There came on for consideration at a duly constituted meeting of the City Council and Mayor of the City of Gulfport held on the 6th day of July, 2010, the following Ordinance, which was reduced to writing and presented in advance of the meeting for reading and examination:

ORDINANCE NO. 2686

AN ORDINANCE TO REVISE AND AMEND CERTAIN SECTIONS AND PARTS OF, AND TO INCLUDE CERTAIN NEW SECTIONS AND PARTS TO, THE CITY OF GULFPORT SIGN ORDINANCE

WHEREAS, by Ordinance Number 1764, March 17, 1987, the Mayor and City Council ("Governing Authority") adopted the current "Sign Ordinance," which with incremental and/or subsequent amendments is codified in the Code of Ordinances of the City of Gulfport as *Chapter 9, Article IV, Sections 9-77 through 9-121*, inclusive; and

WHEREAS, the general purpose of the "Sign Ordinance" is stated as follows:

Sec. 9-77. Statement of Purpose.

(a) The purpose of this article is to alleviate the growth of sign usage that is detrimental to the health, safety and welfare of the city. Recognizing that this city is one of Mississippi's and the South's foremost coastal resorts, the mayor and city council finds that lack of control and an improper control of signs causes a unique problem. Although the city has more to offer than its resort resources, the attraction and servicing of visitors constitutes one (1) of our leading economic activities. Failure to recognize this matter could adversely impact development of such resources and activities.

(b) In keeping with this purpose and intent, this article is designed to permit only such signs as will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the city are developed and maintained;

and

WHEREAS, the Mayor, City Council, and all Departments of City Government have been working to reconstruct, restore and improve the City of Gulfport in ways that will improve health and safety, transportation flow, beauty and historical values of the City, and will enhance residential quality of life, restore and increase business and development, desirable tourism, and local economy according to Gulfport's recently established vision and mission statements as follows:

GULFPORT'S VISION: GULFPORT, MISSISSIPPI is a picturesque beachfront city on the Gulf of Mexico with a diverse culture and safe family-oriented neighborhoods supported by a progressive economy where everyone feels welcome at home!

GULFPORT'S MISSION is to provide efficient, effective and openly responsive municipal services to all citizens while promoting responsible economic development, preserving our heritage, and enhancing our quality of life

while RESTORING OUR CITY IN ORDER TO BRING FRIENDS AND FAMILY BACK HOME.

and

WHEREAS, the Governing Authority recognizes that signs, particularly including advertising signs and billboards, heretofore allowed under the "Sign Ordinance" along major transportation highways, boulevards, and thoroughfares in the city and especially in business districts, tourist districts and busy streets that fringe upon residential areas in Gulfport have become so numerous, large in size and often stand out with motion, illumination and other electronic mechanisms to an extent to be distracting, dangerous to motorists and to distract from the natural beauty of the area, and from the historical and architectural significance of structures and landmarks of the city to an extent to cause harm to the overall appearance, attractiveness and aesthetic charm of the city for both residents and visitors; and

WHEREAS, the Governing Authority of the City of Gulfport finds that the growing traffic safety problems, and impediments to aesthetic appeal in Gulfport resulting from a proliferation of billboards, and poor placement size, character and location of signs constitutes a change of conditions requiring revisions to the Sign Ordinance; and

WHEREAS, the Governing Authority of the City finds that its legitimate and substantial governmental interests of promoting traffic safety and protecting and enhancing the aesthetic characteristics of the City can be accomplished at this time by, among other things, adopting a cap and replace program for outdoor advertising signs, restricting the locations and roadways on which new outdoor advertising signs may be located, regulating the size of and spacing between outdoor advertising signs in relation to other outdoor advertising signs and certain zoning districts, regulating the display time and lighting standards for digital signs and requiring architectural enhancements to certain signs within the City; and

WHEREAS, in order to adhere to the general purpose of the Gulfport "Sign Ordinance" as hereinabove restated, and in order that the City of Gulfport can fulfill its mission and achieve its vision as hereinabove stated, the Governing Authority of the City of Gulfport finds that the Gulfport "Sign Ordinance" should be revised and amended; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI AS FOLLOWS:

SECTION ONE. That the matters, facts and things recited in the above and foregoing Preamble to this Ordinance be, and they are hereby adopted as the official findings of the Governing Authority of the City of Gulfport; and that the City of Gulfport Ordinance No.

1764, as amended, and as codified as Code of Ordinances of the City of Gulfport, *Chapter 9, Article IV, Signs,* be, and it is hereby revised to the extent and limited to the following Sections hereof:

SECTION TWO. The following definitions contained within **Sec. 9-77, Definitions**, to be revised, clarified, amended and/or modified, presently state as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Canopy or (marquee) means a permanent roof like structure extending from part or all of a building face and constructed of some durable material such as cloth, metal, glass or plastic.

Electrical sign means any sign containing electrical wiring which is attached or extended to be attached to an electrical energy source. This does not include a blinking sign with multi-messages unless it is used for public messages only.

Electrical blinking sign with multi-messages means any on-premise or off-premise sign, except as otherwise expressed in this Article and these definitions, that employs the use of any type of digital, light emitting diode ("LED"), liquid crystal display ("LCD"), plasma, electrical or similar technology to display or project multiple messages or advertisements on a sign structure. The word "blinking" as used in this definition shall be construed to apply to any type of electronic changing-face display. Electrical blinking signs with multi-messages may include animated signs, flashing signs and/or projecting signs.

