

## PROPOSED TEXT AMENDMENT TO THE CITY OF TUPELO DEVELOPMENT CODE (TA23-02)

TA22-02 Comprehensive Development Code Update: APPROVAL recommended July 25, 2022 by the City of Tupelo Planning Committee and Department of Development Services to amend the Code to include billboards that are allowed in a zone and are currently permitted as a "Use by Right" within the City of Tupelo to "Use by Flexibility".

### CHAPTER 10 Sign Regulations

All amendments and additions are noted in **bold**. Deletions are ~~stricken~~.

#### 10.1.1 Purpose and Intent

It is the purpose of this subchapter entitled "Sign Regulations" to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This subchapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics and traffic and pedestrian safety. The purpose of this subchapter is to:

- (1) Encourage the effective use of signs as a means of communication in the City;
- (2) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (7) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (8) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (9) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (10) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (11) Preserve and enhance the historic character of the City; and
- (12) Enable the fair and consistent enforcement of these sign regulations.

#### 10.1.2. Effect.

- (1) To establish a permit system that allows a variety of types of signs on business premises and a limited variety of signs on other premises, subject to this Code and its permit procedures;
- (2) To allow certain small, unobtrusive signs incidental to the principal use of a site without a permit if such signs meet the substantive requirements of this Code;
- (3) To prohibit off-premise advertising signs, except where billboards are permitted by state or federal law or by this Code;

- (4) To allow a variety of types of noncommercial signs subject to the same substantive and permit requirements that control on-premise signs;
- (5) To allow certain types of signs to make minor encroachments of the public right-of-way, if specially permitted; and
- (6) To prohibit all signs not expressly permitted by this Code. 10.1.3 Applicability

### 10.1.3 Applicability

This Section applies to **all** signs intended to be viewed from a public right of way, ~~such highways and streets,~~ and to signs which are intended to be viewed **from outdoor areas of private or public property, used for from public pedestrian areas, or from vehicular access to such property use areas within the City of Tupelo are subject to the standards of this Section. Signs requiring a permit must submit an application and all required materials to the Department of Development Services, including Certificate of Occupancy or Building Permit for the principal structure or use, project cost, scaled elevation of proposed sign, and site plan with existing and proposed signs.**

This Section 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 message.

### 10.1.4 Approval Requirement

Except as otherwise stated in this Chapter, signs which are allowed under this Chapter ~~shall~~ **are not allowed to be erected or placed until and unless the person erecting or placing the sign or the property owner has obtained a sign permit from the Development Services Department pursuant to Section 12.13 of this Code.**

**Documentation of an approved Certificate of Occupancy or Building Permit for the associated principal use is required with application for permitted signage within the City of Tupelo. A minor site plan, including scale elevation representation depicting height, distance from Right of Way, distance from existing signs on parcel and adjacent parcels, width of permanent structures, and all copy, text, images, artwork, and other proposed visualizations. Construction detailed is required, where applicable, to verify compliance with all requirements of the International Building Code, as adopted, as set forth in Chapter 16, Structural Design.**

All signs not specifically allowed by this Chapter are prohibited, unless a variance for their use is secured in accordance with Section ~~10.8~~ **10.6** or 12.16 of this Code.

### 10.1.4 Transitional Rule

- (1) Existing Unlawful Uses and Structures. A sign or sign structure, as defined by this Chapter, not lawfully existing at the time of the adoption of this Code is deemed lawful as of the effective date of this Code amendment if it conforms to all of the requirements of this Code. However, if such structure or use does not conform to all of the requirements of this Code, then such structure or use remains unlawful hereunder.**
- (2) Signs Rendered Nonconforming. When a sign located as a lawful use before the effective date of this Code amendment, and this Code amendment no longer classifies such use as either a permitted use or conforming use by virtue of its construction or location in the zoning district, such use is deemed a nonconforming use and shall be controlled by the provisions of this Code.**

**(3) Amortization and Compliance of Non-Conforming Signs.**

- a. **Outdoor Advertising Signs regulated by Mississippi Code 1972 Sections 49-23-1 through 49-23-29 regulating state controlled routes which become non-conforming according to the standards of this Section may continue and be provided with Flexible Use review for future permitting according to Chapter 14 of this Code provided that conformity and compliance for required sign area and lighting be met.**
- b. **All signs deemed nonconforming on parcels adjacent to or with frontage on Main Street, McCullough Boulevard, Coley Road, Cliff Gookin Boulevard, and Gloster Street must be made conforming within ten (10) years of the effective date of this Code amendment or within ten (10) years of the date of permitting, whichever is later, regardless of change of ownership or principal use of the parcel, excepting designated Landmark Signs and monument signs located in a vehicular use area, and where distance requirements are the only non-conforming standard.**
- c. **All new or renovated signs requiring a permit as defined in this Chapter shall be made conforming to all standards as stated in this Code in order to secure a permit, effective upon immediate effect of the date of this Code amendment.**
- d. **Any Billboard or off-premises Electronic Graphic Display sign not regulated by Mississippi Code 1972 Sections 49-23-1 through 49-23-29 located in an Agricultural/Open Space or Industrial zoning district, regardless of location, must be made conforming to this Code within five (5) years of the effective date of this Section, as amended.**
- e. **Where non-conforming signs not in compliance with this Code according to this Section which remain after the designated period for amortization, a notification will be provided by the City to the property owner notifying the property owner of the non-conformity and required amortization and be given notice of thirty (30) days in which to remove said sign or, where the sign is not removed within thirty (30) days, the City will issue a summons to Municipal Court to mitigate the non-conformity.**
- f. **The owner of an existing billboard or electronic graphic display sign where conformity would require removal of the sign in its entirety due to a nonconforming location may provide a petition for exemption to the City of Tupelo Planning Committee for review as a continuation of a non-conforming use according to Section 14.5 of this Code. Approval of the Committee is discretionary and must be contingent upon the immediate voluntary removal of at least one existing billboard or electronic graphic display sign in a location not designated for ten (10) year amortization upon the effective date of this Code, as amended. Billboards or electronic display signs granted exemption for removal must become conforming to all other standards of this Code.**

**10.2 Interpretations and Definitions**

A sign shall be any device, fixture, placard, **fixed image**, or structure that uses color, **light, audio**, form, graphics, words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are legible **or directly evident** from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed.

- (1) For the purposes of this section, this definition shall not include "trade dress," i.e.; architectural features identified with a product or business, as a sign.
- (2) The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

- (3) All signs, whether or not a permit is required, shall meet all requirements and standards of this Chapter as well as the International Building Code as adopted by the City of Tupelo or be found in violation of the City of Tupelo Development Code. Temporary signs found not in compliance are subject to immediate removal. Unpermitted signs are subject to violations set forth in Chapter 13 of this Code.
- (4) Fixed images on public or private property without designation or conveyance of information as described above which display artwork only, without words or other messaging other than what is tangentially included for artistic purpose only, is designated as artwork and regulated by Section 10.7.3 of this Chapter.
- (5) Appeal of any permitting decision related to signs as defined by this Chapter may be directed to the City of Tupelo Licensing Commission for review. Appeals of the Licensing decision may be appealed to the City of Tupelo City Council per Chapter 13 of this Code.

#### 10.2.1 Definitions

**ARTWORK:** A two or three dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed; **includes murals, window art, sculpture, and other artistic media legible or directly evident from a public street for consumption as public art. Landscaping art and other forms of artwork for private consumption on private property is not included.**

**BILLBOARD:** A permanent sign, which is not dependent upon a building for support, with a surface displaying renewable or replaceable messages, using pasted bills, paint, or other media, regardless of the content of the message, and usually communicating a commercial or non-commercial message related to an activity conducted, a service rendered or commodity sold at a location other than where the sign is located. All off-site, non-attached signs the advertising surface for which is for rent, lease or periodic fee, whether collected or not, shall be deemed a billboard sign.

