

CHAPTER 12. ACCESSORY AND TEMPORARY USES AND STRUCTURES

PART 1. ACCESSORY USES AND STRUCTURES

12.1.1. General Standards and Limitations

- (1) General Standards: All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The Provisions of this Chapter establish additional requirements and restrictions for particular accessory uses and structures. Except as otherwise provided in this Chapter or elsewhere in this Ordinance, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.
- (2) Setback and size requirements: Except as otherwise provided elsewhere in this Ordinance, an accessory structure shall not be located within a required front yard, nor within five (5) feet of the rear or side lot lines. In residential districts, accessory buildings to be located in a side yard must be constructed with the same design and construction materials as the principal building or otherwise screened from view from the front and side property lines by a solid board fence or landscaping. If an accessory building or structure is attached to the principal building, or within fifteen (15) feet of the principal building, it must conform to the yard requirements for a principal building. Accessory buildings in non-residential zones and greater than four hundred (400) square feet in size shall conform to the yard or setback requirements for a principal building. Accessory buildings in residential zones shall not exceed thirty-five percent (35%) of the size of the principal structure unless approved through a "minor conditional use" according to Section 5.4.
- (3) Manufactured accessory buildings: Manufactured buildings used for storage only and not for occupation are permitted in all zoning districts.
- (4) Gas station canopies: Gas station canopies either attached to the principal building or detached and gas pump islands may be erected in the required front yard but shall not extend closer to the street right-of-way, including the right-of-way proposed by The Major Thoroughfare Plan, than fifteen (15) feet.
- (5) Signs: All signs shall be governed by the standards and sign permit procedures set forth in Part 2 of this Chapter and Chapter 5, Part 13 of the Ordinance.

- (6) Temporary accessory uses and structures: Temporary accessory uses and structures shall be governed by the standards and temporary use permit procedures set forth in Part 3 of this Chapter and Chapter 5, Part 3 of this Ordinance.

12.1.2. Home Occupations

A home occupation shall be permitted as accessory to any dwelling unit, provided that:

- (1) The principal person or persons providing the business or services resides in the dwelling on the premises;
- (2) The business or service is located within the dwelling or an accessory building thereto, and does not exceed twenty percent (20%) of the combined floor area of the structures or five hundred (500) square feet, whichever is less;
- (3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;
- (4) The property contains no outdoor display or storage of goods or services which are associated with the home occupation; No outdoor display or storage of goods or services associated with the home occupation are or will be visible from the street or adjoining properties;
- (5) The home occupation causes no change in the external appearance of the existing buildings and structures on the property or in effects such as noise, vibration, odor, glare, or other effects that can be detected from adjoining properties;
- (6) There are no employees on the premises and no more than one customer or client on the premises at a time;
- (7) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood. No more than one vehicle used in connection with the home occupation may be kept on the premises.

12.1.3. Home Business

Home businesses in those districts where permitted shall be subject to the following conditions:

- (1) A conditional use must be secured in accordance with Chapter 5, Part 4 of this ordinance, and;
- (2) The home business shall be operated as a home occupation as defined in Chapter 2 of

this ordinance, except that additional activities are allowed as specified below:

- (a) Customers are allowed on the premises of the home business, but not more than five (5) per day. An adequate number of off street parking spaces for said customers, as approved by the city, shall be provided. This shall be in the form of a double driveway or other arrangements in character with the surrounding residential area.
- (b) The making of crafts and other similar activities, as approved by the city, may be approved in an accessory building.
- (d) No business involving the sale, repair, restoration, refinishing, or painting of vehicles, farm equipment, boats, small engines, or recreational vehicles may be approved as a home business.