Illuminated sign means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces. On or off site electronic blinking signs with multi-messages are not "illuminated signs" under this defined category.

Nonconforming sign (legal) means any permanently affixed advertising structure or sign which was erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to applicable regulations and restrictions of this article. Further, the signs that are expressly stated in sections 9-93 through 9-100 are excluded from the definition thereof.

Off-premises sign and Outdoor advertising sign both mean a sign that advertises goods, products, services or facilities, and directs persons to a different location from where the sign is installed, or advertises goods, products, services or facilities not related to the site where the sign is located. The poster panels or bulletins, usually freestanding, illustrate such advertising in the form of pasted paper, painted copy or image projected copy. Back to back or v-type structure will be considered as one (1) sign structure with more than one (1) face.

On-premise sign means a sign that advertises only goods, products, services and the name of the facility on the premises of which the sign is located. On or off site electronic blinking signs with multi-messages are not "on-premises signs" under this defined category.

Public service information sign means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

Sign means any identification, description, illustration or device illuminated or non illuminated (not including electrical blinking signs with multi-messages) which is visible from any public place or is located on private property and exposed in the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently

installed or situated merchandise; or any emblem, painting, banner, pennant or placard, be it permanent or temporary, designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

The aforesaid definitions contained within Sec. 9-77, Definitions be, and are hereby revised, clarified, amended and/or modified to read in their entirety exactly and completely as follows:

Canopy (or marquee) sign means any sign attached to, constructed in or on a canopy or marquee.

Electrical sign means any sign containing electrical wiring which is attached or extended to be attached to an electrical energy source.

Electrical blinking sign with multi-messages shall be removed in its entirety.

Illuminated sign means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign face.

Off-premises sign and Outdoor advertising sign both mean a sign that advertises goods, products, services or facilities, and directs persons to a different location from where the sign is installed, or advertises goods, products, services or facilities not related to the site where the sign is located. The poster panels or bulletins, usually freestanding, illustrate such advertising in the form of pasted paper, painted copy or image projected copy. Back to back or v-type structure will be considered as one (1) sign structure with more than one (1) face. Off-premises signs may use Digital Display Sign Faces, Static Display Sign Faces or multi-prism sign faces.

Nonconforming sign (legal) means any permanently affixed advertising structure or sign which was erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to applicable regulations and restrictions of this article. Further, the signs that are expressly stated in Sections 9-94 through 9-100 are excluded from the definition thereof.

On-premise sign means a sign that advertises only goods, products, services and the name of the facility on the premises of which the sign is located.

Public service information sign means any sign solely intended to display time, temperature and date, atmospheric conditions, or traffic control.

Sign means any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed in the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard, be it permanent or temporary, designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

SECTION THREE. Sec. 9-77, Definitions be, and is hereby revised, clarified, amended and/or modified by the alphabetical insertion of the following definitions to read in their entirety exactly and completely as follows:

Digital Display sign face means a face of any on-premise or off-premises sign that employs the use of any type of digital, light emitting diode ("LED"), liquid crystal display ("LCD") plasma, electrical or similar technology to display or project multiple message or advertisements on a sign structure.

Nit means a measurement of brightness equivalent to one candela per square meter. A candela is technically defined as the intensity in a given direction of a source that emits monochromatic radiation of a frequency of 540 x 10 hertz and which has a radiant intensity in the same direction of 1/683 watts per steradian.

Static Display Sign Face means on any on-premises or off-premises sign face, the message displayed is printed on a paper, plastic, metal and/or vinyl surface which must be physically replaced and/or covered in order to change or amend the message displayed.

[All remaining definitions, parts, paragraphs and provisions of Sec. 9-77 other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION FOUR. Sec. 9-78. Penalty, to be revised, clarified, amended and/or modified, presently states as follows:

Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance and may be summarily abated as such by this city. The city shall have the right to remove any sign(s) found in violation of the provisions of this article and the cost to remove the sign(s) will be assessed to the owner.

The aforesaid Sec. 9-78, Penalty be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six (6) months, and/or by the loss of six (6) credit certificates received pursuant to Section 9-122. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance and be summarily abated as such by the city. The city shall have the right to remove any sign(s) found in violation of the provisions of this article and the cost to remove the sign(s) will be assessed to the owner.

SECTION FIVE. The following subsection of **Sec. 9-85**, **Issuance, denial**, to be revised, clarified, amended and/or modified, presently states as follows:

(1) *Issuance.* The building inspector shall issue a permit for the location, erection, alteration, or relocation of a sign within the city within 30 days of when the permit application is properly made and all required information has been provided and all appropriate fees have been paid as outlined in this Article, including, but not limited to, Sections 9-81, 9-82, 9-83, 9-84 and 9-87.

(2) *Denial.* The building inspector shall reject an application within 30 days of such application being made if the permit application is improperly made, all required information has not been provided, or all appropriate fees as outlined in Section 9-87 have not been paid. When a sign permit is denied by the building inspector, he shall give written notice of the denial to the applicant or permittee, together with a brief written statement of the reasons for the denial.

