ARTICLE XII: SIGNS, BILLBOARDS AND ADVERTISING MATERIAL

SECTION 12.1: Signs, Billboard and Advertising Material

All signs must meet the standards of the City's Architectural Regulations upon review by the Technical review Committee. The City encourages monument signs constructed of a variety of materials and offers the Gautier Architectural Handbook for illustration.

The purpose and intent of this section is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. Further, it is the intent of these regulations to assure the economy of the City, while protecting the public investments in streets and highways and to preserve the reasonable orderly and effective display of advertising.

With these concepts in mind, these regulations are adopted to achieve the following purposes:

A. To balance public and private objectives by allowing adequate signage for identification of businesses and civic entities.

B. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be fully or partially attributable to cluttered, distracting and/or illegible signage.

C. To protect the natural beauty of the landscape, and natural attributes of the community.

D. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.

E. To protect property values and the quality of life of citizens by preserving and enhancing the appearance of the streetscape.

F. To provide sign design standards which are consistent with the City of Gautier's zoning district classifications in terms of placement, size and height.

SECTION 12.2: Definitions

As used in this article the words and phrases listed below shall have the meaning as shown:

A-frame sign: A double faced, back to back sign attached at the top and separated at the bottom to form an open triangle front and back.

Abandoned sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on or off the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.

Advertising bench: A bench, as a park bench, for the use of the public which bears a commercial message and is not located on the premises which is being advertised.

Anchor Tenant, Major: Store or stores located within a shopping center exceeding fifteen thousand (15,000) square feet of floor space.

Anchor Tenant, Minor: Store or stores located within a shopping center having fifteen thousand (15,000) square feet or less floor space.

Animated sign: Any sign which includes action or motion, either electronic, mechanical or optical.

Awning: A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Background area: The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with wall signs.

Banner sign: Any sign possessing characters, letters, illustrations, or ornamentations, or designed so as to attract attention by scenic effect, including pennants, with or without characters, or other devices applied to cloth, paper, fabric, or like kind or material, either with or without frame, and which is not of permanent construction.

Billboard: A free-standing, super structure sign with large panels designed to carry outdoor activities.

Building face: All window and wall area of a building in one plane or elevation.

Building frontage: That side of a building which faces and is parallel to or most nearby parallel to a public street. The linear feet of the frontage is determined by measuring along the width of the outside wall of the building from side to side. There can be only one building frontage for each street upon which a building faces.

Building sign: A sign giving the name of a building itself, as opposed to the name of occupants or services.

Business identification sign: A sign bearing the name, trademark, or symbol of a business situated on a particular parcel of land.

Building Code: The International Building Code adopted by the City of Gautier.

Canopy sign: A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles or braces extended from the ground.

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

Changing sign (automatic): A sign, such as an electronically or electrically controlled time, temperature, and date sign, or message center or reader board, where different copy changes are shown.

Construction sign: A sign identifying the architects, engineers, contractors, and other persons involved in a construction project as well as the project itself.

Copy: The wording or other message of a sign, either in permanent or removable form.

Copy area: The total area encompassing the actual copy of a sign. For wall sign, the copy area limits refer to the message, not to the illuminated background.

Directional sign: Any sign which serves solely to designate the location or direction of a place or area.

Electrical sign: Any sign containing electrical wiring which is attached to or intended to be attached to an electrical energy source.

Erected: Means attached, altered, built, constructed, reconstructed, enlarged, or moved and shall include the painting of wall signs, but does not include copy changes on any sign equipped for changeable copy.

Exempt sign: Any sign designated as exempt from the permit requirements of this ordinance.

Face of sign: The entire area of a sign on which copy could be placed.

Flags: A piece of fabric or distinctive design that is used as a symbol, with or without characters, or, as a signaling device and is displayed hanging free from a staff or halyard to which it is attached by one edge.

Flashing sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs, such as time, temperature, and date signs or electronically controlled message centers area classified as "changing signs" not "flashing signs."

Free-standing sign: A ground sign or a sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

Garage sale sign: A temporary sign announcing a garage, yard, rummage, or like sale.

