

112.03 SIGNS AND OUTDOOR ADVERTISING

112.03-01. Applicability.

Any sign erected, altered or maintained after the effective date of this Ordinance shall conform to the following regulations. Any sign existing on the effective date of these regulations shall also conform to these regulations except to the extent it is a Non-Conforming Signs pursuant to the provisions of 112.03-04.

112.03-02. Purpose & Intent.

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Ordinance is to regulate all signs within the City of New Albany; to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare.

112.03-03. Permits & Applications.

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City of New Albany without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in the sections on Exempt Signs (C1: §112.03-13; C2 & Industrial: §112.03-16; R1-4 & C3-4: §112.03-19).
- B. In order to apply for a sign permit, the applicant must complete this application: (insert link)
 - 1. The Zoning Administrator shall complete application review within 14 working days of receipt of application.
 - 2. A permit shall be issued or denied within 14 working days of receipt of the application.
 - 3. An application for a sign permit may be denied by the Zoning Administrator if the application fails to comply with this ordinance.
 - 4. The Zoning Administrator shall notify applicant of approval or denial upon such decision.

112.03-04. Nonconforming Signs.

- A. Signs in existence at the time of the adoption of this ordinance which do not conform to the requirements of this ordinance, except those which are temporary or portable in nature, shall be considered *nonconforming signs so long as at that time of the adoption with this ordinance such signs (1) were lawfully permitted and compliant with City's previous sign ordinances or were exempt under such, or (2) were nonconforming signs under the previous ordinances at the time of the adoption of the municipality's previous sign ordinances.
- B. These signs shall retain Nonconforming status until such time as they, in the judgment of the zoning administrator, have become so faded, streaked, tattered, torn, broken or dilapidated so as to no longer serve their intended purpose. At such time as any signage reaches this condition, the zoning administrator may by written notice demand the signs removal, replacement or repair within thirty (30) days same must be removed upon order of the zoning administrator.
- C. If a non-conforming sign requires "material repairs", which are defined as cost 50% or more than the cost of a replacement, no such repairs may be permitted without bringing the sign into compliance with the current ordinances.

- D. All signage replacement or material repairs shall conform to the current ordinances and guidelines.
- E. Decisions of the zoning administrator under this ordinance (112.03-04) are appealable to the Zoning Board upon filing Notice of Appeal with the Municipal Clerk within ten (10) days of notification of a final decision by the zoning administrator, and to the Board of Aldermen from decisions of the Zoning Board in the same manner.

112.03-05. Variances and special exceptions.

A. Applications.

Applications for variances shall be made on forms provided by the zoning administrator and must be accompanied by the required fee, as set by his office. The Zoning Administrator may make a recommendation to and such applications will be heard by the Planning and Zoning Board, who will then vote to allow or disallow such variance. If either the Zoning Administrator or the applicant is aggrieved by the decision of the planning and zoning board, appeal may be taken to the Mayor and Board of Aldermen of the City of New Albany, MS.

B. Standards for variances.

Variances from the terms of this article with regard to such requirements including, but not limited to, number, separation, size, height, density, materials, functionality and set-backs shall be granted only upon a showing by the applicant that such variance shall not be contrary to the public interest and that a literal enforcement of this article would result in an unnecessary hardship on the applicant. In order for the Planning and Zoning Board or the Mayor and Board of Aldermen to grant a variance from the requirements of this article there must be a finding that:

1. Special condition(s) and circumstance(s) must clearly exist which are peculiar to the location on which the sign is proposed;
2. The special conditions or circumstances clearly must not result from the actions of the applicant;
3. The granting of the variance will not confer on the applicant any special privilege denied to others in the same vicinity;
4. Except for the provision for which a variance is requested, the sign or signs shall be in compliance with all other provisions and sections of this article and all other applicable ordinances of the city; and
5. The granting of the variance will not cause the proposed sign to conflict with utility and street fixtures or with traffic safety and required visibility at any time.

112.03-06 Appeals.

A. For all decisions subject to appeal to the Mayor and Board of Aldermen, appeal may be made by filing a written Notice of Appeal with the Municipal Clerk within ten (10) days of notification of the decision subject to the appeal. The Notice of Appeal shall be signed and dated and shall state the nature of the decision subject to the appeal.