The following subsection of Sec. 9-85, Issuance, denial be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

> (1) *Issuance.* The building inspector shall issue a permit for the location, erection, alteration, or relocation of a sign within the city within fifteen (15) business days of when the permit application is properly made and required information has been provided and appropriate fees have been paid as outlined in this Article, including, but not limited to, Sections 9-81, 9-82, 9-83, 9-84 and 9-87. If the building official determines that an application is incomplete, the official shall make reasonable efforts to notify the applicant of the specific items that are missing or incomplete; such notice shall be attempted within ten (10) business days of the date of submittal of the application.
>
> (2) *Denial.* The building inspector shall reject an application within ten (10) business days of such application being made if the permit application is improperly made, all required information has not been provided, or all appropriate fees as outlined in Section 9-87 have not been paid. When a sign permit is denied by the building inspector, he shall give written notice of the denial to the applicant or permittee, together with a detailed written explanation of the reasons for the denial. Such written notice shall be given within ten (10) business days of receipt of a completed application.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-85, other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION SIX. Sec. 9-86, Effect of issuance, to be revised, clarified, amended and/or modified, presently states as follows:

> No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in any action to suspend revoke or abate an unlawful sign.

The aforesaid Sec. 9-86, Effects of issuance be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

> Construction of a sign for which a permit has been issued must commence within one hundred and eighty days (180) of said issuance. Failure to do so within the allotted time period shall void the permit and necessitate reapplication, including payment of all applicable fees. Furthermore, previously forfeited credit certificate(s) associated with issuance of said permit shall be reissued/returned to the owner/applicant of the sign permit. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in any action to suspend revoke or abate an unlawful sign.

SECTION SEVEN. The following subsection of **Sec. 9-87**, **Permit fees**, to be revised, clarified, amended and/or modified, presently states as follows:

> (1) On-premises signs or off-premises signs. The calculation on a freestanding pole, ground, monument or any similar or roof sign shall be based only on each face of the sign added together.

The aforesaid subsection of Sec. 9-87, Permit fees, be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

> (1) On-premises signs or off-premises signs. The calculation on a freestanding pole, ground, monument or any similar or roof sign shall be based only on one (1) face of the sign. The calculation shall be based on the largest face of the sign.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-87, other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION EIGHT. The following subsection of **Sec. 9-90, Signs in R-B and R-O districts**, to be revised, clarified, amended and/or modified, presently states as follows:

(f) *Outdoor advertising signs:* Outdoor advertising signs shall be subject to the following conditions:

(1) After the effective date of the ordinance revising this provision, no new outdoor advertising sign structure shall be permitted closer than fifteen hundred (1500) feet from any other outdoor advertising sign structure regardless of their relative positions or locations to any road, street or thoroughfare, nor permitted within fifteen hundred (1500) feet from any zoning district boundary where such signs are not permitted in that zoning district. Such distance is to be measured from the center of the sign structure.

(2) Shall have a minimum clearance of ten (10) feet above ground level.

(3) The collective copy area of all faces (on all sides) shall not exceed the square footage allowed by subsection (c) of this Section 9.90.

(4) Heights shall conform to the district height requirements as stated in the comprehensive zoning ordinance. All measurements are to be from grade to the top of the sign. All signs forty (40) feet in height and above, with or without the use of a crane shall be submitted to the Gulfport-Biloxi Airport Authority for review and comments.

(5) After the effective date of the ordinance revising this provision, no new outdoor advertising sign shall be erected within 660 feet of the nearest right of way lines of U.S. Highway 90, U.S. Highway 49, U.S. Highway 605, Interstate 10 or Pass Road.

(6) Signs located along any federal aid primary or interstate highway shall conform to the provisions of the state highway department's regulations for the control of outdoor advertising, or this article, whichever is most restrictive.

The aforesaid subsection of Sec. 9-90, Signs in R-B and R-O districts be, and is hereby revised, clarified, amended and/or modified to read as follows:

(f) *Outdoor advertising signs.* Outdoor advertising signs shall be subject to the following conditions:

(1) After the effective date of the ordinance revising this provision, no new outdoor advertising sign structure shall be permitted closer than two thousand (2000) feet from any other outdoor advertising sign structure on the same side of the street, federal aid primary or interstate highway. (See Diagram A). Such distance is to be measured from the center of the sign structure on a line parallel to the street or highway on which the sign is facing.

(2) All billboards erected pursuant to Section 1-122 shall be set back from those zoning districts where such signs are not permitted in that zoning district as follows:

(a) No part of said sign shall be located within any of the following:

(1) An area extending three hundred (300) feet along the street (chord distance) from any point at which a zoning district prohibiting off-premise signs touches the street right-of-way on the same side of the street as the sign (See Diagram C). Such distance to be measured from the center of the sign structure.

(2) A radial buffer equal to three hundred (300) feet from any zoning district prohibiting off-premises signs when said district abuts the street, road or thoroughfare directly opposite the side of the street, road, or thoroughfare on which the sign structure is to be erected or converted. (See Diagram D). Such distance to be measured from the center of the sign structure; AND

(3) A circle seventy-five (75) feet in radius from any zoning district prohibiting off-premise signs. (See Diagram C or D). Such distance to be measured from the center of the sign structure.

(3) Shall have a minimum clearance of ten (10) feet above ground level.

(4) The collective copy area of all faces (on all sides) shall not exceed six hundred square feet of copy area and billboards shall have not more than three hundred (300) square feet of copy area on any one area/face of the sign structure and shall consist of only one sign per facing.

