ARTICLE 10 SIGNS AND OUTDOOR ADVERTISING

10.SIGNS 95
10.1 SCOPE, PURPOSE, LEGAL EFFECT 95
10.2 DEFINITIONS 95
10.3 CONFORMITY AND PERMIT REQUIRED 95
10.4 PERMITTED SIGN TYPES (w/TABLE) 95
10.4.1 Open House/Real Estate Sign 95
10.4.2 Temporary Special Event Banner 95
10.4.3 Development Sign 95
10.4.4 Neighborhood Identification Sign 96
10.4.5 Ground Mounted Monument Sign 96
10.4.6 Ground Mount Pole Sign 96
10.4.7 Temporary Sidewalk or "A" frame sign 96
10.4.8 Wall Mounted Sign 96
10.4.9 Projecting Sign 97
10.4.10 Window Sign 97
10.4.11 Billboard 97
10.4.12 Temporary Special Event Banner (off-premises) 97
10.4.13 Vehicle Sign 97
10.4.14 Mobile Billboards 97
10.5 SIGNS PERMITTED BY ZONING DISTRICT (w/TABLE) 98
10.5.1 On-Premises Freestanding Sign 98
10.5.2 On-Premises Attached Sign 98
10.5.3 Off-Premises Free Standing Sign 98
10.5.4 Off-Premises Attached Sign 98
10.5.5 Off-Premises Mobile Bilboard 98
10.6 DEMENSIONAL REQUIREMENTS, NUMBER OF SIGNS, AND SPECIAL CONDITIONS w/TABLE 99
10.7 EXEMPT SIGNS 100
10.8 PROHIBITED SIGNS AND SIGN DISPLAY CONDITIONS 100
10.9 GENERAL REQUIREMENTS, DISPLAY CONDITIONS AND DESIGN 101
10.9.1 Signs not to be Primary Land Use 101
10.9.2 Ingress, Egress 101
10.9.3 Site Line Obstruction 101
10.9.4 Building Codes 101
10.9.5 Design and Maintenance 101
10.9.6 Illumination 101
10.9.7 Signs shall be maintained 101
10.9.8 Billboard Inspection 101
10.10 NON-CONFORMING EXISITNG SIGNS 101
10.10.1 Existing Non-Conforming Uses 101
10.10.2 Notification of Non-conformity 101
10.10.3 Loss of Legal Non-Conforming Status 101

10.11 ENFORCEMENT, VIOLATIONS AND PENALTIES 102

~~10.4 GENERAL REQUIREMENTS ..... 95~~
~~10.4.1 Conformity, Generally ..... 95~~
~~10.4.2 Signs not to be Primary Land Use ..... 95~~
~~10.4.3 Ingress, Egress ..... 95~~
~~10.4.4 Sight Line Obstruction ..... 95~~
~~10.4.5 Projecting Signs ..... 95~~
~~10.4.6 Reserved ..... 96~~
~~10.4.7 Variances ..... 96~~
~~10.4.8 Building Codes ..... 96~~
~~10.4.9 Design and Maintenance ..... 96~~
~~10.4.10 Illumination ..... 96~~
~~10.5 ZONING DISTRICT AND OTHER REQUIREMENTS FOR SIGNAGE ..... 96~~
~~10.5.1 Residential Districts ..... 96~~
~~10.5.2 Commercial, Industrial and Technology Districts ..... 97~~
~~10.5.3 Neighborhood Identification Signs ..... 98~~
~~10.5.4 Nonprofit Uses ..... 98~~
~~10.5.5 Residential Use ..... 98~~
~~10.5.6 Vehicle Signs ..... 98~~
~~10.5.7 Mobile Billboards ..... 98~~
~~10.6 OUTDOOR ADVERTISING (BILLBOARDS) ..... 99~~
~~10.7 TEMPORARY SIGNS FOR SPECIAL EVENTS ..... 99~~
~~10.8 ILLEGAL SIGNS ..... 99~~
~~10.9 EXEMPT SIGNS ..... 100~~
~~10.10 RESERVED ..... 101~~
~~10.11 NONCONFORMING EXISTING SIGNS ..... 101~~
~~10.11.1 Existing Nonconforming Uses ..... 101~~
~~10.11.2 Termination of Non-Conforming Signs/Amortization Schedule ..... 101~~
~~10.12 ENFORCEMENT OF ARTICLE ..... 102~~

City of Diamondhead, Mississippi

10. 1 1. **SCOPE, PURPOSE, LEGAL EFFECT**

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter 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 Article. For the purpose of this Article the following sign regulations are established to assure the health, welfare, and safety of the citizens of Diamondhead and to encourage 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 reasonable, orderly and effective display of outdoor advertising.