**COPY:** Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

**COPY AREA:** The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

**FLAG:** Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole, **mounting structure**, or otherwise displayed from a building.

**MENU BOARD:** A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**NEON:** Lights, tubes, or other devices used to emit neon light.

**ROOF LINE:** The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered.

**SIGN, ABANDONED:** 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, **entity**, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Section; a sign that has been blank **or is not rented or leased, with or without a fee**, for 60 days or more; **an electronic sign no longer capable of display**; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. **Landmark signs or signs protected by Historical Preservation designations are exempt from this definition provided they do not pose a threat to health or safety.**

*SIGN, A-FRAMED:* (also a SANDWICH BOARD) A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

*SIGN, ANIMATED:* Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

*SIGN, ATTACHED:* A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face. Attached sign types include wall signs, awning signs, canopy signs, marquee signs, projecting signs and suspended signs.

*SIGN, AWNING:* A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

*SIGN, BANNER:* A sign made of flexible material that advertises a business, an event, or a product for sale.

*SIGN, CANOPY:* A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

*SIGN, CHANGEABLE COPY:* Any sign designed so that letters or numbers physically attached to the sign can be periodically changed to indicate a different message.

*SIGN, CONVENIENCE:* A sign displayed only for the direction, safety, and convenience of the public. Convenience Signs may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

*SIGN, DEVELOPMENT:* A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

*SIGN, DEVELOPMENT-IN-PROGRESS:* A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

*SIGN, DIRECTORY:* A sign displaying the names and/or logos of two or more businesses located in the same building, shopping center, or development.

*SIGN, ELECTRONIC GRAPHIC DISPLAY:* Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

*SIGN, ELECTRONIC READER BOARD:* A sign capable of electronically displaying and changing advertising copy, but not images.

*SIGN, FREESTANDING:* (also GROUND MOUNTED)

- (1) A sandwich board sign; or

(2) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support. Freestanding signs include monument and pylon signs.

*SIGN, GOVERNMENT IMITATION:* A sign that copies, imitates, or in any way approximates an official highway sign or carries the words "Stop" or "Danger." Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

*SIGN, HAND HELD:* A sign that is held by or otherwise mounted on a person.

*SIGN, SUSPENDED:* A sign mounted on beams, brackets, or poles projecting from a building.

*SIGN, INTEGRAL:* A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

*SIGN, INTERIOR ORIENTED:* A convenience sign not intended to be read from outside the property, as indicated by distance from property line, direction the sign faces, or the size of copy on the sign. Interior oriented signs may include menu board signs or shopping center directional signs.

**SIGN, LANDMARK:** Signs which have been officially designated as Local Historic Landmarks pursuant of the Tupelo Historic Preservation Code, and which retain those dimensional, locational, and lighting standards that the sign possessed when it received such a designation

**SIGN, MONUMENT:** a freestanding sign which is attached to the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

**SIGN, PYLON:** A freestanding sign consisting of a display elevated above the ground on one or more poles or columns, also known as a pole sign.

**SIGN, SUSPENDED:** A sign mounted on beams, brackets, or poles, or other support feature projecting from a building

**SIGN, WINDBLOWN:** Any device made of or supporting non-rigid material which by color and movement attracts attention for commercial purposes, including feather signs and other flag signs not supported by a flagpole or suspended from a building.

**SIGN, WINDOW:** A sign placed within, affixed to, in contact with, or located within 12 inches of a window and intended to be seen from the exterior.

**SPECIAL EVENT DISPLAY DEVICE:** Any device used for advertising display not otherwise defined in this ordinance, including inflatables, tents, tethered balloons and similar items.

**STRING LIGHTING:** Lighting used to outline a structure and to attract attention for commercial purposes.

**UNIFORM SIGN PLAN:** A plan establishing parameters for the size, location and design of signs in a planned development.

### 10.3. Sign Standards.

### 10.3.1 Sign Area

- (1) The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
- (2) Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
- (3) On all signs other than wall signs, which shall only be allowed one face, signs with identical sign faces placed in such a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees, shall be considered as a single (1) face. The area for a sign with more than one face, placed at an angle that exceeds 60 degrees, shall be computed by adding together the area of all sign faces. **Billboards are exempt from this standard. Billboard area and facing is regulated by Section 10.7 of this Code.**
- (4) The area of the address number required by Section ~~9.2.2~~ **9.22** of the Tupelo Municipal Code, Structure Address Regulations, shall not be computed as part of the sign face unless it exceeds twice the minimum number height requirement. All such street address numbers shall be displayed in accordance with Section ~~9.2.2~~ **9.22** of the Tupelo Municipal Code.

### 10.3.2. Sign Height.

The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the natural grade of the land at the site of the sign, exclusive of any berm height.

### 10.3.3 Sign Illumination

Sign illumination shall only be achieved through the following standards. The Planning Committee shall hear and decide any appeals of staff decisions related to the interpretation of this section.

- (1) External Illumination:
  - (a) Signs that are externally illuminated shall ~~have the light source shielded~~ **include a light shield to reduce light pollution and prevent illumination to** from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public.
  - (b) Illumination shall be achieved via a steady, stationary white light of ~~reasonable intensity,~~ **no more than 1 foot candle at the farthest point of the sign from the base,** which is directed solely at the sign.
  - (c) No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.
  - (d) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code **and permitted by the Department of Development Services.**

- (e) **Color temperature shall not exceed 4,000 Kelvin.**
  - (f) **Externally illuminated signage may not be located within 200 feet of any residential zone or residential use unless located on a major collector or arterial road. Variances may be granted by the Administrative Adjustment up to 15% but must include shielding to direct light to the sign and prevent adjacent property impact.**
- (2) Internal Illumination:
- (a) Internally illuminated signage, **such as neon, back lit, edge lit, and trough lit**, may not be located within ~~100~~ **200** feet of mixed use residential, medium density residential, or low density residential zoning districts. **Variances may be granted by the City of Tupelo Planning Committee but may not permit location closer than 100 feet to the above zoning districts or any residential use.**
  - (b) **Color temperature shall not exceed 4,000 Kelvin**

#### 10.3.4. General Visibility Quality.

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

- (1) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;
- (2) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and
- (3) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.
- (4) Signs shall be located so as not to block windows, doors or other means of ingress and egress. No sign shall be erected or placed in such a manner as to impair visibility of any motorists.
- (5) No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:
  - (a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the City of Tupelo or State of Mississippi, whichever is appropriate.
  - (b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or
  - (c) In any area where trees or shrubs are required to remain under an approved development contract.

#### 10.3.5. Design, Construction and Maintenance.

- (1) All signs shall comply with applicable provisions of the International Building Code and the National Electrical Code as currently adopted by the City of Tupelo. Sign shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of a least eight feet from electrical lines, or the minimum clearance in accordance with the provisions of the current adopted National Electrical Code, which either is greater. **No sign in in proximity of overhead utilities may be greater than 25 feet in height.** Windblown signs shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.
- (2) Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for those signs that, by their nature, are considered temporary.