(5) Heights shall conform to the district height requirements as stated in the comprehensive zoning ordinance. All measurements are to be from grade to the top of the sign. All signs forty (40) feet in height and above, with or without the use of a crane shall be submitted to the Gulfport-Biloxi Airport Authority for review and comments.

(6) After the effective date of this ordinance revising this provision, no new outdoor advertising sign shall be erected on or adjacent to (meaning within 300 feet) Highway 605, U.S. Highway 90, State Route 601 (Canal Road – Port Connector).

(7) Signs located along any federal aid primary or interstate highway shall conform to the provisions of the state highway department's regulations for the control of outdoor advertising, or this article, whichever is most restrictive.

(8) In addition to the requirements set forth in this section, all Outdoor advertising signs constructed and/or modified under this ordinance shall comply with the provisions of Section 9-122.

The aforesaid subsection of Sec. 9-90, Signs in R-B and R-O districts be, and is hereby revised, clarified, amended and/or modified to read as follows due to the insertion of a new subsection (h):

(h) *Illumination.* Signs permitted in this subsection may be indirectly or directly illuminated.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-90 other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION NINE. The following subsection of **Sec. 9-91, Signs in B-1, B-2, B-4, I-1, I-2, I-3 districts**, to be revised, clarified, amended and/or modified, presently states as follows:

(h) *Outdoor advertising signs:* Outdoor advertising signs shall be subject to the following conditions:

(1) After the effective date of the ordinance revising this provision no new outdoor advertising sign structure shall be permitted closer than fifteen hundred (1500) feet from any other outdoor advertising sign structure regardless of their relative positions or locations to any road, street or thoroughfare, nor permitted within fifteen hundred (1500) feet from any zoning district boundary where such

signs are not permitted in that zoning district. Such distance is to be measured from the center of the sign structure.

(2) Shall have a minimum clearance of ten (10) feet above ground level.

(3) The collective copy area of all faces (on all sides) shall not exceed seven hundred (700) square feet.

(4) Heights shall conform to the district height requirements as stated in the comprehensive zoning ordinance. All measurements are to be from grade to the top of the sign. All signs forty (40) feet in height and above, with or without the use of a crane shall be submitted to the Gulfport-Biloxi Airport Authority for review and comments.

(5) After the effective date of the ordinance revising this provision, no new outdoor advertising shall be erected within 660 feet of the nearest right-of-way lines of U.S. Highway 90, U.S. Highway 49, U.S. Highway 605, Interstate 10 or Pass Road.

(6) Signs located along any federal aid primary or interstate highway shall conform to the provisions of the state highway department's regulations for the control of outdoor advertising, or this article, whichever is most restrictive.

(j) *Other signs:* Other signs are permitted as follows:

(5) Any of the types of signs permitted in this article may be permitted as manual or automatic changeable copy signs, except for electrical blinking signs with multi-messages.

The aforesaid subsections of Sec. 9-91, Signs in B-1, B-2, B-4, I-1, I-2, I-3 districts, as stated above be, and are hereby revised, clarified, amended and/or modified to read in their entirety exactly and completely as follows:

(h) *Outdoor advertising signs:* Outdoor advertising signs shall be subject to the following conditions:

(1) After the effective date of the ordinance revising this provision, no new outdoor advertising sign structure shall be permitted closer than twelve hundred fifty (1250) feet from any other outdoor advertising sign structure on the same side of the street, federal aid primary or interstate highway. (See Diagram A). Such distance is to be measured from the center of the sign structure on a line parallel to the street or highway on which the sign is facing.

(2) All billboards erected pursuant to Section 1-122 shall be set back from those zoning districts where such signs are not permitted in that zoning district as follows:

(a) No part of said sign shall be located within any of the following:

(1) An area extending three hundred (300) feet along the street (chord distance) from any point at which a zoning district prohibiting off-premise signs touches the street right-of-way on the same side of the street as the sign (See Diagram C). Such distance to be measured from the center of the sign structure.

(2) A radial buffer equal to three hundred (300) feet from any zoning district prohibiting off-premises signs when said district abuts the street, road or thoroughfare directly opposite the side of the street, road, or thoroughfare on which the sign structure is to be erected or converted. (See

Diagram D). Such distance to be measured from the center of the sign structure; AND

(3) A circle seventy-five (75) feet in radius from any zoning district prohibiting off-premise signs. (See Diagram C or D). Such distance to be measured from the center of the sign structure.

(3) Shall have a minimum clearance of ten (10) feet above ground level.

(4) The collective copy area of all faces (on all sides) for signs located within 300 feet of Interstate 10, US Highway 49 or Airport Road shall not exceed one thousand three hundred forty-four (1,344) square feet; however, each sign face shall not exceed six hundred seventy-two (672) square feet and shall consist of only one sign per facing.

(5) The collective copy area of all faces (on all sides), for signs other than those within 300-feet of Interstate 10, US Highway 49 or Airport Road shall not exceed six hundred (600) square feet; however, each sign face shall not exceed three hundred (300) square feet and shall consist of only one sign per facing.

(6) Heights shall conform to the district height requirements as stated in the comprehensive sign ordinance. All measurements are to be from grade to the top of the sign. All signs forty (40) feet in height and above, with or without the use of a crane shall be submitted to the Gulfport-Biloxi Airport Authority for review and comments.