10.2 2. **DEFINITIONS**

For the purpose of this Article the words and terms found herein shall have the meanings respectively ascribed in Section 32. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage.

10.3 3. **CONFORMITY AND PERMIT REQUIRED**

All signs hereafter erected on any lot in any district of the City shall conform to the provisions of this ordinance. It shall be unlawful for any person, contractor or entity to erect, enlarge, rebuild, or structurally alter or any sign without first obtaining a permit therefor and paying the requisite permit fee unless a sign is exempt from this permit requirement.

10.4 4. **PERMITTED SIGN TYPES ESTABLISHED**

The following table establishes, defines and illustrates the allowed sign types in the City of Diamondhead. Signs are generally classified into the following categories:

- On-Premises Freestanding Signs
- On-Premises Attached Signs
- Off-Premises Freestanding Signs
- Off-Premises Attached Signs
- Off-Premises Mobile Signs

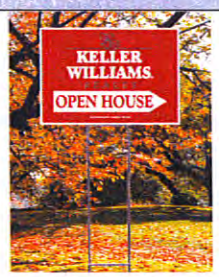
TABLE OF PERMITTED SIGN TYPES	
On-Premises Freestanding	
10.4.1 1. **Open House Sign** or Real Estate Signs- Open house signs announce the availability of open house events. Real estate signs advertise the sale of real estate. The signs are temporary nature and supported by a metal frame with two ground penetrating support	
10.4.2 2. **Temporary Special Event Banner –** Temporary special events banners announce special community events or occasions on the site of the event.	
10.4.3 3. **Development Sign –** Development signs identify building, development or construction sites and identify the address, development name, general contractor and owner. The purpose of such sign is to facilitate the delivery of materials and services for the period of construction only.	

TABLE OF PERMITTED SIGN TYPES

On-Premises Freestanding

10.4.4

4. **Neighborhood Identification Signs** – Neighborhood identification signs include entrance identification for subdivision, multi-family developments, and other similar residential developments. These signs illustrate the development name, description or location only.

10.4.5

5. **Ground Mounted Monument Signs** – A sign which is generally a low profile sign supported by a base having a width of 80% of the sign width, and having little or no space between the bottom of the sign's message area and the top of the base. Includes **Ground Mounted Monument Group** signs which accommodate shopping center, office complexes, clusters of businesses or similar arrangements.

10.4.6

6. **Ground Mounted Pole Signs** – A sign which is generally mounted on a supporting pole or pylon or multiple poles or pylons.

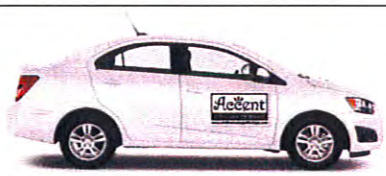
10.4.7

7. **Temporary sidewalk or "A" frame sign** – A sign which is temporary in nature, that is not secured to the ground, and constructed in a manner as to form an "A" or tent-like shape used for the purpose of advertising on the angular sides.

On-Premises Attached

10.4.8

8. **Wall Mounted Signs** – a wall mounted sign is a sign painted on, attached to, or erected against the wall of a building, structure, canopy or awning with the exposed face of the sign parallel to the plane of such wall or structure and extending not more than 15 inches in thickness. An architecturally integrated mansard sign shall be classified as a wall sign (Added)

On-Premises Attached	
10.4.9 9. **Projecting Sign** – A projecting sign is a sign which is erected or supported on the wall of a building or other structure and projects from same.	
10.4.10 10. **Window Signs** – A window sign is a sign painted, glued or otherwise affixed to a window for the purpose of being visible from the exterior of the building. A permanent window sign shall be classified as a wall sign.	
Off-Premises Freestanding	
10.4.11 11. **Billboard** – freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor advertising entity for the purpose of advertising space whether by lease or by charitable donation.	
Off-Premises Attached	
10.4.12 12. **Temporary special event banner (off premises)** – Temporary special events banners announce special community events or occasions not on the site of the event.	
10.4.13 13. **Vehicle Sign –** Vehicle signs are attached, painted, or otherwise applied to doors, roof, or side panels of business vehicles and not used for the primary purpose of advertising.	
10.4.14 14. **Mobile Billboards** – Mobile Billboards shall mean one or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising. A bus, taxi or similar vehicle used primarily for the purpose of transporting persons or vehicles operated for business purposes where advertising or identifying information is directly related vehicles owners business are excluded from this definition.	