- (3) 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. The premises surrounding signs shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.
- (4) The Director of Development Services, or authorized representative, shall have the authority to inspect all signs and order the painting, repair, alteration or removal of a sign which shall constitute a hazard to the health, safety or general welfare of the public by reason of inadequate maintenance, dilapidation or obsolescence.
- (5) 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 30 days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Director of Development Services, provided such extensions are requested in writing and the Director of Development Services finds that such extensions would not defeat the basic purposes of this Code.
- (6) No sign, regardless of zoning district, shall encroach more than 15 feet of any curb line, street edge, or driveway, within a sight visibility triangle, or impede corner visibility, as established by Section 11.4.3 (12) of this Code.**
- (7) All signs between 6 and 32 square feet shall maintain a minimum setback of 5 feet from the property line. All signs greater than 32 square feet shall maintain a minimum setback of 12 feet from the property line. No sign shall locate less than 12 feet from any property line adjacent to residential use or the boundary of a residential zone.**
- (8) No sign will be granted flexible or compatible use approval, provided any variance, or otherwise be permitted for height greater than 100 ft without a review of public hazard by the Chief Building Inspector of the City of Tupelo.**
- (9) No sign will be permitted for construction out of any combustible material except where approved by the Chief Building Inspector of the City of Tupelo.**

#### 10.4 Temporary Signs Allowed Without Permit

Temporary signs are intended for temporary use, not permanently mounted, and intended for a designated period of time. The temporary sign shall be for a special event, not a routine business activity. ~~The following temporary signs shall be allowed in each zoning district, within the stated restrictions, provided permits are obtained for their construction or placement.~~

- (1) Standards for all Temporary Signs:**
  - a. Signs cannot exceed 32 square feet in area or 4 ft in height.
  - b. Signs cannot be illuminated.
  - c. Signs cannot be placed or erected within the right-of-way of any street, or within 15 feet of any curb line or street edge.
- (2) Temporary signs which do not meet the requirements of this Section will be removed by city staff without notice or, if unable to be removed, will result in violation and enforcement according to Chapter 13 of this Code.**
- (3) Temporary signs are allowed in all zoning districts, within the stated restrictions, provided permits are obtained for their construction or placement, where applicable as state in this Section.**
- (4) Temporary Windblown sign, Freestanding Sign, or Banner permits may be issued twice per calendar year per location for a duration of no more than 30 days per permitted period with no less than 30 days between permitted periods.**

#### **10.4.1 Temporary Signs Allowed Without a Permit**

##### **(1) On Premise Real Estate Sign**

- a. Single lot sign in residential districts may not exceed 4 ft height or 6 square feet total area
- b. Sign in a residential area advertising multiple lots may have one sign not exceeding 8 ft in height or 32 square feet total area
- c. All real estate signs must be removed prior to issuance of a Certificate of Occupancy or 15 after closing or execution of a lease.

##### **(2) Off-Premise Real Estate Sign**

- a. Signs with directional information only are allowed as off-premises ground signs for real estate purposes. Business or developer names are prohibited on directional signs.
- b. Signs are limited to 5 signs per multiple lot project or per property if for a single lot and must be located no more than one mile from the property or project.
- c. Signs cannot exceed 4 ft in height or 2 square feet in area on either side.
- d. Signs cannot obstruct vision clearances or be located on the corner of any intersection. Only one sign is allowed per intersection.
- e. Signs must be removed on or before the time of closing, lease, sale, or contract on the project or property.
- f. The Director of Development Services, or designee, may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions.

##### **(3) Public/Nonprofit Announcement or Special Event Sign**

- a. Can be placed no earlier than two (2) weeks prior to the event and must be removed no later than seven (7) days after the event

##### **(4) Political Signs:**

- (a) Signs advertising political candidates, referenda or similar issues cannot be placed within the public right of way, closer than 15 feet from a street edge, or within a corner visibility area as provided by Section 6.3.6(11).
- (b) Such signs shall be removed within five days after the election and special election in which the candidate is eliminated in the case of primary elections and within five days after the general election for all other candidates, issues, and referenda.

#### **10.4.2 Temporary Signs Requiring a Permit**

##### **(1) Private Business Special Event**

- a. Freestanding signs cannot exceed 32 total square
- b. Banners cannot exceed 75 total square feet and cannot be located within 20 feet of any street.
- c. Not permitted for display more than 30 consecutive days more than twice per twelve (12) month period.

##### **(2) Special Event Display Devices**

- a. Advertising display devices not otherwise provided for in this Code, such as inflatables, tents, tethered balloons, et cetera are allowable for a total of a period of one week in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive.
- b. A drawing or photograph of the proposed device, along with a plan showing location on the property shall be submitted to the Planning Department for review.
- c. The proposed device, excluding tethered balloons, may not exceed 25 feet in height, shall not have any flashing or distracting illumination as described in Section 10.9.1(1), and shall not

**be located within 40 feet of any street right of way, or in any location that may interfere with drivers' visibility, the visibility of signage on other property, or electrical power lines**

**(3) Windblown Signs RELOCATED FROM 10.5.8**

- a. Up to 50 square feet of windblown signs, such as streamers, flags, pennants, et cetera, per 100 feet of street frontage may be placed on property within Mixed Use Commercial Corridor, Regional Commercial, or Mixed Use Employment zoning districts.  
~~(2) — Windblown signs may not have any copy or logo relating to the business.~~
- b. Such windblown signs shall be securely affixed to the ground or to a building and may not exceed ~~25~~ **15** feet in height.  
~~(4) — Windblown signs which become faded or tattered shall be replaced or removed.~~
- c. Flags conforming to official standards of the United States Government or the State of Mississippi shall not be considered or used as windblown signs.

**~~10.4.1. On-Premise Real Estate Sign. RELOCATED TO 10.4.1(1)~~**

~~In residential districts on projects not involving multiple lots, such signs shall not exceed six square feet in area and four feet in height and are limited to one per lot. In all other circumstances, such signs shall not exceed 32 square feet in area and eight feet in height. The sign shall be removed prior to the issuance of a Certificate of Compliance or within 15 days after closing or execution of a lease.~~

**~~10.4.2. Off-Premise Real Estate Sign. RELOCATED TO 10.4.1(2)~~**

- ~~(1) Signs that solely provide directional information regarding the sale or lease of residential property.~~
- ~~(2) The signs contain only directional information [i.e., directional arrows, "left 100 yards", "2nd right", etc.] and "house for rent", "open house", "new house(s) for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.~~
- ~~(3) The signs shall be temporary signs on white background, unlit, and limited to two square feet per side for a single user. The sign message may be placed on each side of the sign. The signs shall not exceed four feet in height and shall not obstruct vision clearances.~~
- ~~(a) In order to avoid the placement of a series of signs along several miles of roadway, no more than five signs shall be allowed per project or per property when a single dwelling is for sale or rent. Signs shall be placed no farther one mile from the project or property for which directions are given.~~
- ~~(b) Each user is allowed only one sign per intersection.~~
- ~~(c) Signs for properties for sale or lease shall be removed when a contract is closed on the last property for sale or lease in the project.~~
- ~~(d) To encourage assistance in compliance with these requirements, the Director of Development Services, or designee, may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions.~~

**~~10.4.3. Public/Nonprofit Announcement Sign. RELOCATED TO 10.4.1(3)~~**

~~May be erected up to two weeks prior to the event and shall be removed within seven days after the event.~~

**~~10.4.4. Setback Requirements. RELOCATED TO 10.4(2)~~**

~~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.~~

~~10.6 Temporary signs are intended for temporary use, not permanently mounted, and intended for a designated period of time. The temporary sign shall be for a special event, not a routine business activity. The following temporary signs shall be allowed in each zoning district, within the stated restrictions, provided permits are obtained for their construction or placement. **RELOCATED TO 10.4**~~

~~(1) Freestanding Signs: **RELOCATED TO 10.4.2**~~

- ~~(a) Shall not be displayed for more than 30 consecutive days.~~
- ~~(b) Shall not exceed 32 square feet.~~
- ~~(c) Only one sign shall be allowed per business per special event.~~
- ~~(d) Each business site may be issued two sign permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.~~

~~(2) Banners: **RELOCATED TO 10.4.2**~~

- ~~(a) Allowed for a total of one period of two weeks in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive.~~
- ~~(b) Banners shall not exceed 75 square feet in size. Banners shall not be located within 20 feet of any street.~~

~~(3) Political Signs: **RELOCATED TO 10.4.1**~~

- ~~(a) Signs advertising political candidates, referenda or similar issues shall not be placed within the public right of way, closer than 15 feet from a street edge, or within a corner visibility area as provided by Section 6.3.6(11).~~
- ~~(b) Such signs shall be removed within five days after the election and special election in which the candidate is eliminated in the case of primary elections and within five days after the general election for all other candidates, issues, and referenda.~~
- ~~(c) Signs placed in violation of these regulations will be removed by City staff~~