(7) After the effective date of this ordinance revising this provision, no new outdoor advertising sign shall be erected on or adjacent to (meaning within 300 feet) Highway 605, U.S. Highway 90, State Route 601 (Canal Road – Port Connector).

(8) Signs located along any federal aid primary or interstate highway shall conform to the provisions of the state highway department's regulations for the control of outdoor advertising, or this article, whichever is most restrictive.

(9) In addition to the requirements set forth in this section, all Outdoor advertising signs constructed and/or modified under this ordinance shall comply with the provisions of Section 9-122.

(j) *Other signs:* Other signs are permitted as follows:

(5) Any of the types of signs permitted in this article may be permitted as manual or automatic changeable copy signs.

The aforesaid subsection of Sec. 9-91, Signs in B-1, B-2, B-4, I-1, I-2, I-3 districts be, and is hereby revised, clarified, amended and/or modified to read as follows due to the insertion of a new subsection (m):

(m) *Illumination:* Signs permitted in this subsection may be indirectly or directly illuminated.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-91 other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION TEN. Sec. 9-93, Animated and intensely lighted signs, to be revised, clarified, amended and/or modified, presently states as follows:

Sec. 9-93. Animated and intensely lighted signs.

Electrical blinking signs with multi-messages shall not be permitted regardless of whether the structure may also be classified as a permitted type of sign structure under this article. Public service information signs and other electronic message centers classified as "changing signs" are permitted and not subject to this restriction.

The aforesaid Sec. 9-93, Animated and intensely lighted signs, as stated above be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

Sec. 9-93. Animated signs, intensely lighted signs, and Digital Display Sign Faces.

(a) No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights.

(b) Digital Display sign faces shall be allowed, subject to the following provisions:

(1) There shall be no effects of movement, animation, scrolling, flashing, scintillation or similar effects and shall display only static images.

(2) The static display time for each message shall be a minimum of eight (8) seconds.

(3) The time to completely change from one message to the next is a maximum of two (2) seconds and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.

(4) All such signs shall have installed light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions. In addition, maximum brightness levels for said sign shall not exceed 5,500 nits from dawn to dusk, during daylight hours, and 1000 nits from dusk to dawn, nighttime hours.

(5) Any digital display sign face or similar such sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall have a default mechanism freezing said sign if any such malfunction occurs.

SECTION ELEVEN. Sec. 9-103. Materials for freestanding signs, to be revised, clarified, amended and/or modified, presently states as follows:

All freestanding permanent signs, structures or poles shall be self-supporting structures erected on or permanently attached to concrete foundations or meet wind load requirements as specified in the building code, or any amendment thereto, adopted by the city.

The aforesaid Sec. 9-103, Materials for freestanding signs, as stated above be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

(a) All freestanding permanent signs, structures or poles shall be self-supporting structures erected on or permanently attached to concrete foundations or meet wind load requirements as specified in the building code, or any amendment thereto, adopted by the city.

(b) All new freestanding on-premise and off-premise signs constructed, relocated or converted on, or adjacent to, Interstate 10, Dedeaux Road, US Highway 49, Pass Road and/or Airport Road pursuant to Section 9-122 shall be constructed, as follows, when the base of a sign pole, defined as the point in which the emerging sign pole is viewed at its

intersection with ground level from a distance of seventy-five (75) linear feet along the street (chord distance) in which the sign face(s) shall be viewed from. Such distance is to be measured from the center of the sign structure on a line parallel to the street or highway on which the sign is facing (See Diagram E).

(1) Sign structure support pole(s) shall be wrapped with a masonry, stucco, stone and/or a similar synthetic material, from the ground level to a height not to exceed ten (10) feet above said ground level.

(2) A decorative buttress shall be constructed at the ground/base level of the façade.

(3) A decorative cap or crown shall be constructed at the top of the façade.

(4) Any portion of the sign structure's support pole(s) between the façade and the display of the sign that is greater than ten (10) feet above ground level shall be finished with a stucco wrap or a textured paint.

(c) All freestanding on-premise and off-premise sign facades shall be harmonious in material, style and color with the surrounding landscape of the developed site in which it is located. All sign permit applications for freestanding on-premise and off-premise signs to be constructed shall contain architectural façade plans to be reviewed and approved or denied by the Architectural Review Committee in accordance with Section 9-85 upon receipt of a permit application and renderings of the architectural façade plans.

SECTION TWELVE. Sec. 9-112. Removal of signs by Building Inspector be, and is hereby revised, clarified, amended and/or modified to read as follows due to the insertion of a new subsection (e):

(e) Any removal of a conforming or legal non-conforming off-premises outdoor advertising sign pursuant to this section will allow the owner to replace said sign pursuant to the provisions of 9-122.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-112 other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION THIRTEEN. Sec. 9-113. Legal nonconforming signs, to be revised, clarified, amended and/or modified, presently states as follows:

(b) Signs eligible for characterization as "Legal Nonconforming." Any sign located within the city limits on March 17, 1987, or located in an area annexed to the city thereafter, which does not conform to the provisions of this article, is eligible for a characterization as a "legal nonconforming" sign.