12.1.4. Satellite Dish Antennae

- (1) Purpose and intent: To minimize any health and safety hazards created by mounting satellite dish antennae on residential buildings. To control the location and screening of satellite dish antennae to lessen any impact on surrounding properties. To preserve the City's image and character.
- (2) Except as set forth in (3) below, satellite dish antennae may be located in any zoning district listed in Chapter 8 provided that it meets the following requirements:
 - (a) It shall not be located in a front yard without first obtaining a minor conditional use permit from the Director of Planning and Development;
 - (b) It may be located in a side yard if under twenty-four (24) inches in diameter; if over twenty-four (24) inches in diameter, minor conditional use approval shall be required;
 - (c) It shall not be located within ten (10) feet of side or rear property line, unless fully screened from view from the adjacent property to the side and rear;
 - (d) It may be located on the roof of a building in a non-residential district, or, if under twenty-four (24) inches in diameter, on the side or rear wall of a building in a residential zone;
 - (e) It may be located in a front yard or on roof in a residential zone if completely enclosed in materials which match the surrounding property.
- (3) Any satellite dish antenna may temporarily exist on any property for fifteen (15) days or less without meeting the above requirements for a permanent use.

12.1.5. Swimming Pools

- (1) Swimming Pools at residences shall be located in the rear yard. Pools may also be located in the side yard with the approval of a minor conditional use and provided such is screened from view from the street. The pool shall be a minimum of five (5) feet from the side and rear property lines, as measured from the water's edge. Conditional use review and approval of a swimming pool shall include review and approval of the fence required for screening.
- (2) Construction, fence, and other regulations of the Swimming Pool Code adopted by the City shall apply.

12.1.6. Dog Kennels

Dog kennels shall be permitted as accessory uses only in the A-O, R-1E, C-2 and C-3 Districts, or in any other district where accessory to an animal hospital or law enforcement training facility, and shall require review and approval by the Director of Planning and Development as "minor conditional use," in accordance with the procedures and standards set forth in Chapter 5, Part 4 of this Ordinance. In addition, dog kennels shall meet the following standards:

- (1) All kennel buildings shall be located at least thirty (30) feet from all property lines;
- (2) All kennel buildings and runs or pens for dogs shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

12.1.7. Small Day Care Homes

A small day care home shall be permitted as accessory to any dwelling unit, provided that:

- (1) If an outdoor play area is provided, it is fenced with a minimum four (4) foot high fence;
- (2) If less than two (2) off-street parking spaces are provided for the home, additional parking spaces are provided for customers.

12.1.8. Large Day Care Homes

A large day care home may be permitted in any residential district where accessory to a dwelling unit provided that it is reviewed and approved by the Director of Planning and Development as a "minor conditional use" or by The Planning Committee as a "major conditional use" as specified by Chapters 8 and 9 and in accordance with the procedures and standards set forth in Chapter 5, Part 4 of this Ordinance and provided that:

- (1) All State and Federal regulations are satisfied;
- (2) A solid fence at least four (4) feet in height is provided around the play area;

- (3) Landscaping is provided in order to blend the home into the neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise;
- (4) No excessive light will be generated at the home which will annoy neighboring residents;
- (5) The dwelling in which the home is located is similar in appearance to the character of the neighborhood and no building modification is made to the structure to accommodate the home except those required by the Building Code;
- (6) Adequate parking and loading spaces are provided as required by Chapter 11 of this Ordinance;
- (7) Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

12.1.9. Fences

- (1) R-1, R-2, R-3, R-O Districts: From the effective date of this ordinance forward no fence shall be erected between the front of any residential building and the street other than a decorative fence such as a picket fence, wrought iron or split rail fence. Wire fences such as chain link fences are prohibited in these locations. Such fences shall not exceed three and one-half (3½) feet in height. In the case of corner lots, fences may be erected between the side of the house and the street by "minor conditional use" in accordance with Chapter 5, Part 4. Such fences may be chain link, and shall not exceed six (6) feet in height and shall be set back consistently with the prevailing setback of other property on the street.
- (2) O, C-1, C-2, C-3, CBD, M-1 Districts: No fences of any kind shall be allowed in any front yard except by "minor conditional use" in accordance with Chapter 5, Part 4.
- (3) All Other Districts: No restrictions.