~~(4) Special Event Display Devices: Advertising display devices not otherwise provided for in this Code, such as inflatables, tents, tethered balloons, et cetera are allowable for a total of a period of one week in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive. A drawing or photograph of the proposed device, along with a plan showing location on the property shall be submitted to the Planning Department for review. The proposed device, excluding tethered balloons, may not exceed 25 feet in height, shall not have any flashing or distracting illumination as described in Section 10.9.1(1), and shall not be located within 40 feet of any street right of way, or in any location that may interfere with drivers' visibility, the visibility of signage on other property, or electrical power lines **RELOCATED TO 10.4.2**~~

## **10.5 Permanent Signs**

### **10.5.1 Permanent Signs Allowed Without a Permit**

**(1) Public Convenience Sign ~~RELOCATED FROM 10.5.1~~**

An on-premise sign giving information or direction for the convenience and necessity of the public such as address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

- a. Convenience signs visible from outside the property shall not exceed three square feet of area per sign or four feet in height and shall not contain any logos. Interior oriented signs may not exceed 32 square feet in area or the height of the nearest building.

**(2) Historic Marker Sign ~~RELOCATED FROM 10.5.2~~**

A sign attached to a building, indicating the date of construction or the name of the building or the principals involved in its construction. Also includes attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or local basis or to properties within a duly authorized local historic district.

- a. Historic Marker Standards: The plan or program sponsoring the sign shall employ uniform standards of eligibility and the sign or marker shall commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance.
- b. Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weatherproof material.
- c. Signs attached to buildings shall not exceed six square feet in area.

(3) Window Sign **RELOCATED FROM 10.5.3**

Signs, **including digital, electronic, or otherwise illuminated**, that are attached to, painted on, or etched into a window or displayed, **internally or externally**, within ~~12~~ **24** inches (measured horizontally) of the window and are legible from outside of the window.

- a. Window signs shall not exceed 30 percent of the window area on each facade and in combination with all other signs on the lot shall not exceed the maximum permitted sign area for the lot.
- b. **Perforated window dressing or cling without advertisement, graphics, or other messaging that would constitute a sign as defined by this Chapter is not regulated by the standards of Section 10.5.3.**
- c. **Artwork, as defined by this Chapter, located on window facing or displayed in a window without advertisement, graphics, or other messaging that would constitute a sign as defined by this Chapter is regulated by the standards of Section 10.7.3.**

(4) Traffic Control Signs on Private Property **RELOCATED FROM 10.5.4**

Any public notice or warning required by applicable federal, state or local law, regulation or Code. Any federal, state, or local traffic control or other public sign when located on private property.

- a. The face shall meet Mississippi Department of Transportation standards.
- b. The sign shall contain no commercial logo or message.

(5) Vending Machines, Automatic Tellers, Gasoline Pumps **RELOCATED FROM 10.5.5**

Signs that display the name, trademark, prices or logo of the company or brand, provided the display is an integral part of a vending machine, automatic teller machine, or gas pump.

- a. The sign shall not exceed four square feet in area per side.

~~10.5.6. Residential Identification Sign.~~ **INCLUDED IN DEFINITION OF FREESTANDING SIGN, REGULATED AS PERMANENT SIGN REQUIRING A PERMIT**

~~(1) — Up to two freestanding signs may be placed on private property at each entrance to identify the subdivision.~~

~~(2) — Each sign shall be limited to six feet in height and 12 square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall or masonry column.~~

~~10.5.7. Mixed Use and Multifamily Developments.~~ **INCLUDED IN DEFINITION OF FREESTANDING SIGN, REGULATED AS PERMANENT SIGN REQUIRING A PERMIT**

~~(1) — Up to two freestanding signs may be placed on private property at each entrance to identify the project.~~

~~(2) — Each sign shall be limited to six feet in height and the total sign area shall not exceed 32 square feet in area for a single sign and 16 square feet each if two signs are used.~~

~~(3) The sign shall be incorporated into a permanent landscape feature such as a wall or masonry column.~~

## 10.5.2 Permanent Signs Requiring a Permit

### ~~10.7.1.~~ 10.5.2.1 Attached Signs.

**Unless otherwise specified in this Section, all attached signs must meet the following standards:**

- (1) **Location:** Attached signs are permitted in all mixed use and nonresidential zoning districts, except Marquee signs permitted only in nonresidential zoning districts.
- (2) **Right Of Way:** Clearance of eight feet above the public right of way, sidewalk, or required front yard and cannot extend more than five feet into the right of way without Tupelo City Council approval.
- (3) **Setback:** Not closer than two feet, measured in horizontal distance, from the curb line of any street.
- (4) **Area:** The area of all permitted signs shall be included in calculating the total area of all attached signs.

**(5) Additional Standards:**

- a. ~~Awning Signs: Awning signs are shall be permitted in all mixed use and nonresidential zoning districts~~ subject to the following requirements:
  - i. Shall be flat against the surface of the awning.
  - ii. Any fabric awning valance may not extend more than one foot below the rigid mount of the awning.
  - iii. Maximum sign area is one square foot per linear foot of awning, determined using the area formula for wall signage in Section 10.7.1(6).
  - iv. Only one sign is permitted over each door or window.

~~(b) Shall maintain a clearance of eight feet above a public right of way or required front yard.~~

~~(c) Shall not be closer than two feet, measured in horizontal distance, from the curb line of any street.~~

~~(d) Shall not extend more than five feet into the right of way without specific approval of the City Council.~~

~~(h) The area of all permitted awning signs shall be included in calculating the total area of all attached signs.~~

- b. ~~Canopy Sign: Canopy signs are shall be permitted in all mixed use or nonresidential zoning districts~~ subject to the following requirements:

- i. Maximum sign area per canopy face is 12 square feet.
- ii. The vertical edge of the canopy sign shall be a maximum of two feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be 42 inches.
- iii. Shall not extend beyond the vertical edge of the canopy to which it is attached.

~~(d) The area of all permitted canopy signs shall be included in calculating the total area of all attached signs.~~

- c. ~~Marquee Sign: Marquee signs are shall be allowed in all non-residential districts,~~ subject to the following conditions:

~~(a) Shall maintain a vertical clearance over a sidewalk of at least eight feet.~~

~~(b) Shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.~~

- i. The message area may extend the full length of the marquee.
- ii. The message area shall not exceed eight feet in height.
- iii. The message area shall not exceed 200 square feet in area, except in the MUD District where it shall not exceed 350 square feet in area.

- iv. Only one marquee sign shall be allowed per establishment.
- ~~(g) The area of all permitted marquee signs shall be included in calculating the area of all attached signs.~~
- d. Projecting Sign: Projecting signs **or blade signs are shall be allowed in all mixed use or nonresidential zoning districts**, subject to the following conditions:
  - i. Shall not extend above the top of the wall to which it is attached.
  - ii. Shall not extend into a required front yard more than six feet or into a public right-of-way more than four and one-half feet.
  - iii. Shall not exceed 20 square feet in area.
  - iv. Only one sign shall be permitted per establishment.
- ~~(b) Shall maintain a clearance of eight feet above a public right-of-way or required front yard.~~
- ~~(f) The area of all permitted projecting signs shall be included in calculating the area of all attached signs.~~
- e. Suspended Sign: Suspended signs **are shall be permitted in all mixed use or nonresidential zoning districts**, subject to the following regulations:
  - i. Sign area shall not exceed three and one-half square feet.
  - ii. Only one sign shall be allowed per establishment.
- ~~(a) Shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.~~
- ~~(b) Shall maintain a vertical clearance over a sidewalk of at least eight feet.~~
- ~~(e) The area of all permitted suspended signs shall be included in calculating the area of all attached signs.~~
- f. Wall Sign: Wall signs **are shall be allowed in all mixed use and nonresidential districts** subject to the following requirements:
  - i. Shall not extend more than 12 inches from the wall of the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
  - ii. Sign may extend up to 12 inches into a public right-of-way.
  - iii. Sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
  - iv. Sign may not prevent the free entrance and exit from any window, door or fire escape.
  - v. The area of wall signs in the Regional Commercial zoning district or the mixed use zoning districts may not exceed one square foot for each foot of horizontal length of the wall to which the sign is attached.
  - vi. The area of wall signs in other non-residential zoning districts may not exceed one and one half square foot for each foot of horizontal length of the wall to which the sign is attached.
  - vii. Nonresidential uses permitted in residential districts shall be allowed one wall sign per building, provided the sign does not exceed one half square foot for each foot of horizontal length of the wall to which the sign is attached; however, a minimum of eight square feet of sign area shall be allowed.
  - viii. Optional wall sign area formula: Five percent of the wall area, up to a maximum of 200 square feet, may be used as an alternative basis to calculate the permitted size of a wall sign in the Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment,