(d) Grandfather rights. Grandfather rights as to nonconforming signs and certain nonconforming sign locations, are as follows:

(1) Any outdoor advertising sign (billboard) which is legally erected or permitted as of September 10, 1998, shall be "grandfathered" and allowed to remain in place under the terms of this ordinance providing it maintains its legal nonconforming status in accordance with the provisions of subsection (c) hereof. Further, in the event a legal nonconforming outdoor advertising sign is damaged or destroyed by an act of God or similar force majeure, such sign shall be allowed to be repaired or replaced on the same site providing no change is made which makes the sign less in compliance with this ordinance. Also, should any legal nonconforming sign be required to be moved because of a highway or road widening or other government project, and the sign can be located in approximately the same location but outside the new right-of-way or project boundaries, said relocation shall be allowed, but the sign shall continue to maintain its legal nonconforming status.

(2) Where legal nonconforming outdoor advertising signs are in existence or originally permitted by the City as of December 17, 1997, in areas adjacent to Interstate 10 and U.S. Highway 49 within the City of Gulfport, the site or location of said nonconforming outdoor advertising signs shall be allowed "grandfather" rights to the extent that the landowner and/or the sign owner is allowed to reconstruct, replace or redesign such signs, providing the extent of nonconformity as compared to the sign that was removed or destroyed is not increased, with the exception of an increase in height as specified in subsection (c)(4) above and provided the sign existing hereunder shall conform to the provisions for outdoor advertising signs specified in Sec. 9-91, subsection (h), paragraph (4). Any such sign that is removed or destroyed must have in place all required permits for re-erection, within one hundred eighty (180) days from said removal or destruction, or the site or sign will cease to be classified as a grandfathered nonconforming location or sign. The building official/planning division administrator shall be notified in writing by the party removing the sign thirty (30) days prior to said removal, if the sign removal is intended, or upon destruction of any such sign, and the right of replacement for a period of one hundred eighty (180) days runs from the date of removal or destruction, not from the date of notice and should the party removing the sign fail to so notify the building official/planning division administrator the landowner shall have the right to notify the building official/planning division administrator within sixty (60) days of the date of removal. However, should there be mass damage by an act of God or similar act of force majeure affecting multiple signs and sign locations, and provided that a written request for extension of time for replacements filed within the one hundred eighty (180) day period, the building official/planning division administrator of the City of Gulfport has authority to extend the replacement deadline for a period not to exceed one (1) year from date of destruction.

The aforesaid subsections of Sec. 9-113, Legal nonconforming signs, as stated above be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

(b) Signs eligible for characterization as "Legal Nonconforming." Any sign located within the city limits on the date this ordinance is adopted, or located in an area on such date that 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.

(d) Grandfather rights.

(1) Any outdoor advertising sign (billboard) which is legally erected or permitted as of the date this ordinance is adopted shall be "grandfathered" with the registered owner, operator, and/or holder of said sign and allowed to remain in place under the terms of this ordinance providing it maintains its legal nonconforming status in accordance with the provisions of subsection (c) hereof. Further, in the event a legal conforming and/or legal nonconforming outdoor advertising sign is damaged or destroyed by an act of God or similar force majeure, such sign shall be allowed to be repaired or replaced, upon removal of the applicable damaged sign structure(s), by the registered owner, operator, and/or holder of said sign on the same site providing no change is made which makes the sign less in compliance with this ordinance and without the necessity of removing additional sign structure(s). Should any legal nonconforming sign be required to be moved because of a highway or road widening or other government project, and the sign can be located in approximately the same location but outside the new right-of-way or project boundaries, said relocation shall be allowed, by the registered owner, operator, and/or holder of said sign, but the sign shall continue to maintain its legal conforming and/or legal nonconforming status as applicable.

[All remaining subsections, parts, paragraphs and provisions of Sec. 9-113 other than as described above shall remain as stated in the code unaffected by these amendments.]

SECTION FOURTEEN. Sec. 9-118. Special exceptions, to be revised, clarified, amended and/or modified, presently states as follows:

(a) The intent of this section is to allow certain provisions of this article to be modified where such modification will encourage excellence in the planning and design of signs. Nothing in this article, however, is intended to permit the erection or maintenance of signs which are prohibited in sections 9-93 through 9-100.

(b) In the event that any party wishes to construct or install a sign other than as permitted in this article, that party shall be entitled to a hearing before the zoning boarding of adjustment. Governing rules for appeals and variances required by the zoning board of adjustment shall apply as adopted in Section VIII, Administration and Enforcement, (B), Board of Adjustment, Gulfport Comprehensive Zoning Ordinance (1501).

The aforesaid Sec. 9-118, Special exceptions, as stated above be, and is hereby revised, clarified, amended and/or modified to read in its entirety exactly and completely as follows:

Sec. 9-118. Special Exceptions; On-Premise Signs

(a) The intent of this section is to allow certain provisions of this article pertaining to on-premises signs to be modified where such modification will encourage excellence in the planning and design of such signs. Nothing in this article, is intended to permit the construction, erection, installation, or maintenance of off-premises and outdoor advertising signs which are prohibited in this article or to permit the construction, erection, installation, or maintenance of on-premises signs which are prohibited in sections 9-93 through 9-100.

(b) In the event that any party wishes to construct or install an on-premises sign other than as permitted in this article, that party shall be entitled to a hearing before the zoning boarding of adjustment. Governing rules for appeals and variances required by the zoning board of adjustment shall apply as adopted in Section VIII, Administration and Enforcement, (B), Board of Adjustment, Gulfport Comprehensive Zoning Ordinance (1501).