Height of sign: the vertical distance from the lowest point on the surface of the roadway on the nearest public street to the topmost point on the sign or its supporting structures, if any. If the nearest roadway is a bridge or overpass, or is at a level lower than the ground upon which the sign is located, then the height shall be measured from the ground.

Identification sign: An on-site sign that displays no more than the name, street address, crest, insignia, or trademark, occupation or profession of an occupant of the site or the name of any building on the site.

Illuminated sign: Any sign which emanates light either by means of exposed tubing or lamp on its surface or by means of illumination transmitted through its face or faces.

Indexing: Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three (3) messages in the same area.

Indirectly illuminated sign: Any sign which reflects light from a source externally directed upon it, for example, by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

Individual letter sign: Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

Institutional bulletin board: An on-site sign containing a surface upon which is displayed the name of a religious institution, school, library, or community center, and the announcement of its services or activities.

Integral sign: Signs as for churches, temples, or names of public buildings, dates of erection, monument citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material, or which are made of bronze, aluminum, or other permanent material of construction and made an integral part of the structure to which they are attached.

Interior lot line: A lot line other than one fronting on a public street.

Light Emitting Diode (LED) sign: Any sign, which uses light emitting diodes to display information or images.

Maintain: To permit a sign, sign structure, or any part of either to continue to exist at a particular place, or to repair or refurbish a sign, sign structure, or any part of either.

Marquee sign: Any sign attached to or constructed in or on a marquee.

Message: The copy of a sign.

Multi-prism sign: A sign made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

Nameplate sign: A non-electric sign identifying only the name and occupation or profession of the occupant of the site on which the sign is situated. If the site includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

Nonconforming sign: Any sign that had been lawfully erected and maintained prior to the effective date of this section and which does not conform to the applicable regulations of this section.

Non-electrical sign: Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical source.

Off-site sign: A sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located.

On-site sign: A sign which pertains to the property on which it is situated.

Owner: Any person who holds fee simple title to, is lessee of, or who lawfully occupies and uses a parcel of real property.

Parapet: That portion of a building wall that rises above the roof level.

Portable sign: Any sign not permanently attached to the ground or a building and which is designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be moved on a trailer, wheeled carriage or other non-motorized mobile structure, and is not a temporary sign as defined herein below. A portable sign which has its wheels removed shall still be considered a portable sign.

Private traffic directional sign: A sign that directs vehicular or pedestrian traffic onto a site or within a site.

Projecting sign: A sign, other than a wall sign, which is attached to and projects from a building face. The area of double-faced projecting signs is calculated on one face of the sign only, which shall be the larger if different in size.

Protected trees: All trees protected by the current tree ordinance and amendments thereto.

Public right-of-way width: The perpendicular distance across a public street, measured from property line to property line.

Public service information sign: Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions and the like.

Public signs: Signs of a noncommercial nature and in the public interest erected by or upon the order of a public officer in the performance of his duty, such as safety signs, memorial plaques, signs of historic interest, signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

Public 'warning signs: Any sign which warns the public of possible danger or informs the public of certain restrictions such as "Beware of the Dog" or "No trespassing" or "No Dumping".

Real estate sign: Any sign pertaining to the sale, lease, or rental of land or buildings.

Roofline: The top edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette.

Roof sign: Any on-site sign erected upon, against or directly above a roof or on top of or above the parapet of a building and which are not canopy signs.

Rotating sign: Any sign or portion of a sign that revolves, but not including multi-prism indexing signs.

Scintillating sign: A sign with moving parts and/or lights, except a message center sign. A scintillating sign shall also include a sign which has "chasing action" or "scintillating action". "Chasing action" is the action of a row of lights commonly used to create the appearance of motion, the effect of which is obtained by turning a sequence of lights off at timed intervals so that a group of shadows appear to flow in one direction. "Scintillating action" is that effect which gives the appearance of twinkling lights with such lights blinking on and off in a random manner.

Seasonal or holiday signs: Signs, such as Christmas decorations, used for a holiday and installed for a limited period of time.

