

be hereafter extended throughout a building which was lawfully and manifestly arranged or designed for such use at the time of the enactment of the ordinance from which this chapter is derived.

(e) *Discontinuance of nonconforming uses.* No building or land or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used, except in conformity with the regulations of the district in which it is located.

(f) *Destruction of nonconforming use.* No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to damage shall be restored, except in conformity with the regulations of this chapter, and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed to its original size and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damage.

(g) *Intermittent use.* The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(h) *Existence of a nonconforming use.* In cases of doubt and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the governing authority after public notice and hearing and receipt of the report and recommendation of the board of adjustment.

(i) *Change of nonconforming use.* If no alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use, provided that the board of adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such request shall follow the same administrative course as application for a special exception.

(j) *Nonconforming uses not validated.* A nonconforming use in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of the ordinance from which this chapter is derived.

(Ord. of 2-16-2010, § 504)

Sec. 42-137. Visibility at intersections in residential districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

(Ord. of 2-16-2010, § 505)

Sec. 42-138. Signs and outdoor advertising.

(a) *General purpose.* The regulations set forth shall apply to and govern in all zoning districts as provided. No sign or outdoor advertising device shall be erected, unless it is in compliance with regulations for the district in which it is located as specified in this section. The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the city, to protect the public investments in streets and highways, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.

(b) *General requirements and limitations.*

- (1) Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in commercial and industrial districts as specified.
- (2) The placing, tacking, painting, hanging or otherwise affixing of any kind of sign, outdoor advertising or poster of miscellaneous character, visible from the public highways, streets or roads on the walls of buildings, barns, sheds, trees, vehicles, fences, utility poles, or any other structure, except as otherwise provided in these regulations, is prohibited.
- (3) No outdoor advertising sign shall be erected, placed, or hung nearer than 20 feet to the

highway, street or road right-of-way upon which said display faces, except where an existing nonconforming structure is set back less than 20 feet, an outdoor advertising sign may observe the same setback if the sign is within 100 feet of said building. If the nonconforming structure is subsequently moved, or removed, the sign shall be removed or moved to conform to the 20 feet setback required. An outdoor advertising sign shall not exceed 300 square feet showing in one direction, provided, however, that outdoor advertising signs shall be allowed up to a maximum of 600 square feet section of U.S. Highway 613 and Mississippi Highway 63. Back-to-back sign structures and v-type sign structures shall be allowed, with the square footage limitations being applied to each side of the sign separately.

- (4) All outdoor advertising signs permitted to be erected under this chapter shall be erected after the passage of the ordinance from which this chapter is derived a minimum distance of 1,000 feet from another such outdoor advertising sign on the same side of the road as measured along a line parallel to such road, except back-to-back, side-by-side, or V-type sign structures may be considered as one sign.
- (5) Business (on premises) signs advertising the primary nature, activities or products may be placed on the right-of-way line or further set back. A business sign mounted to a building may extend beyond the right-of-way line up to six feet, providing the extension is not beyond the curblin of the street and a minimum overhead clearance of ten feet is observed. A business sign shall not exceed 110 square feet in sign area.
- (6) No more than one business sign shall be allowed for corner lots having two street frontages, and an additional business sign will be allowed for a business having a rear customer entrance which fronts a street.
- (7) Shopping centers or multiple commercial buildings on the same premises are considered as one business in this article, as such are subject to the regulations for business signs as stated in subsection (b) of this section, except the size limitation does not apply to shopping centers

or multiple commercial buildings on one premises. Each business in the shopping area may be identified on the business sign.

- (8) No sign shall be erected less than eight feet above the roadbed toward which the sign is showing measuring from the roadbed to the bottom of the sign area.
- (9) Mobile signs are not allowed in any district, except by special exception for special events or emergencies, and then for a specified time.
- (10) Mobile signs, when allowed, shall not exceed 30 square feet in sign area and be anchored to withstand wind pressures. Mobile signs in areas under hurricane warning shall be removed immediately. All mobile signs shall conform to all other sign regulations as specified.

(c) *Permitted and exempted signs.*

- (1) One construction sign and one lender sign per construction project not exceeding 32 square feet of sign area in residential and commercial districts and 100 square feet of sign area in industrial districts. Such signs shall be erected not more than 30 days before the beginning of construction for which a valid building permit exists, they shall be placed on the construction site, and they shall be removed within 30 days after completion of the project.
- (2) Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.
- (3) Any political sign or poster not exceeding 12 square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issue to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than 60 days prior to such election or referendum and shall be removed within 30 days after referendum, or last such election in which the candidate is eligible.
- (4) Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes.

