance having first been reduced to writing was read and considered section by section, and each of said sections were adopted by the following vote, to-wit:

Aldermen voting “YEA”: Alderman Sykes, Garth, Cook and Buffington.

Aldermen voting "NAY": Alderman Odom.

Aldermen absent or not voting: None

WHEREUPON, said Ordinance was put to a vote upon its final passage as a whole, and the same was passed as read, with the following vote, to-wit:

Aldermen voting "YEA": Alderman Sykes, Garth, Cook and Buffington.

Aldermen voting "NAY": Alderman Odom.

Aldermen absent or not voting:

THEREUPON, the Mayor declared said Ordinance approved, passed, and adopted this 6th day of January, 2004.

W.M. Tisdale, Mayor

ATTEST:

Susan Honeycutt, City Clerk