B. The Mayor and Board of Aldermen shall hear the appeal by the first regular meeting occurring at least five (5) days after receipt of the Notice of Appeal, or upon such date to which the matter is continued for good cause, with their decision to issue in a timely manner thereafter.

C. In the event the applicant is aggrieved by the decision of the Mayor and Board of Aldermen, appeal may be taken as from other decisions of said board, pursuant to State law.

112.03-07. Violations.

Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and, upon conviction, subject to a fine of not more than one thousand dollars (\$1,000.00). Each separate day each violation is continued shall constitute a separate offense.

112.03-08. Prohibited Signs.

The following signs are unlawful and prohibited:

- A. Abandoned and dilapidated signs.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
- C. Mechanical movement signs, including revolving signs.
- D. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- E. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- F. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- G. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- H. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- I. Reflective signs or signs containing mirrors.
- J. Interactive signs.
- K. Signs incorporating beacon or festoon lighting.
- L. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and the authorities responsible for the public road.
- M. Roof signs.
- N. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- O. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the City of New Albany Zoning Ordinance.
- P. Any sign that promotes illegal activity.
- Q. "Billboard" Signs or off premises signs.
- R. Portable Manual Changeable Copy Signs.
- S. Pennants and flags other than U.S.A. or Mississippi.
- T. Pole Signs except alongside I-22 interstate. See 112.03-17(I).

U. Sign Twirlers.

V. Flag Banner/ Feather Banner.

W. Vehicular Signs.

112.03-09. General Conditions for Signs

A. Sign location.

1. No outdoor advertising or sign shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way line than the building setback lines provided for in the zoning district where the sign is to be located, except that one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed no closer than ten (10) feet from the street right-of-way line and shall in no case obstruct the view of traffic.
2. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment

B. Sign Materials & Construction.

Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the most recently adopted Building Codes; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall include any supporting framework, bracing or trim which is incidental to the display.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall or window, the area shall be measured by finding the area of the minimum imaginary rectangles or squares, whichever are less in size, which separately fully enclose each word, copy, design, symbol or message, and then by totaling the area of all imaginary rectangles or squares.
3. The maximum total area of all signage unless otherwise specified, for each side of the building that faces a public street or parking lot is limited to 1.5 square feet of sign area per one linear foot of building frontage on such public street.
4. Signs may be double-sided.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign. Artificially raised earthen platforms shall not alter the calculation of permissible sign height.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.
4. No sign attached to a building shall project above the roofline of such building.

E. Sign Spacing.

The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

F. Sign Illumination.

1. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
2. Signs may not be illuminated externally, internally or by halo lighting except as specifically allowed by zone specific ordinances and provisions. Where such illumination is allowed, these restrictions shall be applicable.
 - a. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in white color.
 - b. Halo illumination shall be steady, stationary light source, shielded and static in one color.
 - c. Internally illuminated signs must be static in intensity and color.
 - d. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

G. Message Center Signs and Digital Displays.

1. One (1) Message Center Sign is permitted per business where allowed. No message center sign may contain text which flashes, pulsates or moves. Each complete message must fit on one screen.
2. Digital Display Signs are allowed as part of an on-premises sign only (no more than 30% of total sign). One (1) digital display sign is permitted per business. Any Digital Display containing animation, streaming video, or text or images which flash, pulsates or moves is prohibited. Each complete message must fit on one screen.

H. Number of signs.

1. The number of freestanding signs shall be limited to one per frontage road per tenant (no more than two per tenant).
2. The number of wall signs shall be limited to two signs and shall include business identification, logo or product advertising signs. Window coverings such as canopies, awnings, etc. that displays business advertisement shall be included in the calculation of the number of signs.
 - a. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted for the advertising of gas prices.

- b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.

112.03-10. Removal of Unsafe, Unlawful, or Abandoned Signs.

A. Unsafe or Unlawful Signs.

1. Upon written notice by the City of New Albany, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose of communication or is determined by Zoning Administrator to be a nuisance, unsafe or unlawfully erected in violation of any of the provisions of this Article.
2. City of New Albany may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice, or made satisfactory arrangements with the zoning administrator to do so, within thirty (30) days of the date of the notice. In the event of immediate danger, City of New Albany may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned and Dilapidated Signs: If it shall appear to the zoning administrator of the City of New Albany that a sign has been abandoned, defined as in a state of non-use for a period of ninety (90) days, and dilapidated, he shall notify in writing the owner of the land together with the owner of the sign, if known, to remove the sign within thirty (30) days of said notice. If the dilapidated sign, or elements thereof, are not removed, the city may demolish said sign and bill the sign owner and/or land owner jointly and severally for the cost of said demolition or removal of the dilapidated elements and the costs of demolition or removal may be added to the ad valorem taxes for the property upon approval of such assessment by the Board of Aldermen.