Shopping Center, Major: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is greater than one hundred thousand (100,000) square feet. For the purpose of this sign ordinance, a major shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

Shopping Center, Minor: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is less than one hundred thousand (100,000) square feet and greater than twenty five thousand (25,000) square feet. For the purpose of this sign ordinance, a minor shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

Sign: Any structure or device that is erected and maintained outside of an enclosed building or structure for the purpose of display, conveying information, advertising, or the attraction of attention for any purpose, including, but not limited to, posters, pictures, pictorial or reading matter and any letter, word, model, device or representation used in any advertisement, announcement, attraction, or direction.

Sign area or size: The total area of the space enclosed by one continuous line, connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links and general background. Sign area for a back to back or V -type sign shall consist of only the area of one face.

Sign structure: Any structure which supports, has supported, or is capable of supporting a sign, including supports, frame, and decorative cover.

Site: Any lot or unplatted parcel or any combination of contiguous lot or unplatted parcels of land with its appurtenances and buildings having a unity of use and ownership.

Special event sign: Any sign or display which advertises an event such as a fair, special or annual city-wide event.

Special sales and promotion sign: Limited to pennants, banners, streamers, and air/gas filled figures for grand openings, anniversaries and special events.

Streamers: A series of small flags or pennants attached on a narrow strip of cloth, paper, fabric, plastic, or like kind of material and which is not of permanent construction.

Subdivision or apartment complex sign: A permanent sign that identifies a subdivision which is located within the subdivision, usually at its entrance or entrances.

Temporary sign: A sign that is not permanently affixed to the ground or building, including, but not limited to, sandwich signs, sidewalk signs, curb signs, balloons, and posters stapled to posts, posters or the like posted, nailed or stapled to an object, or similar signs.

Under-canopy sign: A sign that is situated beneath a permanent roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly

supported by a building or it may be wholly or partially supported by columns, poles, or braces extended from the ground.

Unlawful sign: A sign that is in violation of this ordinance and does not have the status of a nonconforming sign.

Unsafe sign: Any sign which, because of its location, coloring, illumination, or animation interferes with or has the potential to interfere with a motorist's view of general vehicular traffic, pedestrian traffic, intersectional traffic, traffic control devices, traffic directional signs, or causes confusion with law enforcement or emergency vehicles, or any sign which, because of its construction or state of repair, is likely to fall, be blown down, or cause possible injury to passersby.

Wall sign: Any sign attached to and parallel with any wall, including signs painted or printed thereon.

For the purpose of this ordinance, a fence under the roof of a building's perimeter shall be considered as an exterior wall. In addition:

A. Any signage mechanically attached to the outside of this fence shall be permitted as a wall sign.

B. Any signage mechanically attached to the inside of this fence (and which cannot be read from the outside) shall be considered indoor advertising which is exempt from this ordinance.

Section 12.3: Exempt Signs

The following signs are exempt from the permit requirements of this ordinance:

A. Signs not exceeding one square foot in sign area and bearing only property numbers, post box numbers, names of occupants, or other similar site identification matter of a non-commercial nature.

B. Temporary on-site real estate signs, provided such signs in residential districts shall not exceed twelve (12) square feet of sign area and have no more than one advertiser per street side not to exceed a total of two (2) signs per lot. In all other districts the sign area shall not exceed forty (40) square feet. They shall be immediately removed once their purpose has been achieved but not later than ten (10) days thereafter.

C. Any political sign erected on a site by the owner or with owner consent, provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first of such, and provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.

D. Signs painted on or attached to vehicles solely for identification purposes and limited to operable vehicles. Not included is any vehicle permanently used for signage purposes.

E. One construction sign per construction project not exceeding twenty (20) square feet of sign area in residential districts and forty (40) square feet of sign area in all other districts. Such signs shall be erected not more than sixty (60) days before the beginning of construction for which a valid building permit exists, they shall be removed within ten (10) days after completion of the project.

F. Non-electrical signs of no more than four (4) square feet of sign identifying restrooms, public telephones, and similar matters.

G. Memorial signs or tablets for names of building, dates of erection, and other commemorative matters when cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or similar material and securely affixed to the building or structure it pertains to.

H. Public signs and warning signs.

I. Nameplate signs in commercial, industrial, and special use districts that are not more than four (4) square feet in sign area which are fastened directly to and mounted flat against the building or structures to which it pertains.