and Regional Commercial Districts. This optional formula may be used on only one wall of a building. In the Mixed Use Downtown district, three percent of the wall area may be used for signs placed at the third or fourth story level or higher, up to 300 square feet; five percent of the wall area may be used for signage placed at the fifth story level or higher, up to 600 square feet; and the optional formula may be used on more than one wall.

- ix. Signs may not extend above the roof line.

~~10.7.2~~ **10.5.2.2 Freestanding Signs COMPLETE REORGANIZATION REQUIRED. ADDITIONS IN BOLD, DELETIONS WITH STRIKETHROUGH**

The following freestanding signs are regulated by this Section:

- (1) Monument Signs
- (2) Pylon Signs (also known as pole signs)
- (3) Uniform or Directory Signs
- (4) Billboards
- (5) Variable Display Signs
- (6) Landmark Signs

**10.5.2.2(1) Freestanding Sign Standards**

All freestanding signs shall comply with the standards of this section unless otherwise specified by sign type in Section 10.7.2.2, Special Standards

(1) Design and Construction

a. Construction Materials

- i. All freestanding signs, excepting Pylon, Billboard, and Electronic Graphic Display signs, must be constructed with a solid decorative base such as brick, decorative masonry, natural or decorative stone, stucco finish or façade, decorative metal, the width of the sign and at least 2 ft in height.
- ii. All pylon signs and Billboard and Electronic Graphic Display signs located in a designated flood zone or whose height exceeds 25 ft with exposed support structure must be painted or coated with a matte treatment appropriate to ensure the longevity of the structure and conceal the base material of the support structure.
- iii. Billboard and Electronic Graphic Display signs not exceeding 25 ft in height, excepting those locating within a designated flood zone, must be constructed with a decorative wrap of the support pole such as brick, decorative masonry, natural or decorative stone, stucco finish or façade, or decorative metal extending, at minimum, to the lowest point of the sign. Wrap design is subject to approval by the Director of the Department of Development Services.

b. Height

- i. Monument Sign: The distance from the ground to the highest point of the sign shall be not more than six feet for signs placed at the minimum setback line of 15 feet from the street edge.
- ii. Pylon Sign: Not permitted in residential districts ~~or on properties adjacent to a residential zoning district boundary~~. The distance from the ground to the highest point of the sign shall not exceed ~~16~~ **12** feet for signs placed at the minimum setback line.



- c. Area
  - i. Nonresidential Districts: Individual signs on each street frontage of a property shall not exceed 32 square feet in area when the frontage is less than 150 feet, and shall not exceed 80 square feet in area in the Regional Commercial District, or 100 square feet in area in other districts, when the frontage is 150 feet or more.
  - ii. Residential Districts: Individual signs on each street frontage of a property shall not exceed 12 square feet in area when the frontage is less than 150 feet, and shall not exceed 32 square feet in area when the frontage is 150 feet or more.
- d. **Additional Standards**
  - i. **All freestanding signs requiring a footing and/or electrical utilities must submit a Commercial Construction Application as well as a Sign Application for review by the Department of Development Services.**

(2) **Location**

- a. **Freestanding permanent signs other than Billboards and Electronic Graphic Display signs must be located on-premises for purposes relating to the principal use of the parcel on which they are located except where Electronic Graphic Display signs meet on-premises sign standards and do not display advertisement or video images other than on-premises activity and/or no cost community public events.**
- b. Zoning Districts
  - i. ~~Freestanding signs shall be permitted in mixed use, nonresidential zoning districts and for non-residential uses in mixed use zoning districts subject to the following requirements: ;b0;~~
  - ii. Pylon Sign: Not permitted in residential districts **or on properties adjacent to a residential zoning district boundary unless located on a major collector or arterial road.**
  - iii. Signs are otherwise permitted according to Table ~~10.7.2.1~~ 10.5.2.2 below. Note: Nonresidential Uses in Residential Districts, including Mixed Use Residential Districts, may have monument signs only.

- iv. Please note: R indicates Use by Right, C indicates Use by Compatibility, F indicates Use by Flexibility. Uses not indicated as R, C, or F in each zone are considered NOT an Allowed Use in the respective zone.

Table 10.5.2.2

Allowed Uses By Zone													
Allowed Use	A/O	LDR	MDR	MUR	MUD	MUCC-1	MUCC-2	MUE-1	MUE-2	MUAC-1	MUAC-2	RC	I
Billboard	R												R
Billboard Replacement	R												R
Electronic Graphic Display Sign	R												R
Landmark Signs	R	R	R	R	R	R	R	R	R	R	R	R	R
Monument Signs	R	R	R	R	R	C	C	R	R	R	R	R	R
Pylon Signs						R	R	R	R	R	R	R	R
Uniform/ Directory						R	R	R	R	R	R	R	R
Variable Display						R	R	R	R	R	R		

c. Location on Lot

- i. One freestanding on-premise sign shall be permitted on each property. An off-premise billboard may **not** be located on property with a freestanding on-premise sign, subject to location and separation standards of this section.
- ii. Setbacks
  1. Freestanding signs shall not be placed within 15 feet of a street edge **or right of way boundary, whichever is greater**, and may not extend or project over the right-of-way.
  2. Freestanding signs shall not be located within any sight distance triangles.
  3. Each freestanding ~~on-premise~~ sign shall be located a minimum of 100 feet from other freestanding ~~on-premise~~ signs on the same side of the street.
  4. **No freestanding sign may be located in a vehicular use area, parking stall, or other area designated for maneuvering of pedestrian or vehicular traffic and may not locate in an area previously approved to meet minimum parking standards.**
  5. If the sign height is six feet or less, there shall be no minimum setback required from the property line.
  6. If the sign height is over six feet in height:
    - a. For sign areas of 32 square feet or less, a minimum setback of five feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.
    - b. For sign areas of more than 32 square feet, a minimum setback of ten feet from all property lines shall be required, except that a minimum setback of 12 feet from adjoining residential properties shall be required.

iii. Signs Allowed in the Right of Way

Signs Allowed in Right-of-Way: The following signs are allowed within the public right-of-way in all zoning districts. Where such signs are permanent signs, they shall require a license agreement approved by the Public Works Director, or designee, or an encroachment agreement approved by MDOT for streets under state jurisdiction, except as specified in Section 10.5, Permanent Signs Not Requiring Permits. Signs allowed in right-of-way shall meet all other applicable requirements of this Article.

- (a) Awning and Projecting signs projecting over a public right-of-way.
- (b) Emergency Warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
- (c) Public Signs erected by or on behalf of the City, County, State or federal government.
- (d) Permit Signs erected pursuant to a permit for temporary use issued by the Director of Development Services, or designee, subject to such Codes or regulations as may apply.
- (e) Moveable Signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the Mixed Use Downtown District shall be allowed, but not require a permit, provided that all the following requirements are met.
- (f) The sidewalk in the area near the moveable sign shall be wide enough to allow for at least five feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
- (g) Each sidewalk sign allowed under this section shall not exceed two and one half feet in width and four feet in height. The sign itself shall be moveable, shall not be permanently attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

### **(3) Landscaping**

Freestanding signs shall incorporate the following landscaping requirements.