12.1.10 Outdoor seating areas at restaurants, brown bag establishments, night clubs and bars

Customer seating at any eating or drinking establishment which is not enclosed by walls and a roof shall require "Minor conditional use approval" in accordance with Chapter 5, Part 4.

PART 2. SIGNS

12.2.1. Purpose and Scope

- (1) The purpose of this Part is to establish standards and limitations for the fabrication, erection, use and maintenance of signs, symbols, markings, and advertising devices within the city. These regulations are designed to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, to preserve and improve the appearance of the City as a place in which to live and to work, to preserve and enhance the attractiveness of the City to nonresidents who come to the City to visit or to trade, to reduce public safety hazards caused by signs which are improperly constructed or maintained, or which impair visibility or otherwise distract the attention of motorists and, in general, to promote the health, safety and welfare of the general public.
- (2) It is also intended that this Part aid in the development and promotion of business and industry by providing regulations that encourage aesthetic values, creativity, effectiveness and flexibility in the design and use of signs without creating effects detrimental to the general public. While recognizing the need for adequate business and noncommercial identification, advertising and communication, the Ordinance requires that signs:
 - (a) Be compatible with their surroundings, and in compliance with proper design and zoning regulations;
 - (b) Be designed, installed and maintained to meet the needs of sign users while promoting the environment desired by the general public;
 - (c) Be designed, constructed, installed, and maintained in a manner that will not endanger the public safety or create traffic hazards;
 - (d) Be legible and readable in the circumstances in which they are utilized; and,
 - (e) Be respectful of the reasonable rights of other advertisers whose messages are displayed.
- (3) This Part applies to signs which are intended to be viewed from a public right-of-way such as highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.
- (4) This Part does not regulate the use of materials such as noncommercial holiday

signs and decorations, signs on products, product containers or dispensers, public information and safety signs placed by government entities in their own rights of way, any signs required by local State or Federal law, or building design exclusive of any commercial message.

12.2.2. Approval Requirements

Except as otherwise stated in this Part, signs which are allowed under this Part shall not be erected until and unless the person erecting the sign or the property owner has obtained a Sign Permit from the Planning and Development Department pursuant to Chapter 5, Part 12 of this Ordinance.

12.2.3. Construction and Maintenance Requirements; Abandoned Signs

- (1) Construction and compliance with codes:
 - (a) All signs, regardless of whether a permit is required for such signs, shall comply with all the pertinent requirements of the Building Code, Electrical Code and other construction codes adopted and in effect in the City.
 - (b) No sign shall be erected, constructed or maintained so as to obstruct any fire escape, fire hydrant, required exit, window, door or wall opening intended as a means of ingress or egress, or so as to interfere with any opening required for ventilation.
 - (c) All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines, and shall not be placed so as to interfere with natural or official drainage or surface or underground water.
 - (d) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.
- (2) General maintenance of signs and premises:
 - (a) All signs and components thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material.
 - (b) The Director of Planning and Development, or his authorized representative, shall have the authority to inspect all signs and order the painting, repair, alteration or removal of a sign which shall constitute a hazard to the health, safety or general welfare of

the public by reason of inadequate maintenance, dilapidation or obsolescence.

- (3) Glass and other breakable materials: All signs constructed in whole or in part with glass, plastic or other breakable materials which shall suffer any breakage, whether from natural or other causes, shall be repaired by the owner of the premises on which the sign is located within a period thirty (30) days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Director of Planning and Development, provided such extensions are requested in writing and the Director of Planning and Development finds that such extensions would not defeat the basic purposes of this Ordinance.
- (4) Billboards: Notwithstanding other requirements of this Section, billboards with paper copy (poster) which is torn, peeling, or faded shall be cleared of such torn, peeling or faded paper.
- (5) Electrical signs:
 - (a) Electrical signs shall comply with the Electrical Code adopted by the City. In particular, extension cords shall not be used except in accordance with said Code. Clearance from all electrical power lines shall be in accordance with the requirements of the Tupelo Water & Light Department.
 - (b) All electrical portable signs shall bear the approval of the Underwriters' Laboratories, Inc.
- (6) Visibility requirements: No sign shall be erected or placed in such a manner as to impair visibility of any motorists.
- (7) Abandoned signs:
 - (a) Any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Part, shall be deemed to have been abandoned.
 - (b) Signs applicable to business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless this property remains vacant for a period of six (6) months or more.
 - (c) Notwithstanding the above provisions, any sign that fails to meet the construction and maintenance requirements of this Part, shall be