J. Religious symbols, commemorative plaques of historical agencies, provided that they shall not be more than four (4) square feet in sign area and shall be mounted flat against the building or structures to which they pertain.

K. Signs having not more than four (4) square feet of sign area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or not more than thirty (30) days before the event and they shall be removed not more than ten (10) days after the event.

L. One on-site sign per street frontage having not more than thirty-two (32) square feet of sign area per sign identifying churches, schools, clubs, golf courses, country clubs, cemeteries, and similar uses.

M. One sign per subdivision entrance or one sign per apartment complex entrance. Sign shall not exceed twenty-four (24) square feet of sign area and not more than six (6) feet in height.

N. Seasonal, holiday, school and special event signs for no more than thirty (30) days before the season, event or holiday, which signs are to be removed within ten (10) days after such season, holiday or special event. These signs may be tacked, tied, posted or hooked to "private property" in a safe, secure and presentable manner and must comply with the rest of this Ordinance.

O. Garage sale signs not exceeding four (4) square feet in sign area which shall only be placed on the site of such sale.

P. Flags of non-commercial and non-advertising display to include but not be limited to flags of national, state, religious, fraternal, or similar display. One corporate flag is permitted as exempt.

Q. A-frame signs not to exceed six (6) square feet per face and only exhibited during business hours and limited to one sign per tenant.

R. Grand opening signs are allowed for no more than thirty (30) days.

SECTION 12.4: Prohibited Signs

A. Any sign, other than one which is nonconforming within the terms of this ordinance, which fails to meet the requirements of this ordinance.

B. Any sign which is tacked, tied, or posted to any hydrant, protected tree, lamppost, utility pole, fence, post, rock, or building unless otherwise authorized herein.

C. Any sign not complying with the requirements of the standard building code in effect at time of its erection.

D. Any sign that is hung or supported from another sign and which is not built as an integral part thereof.

E. Temporary signs except such as are exempt from permitting requirements.

F. Any sign, which is animated by means of beaming, flashing, scintillating, blinking or traveling lights. Electronic changeable copy signs, or reader boards, utilizing light emitting diode (LED) are not subject to this prohibition, nor are public service information signs.

G. Any sign placed wholly or partially on or encroaching upon the space above a street right-of-way or any other public property unless otherwise authorized herein.

H. Abandoned signs.

I. Unsafe signs.

J. Unlawful signs.

K. No person shall park any motor vehicle or trailer on a public street or on public property or on private property so as to be visible from a public street, which has attached thereto or located thereon any sign. This is not to be construed to prohibit normal vehicle signs attached to or painted thereon identifying the owner or business or activity such vehicle is used in.

L. Bench signs on private property without written approval of the ED Director.

M. Signs which purport to be or are an imitation of or resemble an official traffic sign or signal.

N. Any sign which is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window, or any sign which obstructs or is attached to a fire escape.

O. Any portable sign as defined herein to include portable message board signs, unless otherwise authorized.

P. Any sign on public property, excepting only signs placed upon such property by a governmental entity.

Q. Any device designed solely to attract attention by projecting light beams.

SECTION 12.5: Permits, Fees, Inspections, Etc.

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect a sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building and Zoning Administrator as required in this ordinance. This shall not be construed to require a permit for change of copy on a sign, nor for the repairing, cleaning, and other normal maintenance of a lawful sign or sign structure so long as the sign or sign structure is not modified.

An application for a sign permit shall be filed with the Building and Zoning Administrator on a form provided by him/her which shall contain the following information along with any other relevant information required by the Building and Zoning Administrator:

A. Name and address of the owner of the sign.

B. Name and address of the owner of the site where the sign is to be located.

C. A sketch showing the position of the sign in relation to other buildings, structures, and signs on the site.

D. If requested by the Building and Zoning Administrator, a drawing of the sign showing dimensions, type of construction, attachment method to the ground or building, and any related information asked for.

E. Name of the person erecting the sign.

F. Such other information as the Building and Zoning Administrator may require to ensure compliance of said sign with this ordinance and any other law of the city.