10.5 5. **SIGNS PERMITTED BY ZONING DISTRICT**

The permitted location of signs is governed by zoning district. The Table of Permitted Sign Locations sets forth permitted sign location by type. The "■" means a sign permit is required. The symbol "□" means the sign is permitted but exempt from permit. The letter "C" refers to a conditional use approved by the Planning & Zoning Commission. The Preservation (PFR) shall NOT be considered a residential district:

TABLE OF PERMITTED SIGN LOCATIONS										
Sign Type	Zoning District									
	R-1	R-2	R-3	R-4	MH	C-1	C-2	PFR	T	I
10.5.1 **On-Premises Freestanding Signs**										
1. Open House Sign	□	□	□	□	□	□	□	□	□	□
2. Temporary Special Event Banner	■	■	■	■	■	■	■	■	■	■
3. Development Sign	□	□	□	□	□	□	□	□	□	□
4. Neighborhood Identification Sign	■	■	■	■	■	-	-	-	-	-
5. Ground-mounted Monument Sign	-	-	-	-	-	■	■	■	■	■
6. Ground-mounted Pole Sign	-	-	-	-	-	-	■	-	-	-
7. Temporary sidewalk "A" frame sign	-	-	-	-	-	■	■	■	■	■
10.5.2 **On-Premises Attached Signs**										
8. Wall-mounted Sign	-	-	-	-	-	■	■	■	■	■
9. Projecting Sign	-	-	-	-	-	■	■	■	■	■
10. Window Sign	-	-	-	-	-	□	□	□	□	□
10.5.3 **Off-Premises Freestanding Signs**										
11. Outdoor Advertising (Billboard)	-	-	-	-	-	C■	■	-	■	■
10.5.4 **Off-Premises Attached Signs**										
12. Temporary Sign for Special Event	-	-	-	-	-	■	■	■	■	■
10.5.5 **Off-Premises Mobile Sign**										
13. Mobile Billboard	-	-	-	-	-	■	■	■	■	■
14. Vehicle Sign	□	□	□	□	□	□	□	□	□	□

10.6 6. **DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS AND SPECIAL CONDITIONS**

The dimensional requirements, number of signs permitted and other special conditions are set forth in the Table of Sign Requirements by Sign Type

TABLE OF SIGN REQUIREMENTS BY TYPE					
SIGN TYPE	LOCATION	NUMBER	AREA	MIN/MAX HEIGHT	SPECIAL CONDITIONS
1. Open House	Placed on Private Property Only	1 per lot	3 ft (2)	3' max	Permitted only on weekend from 5 pm until 30 minutes after sunset ~~dusk Sunday~~
2. Development	Placed facing street on private property	1 per site	32 ft (2) 6 ft (2)	8' max	Installed no more than 15 days prior to the start of construction and removed 30 days after completion of a home or 90 days after completion of a model home
3. Neighborhood Identification	On private or public right of way if approved by Council		36 ft (2)	6' max	Ground mounted only
4. Ground Mounted Monument	1 per street frontage per lot Setback – 10'	1 per lot	3 ft per lineal foot of building frontage 100 ft (2) max 64 ft (2) 36 ft (2) for 1 District	8' max	For multi-tenant buildings, sign area for each tenant space with frontage may be calculated separately
5. Ground Mounted Pole	1 per street frontage per lot Setback – 10'	1 per every 300' of frontage of a parcel to a street	3 ft per lineal foot of building frontage 300 ft (2) max per sign	25' max height	
6. Wall-Mounted	Flat against a wall surface	No limit	3 ft (2) per lineal ft of building frontage 150 ft (2) max -80% of building width max		Interstate Frontage Exception – Wall frontage directly adjacent to Interstate 10 shall be allowed additional wall signage at a rate of 3ft (2) per lineal foot of building frontage with 150 ft (2) max to be allocated on the interstate wall only
7. Projecting Signs	Affixed to wall surface	1 per street frontage	-1 ft (2) per lineal foot of building frontage -100ft(2) max	-10' min -Cornice line max	Projecting signs may not extend more than twenty-four (24) inches beyond a wall surface.
8. Window Signs	Affixed to window	No limit	50% of window area max	n/a	None
9. Temporary Sidewalk or "A" Frame	Sidewalk adjacent to the front of the building façade	1 per store front	6ft(2)	3'	Placement may not obstruct pedestrian traffic
10. Outdoor Advertising (Billboards)	Separation Radius – 2640' Interstate Access Setback-500'		350 ft(2) per face, 700 max all faces	25'	Maximum separation between two sign faces shall be 5'; Mounting shall be on a single pole centered in the sign face
11. Temporary Signs for Special Events (on or Off Premises)	Placed on a wall surface or securely mounted with a temporary device so sign is secure in all weather conditions	Max of 2 per event	24ft(2)	Ground-4ft Wall-none	Maximum of 30 consecutive days
12. Mobile Billboards	**TO BE DETERMINED**				Display during the hours of 8 am to 5 pm where permitted. Parking of mobile billboards where visible to the public more than 48 hours is prohibited.