112.03-11. Definitions

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity. See §112.03-10(B).

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Attached sign: Any sign directly attached to an exterior wall of a building and dependent upon a building for support with its exposed face parallel or approximately parallel to the plane of the building or structure upon which the sign is affixed, including, but not limited to, signs painted on walls. This shall include banners and the same must be affixed to a permanent structure.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banners: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners.

Banners are temporary in nature and do not include flags. Banners are considered an attached sign.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting a public street or parking lot.

Canopy: A structure, other than an awning, made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are *manual changeable copy signs* and *electronic changeable copy signs*, which include: *message center signs, digital displays.*

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Festoon Lighting: A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Freestanding or Ground Sign: A sign supported by structures or supports that are placed on or anchored in the ground; and that is independent and detached from any building or other structure, including:

1. **Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles or posts, from the ground and not supported by a building or a base structure.
2. **Pylon signs:** A freestanding sign supported by a foundational structure, which may include poles and/or posts as basic structural components but must also include other decorative and/or structural elements.

3. **Monument signs:** a freestanding, low-profile ground sign which will usually fall into one (1) of two (2) categories: business/commercial or subdivision. These signs are usually constructed of brick, blocks, stone or wood and should be visually attractive

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Historic District: A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as **back-lit illumination**)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft^2).

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu Sign: A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or mural sign): A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a *third-party sign*, *billboard*, or *outdoor advertising*)

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal Expression Sign: An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as **blade sign**).

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians. (Also known as **A-frame sign**)

Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security Sign: An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as **warning sign**)

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as **bandit sign**)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary Sign: A type of non-permanent, sign that is located on private property that can be displayed for a limited amount of time.

Vehicular Sign: A sign affixed to a vehicle or trailer that is not primarily used as an instrument of transportation with the sign and vehicle being primarily used as a stationary advertisement. All provisions in this article applicable to other stationary signs shall likewise be applicable to vehicular signs located in the city.

Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: *fascia sign*, *parallel wall sign*, or *band sign*)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Regulations Applicable to Central Commercial (C1)

112.03-12. Special Regulations for Signs in Historic Districts.

In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed in **C1 (Downtown New Albany)**:

- A. The Zoning Administrator will secure approval from a historical preservation designee(s), or committee of designees, appointed by the Mayor and approved by the Board of Aldermen.
- B. The Historical preservation designee(s) shall be appointed for one year terms and may be reappointed. Each designee must have at least one of the following professional qualifications: architect, city development director, interior designer, urban planner, structural engineer, historian, sociologist, real estate broker or builder. Upon appointment, each designee shall be required to attend at least one professional training course on the requirements of a historical preservation board.
- C. The designee(s), or committee of designees, shall ensure that the proposed sign is appropriate compared to the style, period, type, size, and scale of the building and district for which it is proposed.
- D. Installation of signs in C1 must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
- E. Monument Signs are only allowed in C1 on Main Street from Camp Street to the Tanglefoot Trail Bridge. They shall be no larger than 20 square feet and 8 feet in height. (See above in how to measure sign area.) No other ground signs are allowed in C1.
- F. No internally illuminated signs are allowed in C1.

- G. No changeable copy signs are allowed in C1. This includes digital display, manual copy and message center signs.