- a. A defined landscaped area shall be provided at the base of the sign. The required landscaped area shall be parallel to the face of the sign.
- b. The required landscaped area shall be at least 25 square feet in area for signs with total sign area of less than 32 square feet, and 50 square feet of landscaped area for signs of 32 or more square feet total sign area.
- c. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face. If the size of the site imposes practical difficulties on the placement of the plant materials, the Director of Development Services may make administrative adjustments in these requirements as stipulated in Section 12.16 of this Code.
- d. The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50 percent of the defined landscaped area at maturity.
- e. Paving and artificial plant materials shall not be included in fulfilling this requirement.
- f. A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

**(4) Address Requirement**

- a. All monument signs shall incorporate a street address number or address range, unless an alternative addressing location has been approved by the Development Services Department. Street address numbers shall be a minimum of four inches high in all zoning districts.

**(5) Compatibility**

- a. Highway Interchange Signage: ~~The Director of Development Services~~ **City of Tupelo Planning Committee** may approve a pylon sign up to 200 feet in area and up to 100 feet in height for restaurants, hotels, motels, fuel sales establishments or other highway oriented establishments when located on property **zoned for non-residential or industrial use that is not adjacent to or does not negatively impact residential uses**, any part of which shall be located within 1,000 feet of the center of the following interchanges on U.S. Highway 78/I-22; U.S. 78/I-22 and McCullough Boulevard/MS178; U.S. 78/I-22 and Coley Road Extended; U.S. 78/I-22 and Veterans Boulevard; U.S. 78/I22 and Auburn Road; or within 1,500 feet of the center of the following interchanges on U.S. Highway 45; U.S. 45 and Eason Boulevard; and U.S. 45 and Green Street. ~~and which is zoned Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment, or Industrial.~~
- b. An additional 50 square feet in area may be allowed for each additional businesses, up to a maximum of 400 square feet.
- c. The Director of Development Services may grant a "compatible use approval" 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 Code are met and the proposed sign is located as remotely from adjacent signs as possible. No such compatible use approval 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 Director of Development Services may grant a compatible 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. All procedures regarding compatible uses as contained in Section 12.12 shall apply.
- d. Alternative sign locations may be approved by the Director of Development Services considering the width of the right-of-way.

**(6) Flexibility**

- a. Flexibility: Signs placed at a greater than minimum setback may be allowed additional height as follows:
  - i. Monument Signs: One additional foot of height for each five feet of setback beyond the minimum, to a maximum of ten feet.
  - ii. Pylon Signs: One additional foot of height for each five feet of setback beyond the minimum, to a maximum of 25 feet in the Regional Commercial District, or 35 feet in other districts. This flexibility may not be combined with the height limit exemption provided under "Highway interchange signage" ~~below~~ **in Section 10.5.2.2(1)(5)**.
- b. Pylon signs placed at a greater than minimum setback from the street edge may be allowed additional area as follows:
  - i. Two additional square feet of area for each foot of setback beyond the minimum, to a maximum of 100 square feet in the Regional Commercial District, or 120 square feet in other districts. This flexibility may not be combined with the height limit exemption provided in ~~Section 10.7.2.(6)~~ **10.5.2.2(1)(5)** below, "Highway Interchange Signage".

## 10.5.2.2(2) Special Standards

### (1) Uniform or Directory Signs

- a. 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.
- b. 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 the requirements of this part.
- c. The uniform sign plan shall be subject to approval by the Development Services Department. 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.
- d. Freestanding signs advertising two businesses may be up to 120 square feet in size and 25 feet in height. Freestanding signs advertising three businesses may be up to 150 square feet in size and 30 feet in height.
- e. Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified above.
- f. A uniform sign plan for the shopping center or development shall not be approved until and unless the Development Services Department finds that;
- g. 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;
- h. The plan provides for signs which meet the size limitations, location requirements, and other applicable requirements of this part.

### (2) Billboards

**Billboards require separate approval as an accessory structure and submittal of construction detail during application for permitting.**

- a. Allowable Zones: Billboards shall be allowed in Agriculture/Open Space, ~~Mixed Use Commercial Corridor, Mixed Use Employment Center,~~ and Industrial zones.
- b. Size and Height Restrictions:
  - i. Billboards shall not exceed 400 square feet in size
  - ii. Billboards shall not exceed ~~35~~ 25 feet in height as measured from ground level to the highest point of the sign **without Flexible Variance approval by the City of Tupelo Planning Committee. No billboard may be approved to exceed 50 feet in height unless located in a Highway Interchange designated area as set forth in Section 10.5.2.2(1)(5) and approved for Flexible Variance by the City of Tupelo Planning Committee.**
  - iii. **No objects attached to a billboard structure or other encroachment in the form of signage or other advertising devices or media outside of the allowable square footage will be permitted.**
- c. Setback and Separation:

- i. The front setback, as required by the zoning Code for buildings, shall also apply to billboards, **but must maintain a clearance of 60 ft from the edge of the right of way, regardless of setback.**
  - ii. Billboards shall be separated from all other billboards by a minimum distance of ~~1,500~~ **1750** feet measured at a radius. Billboards shall be separated from freestanding signs by a minimum distance of ~~100~~ **500** feet **and may not be located on the same parcel as any other freestanding sign.**
  - iii. Billboards located within 250 feet of the edge of the pavement of Martin Luther King, Jr. Drive (U.S. Highway 45) or U.S. Highway 78 shall be separated from all other billboards by a minimum distance of 500 feet measured at a radius.
  - iv. **No billboard shall locate closer than 100 ft to the closes point of any structure**
  - v. **No billboard shall locate closer than 100 ft to any zoning boundary**
  - vi. **No billboard shall locate closer 200 ft to any residential use, regardless of zone and, if closer than 500 ft to any residential use, must be oriented so that no portion of the sign face is visible from a principal structure on a residentially zoned lot.**
- d. Other Restrictions:
- i. 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.
  - ii. Double sided billboards shall be allowed and shall be considered as one billboard, provided the nearest points of the individual sides of the structure are no more than five feet apart **and total area is no more than 400 square feet**
  - iii. **Stacked billboards with two panels facing the same direction may be permitted with Flexible Use approval by the City of Tupelo Planning Committee but may not exceed a total area of 400 square feet.**
  - iv. **Billboards are permitted for off-premises advertising only and shall not be used to promote the use of the parcel on which it is located.**
  - v. **All billboards are required to clearly post ownership identification and contact as well as City of Tupelo permitting number identification at an accessible point at the base of the structure.**
  - vi. **Billboards located on 2-way streets are required to maintain either side of the signage structure**
  - vii. **No new billboards may be constructed under the same ownership as that of any nonconforming billboard.**

### (3) Variable Display Signs

Variable Display Signs: Signs meeting the definitions of these sign types in Chapter 2 are required to meet specific design standards as follows:

- a. Changeable Copy Signs:
  - i. Location: ~~The sign must be located on the site of the use identified or advertised by the sign.~~
    - 1. Zoning District: Changeable copy signs are allowable in any zoning district according to general standards for signs in such district.
  - ii. Area: As provided in Sections 10.7.2(4) and overlay district requirements if applicable.
- b. Electronic Reader Board Signs:
  - i. Location: The sign must be located on the site of the use identified or advertised by the sign.