- (5) Signs on glass doors or windows not exceeding six square feet of sign area stating name or nature of business, location, and hours of business.
- (6) Signs at entrances to subdivision, multifamily dwellings or mobile home parks showing name, description or location only and not exceeding 15 square feet.
- (7) Signs not exceed one square foot in area and bearing only property numbers, post box numbers, names of occupants of the premises or other identification of the premises not having a commercial connotation.
- (8) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (9) Legal notice or identification, information or directional signs erected or required by governmental bodies.
- (10) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (11) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (12) On-site signs advertising property for sale or rent, provided such signs in single-family residential districts shall not exceed five square feet.
- (13) On-site church directory or bulletin board not exceeding 50 square feet.
- (14) Historical markers as recognized by local, state, or federal authorities (example: Mississippi Magnolia Marker).
- (15) Signs for home occupations as allowed in section 42-135(4).
- (16) Memorial signs or tablets for names of buildings, dates of erection and other commemorative matters when cut into a masonry surface or inlaid so as to be part of the building or when constructed of bronze or similar material and securely affixed to the building or structure it pertains to.
- (17) Warning signs not to exceed four square feet of sign area per sign and not exceeding four signs per site.
- (18) Religious symbols, commemorative plaques of historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall be more than 16 square feet of sign area and shall be mounted flat against the building or structure to which it pertains.
- (19) One on-site sign per street frontage having not more than 16 square feet of sign area per sign identifying schools, clubs, golf courses, country clubs, cemeteries and similar uses.
- (20) Signs warning the public of danger, containing no advertising message, of the minimum size necessary, and which shall be removed as soon as the danger has passed.
 - (d) *Signs permitted in residential districts.* In all residential districts, all exempt signs are permitted except business or commercial purposes. No such sign shall be erected within ten feet of a property line fronting on a public street or within five feet of any other property line.
 - (e) *Signs permitted in commercial and industrial districts.*
 - (1) The following signs are permitted in all commercial and industrial districts, subject to the conditions and limitations provided below: free-standing, on-site signs; wall signs; canopy signs; under canopy signs; roof signs; projecting signs; exempt signs; and portable signs.
 - (2) One freestanding, on-site sign shall be permitted for each developed site having frontage on a public street, not to exceed one square foot of sign area for each linear foot of building frontage on said site, and it shall not exceed 35 feet in height. Shopping centers are allowed one freestanding, on-site sign for each street frontage. The maximum number of such signs shall not exceed two per shopping center. Such signs may bear the name of the shopping center or a directory of occupants, or a combination of the shopping center name and a directory of occupants. The total sign area of such sign shall not exceed 300 square feet and shall not exceed 35 feet in height. In addition, each

store, office or other place of business shall be permitted one wall sign subject to the area limitations of subsection (3)(e) of this section.

- (3) One wall sign shall be permitted for each occupancy within a developed site. Said wall sign shall not exceed one square foot of copy area for each linear foot of building frontage. If such occupancy is on a street corner, one wall sign is permitted for each frontage.
- (4) One roof sign is permitted per building, except in shopping centers. A roof sign shall not exceed one square foot of copy area for each linear foot of building frontage that is parallel to the sign placement direction, or a total of 200 square feet, whichever is the lesser. A roof sign may exist in addition to one of the following: a freestanding, on-site sign or a permitted projection sign.
- (5) A commercial building with a functional rear entrance for customers shall be permitted to have one additional sign on the rear wall which fronts the public named street, but the square footage of the rear sign shall be included in the total square footage of all business signs allowed for that district.
- (6) An occupant with building frontage on a public street is permitted to have one projecting sign along that street. The projecting sign may exist in addition to one of the following: a permitted freestanding, on-site sign or a permitted roof sign. The area of any one projecting sign shall not exceed one square foot for each linear foot of building frontage. Projection shall not be over public property or property of other owners.
- (7) Canopy signs and under canopy signs shall be subject to the following:
 - a. The copy area of a canopy sign may be one-half square foot per linear foot of canopy front and sides. Subject to a minimum height limit of nine feet from the sidewalk, copy may be installed above or on the face of the canopy proper; provided that when such a sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper.
 - b. Under canopy signs shall have a sign area no greater than six square feet, have a minimum clearance of eight feet above the sidewalk, and are limited to one per site. Only under canopy signs may be attached to a publicly owned canopy such as in the C-2 and C-2A Districts.
 - c. No portion of a canopy sign shall be closer than two feet to a vertical line from the adjacent curb face or roadway edge in the absence of a curb.
 - d. On places of public entertainment, such as theaters, arenas, coliseums and meeting halls, the copy area allowance is three square feet per linear foot of canopy as measured along the margin of the canopy.
 - e. The following signs per site are authorized in addition to those allowed above:
 1. Up to two incidental signs may be attached to a freestanding, on-site sign or to a building wall. If attached to a wall, such signs may not be mounted perpendicular thereto. These incidental signs are restricted to messages concerning trading stamps, credit cards which are accepted, official notices required by law, and trade affiliations. The area of each sign may not exceed six square feet, and the total area of all such signs on site shall not exceed 12 square feet.
 2. Two directional signs are permitted for each driveway onto a public street. The area of each such sign shall not exceed 12 square feet. The maximum height for such signs shall be four feet above grade.
 3. The square footage of these incidental signs shall not be charged against the total allowable sign area otherwise permitted under this article.
 4. Unless otherwise provided, signs erected under the provisions of this article shall be set back at least 20

feet from any adjacent street and at least five feet from any interior lot line.