112.03-13. Signs Exempted from Permit

The following signs may be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs and government or regulatory signs.
- B. Signs inside a building, or other enclosed facility, which are not visible from the outside, and are located greater than three (3) feet from the window.
- C. Holiday and seasonal decorations.
- D. Temporary signs in accordance with §112.03-15. **(regulations by sign type: Temporary signs)**
- E. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification. Non-residential districts signs not to exceed two (2) sq. ft. in area.
- F. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- G. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed four (4) sq. ft. in area.
- H. Private drive signs - One (1) sign per driveway entrance, not to exceed one (1) sq. ft. in area.
- I. Security and warning signs - These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law. All posted security and warning signs may not exceed two (2) sq. ft. in area.
- J. Flags not prohibited pursuant to 112.03-08(S).
 - 1. Location. Flags and flagpoles shall not be located within any right-of-way.
 - 2. Height. Flags shall have a maximum height of 20 ft.
 - 3. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - 4. Size. Maximum flag size is 24 sq. ft.
- K. Properly authorized legal notices.
- L. Vending machine signs.
- M. Memorial signs, public monuments or historical identifications sign erected by, or with the approval of the municipality, Union County or other State or Federal governmental authorities, including plaque signs up to three (3) sq. ft. in area.
- N. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

- O. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- P. Incidental signs, including incidental window signs shall also be excluded from area calculations.
- Q. Directional signs, provided they do not contain any commercial messaging.
 - 1. Area. No single directional sign shall exceed four (4) sq. ft. in area.
 - 2. Height. Directional signs shall have a maximum height of five (5) ft.
 - 3. Illumination. Directional signs shall be non-illuminated.

112.03-14. Regulations by Sign Type: Permanent Signs

A. Wall Signs.

No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed.

B. Canopy or Awning Signs.

- 1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
- 2. Canopy or awning signs must be centered within or over architectural elements such as windows doors.
- 3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
- 4. Canopy or Awning Sign Placement.
 - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b. No more than one emblem or logo is permitted on any one awning or canopy.
- 5. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
- 6. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

- 1. Projecting signs are not allowable in C1 and may not stand out more than six inches from the building, except for signs facing the Tallahatchie Trailhead Plaza on buildings adjacent thereto;
- 2. No portion of a projecting sign shall project more than four (4) feet from the face of the building nor two (2) feet beyond the canopy front;
- 3. Sign Area. If double-faced, total allowed area is allowed for each side.
- 4. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus five (5) feet on each side thereof.
3. No portion of a marquee sign shall extend vertically above the eave line.

E. Manual Changeable Copy Signs.

Manual changeable copy signs are permitted only when integrated into a marquee or wall sign.

F. Menu signs.

Signs at drive-through windows of restaurants or other food service establishments, shall not exceed 100 square feet in total size. Such signs shall not be located between the business and the street upon which it fronts.

G. Art and murals.

Art and murals must be approved by Zoning Administrator upon consultation with any existing Historic Preservation designee(s). Appeals may be made to the Mayor and Board of Aldermen.

H. Multitenant Signs.

Multitenant signs are allowed but shall not exceed 20 square feet total and 8 feet in height. Each tenant's signs shall be similar in design and style.

- I. **Window Signs:** All window signage, whether temporary or permanent, shall comply with the following requirements:

- (1) Window signs are not allowable on residential windows.
- (2) Window signs shall be located fully within the interior of the building, attached directly to or mounted within 3 feet of the inside of the window, or flush to the exterior of a window, but not affixed to the outside of a window so as to project therefrom;
- (3) Except as provided in this section, window signage may be painted with easily removable paint, constructed of vinyl, paper, cloth, or other like material;
- (4) Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 30% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 20 percent, combination of

permanent and temporary window signs. Each building elevation shall be considered separately.

- (5) Neon LED, or similar technology and electronic message center window signs are prohibited.

112.03-15. Regulations by Sign Type: Temporary Signs

A. Political Signs, Yard Sale Signs, Real Estate Signs and Sandwich Boards are all considered temporary signs and are allowed without a permit.

1. Commercial and Residential Real Estate Signs should be professionally made, should be no larger than 6 sq. ft. Residential and 32 sq. ft. Commercial and must be taken down within 30 days of the property sale closing date.
2. Temporary signs should be placed on private property only except with permission by the governmental entity controlling the respective public property.
3. Temporary signs relating to specific elections should and taken down within 7 days after the conclusion of the election.
4. Sandwich boards may be used in front of businesses as long as there is no obstruction to pedestrians or traffic.
5. Temporary signs are not allowed in C1 except as specifically approved herein or by the board responsible for conditional approval as set-forth herein.