- ii. Zoning District: Allowed in Mixed Use Commercial Corridor, Mixed Use Activity Center, Mixed Use Employment, and Industrial Districts.
  - iii. Setback and Orientation: The sign must be a minimum of 100 feet from any residential zoning district; if located within 200 feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principal structure on a residentially zoned lot.
  - iv. Display: To pictorial images; texts may not exceed ten words or text elements; the minimum time a text or portion of a text may be displayed is one second per word or text element; no more than one color of illuminating device is allowed; the minimum pitch (space between pixels) shall be 23 millimeters.
  - v. Brightness: Electronic reader board signs must have a primary and secondary means of reducing the brightness of the display to 70 percent of peak capacity brightness after sunset. These methods may include light sensing devices embedded within the display's controlling system or software provisions to reduce brightness on a timed basis.
  - vi. Separation: The sign must be a minimum of 100 feet from any other ground sign and no compatible or flexible use process as described in Section 12.12 may be used to allow a lesser separation distance.
  - vii. Area: Electronic reader board signs placed as wall or freestanding signs may not exceed 40 percent of the sign area allowed for wall or freestanding signs in Sections 10.7.2.(4). If located in a commercial overlay district, the 40 percent limitation applies to the sign area standards specified for the overlay district. For legibility and the ability to display a complete text message, the minimum size of an electronic reader board sign shall be six square feet.
- c. Electronic Graphic Display Signs
- i. **Electronic Graphic Display Signs not meeting the standards of on-premises signage must conform to all standards for Billboards as set forth in Section 10.5.2.2(2) (2) as well as the following:**
  - ii. Location: The sign must be located on the site of the use identified or advertised by the sign, or in a location where a billboard may be permitted under the requirements of Section ~~10.7.2.(11)~~ **10.5.2.2.**
  - iii. Zoning District: Allowed for ~~on-premises~~ or off-premises use in Agriculture/Open Space, ~~Mixed use Commercial Corridor, Mixed Use Activity Center,~~ and Industrial districts.
  - iv. Setback and Orientation: For on premises use, the sign must also be a minimum of 100 feet from any residential zoning district; if located within 200 feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principle structure on a residentially zoned lot. For off premises use the sign must also meet the standards in Section ~~10.7.2.(11)~~ **10.5.2.2.**
  - v. Display: The sign may include both text and pictorial images, but no motion. Displays may include multiple colors. Displays must remain in place for at least one second per word or text element, with a minimum display time of eight seconds. Displays may change only with a whole text screen transition. The minimum pitch (space between pixels) shall be 23 millimeters.
  - vi. Separation: For on premises use, the sign must be a minimum of 100 feet from any other ground sign and no compatible or flexible variance process as described in Section 12.12 may be used to allow a lesser separation distance.

- vii. Area: For on premises use, electronic graphic display signs placed as freestanding signs ~~or attached to structures~~ may not exceed 40 percent of the area allowed for freestanding or wall signs in Sections ~~10.7.2.(4)~~ **10.5.2.2(1)**: If located in a commercial overlay district, the 40 percent limitation applies to the sign area standards specified for the overlay district. ~~For off premises use the sign must meet size standards for billboards in Section 10.7.2.(12)~~ **10.5.2.2(2)(2)**.
- viii. Billboard Replacement: ~~For off premises use,~~ an existing billboard may be replaced by an electronic graphic display sign provided that two existing billboard signs are removed and not replaced **according to the following guidelines:**
  - 1. **A nonconforming billboard may not be replaced with an electronic graphic display sign.**
  - 2. **Replacement may not occur if the applicant does not own two billboards located in the City of Tupelo that may be removed.**
  - 3. **Should the location of the billboard proposed for replacement by an electronic graphic display sign not meet the requirements of this code for such a sign, replacement shall not be permitted.**
  - 4. **Nonconforming billboards removed in order to conform to the standards of any Code amendment may not constitute a billboard designated for removal toward replacement of a billboard with an electronic graphic display sign.**

d. Landmark Signs

Landmark Signs: ~~Signs which have been officially designated as Local Historic Landmarks pursuant the Tupelo Historic Preservation Code, and which retain those dimensional, locational, and lighting standards that the sign possessed when it received such a designation shall enjoy the following privileges:~~

- I. May remain on roofs or exceed height limits found elsewhere in this Article.
- II. May exceed dimensional limits found elsewhere in this Article.
- III. May reference a product or business which is not related to the existing business on the property.
- IV. Shall not, if the sign is not related to an existing business, have the sign area deducted from the square footage of sign area granted by other standards of this Article.
- V. May remain in a right-of-way unless it becomes a hazard to traffic.
- VI. May retain its original lighting patterns and materials.
- VII. The following regulations shall apply to signs which have been designated as Landmark Signs.
  - 1. The voluntary removal of a Landmark Sign by an owner shall be allowed.
  - 2. Alterations to a Landmark Sign shall not be allowed without the issuance of a Certificate of Appropriateness by the Historic Preservation Commission using the criteria used in the Tupelo Historic Preservation Code.

**10.5.3 Standards for the Permitting of Permanent Display of Public Artwork**

**(1) All new murals on private property, excluding interior/exterior of private residences, require a permit by the Department of Development Services. Permitting procedures are as follows:**

- a. **A review committee made up of, at minimum, representatives of the City Planning Division, Tupelo Convention and Visitors Bureau, Building Division, Administrative Division, Planning Committee, Councilperson representing the proposed location, and including representatives of Downtown**



Tupelo Main Street Association, Historic Preservation Commission, and/or Overlay Design Review Committee, as applicable.

b. Full color scale renderings, where the mural will be displayed, materials used and process for application of mural to surface, and any letters of support for the proposal should be submitted to the Department of Development Services for review by committee. Proof of ownership of a property or permission by the property owner, along with a maintenance plan for the mural designated the responsible party is required for consideration of any application for artwork.

c. If the Mural proposal is viewed as a work of fine art, the applicant is given a letter of acceptance by the review committee and directed to the Department of Development Services, Zoning Administration to complete an application for a sign as a work of art permit. The Zoning Administration makes final determinations for permits.

d. If a determination is made by the committee that a proposal does not qualify as a one-of-a-kind work of art, the applicant will be given a letter from Tupelo Convention and Visitors Bureau stating that the proposal does not qualify as primarily a work of art in nature. The applicant will be directed to the Zoning Administration to complete an application for a sign permit. The Zoning Administration makes final determination for permits.

i. Public artwork may not meet the definition of a sign as defined by this Chapter or constitute advertising or an off-premises sign. Artwork constituting a sign must meet standards set forth in Chapter 10 of this Code.

ii. Overt use of logos or trademarks may lead to a determination that the proposal is advertising in nature and thus subject to signage code provisions concerning advertising and "off-site advertising.

iii. Murals must be a "one-of-a-kind" work of art and must not appear in any other public form including but not limited to advertising, logos, and trademarks and including publications where the mural is used to promote or identify the sponsor in any form.

## **(2) Design and Construction Standards**

- a. The City of Tupelo permitting process is content neutral beyond the prevention of obscenity, defined as works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value as determined by an average person, applying contemporary community standards.
- b. Artwork shall be primarily artistic in nature, but up to five (5) percent of the sign or structure may be the name or logo of a sponsoring organization. The percentage of the artwork surface devoted to the sponsoring organization may be increased up to ten (10) percent of the sign if the zoning administrator, with input from the director of the mayor's office of art, culture and film, determines the portion of the sign devoted to the sponsor does not detract from the artistic quality of the sign.
- c. Color, theme, and design, are not regulated by the City of Tupelo beyond what is reasonable for the protection of health and safety related to overly complicated design or reflective or neon color that may pose as a distraction to traffic safety.
- d. Artwork construction must include surface material and paint appropriate for outdoor display to ensure overall durability or longevity
- e. The proposed artwork shall not obscure or detract from the significant architectural features of the building structure or use value of the lot on which it is located, nor should the structure or lot be significantly altered to accommodate the artwork.