10.7 **7. EXEMPT SIGNS**

The following types of signs are exempted from the requirements of the Article; except those particular signs that may be classified by the Planning Commission as obscene, dangerous or hazardous, conflicting aesthetically, or that generally do not meet the basic requirements of other Sections of the Article, such as design, maintenance, etc. No permit is required for exempted signs.

a. Any political sign or poster not exceeding three (3) square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issued to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than sixty (60) days prior to such election or referendum and shall be removed with seven (7) days after the referendum, or last such election in which the candidate is eligible. All signs must have the name and contact information for the individual placing the sign.
b. Vehicle Signs
c. Window
d. Directional (entrance/exit) signs with a maximum height of 5' and maximum copy area of 6 square feet.
e. Signs not exceeding one (1) square foot in area and bearing only property number, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations are exempted from the regulations.
f. Flags and insignia of any government except when displayed in connection with commercial promotions are exempted from these regulations.
g. Legal notice or identification, information or directional signs, or signs required by governmental bodies are exempted from these regulations.
h. Integral decorative or architectural features of building except letters, trademarks, moving parts, or moving lights shall be permitted.
i. Signs directing and guiding traffic and parking property, but bearing no advertising matter shall be permitted.
j. Open House or Real Estate Signs when and where permitted.
k. Garage sale signs not exceeding 1.5 square feet and placed between 5:00 p.m. on Friday and removed 30 minutes after sunset on the following Sunday, plus one (1) additional day should a holiday fall on Friday or Monday.
l. On-site church directory or bulletin board not exceeding forty-eight (48) square feet shall be permitted.
m. Signs erected by the Diamondhead Property Owners Association to identify community facilities or provide community announcements, provided such signs do not exceed thirty-seven (37) square feet.

10.8 **8. PROBHIBITED SIGNS AND SIGN DISPLAY CONDITIONS**

The following signs and sign display conditions are prohibited:

a. Vehicle signs used for the primary purpose of advertising
b. Signs attached to the following:
   i. The roof or top of a building or structure
   ii. Out-buildings or appurtenant structures
   iii. Utility poles
   iv. Fences
   v. Trees, vehicles (except for identification of business, see Section 10.5.6) and added to any existing sign except those signs originally designed for group advertising
c. Signs located on city, county, state, or other government property, including public lands, rights-of-way, easements, or similar locations except those specifically exempted in Section 7g.
d. No sign shall be constructed within fifty (50) feet of a residential district and must face away from the residential area (lighting must be indirect or diffused).
e. Signs that flashing, animated, moving or strobe illumination
f. Sign that use red, amber, green and red and blue colored lights which may be misinterpreted as an emergency, police and traffic-control identification
g. Sign that exhibit confusing form, color, or lighting that may affect normal visibility of traffic
h. Signs that allow trash or debris to exit in such a manner as to be considered a fire and/or health hazard

i. Portable signs other than sidewalk signs except in case of natural disaster where a sign has been damaged the use of portable or mobile signs shall be permitted until the damaged sign is repaired or replaced or for a period of three (3) months.

j. Any sign which by reason of size, shape, content, coloring, location or manner of illumination interferes with driver visibility of any traffic control device, or sign; or any sign which resembles any traffic control or emergency device or sign which creates any traffic hazard

k. Electronic or mechanically changing messages are prohibited except in C-2 zones

0.9 9. **GENERAL REQUIREMENTS, DISPLAY CONDITIONS, AND DESIGN**

10.9.1 a. Signs not to be Primary Land Use – Signs shall be permitted or sited only when the property, lot, or parcel upon which the sign is to be placed houses a structure or active land use in conformance with the provisions of the zoning regulations. For clarification and administrative purposes, a vacant lot shall not contain any additional sign above that which already exist, and a nonconforming land use shall not contain any additional sign above that which may already exist.

10.9.2 b. Ingress, Egress – No sign shall be erected as to impede or prevent free ingress or egress from any door, window, or fire escape and no sign of any kind shall be attached to a standpipe or fire escape.

10.9.3 c. Site Line Obstruction – Signs shall not interfere with driver visibility of any traffic control device or with the visibility of the street, road, and thoroughfare or with the expressway itself.

10.9.4 d. Building Codes - Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building and electrical codes of the City.