G. If deemed necessary by the Building and Zoning Administrator, the following signs may require certification by a registered engineer. The following signs shall be designed, signed and certified by a Mississippi registered structural engineer or architect, certifying to the structural integrity of the structure and foundation meeting all wind loads as set forth by the building code, and who shall submit sufficient data to enable the Building and Zoning Administrator to determine whether the sign complies with this code:

1. Signs over twelve (12) feet high, including billboards on-site or off-site.

2. Signs with unusual structural features.

3. The Building and Zoning Administrator shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant or

the sign meets the requirements of this ordinance and any other applicable ordinance of the city, and when all required fees have been paid.

If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.

4. The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

5. The Building and Zoning Administrator may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this ordinance. If a sign permit is denied or revoked by the Building and Zoning Administrator, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Building and Zoning Administrator which may be appealed as other decisions.

6. All billboards and free-standing, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a footing inspection to ensure that they comply with the sign permit and this ordinance. If the Building and Zoning Administrator determines that the sign as erected does not comply with the terms of the permit and this ordinance, he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

7. When a sign is erected before issuance of a permit as required by this ordinance, the fee specified herein shall be multiplied by five (5).

SECTION 12.6: Standards of Sign Construction

Any sign constructed under a sign permit issued under this ordinance shall be constructed in accordance with the provisions of the Building Code in effect at the time such sign permit is issued. If there is a conflict between the provisions of this ordinance and said Building Code, the provisions of the more restrictive shall apply.

SECTION 12.7: Maintenance, Repair, and Removal

A. Every sign, including exempt and nonconforming signs, shall be maintained in a safe, presentable, attractive, and good condition at all times, including, if needed, replacement of defective parts, painting, repainting, cleaning, and any other action required for the maintenance of said sign.

B. The Code Enforcement Officer shall cause the abatement or removal of unsafe, unlawful, or abandoned signs in accordance with the remedial and enforcement provisions of this ordinance. If the Code Enforcement Officer has to remove any sign, the owner thereof shall bear the cost of removal. The cost shall be billed to

the owner and upon a failure to pay within a reasonable time suit may be brought to recover the sum due.

SECTION 12.8: Signs Permitted in Residential Districts

In all residential districts all exempt signs are permitted subject to the conditions of the exemption applicable to residential districts.

SECTION 12.9: Signs Permitted in Commercial, Mixed Use and Industrial Districts

The following signs are permitted in all commercial, mixed use and industrial districts, subject to the conditions and limitations herein:

A. Free-standing, on-site signs
B. Wall signs
C. Canopy signs
D. Under-canopy signs
E. Roof signs
F. Projecting signs
G. Exempt signs
H. Special sale and promotion signs

12.9.1 Lots Abutting Highway 90 or Highway 57:

A. Major Shopping Centers, defined as 100,000 sq ft of building space or larger with linear Highway 90 or Highway 57 frontage equal to or greater than five hundred (500) feet:

1. Two free-standing, on-site signs shall be permitted, provided both signs are located on Highway 90 or Highway 57 frontage.

2. Each sign shall not exceed twenty (20) feet in height.

3. Total sign square footage shall not exceed two hundred fifty (250) square feet. The subject signs shall be separated by a minimum of one hundred fifty (150) linear feet.

4. Each store, office, or other place of business within the major shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

B. Major Shopping Centers with linear Highway 90 or Highway 57 frontage less than five hundred (500) feet but greater than three hundred (300) feet:

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height.

3. Sign square footage shall not exceed two hundred (200) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsections 12.10, below.

C. Major Shopping Centers with linear frontage along Highway 90 or Highway 57 up to three hundred (300) feet:

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height.

3. Sign square footage shall not exceed one hundred fifty (150) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

D. Minor Shopping Centers (no minimum linear Highway 90 or Highway 57 frontage requirement):

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height.

3. Sign square footage shall not exceed one hundred twenty five (125) square feet.

4. Each store, office, or other place of business within the minor shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

E. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage:

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height.

3. Sign square footage shall not exceed sixty (60) square feet.

4. Each store, office, or other place of business shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

12.9.2 Lots That Do Not Abut Highway 90 or Highway 57:

A. Major and Minor Shopping Centers:

1. One free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height.

3. Sign square footage shall not exceed one hundred (100) square feet.

4. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

B. Commercial, Mixed-Use and Industrial parcels:

1. One free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height.

3. Sign square footage shall not exceed twenty (20) square feet.

4. Each store, office, or other place of business one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsection 12.10, below.