SECTION FIFTEEN. Sec. 9-122. Limitation and Regulation of Off-Premises Signs – Cap and Replace be, and is hereby inserted and shall read as follows:

(a) Purpose. It is the purpose of this ordinance to prevent the proliferation of Off-premises signs in the City of Gulfport and to cap the current number of such signs at no more than existing inventories. In order that the total number of such signs currently located within the City of Gulfport not be increased, no person shall construct an Off-premises outdoor advertising sign without first removing other such sign(s) located within the City of Gulfport as expressed in this Section.

(b) Inventory of Outdoor Advertising Signs. An inventory of all Off-premises outdoor advertising sign structures, both conforming and legal non-conforming, shall be maintained by the Planning Administrator for the City of Gulfport and/or his or her authorized agents. The initial inventory shall reflect the total number of Off-premises signs existing as of May 1, 2009. The Inventory shall initially be compiled by registration of any and all Off-premises signs, both conforming and legal non-conforming existing as of May 1, 2009. Owners of any such signs will have a period of six (6) months after the effective date of this ordinance to register all such signs for inclusion in the inventory. Any signs not registered on or before said deadline shall not be eligible for replacement under the provisions of this ordinance.

(c) Cap and Replace. After the effective date of the ordinance adopting and/or revising this section, all Off-premises signs erected and/or converted, shall conform to the following:

(1) After said date of enactment and at the time of experiencing a loss and/or removal of any of inventoried Off-premises sign, by whatever cause, the owner of said sign shall notify in writing the building official/planning administrator of the City of Gulfport, within 90 days of said loss or removal showing the location and date of the loss of said billboard. Should there be mass damage by an Act of God affecting multiple signs and sign locations, or for other good cause shown, the building official/planning administrator for the City of Gulfport has authority to extend the time period in which to file notice of loss, destruction or removal.

(2) Upon confirmation of loss or removal of an Off-premises sign structure by the appropriate official, a credit certificate shall be issued by the Building Inspections Department to the owner of said Off-premises outdoor advertising sign structure for each such structure lost or removed. Said certificate shall be issued within fifteen (15) days of notice pertaining to applicable sign owner's loss or removal. The owner of the credit certificate may choose to hold the certificate, redeem it as necessary for a building permit to erect a new static or digital display billboard structure, redeem it as necessary to convert an existing static display billboard structure to a digital display billboard structure, or convey the certificate to a third party.

(3) Upon confirmation of loss or removal of an Off-premises sign structure on US Highway 90 by the appropriate official, four (4) credit certificates shall be issued by the Building Inspections Department to the owner of said Off-premises outdoor advertising sign structure. Upon confirmation of loss or removal of an Off-premises sign structure on State Route 605, by the appropriate official, two (2) credit certificates shall be issued by the Building Inspections Department to the owner of said Off-premises outdoor advertising sign structure. Said certificates shall be issued within fifteen days (15) of written notice pertaining to applicable sign owner's loss or removal. The owner of the credit certificates may choose to hold the certificates, redeem the certificates as necessary for building permits to erect new static or digital display billboard structures, redeem the certificates as necessary to convert an existing static display billboard structure to a digital display billboard structure, or convey the certificates to a third party.

(d) Generally: Construction of new, or conversion of existing sign structure(s) to Digital Display sign structure(s) shall be subject to the following provisions:

(1) A new Digital Display sign structure shall adhere to those provisions as set forth in Sec. 9-93 and all other provisions of this ordinance pertaining to such sign.

(2) Existing Off-premises advertising signs (except for those located in a residential district addressed in Section 9-89) may be converted to a Digital Display sign structure, subject to the provisions of this Section, Section 9-93 and Sections 9-90 and 9-91 as applicable. The conversion of any existing billboard must be permitted by the Building Inspector.

(3) No off-premises digital display sign face shall be erected or static display sign face converted to an off-premises Digital Display sign face within three thousand (3000) feet of any other Off-premises Digital Display sign face facing the same such direction on the same street, highway, or interstate.

(4) In order that the total number of all Off-premises outdoor advertising sign structures currently located within the City of Gulfport be DECREASED, no person shall erect an outdoor advertising sign structure containing Digital Displays or convert an existing outdoor advertising sign to a Digital Display sign, without first removing six (6) existing outdoor advertising sign structures. The collective square footage on two (2) of the six (6) existing outdoor advertising sign structures to be removed must be equal to, or greater than, the collective Digital Display copy area to be erected and/or converted. A sign that is converted shall not count toward the number of sign structures required to be removed in order for the conversion to be permitted. Sign owners/operators may relocate, reconfigure, and/or reinstall one (1) existing Digital Display sign face per year onto another existing sign structure without the necessity of removing any sign

structures so long as the installation is in conformity with all other aspects of this Section, Section 9-93 and Sections 9-90 and 9-91 as applicable, and the total number of sign structures located on U.S. Highway 49, Pass Road, Airport Road, and Interstate 10 within the City as of the date this ordinance is adopted is not increased as a result. A permit shall be issued prior to relocation.

(5) A permit for the construction and/or erection of a new outdoor advertising sign structure containing Digital Displays, or conversion of an existing Static Display sign structure to a Digital Display sign structure, may be issued after the permanent removal of or forfeiture of credit for the removal of six (6) outdoor advertising sign structures.