B. Banners

1. Commercial advertising. Banners which contain commercial advertising require a permit as a type of attached sign. Commercial banners are allowed for one period of up to two (2) weeks in duration per calendar quarter for each business or location. Commercial banners shall not exceed seventy-five (75) square feet in size, must be professionally prepared or like quality, and only one (1) banner per business is allowed.
2. Street banners. Street banners extending above and across streets are allowable without a permit for governmental, civic or philanthropic groups only for parades, festivals or special events and only upon the approval of the Mayor. They shall not be erected more than two (2) weeks in advance of such event, and shall be removed within one (1) week after such event. Street banners shall not exceed one hundred twenty-five (125) square feet in size and shall be professionally prepared.

C. The City of New Albany, its officers, employees or designees are hereby authorized to remove temporary signs in violation of these ordinances.

Regulations Applicable to Commercial (C2) and Industrial (I1)

112.03-16. Signs Exempted from Permit

The following signs may be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs and government or regulatory signs.
- B. Signs inside a building, or other enclosed facility, which are not visible from the outside, and are located greater than three (3) feet from the window.
- C. Holiday and seasonal decorations.
- D. Temporary signs in accordance with §112.03-18. **(Regulations by sign type: Temporary signs)**

- E. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification. Non-residential districts signs not to exceed two (2) sq. ft. in area.
- F. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- G. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed four (4) sq. ft. in area.
- H. Private drive signs - One (1) sign per driveway entrance, not to exceed one (1) sq. ft. in area.
- I. Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.
- J. Flags not prohibited pursuant to 112.03-08(S).
 - 1. Location. Flags and flagpoles shall not be located within any right-of-way.
 - 2. Height. Flags shall have a maximum height of 30 ft. except as approved by the Mayor and Board of Aldermen.
 - 3. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - 4. Size. Maximum flag size is 35 sq. ft. except on governmental property or as otherwise approved by the Mayor and Board of Aldermen.
- K. Properly authorized legal notices.
- L. Vending machine signs.
- M. Memorial signs, public monuments or historical identifications sign erected by, or with the approval of the municipality, Union County or other State or Federal governmental authorities, including plaque signs up to three (3) sq. ft. in area.
- N. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- O. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- P. Incidental signs, including incidental window signs shall also be excluded from area calculations.
- Q. Directional signs, provided they do not contain any commercial messaging.
 - 1. Area. No single directional sign shall exceed four (4) sq. ft. in area.
 - 2. Height. Directional signs shall have a maximum height of five (5) ft.
 - 3. Illumination. Directional signs shall be non-illuminated.

112.03-17. Regulations by Sign Type: Permanent Signs

A. Wall Signs.

No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. The maximum total area for each side of the building that faces a public street or parking lot is limited to 1.5 square feet of sign area per one linear foot of building frontage on such public street. Signs may be lit by halo lighting (back lighting) or internal lighting.

B. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Canopy or Awning Sign Placement.
 - A. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - B. No more than one emblem or logo is permitted on any one awning or canopy.
5. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
6. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building or two (2) feet from the canopy front.
2. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Marquee Signs

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. No portion of a marquee sign shall extend vertically above the eave line.

E. Freestanding Signs (Monument or Pylon)

1. Freestanding Monument and Pylon signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
2. Sign Area: The maximum total area for each side of the building that faces a public street or parking lot is limited to 1.5 square feet of sign area per one linear foot of building frontage on such public street. Total sign area shall not be larger than 100 square feet.

3. Sign Height: Sign Height for Monument signs shall not be higher than 8 feet. Sign Height for Pylon shall not be higher than twenty (20) feet.
4. Pylon: If the sign (other than an interstate zone sign) is supported by an exposed pole, landscaping such as shrubbery, flowers, trees and/or covering shall be used. No poles shall be exposed.
5. Sign Placement.
 - a. All freestanding signs shall be set back ten (10) feet from the right-of-way, except for official traffic signs and government/regulatory signs and 100 feet from any other freestanding sign.
 - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lanes, easement or right-of-way or other areas required to remain unobstructed.
6. Multi-tenant signs shall be alike in materials
 - a. Single Office Building: Each single office building with five (5) or less tenants shall be allowed one ground mounted project sign per street frontage.
 - b. Each business within a single office building which has an exterior entrance shall be allowed one wall mounted sign no larger than four square feet adjacent to the entrance.
 - c. Strip Plaza, Office Parks and Shopping Centers: Strip plazas, office parks, and shopping centers shall be allowed to display one ground sign per street frontage to identify the center.
 - 1) The sign shall be designed with uniform appearance and color. The street address shall be included on the sign.
 - 2) Each individual business within the strip plaza, office park, or shopping center shall be allowed to also display one wall sign. Tenant space located at an end of the building may have an additional wall sign if the secondary side of the tenant space has frontage on a public Street.
7. Signs may be lit by external lighting, halo lighting or internal lighting.