SECTION 12.10: Wall, Roof, Projecting, Canopy, Incidental and Directional Signage

A. Wall Signs

1. Wall signs are permitted for a total area not exceeding the maximum area allowed for a free standing sign for the lot as specified in sub-section 12.9 above. In developed sites with multiple occupancies, the permitted area for a wall sign shall not exceed fifty (50) square feet for developments having frontage on Highway 57 or Highway 90, and shall not exceed twenty (20) square feet for lots that do not abut Highway 57 or Highway 90.

2. One wall sign shall be permitted for each occupancy within a developed site. If such occupancy is on a street corner, one wall sign is permitted for each frontage.

3. Occupancies located within a shopping center shall be allowed a wall sign with a maximum area that does not exceed fifty (50) square feet. Anchor tenants located within a shopping center shall be permitted a wall sign with total area not exceeding eighty (80) square feet.

B. Roof Signs

One roof sign is permitted per building, except in shopping centers. A roof sign shall not exceed the area limitations of subsection 12.9 above for free standing signs. A roof sign may exist instead of, but not in addition to, a free-standing, on-site sign or a permitted projection sign. The maximum overall height above said roof shall not exceed five (5) feet.

C. Projecting Signs

1. An occupant with building frontage on a public street is permitted to have one projecting sign along that street. The projecting sign may exist instead of, but not in addition to a permitted free-standing, on-site sign or a permitted roof sign. A projecting sign shall not exceed the area limitation of subsection 12.9 above for freestanding signs.

2. Projecting signs may extend over public property only in the TCMU and MUMS Districts (central business district). No projecting sign shall extend over public property more than ten (10) feet or beyond a vertical plane two (2) feet inside the curb or roadway edge line or have a vertical clearance of less than nine (9) feet above grade. Projecting signs that extend over public property shall have an area that does not exceed eight (8) square feet.

D. Canopy Signs and Under Canopy Signs

1. The copy area of a canopy sign may be forty-eight (48) square feet. Subject to a minimum height limit of nine (9) feet from the sidewalk, copy may be installed above or on the face of the canopy proper, provided that when such sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper.

2. Under-canopy signs shall have a sign area no greater than six (6) square feet, have a minimum clearance of eight (8) feet above the sidewalk and are limited to one per site.

3. No portion of a canopy sign shall be closer than four (4) feet to a vertical line from the adjacent curb face or roadway edge in the absence of a curb.

4. On places of public entertainment, such as theaters, arenas, coliseums, and meeting halls, the copy area allowance is six (6) square feet per linear foot of canopy as measured along the margin of the canopy.

E. Incidental and On-Site Directional Signs

1. Up to two (2) incidental signs may be attached to a freestanding, on-site sign or to a building wall. If attached to a wall such signs may not be mounted perpendicular thereto. These incidental signs are restricted to messages concerning trading stamps, credit cards which are accepted, official notices required by law, and trade affiliations. The area of each sign may not exceed four (4) square feet, and the total area of all signs on site shall not exceed eight (8) square feet.

2. Two (2) directional signs are permitted for each driveway onto a public street. The area of each such sign shall not exceed six (6) square feet. The maximum height for such signs shall be four (4) feet above grade.

3. The square footage of these incidental signs shall not be charged against the total allowable sign area otherwise permitted under this ordinance.

SECTION 12.11: Promotional Signs/Banners

A. Special Sale and Promotion Signs Standards

1. Special sale and promotion signs are permitted for anniversary events and special sales. Such displays shall be limited to a maximum of sixty (60) days per year, and no more than three (3) events per year per address.

2. A time period of no less than thirty (30) days is required between each displayed event. These signs shall be permitted by an annual permit fee. Once it has been permitted, the business owner will be given a sign permit shingle. This shingle shall be displayed at the location of said sign(s) and should be returned at the end of such promotion. Applicant shall indicate the number of days that the sign(s) will be displayed. If shingle is returned and sign(s) is removed prior to expiration of the permit, then the balance shall be credited towards the annual balance of days.