(6) In addition to the subsections above and in order that the total number of all Off-premises outdoor advertising sign structures currently located on U.S. Highway 49 and Pass Road not be INCREASED, no person shall erect or convert a static display sign structure to an off-premise Digital Display sign structure on or within three hundred (300) feet of U.S. Highway 49 or Pass Road without first demonstrating the removal of two (2) existing outdoor advertising sign structures located on or within three hundred (300) feet of U.S. Highway 49, U.S. Highway 90, Highway 605 and/or Pass Road.

(e) Generally: Construction of new Static Display Sign Structure(s)

(1) A new Static Display sign shall adhere to all provisions of this Ordinance pertaining to such sign(s), including, but not limited to, the provisions relating to signs in the particular zoning district the sign is to be located in.

(2) In order that the total number of all Off-premises outdoor advertising sign structures currently located within the City of Gulfport not be INCREASED, no person shall construct a static outdoor advertising sign, without first removing two (2) existing outdoor advertising sign structures. One (1) of the required two (2) sign structures to be removed shall have a collective copy area equal to, or greater than, the collective copy area on the Static Display to be erected. Erection of said sign(s) shall adhere to those provisions outlined in Sections 9-90 and 9-91.

(3) Sign owners in possession of at least five (5) or more active credit certificates may erect, relocate, reconfigure, and/or replace as may be necessary, up to two (2) static display sign structures per year. For each such sign structure erected, relocated, reconfigured, and/or replaced the sign owner shall remove or forfeit credit for their prior removal of one (1) outdoor advertising sign structure without the necessity of removing any other sign structures so long as the installation is in conformity with this Section in all other aspects and Sections 9-90 and 9-91, as applicable, and the total number of sign structures located on U.S. Highway 49, Pass Road, Airport Road, and Interstate 10 within the City as of the date this ordinance is adopted is not INCREASED as a result of said erection, relocation, reconfiguration, and/or replacement.

(4) A permit for the construction and/or erection of a Static Display sign structure, may be issued after the forfeiture of credit for the removal of two (2) outdoor advertising sign structures.

(5) In addition to the subsections above and in order that the total number of all Off-premises outdoor advertising sign structures currently located on U.S. Highway 49, Interstate 10, and Pass Road not be INCREASED, no person shall construct or locate an off-premise Static Display sign structure on or within three hundred (300) feet of U.S. Highway 49, Interstate 10, or Pass Road without first removing one (1) existing outdoor advertising sign structure on or within three hundred (300) feet of the particular highway or road that the new sign face will be within three hundred (300) feet of or located upon.

(f) Specific roadways: Construction of or conversion to Digital Display or Static Display sign structure on U.S. Highway 90, U.S. Highway 605, State Route 601, Dedeaux Road, or Airport Road.

(1) No Off-premises outdoor advertising sign/structure shall be constructed/converted or located on or within 300 feet of either U.S. Highway 90, State Route 605, or State Route 601 (Canal Road – Port Connector).

(2) The total number of all Off-premises outdoor advertising sign structures on Airport Road within the City of Gulfport shall not exceed four (4); furthermore, the total number of Digital Displays located on Off-premises outdoor advertising signs on Airport Road shall not exceed two (2) at any given time.

(3) The number of all Off-premises outdoor advertising sign structures on Dedeaux Road shall not exceed thirteen (13); furthermore, the total number of Digital Displays located on Off-premises outdoor advertising signs on Dedeaux Road shall not exceed (4) at any given time.

(g) Effect of Annexation.

In the event the City of Gulfport expands by annexation, the total number of Off-premises signs permitted within the City shall be increased in an amount equal to the total number of existing Off-premises signs located in the annexed area at the time of annexation.

SECTION SIXTEEN. Diagrams A – E referenced in the foregoing sections are attached hereto and hereby fully incorporated and made part of Gulfport's Comprehensive Sign Ordinance.

The specific revisions, clarifications, amendments, and modifications to the "Sign Ordinance" stated above are the only changes made hereby to the Gulfport "Sign Ordinance" and all other provisions, Sections, Subsections and paragraphs of the Sign Ordinance not hereinabove specifically revised, clarified, amended and modified shall remain in full force and effect as stated therein, and any parts or portions hereof that are or shall become legally unenforceable shall be considered severed therefrom and all remaining parts or portions of the Sign Ordinance as amended hereby shall remain in full force and effect.

SECTION SEVENTEEN. This Ordinance shall be published and enrolled according to law, and for the public welfare and safety of the City of Gulfport and other good causes stated above, this Ordinance shall take effect immediately upon its passage.

THE ABOVE AND FOREGOING ORDINANCE, after being first reduced to writing and presented to the Mayor and Council Members for reading, was introduced by Council Member Flowers, seconded by Council Member Roland, and was adopted by the following roll call vote:

AYES	NAYS	ABSENT
Casey	None	None
Roland		
Holmes-Hines		
Walker		
Dombrowski		
Flowers		
Pucheu		

WHEREUPON, The President declared the Motion carried and the Ordinance adopted, this the 6th day of July, 2010.

(SEAL)

ATTEST:

Mike Neraise

City Clerk

ADOPTED:

President of Council

THE ABOVE AND FOREGOING ORDINANCE was submitted to and approved by the Mayor, this the 7th day of July, 2010.

Mayor