F. Manual Changeable Copy Signs.

Manual changeable copy signs are permitted only when integrated into a freestanding, marquee or wall sign. These signs may be lit by external, internal or halo lighting.

G. Message Center Signs and Digital Displays.

1. Message Center signs are not allowed except for score boards at athletic fields and gas stations. No more than 2 message center signs per venue are allowable. Maximum sign area is 32 square feet. Message center signs at gas stations shall not exceed 20 feet for gas station.
2. No text shall flash, pulsate or move. Each complete message must fit on one screen.
3. Digital Display Signs are allowed as part of an on-premises free-standing sign only (no more than 30% of total sign).
 - a) One (1) digital display sign is permitted per business. Any Digital Display containing animation, streaming video, or text or images which flash, pulsates or moves is prohibited. Each complete message must fit on one screen.
 - b) The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).

- c) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

H. Menu signs.

Signs at drive-through windows of restaurants or other food service establishments, shall not exceed one hundred (100) square feet in total size. Such signs shall not be located between the business and the street upon which it fronts.

I. Interstate corridor signage zone:

The purpose of this section is to allow greater visibility for the signage of businesses located along the U.S. Interstate 22. There is hereby created an exception to this signage ordinance so as to allow those businesses located within fifteen hundred (1500) feet of the centerline of U.S. Interstate 22 or to the intersection of a frontage road and its nearest intersecting road for any frontage roads that run parallel to the interstate for more than 30% of its length to increase pole signage height up to seventy-five (75) feet, as needed, vertically from the surface upon which the sign is located. The ground upon which the sign is located may not be built up in an effort to increase the effective height of the sign. The sign area square footage may be no more than two hundred (200) square feet. Each owner of a pole sign with a height in excess of thirty-five (35) feet must give evidence to the zoning administrator that the owner carries liability insurance in amount not less than two hundred fifty thousand dollars (\$250,000.00) which will cover personal injury and/or property loss occasioned by the fall or collapse of such sign.

J. Art and murals must be approved by Zoning Administrator upon consultation with any appointed existing Historic Preservation designees. Appeals may be made to the Mayor and Board of Aldermen.

K. Window Signs: All window signage, whether temporary or permanent, shall comply with the following requirements:

- 1) Window signs are not allowable on residential windows.
- 2) Window signs shall be located fully within the interior of the building, attached directly to or mounted within 3 feet of the inside of the window, or flush to the exterior of a window, but not affixed to the outside of a window so as to project therefrom;
- 3) Except as provided in this section, window signage may be painted with easily removable paint, constructed of vinyl, paper, cloth, or other like material;
- 4) Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 30% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 20 percent, combination of permanent and temporary window signs. Each building elevation shall be considered separately.
- 5) Neon LED, or similar technology and electronic message center window signs are prohibited.

112.03-18. Regulations by Sign Type: Temporary Signs

- A. Banners, Political Signs, Yard Sale Signs, Real Estate Signs, Sandwich Boards are all considered temporary signs and are allowed without a permit.
1. Banners which contain commercial advertising require a permit as a type of attached sign. Commercial banners are allowed for one period of up to thirty (30) days in duration per calendar quarter for each business or location. Commercial banners shall not exceed seventy-five (75) square feet in size, must be professionally prepared or like quality, and only one (1) banner per business is allowed.
 2. Real Estate Signs should be professionally made, should be no larger than 32 sq ft and must be taken down within 30 days of the property sale closing date.
 3. Political signs should be placed on private property only and taken down within 7 days of election.
 4. Sandwich boards may be used in front of businesses as long as there is no obstruction to pedestrians or traffic.
 5. Yard Sale signs should be placed on private property only with permission of property owner and on day of sale only.
- B. The City of New Albany, its officers, employees or designees are hereby authorized to remove temporary signs in violation of these ordinances.