- f. **Artwork may not be externally illuminated except by Flexible Use approval by the City of Tupelo Planning Committee.**

**(3) Location**

- a. **Public artwork may be permitted in all zoning districts.**
- b. **Artwork located on a parcel with a designated Historic Landmark or resource or in locations in designated Historic Districts require approval by the City of Tupelo Historic Preservation Commission and receipt of a Certificate of Appropriateness.**
- c. **Artwork located within a designated Overlay District will require approval by the Design Review Committee of that Overlay.**
- d. **Locations are not otherwise regulated by the City of Tupelo beyond what is reasonable for the protection of health and safety related to locations that may pose as a distraction to traffic safety or constitute a detriment to the safety of adjacent residential use.**

~~10.8.~~ **10.6 Flexibility and Variances.**

~~10.8.1.~~ **10.6.1 Administrative Flexibility.**

The Director of Development Services may authorize additional sign height or area, of no more than ten percent of the applicable standard, on properties where other signage is reduced or not used, to the extent that the total area of signage is less than the maximum area allowable for all sign types on the property.

~~10.8.2.~~ **10.6.2 Variances.**

- (1) Requests for variances of greater than ten percent, but not more than 25 percent, of a sign dimensional standard will be reviewed under the provisions of Section 12.16.1, Compatibility Variance.
- (2) Requests for variances of more than 25 percent of a sign dimensional standard will be reviewed under the provisions of Section 12.16.2, Flexibility Variance.

~~10.8.3.~~ **10.6.3 Total signage area formula.**

As an alternative method of determining the amount of on-premise signage allowable when a business is applying for certificate of occupancy for a new location, the following formula may be used as the basis for granting flexibility of size within the total signage area available.

- (1) For lots or tenant spaces of 100 feet width or less, measured at the street, count 40 square feet for freestanding signage.
- (2) For lots or tenant spaces of more than 100 feet width, measured at the street, count 100 feet for freestanding signage.
- (3) Count one square foot for every foot of length, up to 100 feet, of each wall facing a street;
- (4) Over 100 feet in length, count one half square foot for each additional linear foot.
- (5) Count 50 square feet as an allowance for temporary signage.

The total allowable area of signage shall be recorded on the certificate of occupancy. Sign permits may be issued allowing the placement of permanent or temporary signs up to the total allowable signage area. ~~Specific signs may exceed the base area standards by up to 40 percent. A one time permit may be issued authorizing a specific amount of temporary signage, which may be changed or replaced without further permit, as long as the allowed area is not exceeded.~~

~~If the total allowable area of signage is exceeded, the permit may be revoked and the base area standards for signage will be enforced.~~

~~10.9.1~~ **10.7 Prohibited Signs**

**Prohibited signs, as described below, and those not adhering to the standards of this Section, will not be permitted by the City of Tupelo and, if located without a permit, are subject to violation enforcement and penalties according to Chapter 13, Enforcement of this Code and may be subject to immediate removal.**

**10.7.1 Applicability**

- (1) Signs with Flashing or other Distracting Illumination: 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 variable display signs as defined in Chapter 2 and as provided in Section ~~10.7.2(12)~~ **10.5.2.2**, provided the message on such sign does not flash on and off.
  - a. Non-holiday related permanent string lights for commercial use are prohibited unless located at the roof edge of the structure or illuminating a courtyard or alley where outdoor seating or pedestrian use is accessory to the principal use and must consist of warm white light 2500-3000 Kelvin color temperature with bulbs no closer than 12 inches apart.**
- (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) Signs Constituting Traffic Hazards: Any sign which constitutes a hazard to traffic including, but not limited to, signs located within the sight distance triangle of an intersection.
- (4) 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 Code. This will include portable signs, with or without illumination. 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 two square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.
- (5) **Dilapidated or Damaged Signs: A sign that has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.**  
**RELOCATED FORM 10.8.2**
- (6) **All other signs not specifically allowed by this Code are prohibited. RELOCATED FORM 10.9.4**

~~10.9.2~~ **10.7.2 Prohibited Locations**

- (1) Public Right-of-Way: No signs otherwise permitted by this Code 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, except as allowed by Section 10.4 of this Code. Signs placed in right of way or on other public property in violation of this code may be removed without notice.
- (2) Off Premise Signs: No 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 10.7.2.(11), Billboards, of this Code.
- (3) Roof Signs.
- (4) Hand Held Signs in Right-of-Way.
- (5) Signs on Natural Features such as, trees other living vegetation, or rocks.
- (6) Signs on benches, trash receptacles or similar items.
- (7) **Unsolicited handbills may not be distributed anywhere with the City of Tupelo.**

~~10.9.3. Dilapidated or Damaged Signs.~~ **RELOCATED TO 10.7 (5)**

~~A sign that has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.~~

~~10.9.4. General Prohibited Signs.~~ **RELOCATED TO 10.7(6)**

~~All other signs not specifically allowed by this Code are prohibited.~~

~~10.10~~ **10.8** Abandoned Signs

~~10.10.1~~ **10.8.1** Any sign that is located on property which becomes vacant and is unoccupied for a period of ~~12~~ **three (3)** months or more, ~~or~~ any sign which pertains to a time, event, **entity**, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Section; a sign that has been blank **or is not rented or leased, with or without a fee**, for 60 days or more; **an electronic sign no longer capable of display**; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. **Landmark signs or signs protected by Historical Preservation designations are exempt from this definition provided they do not pose a threat to health or safety.**

~~10.10.2.~~ **10.8.2** [Signs applicable to business temporarily suspended.]

Signs applicable to business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless this property remains vacant for a period of ~~12~~ **three (3)** months or more.

~~10.10.3.~~ **10.8.3** [Any sign that fails to meet the construction and maintenance requirements of this Section.]

Notwithstanding the above provisions, any sign that fails to meet the construction and maintenance requirements of this Section, 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 Director of Development Services to the owner or tenant concerning said deficiencies. The Director of Development Services 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.

~~10.10.4.~~ **10.8.4** [Signs which are found to be in violation of this Section.]

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 Director of Development Services 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.

~~10.11.~~ **10.9** Non-Conforming Signs.

~~10.11.1.~~ **10.9.1** [Signs that were lawful as of the effective date of this Code.]

Signs that were lawful as of the effective date of this Code but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs, except as provided below:

- a. The signs and supporting structures may not be enlarged, moved to a different location in the City unless that location conforms to all applicable provisions of this ordinance, or improved through replacement by substantially different materials or in any other manner, **without flexible use approval by the City of Tupelo Planning Committee** ~~except that a non-conforming billboard may be replaced by an electronic graphic display type billboard subject to the standards in Sections 10.7.2.(11) and 10.7.2.(12);~~

- b. Lights and/or other electric or electronic features may not be added, and the intensity of lighting may not be increased, except for billboard replacement as provided in Section 10.11.1.(a).

~~10.11.2.~~ **10.9.2** [Signs must operate in compliance with all other restrictions.]

The signs must operate in compliance with all other restrictions in this Chapter, and the Development Code, and other local regulations, including but not limited to prohibitions on sign operation and sign features contained in Section 10.3.4 and prohibitions on dilapidated and damaged signs contained in Section ~~10.9.3-~~**10.7**

- (1) The signs shall be removed if repair or damage to the sign and structure exceeds 25 percent of the lesser of the declared value when the sign permit was originally obtained or the replacement value.
- (2) The signs shall operate in compliance with all restrictions contained in federal and/or State law and regulation; and
- (3) The owner of such signs shall maintain all necessary records and documents, including permits, required to be obtained under previous Codes and/or State law or regulation, to demonstrate that the sign may continue to exist under the provisions of this Section.

~~10.11.3.~~ **10.9.3** [Restrictions.]

The restrictions contained in this Section shall not be interpreted to prohibit the City from requiring removal of any nonconforming off-premise sign when removal is accomplished in accordance with applicable law, including but not limited to federal and/or state requirements regarding compensation, or from requiring removal of abandoned signs under the provisions of Section ~~10.9-~~**10.8**.