5. To provide an adequate and safe line-of-sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of four and ten feet above the grade of the adjacent roadway.
6. Freestanding, on-site signs shall not be allowed in the commercial district that includes C-2, C-2A and the Waterfront Overlay District.
7. Portable signs, such as special event signs, are permitted for two periods of one week each per year for each site. These two periods may be consecutive.
 - (i) The sign area of portable signs shall not exceed 40 square feet, shall meet the setback requirements for signs provided in this article, and shall be used only as on-site signs.
 - (ii) These signs shall be securely anchored to prevent sliding or overturning from wind.
 - (iii) If a portable sign is electrically lighted, power may be supplied through type SO or STD flexible cords which shall be capable of carrying 30 amps and not more than 200 feet in length. Such cords shall not be extended through doors, windows or other openings into buildings, and shall not be laid on driveways, sidewalks, pavement or any area subject to pedestrian or vehicular traffic.

(f) *Illumination.* Illuminated signs shall adhere to the following provisions and restrictions:

- (1) Signs shall not have blinking, flashing or other illuminating devices which change light inten-

sity, brightness or color and shall be restricted to 75 watt bulb capacity; red or blue flashing lights are prohibited.

- (2) Beacon lights are not permitted.
- (3) Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted.
- (4) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.
- (5) No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic control devices.
- (6) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(g) *Signs permitted as special exceptions.* Signs permitted as special exceptions are billboards, subject to the following:

- (1) Shall be located in C-3 Highway Commercial and Industrial, Light and Industrial, Heavy Districts only, excepting State Highway 63 and State Highway 613 due to dense traffic and to avoid visual clutter and aesthetic harm.
- (2) Billboards shall be spaced 1,000 feet from any other billboard on the same side of a street or highway. This distance shall be measured on a line parallel to the street or highway the billboard is facing. Back-to-back or v-type signs for this purpose shall be considered one sign.
- (3) Billboards shall have a maximum height of 35 feet, and the copy area shall have a minimum clearance of ten feet measured vertically from the adjacent roadway or, if no adjacent roadway, from the ground.
- (4) Billboards shall not exceed 400 square feet of sign area within 200 feet of a state or federal highway and shall not exceed 300 square feet of sign area in all other areas where permitted.
- (5) Double-decker billboards are prohibited.

(h) *Signs prohibited.* The following signs are prohibited:

- (1) Mobile signs are prohibited except as provided for in subsection (b)(10) of this section.
- (2) Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.
- (3) Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise or attract the attention of the public.
- (4) Signs which contain pulsating lights or strobe lights.

(i) *Inspection, removal and safety.*

- (1) All signs may be inspected periodically by the building official for compliance with this section.
- (2) All signs and components thereof shall be kept in good repair and in safe, neat, clean, attractive condition.
- (3) All signs shall be designed according to generally accepted engineering practices to withstand wind pressure and that loads are distributed to structural supports to avoid overstress, and that all signs are properly anchored to avoid being swept away by wind or water.
- (4) The building official shall give written notice for the removal of any permanent sign erected or maintained in violation of this chapter. Upon failure to comply with this notice, the building official shall take legal action to enforce compliance with this chapter. The building official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

(j) *Nonconforming sign.* In instances where a sign is nonconforming to any of the requirements of this chapter, such sign and any supporting structure other than a building may be allowed although such sign does not conform to these provisions. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. No sign which has been damaged 50 percent or more of its fair market

value shall be restored except in conformity with the regulations of this chapter. Any nonconforming sign that is down, removed, discontinued or abandoned for 30 consecutive days, shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, any sign which is prohibited by this chapter shall be discontinued and removed.

(k) *Signs in disrepair or abandoned.* All outdoor advertising signs whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of this chapter that if found to be abandoned, or is considered to be in such disrepair or is so poorly maintained so as to produce a visual blight, or signs which do not meet all requirements of the building codes, including the issuance of a permit therefor, or is placed in any public space or right-of-way without proper authority, shall be subject to removal by the city without liability after providing proper notice to the sign owner and landowner, if known, to remove the sign within 30 days.