Regulations Applicable to Residential (R1-4) and Neighborhood (C3-4)

112.03-19. Signs Exempted from Permit

The following signs may be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs and government or regulatory signs.
- B. Signs inside a building, or other enclosed facility, which are not visible from the outside, and are located greater than three (3) feet from the window.
- C. Holiday and seasonal decorations.
- D. Temporary signs in accordance with §112.03-022. **(Regulations by sign type: Temporary signs)**
- E. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification. Residential address signs shall not to exceed two (2) sq. ft. Commercial address signs shall not exceed 5 square feet in total area.
- F. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- G. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed four (4) sq. ft. in area.
- H. Private drive signs - One (1) sign per driveway entrance, not to exceed one (1) sq. ft. in area.

I. Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law. All posted security and warning signs may not exceed two (2) sq. ft. in area.

J. Flags not prohibited pursuant to 112.03-08(S).

1. Location. Flags and flagpoles shall not be located within any right-of-way.

2. Height. Flags shall have a maximum height of 20 ft. except as approved by the Mayor and Board of Aldermen.

3. Number. No more than two (2) flags per lot in residential districts.

4. Size. Maximum flag size is 24 sq. ft. except on governmental property or as otherwise approved by the Mayor and Board of Aldermen.

K. Properly authorized legal notices.

L. Vending machine signs.

M. Memorial signs, public monuments or historical identifications sign erected by, or with the approval of the municipality, Union County or other State of Federal governmental authorities, including plaque signs up to three (3) sq. ft. in area.

N. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

O. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

P. Incidental signs, including incidental window signs shall also be excluded from area calculations.

112.03-20. Regulations by Sign Type: Permanent Signs

A. Canopy or Awning Signs: Not allowed.

B. Window Signs: Not allowed.

C. Neon Signs: Not allowed

D. Internal Illumination & Halo Lighting: Not allowed.

E. Changeable copy: Not allowed.

F. Freestanding Signs.

1. One (1) freestanding sign shall be permitted for professional offices, home offices, day cares and churches subject to the following regulations.

a. Area: Each sign shall have a maximum area of 20 square feet. Church signs and professional day cares and nursing homes shall be no larger than 100 square feet.

b. Signs shall have a maximum height of eight (8) feet.

c. External Illumination is allowed.

2. Freestanding signs for residential developments in subdivisions or apartment buildings containing more than ten units shall be permitted subject to the following regulations.
 - a. Number: For each street upon which such developments, subdivisions or apartment buildings have road frontage, the greater of one (1) sign per each street on which there is frontage or one (1) sign for each entrance on each street upon which there is frontage.
 - b. Area: Each sign shall have a maximum area of 100 square feet, not including ancillary parts of the structure, such as walls, fences or hedgerows.
 - c. Height: Signs shall have a maximum height of eight (8) feet.
 - d. External Illumination is allowed.

3. Sign Placement.

- a. All freestanding signs shall be set back ten (10) feet from the right-of-way, except for official traffic signs and government/regulatory signs and within 100 feet of any other sign.
- b. No freestanding sign may occupy an area designated for fire lanes, driveways, easements, rights-of-way or other areas required to remain unobstructed. Freestanding signs may occupy parking, loading, walking areas so long as located within an landscaped island surrounded by a poured concrete curb.
- c. Multiple Tenant Signs are allowed and shall not exceed twenty (20) square feet total and eight (8) feet in height and each tenant sign shall be similar in design. The sign shall be designed with uniform appearance and color. The street address shall be included on the sign.

G. Wall or Projecting Signs:

1. One (1) wall or projecting sign shall be permitted, up to two (2) sq. ft. in area.
2. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
3. Illumination: These signs shall be non-illuminated.

112.03-21. Regulations by Sign Type: Temporary Signs

A. Political Signs, Yard Sale Signs, Real Estate Signs, are all considered temporary signs and are allowed without a permit.

1. Real Estate Signs should be professionally made, should be no larger than 6 sq ft Residential and 32 sq ft Commercial and must be taken down within 30 days of the property sale closing date.
2. Political signs should be placed on private property only and taken down within 7 days of election.
3. Yard Sale signs should be placed on private property only with permission of property owner and on day of sale only.

B. The City of New Albany, its officers, employees or designees are hereby authorized to remove temporary signs in violation of these ordinances.