10.9.5 e. Design and Maintenance – All signs shall be designed according to generally accepted engineering practices to withstand wind pressures and to ensure that loads are distributed to structural supports to avoid overstress and all signs must be reasonably and properly anchored to avoid being swept away by wind or water.

i. All signs over ten (10) feet in height are required to have a set of plans or drawings, signed and stamped by a Mississippi Registered Engineer or Architect certified to meet wind load requirements as per current adopted Building Codes. Also, all signs shall be maintained and in good repair and appearance.

ii. Ground signs shall incorporate architectural features and materials of corresponding building. The base of all ground signs and directional signs shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the base. All landscaping shall be properly maintained.

10.9.6 f. Illumination

i. All illuminated signs shall be permanently wired and constructed in accordance with the city's adopted electric code. Special care shall be given to ground fault connections, underground wire, and/or conduit with proper circuit breakers. Connecting wire from sign to permanent outlet shall not exceed four (4) feet.

ii. Electronic reader boards shall constitute no more than thirty (30) percent of the overall signage surface area and are limited to Ground Mounted Signs only.

iii. Point sources of illumination shall be shielded from view and not visible to the public

10.9.7 g. Signs shall be maintained in standard condition. Sign surface areas which remain vacant or are abandoned for a period greater than sixty (60) days shall be removed in their entirety.

10.9.8 h. Billboard shall be subject to an annual inspection to ensure safety and compliance with the provisions of these and other regulations of the city, subject to an annual inspection fee established by the city council.

10.10 **10. NONCONFORMING EXISITING SIGNS**

10.10.1 a. Existing Nonconforming Uses – All signs which are not in conformance with this Article on the effective date of this ordinance, shall be unlawful after said effective date.

10.10.2 b. Notification of nonconformity. Upon a determination that a sign does not conform to this Article, the building inspector shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

i. The sign's nonconformity.

ii. Whether the sign is eligible for characterization either as legal nonconforming or unlawful.

ii. Whether the sign is eligible for characterization as "legal conforming." Any sign located within the city

limits on the date Ordinance No. 2012-019 is adopted [October 15, 2012], or located in an area on such date this is thereafter annexed to the city, which does not conform to the provisions of this Article, but which was legally erected prior to the date this ordinance is adopted is eligible for a characterization as a "legal nonconforming" sign.

10.10.3 c. Loss of legal nonconforming status. Except when grandfather rights are provided in (d) below, a legal nonconforming designation is lost if:

i. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of the Article than it was before the alteration.

ii. The sign is relocated to a position making it less in compliance with the requirements of this Article.

iii. Changed to another nonconforming sign.

iv. Expanded in width or breath. In such cases where the Mississippi Department of Transportation allows the sign in question to be extended in height to clear existing vegetation, such will be permitted to be extended in height to conform to Mississippi Department of Transportation regulations and/or direction.

v. Re-established after deterioration, damage or destruction of more than fifty (50) percent of the value, or fifty (50) percent of the area of the sign.

d. On the happening of any of subsection C. (i), (ii), (iii), (iv) or (v) the sign shall be immediately brought into compliance with this Article with a new permit secured therefor, or shall be removed.

11. ENFORCEMENT, VIOLATIONS AND PENALTIES

a. The Zoning Administrator shall enforce this ordinance. He may be provided the assistance of such other persons as the mayor and city council or city manager may direct.

b. If the Zoning Administrator finds that any provisions of the ordinance are being violated he shall:

i. Notify in writing the property owner, sign owner or person(s) responsible for such violation, indicating the nature of the violation and order the action necessary to correct it;

ii. or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions

c. Violation of the provisions of the ordinance or failure to comply with any of its requirements shall constitute a misdemeanor [Ordinance No. 2012-027]. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and suffer the penalties herein provided.

d. Variance requests shall follow the procedures set forth in Section 2.6 Variance Procedure in the City of Diamondhead Zoning Ordinance.

e. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to remedy any violation. Violations which are not remedied, or signs not removed within the designated time are subject to removal by the City, without liability. All costs associated with the removal of the sign by the City shall be the responsibility of the property owner and/or sign owner.

f. Any sign which is found to be in violation of the Article shall be removed, or the violation otherwise remedied, by the property owner or sign owner within thirty (30) days after the registered letter is provided by the City to the property owner. Violations which are not remedied, or signs not removed, within the thirty (30) days are subject to removal by the City, without liability. Reasonable labor expenses therefor shall-be endured either separately or jointly by the property owner or sign owner.

g. Signs placed on any City owned building, structure, or lot or within the right-of-way of any public road or easement without a permit issued therefore shall be subject to immediate removal by the City.