3. Signs that are not removed at specified date shall be charged an additional fifteen (15) days. This shall continue until sign(s) is removed or sixty (60) days has expired. These signs may be tacked, tied, posted, or hooked to 'private property' in a safe, secure and presentable manner, and must comply with the rest of this Ordinance (nothing shall be permitted to be nailed to any protected tree). Grand opening signs are excluded from these requirements and are allowed for no more than thirty (30) days.

B. Special Sale and Promotion Signs/Banners Location and Size

1. The minimum clearance for these signs/banners over walkways (on private property) shall be 8'0".

2. The minimum clearance for these signs/banners over a driveway and/or an occupied parking space (on private property) shall be 10'0".

3. The minimum clearance for streamers, other than listed above, shall be 8'0".

4. The overall maximum height for all special sale and promotion signs/banners shall not exceed eight (8) feet in height.

5. The total combined square footage of all special sale and promotion signs/banners shall not exceed fifty (50) square feet.

SECTION 12.12: Off-Site Directional Signage

Commercial business off-site directional signs are allowed under the following conditions:

A. It is located on privately owned commercial property.

B. It is maintained in good repair.

C. It meets all the height and setback requirements, and other restrictions set forth in this ordinance.

D. Provided any such sign shall be attributable towards the maximum allowable signage on such property and shall not exceed thirty two (32) square feet.

E. The signage and location comply with the Gautier Architectural Regulations and are approved by the ED Director.

SECTION 12.13: Billboards (Non Digital) Standards and Conditions

A. Outdoor Advertising Signs (Billboards) shall be permitted in C-3 Highway Commercial Districts only.

B. Billboards are not allowed as an accessory use or structure on a lot and shall be located on undeveloped lots or parcels of not less than one-half (1/2) acre.

C. The maximum sign size of all single billboards shall be four hundred (400) square feet including both sides of a back-to-back “v-type” sign.

D. The maximum height of all outdoor advertising signs shall be thirty-five (35) feet measured from the adjacent roadway grade to the top of the sign.

E. No outdoor advertising sign shall be erected, placed or hung closer than twenty-five (25) feet from the street right-of-way line.

F. An engineering certification signed and with a seal from a professional engineer shall accompany the application for an outdoor billboard stating the billboard does not present a safety hazard.

G. All outdoor advertising signs erected after the passage of this ordinance shall be a minimum distance of one thousand (1,000) feet from any other such outdoor advertising sign on the same side of the road as measured along a line parallel to such road, except that any electronic or LED billboard shall be a minimum distance of twenty-four hundred (2,400) feet from any other such sign.

SECTION 12.14: Billboards (Digital) Standards and Conditions

Digital billboards are regulated by the standards and conditions above. Billboards that can be changed at intervals by electronic mechanical process or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions:

A. Digital outdoor advertising signs which display more than one (1) static message shall do so sequentially, with each static message having a dwell time of no less than twelve (12) seconds and a transition time between static messages of no more than one (1) second.

B. All moving parts or illumination shall move or change simultaneously and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period.

C. Digital outdoor advertising signs shall not display an illuminative brightness exceeding three hundred (300) NITs at any time between one half (1/2) hour after sunset until one half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset and such settings shall be attested to by the operator in written form.

D. Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

E. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with a default mechanism that shall freeze the sign in one (1) position or static message if a malfunction occurs.

F. Any digital outdoor advertising sign shall be separated a minimum distance of two thousand four hundred (2,400) feet from any other digital outdoor advertising sign facing the same traveled way, measured from the ground from the center on one sign to another.

G. Digital outdoor advertisings if visible from a residential district shall be setback from such areas a minimum distance of two hundred (200) feet.

H. No outdoor advertising sign which is a legal nonconforming sign at the time of the adopting of this Unified Development Code, shall be modified, changed or converted into a digital outdoor advertising sign.

I. No digital outdoor advertising sign shall be located within fifty (50) feet of a signalized intersection.

J. No such digital sign shall exceed an illumination of seventy (70) foot candles measured at two (2) foot distance from the sign.

SECTION 12.15: Historic Districts, Sites or Landmark Protection Areas

In addition to other requirements set forth herein, any sign located within an historic district, individual sites or landmark protection areas in the City of Gautier shall comply with this Ordinance.