(l) *Permits required.*

- (1) It shall be unlawful to erect, enlarge, rebuild or structurally alter any sign without first obtaining the proper permit for each sign from the building official, except for exempted signs as set out in subsection (c) of this section.
- (2) The building official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant for the sign meets the requirements of this article and any other applicable ordinance of the city, and when all required fees have been paid. If the application is for an electrical sign, a separate electrical permit shall be required, plus the fee therefor.
- (3) The work under a sign permit must be begun within three months of its issue date and must be completed no more than six months after the permit issue date, otherwise the permit shall lapse.
- (4) The building official may, in writing, revoke a sign permit if it was issued on the basis of misrepresentation of fact, fraud or for failure to comply with the terms of the permit or for a violation of this article. If a sign permit is denied or revoked by the building official, he shall give written notice thereof to the appli-

cant or permittee, together with a brief statement of the reasons for the denial or revocation. This action shall constitute a decision of the building official which may be appealed as other decisions.

- (5) All billboards and freestanding, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a final inspection to ensure that they comply with the sign permit and this article. If the building official determines that the sign as erected does not comply with the terms of the permit and this article he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

(m) *Permit fees.* Permit fees shall be adopted and approved by the mayor and board of aldermen.

(n) *Miscellaneous rules.*

- (1) No part of a sign shall be closer than ten feet to an electric transmission power line.
- (2) Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.
- (3) No sign shall be suspended by rope, wire, string or the like.

(Ord. of 2-16-2010, § 506)

Sec. 42-139. Accessory uses and structures.

(a) *Applicability.*

- (1) This section applies to any subordinate use of a building or other structure, or use of land that is:
- a. Conducted on the same lot as the principal use to which it is related; and
- b. Clearly incidental to, and customarily found in connection with, the principal use or structure.
- (2) Where a principal use or structure is permitted, such use shall include accessory uses and structures subject to this chapter.

(b) *Establishment.*

- (1) Accessory buildings or uses shall not be constructed or established on a lot until construction of principal structure is completed or the principal use is established.
- (2) In no instance shall an accessory building or use be established on a vacant lot.
- (3) Accessory buildings shall not be used for dwelling purposes, except where permitted as defined in each district.

(c) *Dimensional and density standards.*

- (1) For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be located in the required rear yard.
- (2) For residential lots exceeding two acres, detached accessory buildings may be located in the front yard.
- (3) The location of permitted, nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure.
- (4) The maximum lot coverage of all accessory structures shall not exceed 50 percent of the total area of the side and rear yards.
- (5) No accessory structure shall be erected in any required yard, and no separate accessory structure shall be erected within five feet of any other building.
- (6) Accessory uses and structures shall not exceed 60 percent of the gross floor area of the principal use.
- (7) Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear yards of lots adjacent to a residential district.
- (d) *General requirements.*
- (1) Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use.
- (2) Accessory uses shall be located on the same lot as the principal use for which they serve.

- (3) Accessory buildings shall be no more than 50 percent of the floor area of the principal structure without approval of the governing body.
- (4) Use of an accessory building for commercial purposes in a residential zone shall be prohibited.

(e) *Height.*

- (1) Accessory building shall not exceed the height regulations of the applicable zoning district; or 15 feet in height, where the accessory structure is located within a yard.
- (2) Exceptions: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(f) *Accessory dwelling units in detached buildings.*

- (1) *Applicability.* This subsection (f) applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.
- (2) *Number permitted.* Only one accessory dwelling unit is permitted per lot. An accessory dwelling unit shall not contain more than two bedrooms, and shall be limited to less than 50 percent of the floor area of the principal structure.
- (3) *Location.* Separate detached garages and separate accessory units are not permitted on the same lot. Accessory units may be created as a second story with detached garages if the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot.
- (4) *Scale.*
 - a. The gross floor area of an accessory dwelling unit shall not exceed 50 percent of the principal building's floor area.
 - b. The building footprint of the accessory dwelling unit shall not exceed 40 percent of the building footprint of the principal residence. The building footprint shall include patios, but shall not include porches.

(5) *Building design.*

- a. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall have a roof pitch, siding and window proportions identical to that of the principal dwelling.
- b. An accessory dwelling shall not exceed two stories or the height of the principal dwelling unit, whichever is less.
- c. No exterior stairway to the second floor is permitted at the front or side of the building.

(6) *Occupancy.*

- a. The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
- b. The property owner must occupy either the principal dwelling or the accessory dwelling as the permanent residence. The property owner shall not receive rent for the principal dwelling. For purposes of this section the term "property owner" means the title holder and/or contract purchaser of the lot, and "owner occupancy" means that a property owner, as reflected in the title records, makes his legal residence at the site, as evidenced by voter registration, vehicle registration or similar means.
- c. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of