The appearance, color, size, position, method of attachment, texture of materials and design of such signs shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. The signs allowed in the underlying zones shall further be limited as follows:

A. Off-site signs shall not be permitted.

B. Freestanding signs shall be limited to one sign per premises.

C. Maximum area of any signs shall be as follows:

1. Schools with at least twenty-five (25) students from and including prekindergarten through high school or any grades thereof, or churches:

a. One name sign, maximum of twelve (12) square feet.

b. One information sign (bulletin board), maximum of eighteen (18) square feet.

c. No sign permitted wider than six (6) feet.

d. One additional bulletin board not visible from the street, maximum of thirty-two (32) square feet.

e. Traffic flow directional signs, maximum one square foot.

2. Museums, community centers, civic (nonprofit) organizations, or historic sites:

a. One sign, maximum of eighteen (18) square feet.

b. No sign permitted wider than six (6) feet.

3. Mixed use or commercially zoned historic property:

a. Businesses with less than 100-foot street frontage:

1. One sign, maximum of twelve (12) square feet.

2. No sign wider than six (6) feet.

b. Businesses with one hundred (100) feet or more street frontage:

1. Maximum area computed at twelve (12) square feet per one hundred (100) feet of street frontage.

2. No sign wider than twelve (12) feet.

D. Maximum total square feet of freestanding signs on single premises with multiple businesses:

1. Premises with total street frontage of less than one hundred (100) feet, maximum area of twenty-four (24) square feet.

2. Premises with total street frontage of one hundred (100) feet or more, maximum area of forty-eight (48) square feet.

3. Signs on all other properties may not exceed four (4) square feet.

4. No sign may extend above the top of the nearest facade, eaves, or firewall of a building or structure.

5. Design and materials of signs. Visible bulbs, not exceeding ten (10) watts per bulb, are allowed. Neon tubing is not allowed. Clear Plexiglas and acrylic, when used as a substitute for glass, are allowed; otherwise plastics are not allowed. Luminous paints are not allowed.

6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.

7. Any nonconforming signs that are replaced or undergo repairs exceeding fifty (50) per cent of their value must conform to these regulations.

8. The historic preservation commission may recommend to the Planning Commission exceptions to these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic.

SECTION 12.16: Signs on Trust Lands

The following rules shall apply to signs on Trust Lands:

A. On privately-owned land the regulations that apply in commercial and industrial districts shall be followed.

B. On trust lands of the State of Mississippi that are not leased to anyone there shall be no signs except those erected by or on the authority of the State of Mississippi or a political subdivision thereof.

C. Signs shall be erected on trust lands of the State of Mississippi that are leased to private persons if and as authorized in any such lease.

D. Unless the government lessor rules to the contrary, signs on trust lands of the State of Mississippi that are under lease to a private person on the effective date of (3) above shall be erected in accordance with the regulations that apply in commercial and industrial districts.

SECTION 12.17: Nonconforming Signs

A nonconforming sign may remain until it loses its nonconforming status in any of the following ways:

A. It is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that makes the sign less in compliance with this ordinance than it was before the alteration.

B. It is relocated in such a way as to make it less in compliance with the requirements of this ordinance.

C. It is changed to another nonconforming sign.

D. It is enlarged.

E. It is damaged in an amount greater than fifty (50) percent of its value at the time the damage occurs.

F. It is abandoned.

On the happening of any of the events in (A), (B), (C), (D), (E), or (F), the sign shall be immediately brought into compliance with this ordinance, or it shall be removed.

SECTION 12.18: Miscellaneous Rules

A. Unless otherwise provided, signs erected under the provisions of this ordinance shall be set back so as not to be on or over any public right of way.

B. To provide an adequate and safe line of sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the grade of the adjacent roadway. If a sign encroaches into this visibility space, the street front setback shall be increased until a safe line of sign is accomplished.

C. No part of a sign shall be closer than ten (10) feet to a utility pole or an electric power line, except signs exempt from permitting requirements may be placed closer than ten (10) feet to a utility pole.

D. Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.

E. No signs shall be suspended by rope, wire, string, or the like.