deemed to be abandoned and subject to removal if any such deficiencies are not corrected within thirty (30) days after a written notice from the Director of Planning and Development to the owner or tenant concerning said deficiencies. The Director of Planning and Development shall have the discretion to grant an additional thirty (30) days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the original notice.

- (d) Signs which are found to be in violation of this Section shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the Director of Planning and Development that the sign does not comply with the terms of this Section. Any such signs not removed within thirty (30) days from this written notice may be removed by the City and all costs charged to the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself.

12.2.4. Permanent Signs

(1) Ground signs.

- (a) Number: A maximum of one (1) ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) shall be allowed for each section of the property's frontage which is separated from another section by property under separate ownership by a distance of at least one hundred (100) feet.
- (b) Separation: Each ground sign shall be located a minimum of one hundred (100) feet from other ground signs on the same side of the street. The Director of Planning and Development may grant a "minor conditional use" for a ground sign to be located less than one hundred (100) feet from another ground sign upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots, provided that all other requirements of this Ordinance are met and the proposed sign is located as remotely from adjacent signs as possible. No such conditional use shall be granted

when the existing sign is located on the same lot as the proposed sign. In this case, a directory sign is recommended. However, the Director of Planning and Development may grant a minor conditional use approval for a ground sign to be located not closer than seventy-five (75) feet to another sign where a directory sign is not feasible or would be greater than seventy-five (75) feet from the business seeking the Sign Permit. All procedures regarding conditional uses as contained in Chapter 5, Part 4 shall apply.

- (c) Setbacks: All ground signs shall be a minimum of fifteen (15) feet from the edge of any curb or street upon which they are located. No ground sign shall be placed within or project over, the right-of-way of any street. No ground sign shall be placed within the required right-of-way of a major thoroughfare which is scheduled to be widened as per the official Major Thoroughfare Plan of the city. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the one hundred (100) feet separation requirements in subsection (2) above.
- (d) Size and height restrictions.

Districts	Maximum Size	Maximum Height
All R, R-O, A-O	36 Sq. Ft.	4 Ft.
O, C-1, M-1	80 Sq. Ft.	12 Ft.
C-2, C-3, CBD, I-1	100 Sq. Ft.	25 Ft.

- (e) Other restrictions: For ground signs with more than two (2) faces, the maximum size of the largest face shall not exceed seventy-five percent (75%) of the maximum sign size for the district specified in subsection (4) above. A minimum of twenty-five (25) square feet of landscaped area shall be located at the base of each ground sign in the R, R-O, O, C-1 and M-1 districts. No political sign shall be placed on public property. No sign that is not physically and permanently mounted on the ground may be permitted under this section.
- (2) Changeable copy, electronic reader board, electronic graphic display, and video display signs. Signs meeting the definitions of these

sign types in Chapter 2 are required to meet specific design standards as follows:

- (a) Changeable copy signs:
 - (i) Location – the sign must be located on the site of the use identified or advertised by the sign.
 - (ii) Zoning district – allowable in any zoning district according to general standards for signs in such district.
 - (iii) Area – as provided in Table 12.2.4(1)(d), Section 12.2.4(2)(a), and overlay district requirements if applicable.
- (b) Electronic reader board signs:
 - (i) Location – the sign must be located on the site of the use identified or advertised by the sign.
 - (ii) Zoning District – allowed in C-2 General Commercial and C-3 Heavy Commercial.
 - (iii) Setback and orientation – the sign must be a minimum of 100 feet from any residential zoning district; if located within 200 feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principal structure on a residentially zoned lot.
 - (iv) Display – no pictorial images; texts may not exceed ten words or text elements; the minimum time a text or portion of a text may be displayed is one (1) second per word or text element; no more than one color of illuminating device is allowed; the minimum pitch (space between pixels) shall be 23 millimeters.
 - (v) Brightness – electronic reader board signs must have a primary and secondary means of reducing the brightness of the display to 70% of peak capacity brightness after sunset. These methods may include light sensing devices embedded within the display's controlling system or software provisions to reduce brightness on a timed basis.
 - (vi) Separation - the sign must be a minimum of 100 feet from any other ground sign and no conditional use process as described in Section 12.2.4. (1) (b) may be used to allow a lesser separation distance.
 - (vii) Area – electronic reader board signs placed as ground signs may not exceed 40% of the sign area allowed for attached signs in Section 12.2.4(2)(a). If located in a

commercial overlay district, the 40% limitation applies to the sign area standards specified for the overlay district. For legibility and the ability to display a complete text message, the minimum size of an electronic reader board sign shall be six (6) square feet.

- (c) Electronic graphic display signs
 - (i) Location – the sign must be located on the site of the use identified or advertised by the sign.
 - (ii) Zoning District – allowed for on-premises or off-premises use in C-2, General Commercial and C-3, Heavy Commercial; of premises use in I-1, Light Industrial and I-2, Heavy Industrial.
 - (iii) Setback & Orientation – for on premises use, the sign must be a minimum of 100 feet from any residential zoning district; if located within 200 feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principle structure on a residentially zoned lot. For off premises use the sign must meet the standards in Section 12.2.4(3).
 - (iv) Display – the sign may include both text and pictorial images, but no motion. Displays may include multiple colors. Displays must remain in place for at least one (1) second per word or text element, with a minimum display time of eight (8) seconds. Displays may change only with a whole text screen transition. The minimum pitch (space between pixels) shall be 23 millimeters.
 - (v) Brightness – Electronic graphic display signs must have a primary and secondary means of reducing the brightness of the display to 70% of peak capacity brightness after sunset. These methods may include light sensing devices embedded within the display's controlling system or software provisions to reduce brightness on a times basis.
 - (vi) Separation – for on premises use, the sign must be a minimum of 100 feet from any other ground sign and no conditional use process as described in Section 12.2.4(1)(b) may be used to allow a lesser separation distance.
 - (vii) Area – for on premises use, electronic graphic display signs

placed as ground signs may not exceed 40% of the sign area allowed in Table 12.2.4(1)(d). Electronic graphic display signs attached to structures may not exceed 40% of the area allowed for attached signs in Section 12.2.4(2)(a). If located in a commercial overlay district, the 40% limitation applies to the sign area standards specified for the overlay district. For off premises use the sign must meet size standards for billboards in Section 12.2.4(3)(b).

- (viii) Billboard Replacement- for off premises use, an existing billboard may be replaced by an electronic graphic display sign provided that two(2) other existing billboard signs are removed and not replaced.
- (d) Video display signs
 - (i) Location – the sign must be located on the site of the use identified or advertised by the sign.
 - (ii) Zoning District – allowed in C-2, General Commercial and C-3, Heavy Commercial.
 - (iii) Setback Orientation – the sign must be a minimum of 100 feet from any residential zoning district; if located within 200 feet of a residential zoning district, the sign must be oriented so that no portion of the sign face is visible from a principle structure on a residentially zoned lot.
 - (iv) Display – Text and images with motion may be displayed, but no combination of light intensity or color change that creates the effect of flashing on and off or that otherwise resembles traffic signal lights or emergency vehicle lights is allowed. The minimum pitch (space between pixels) shall be 23 millimeters.
 - (v) Brightness – Electronic graphic display signs must have a primary and secondary means of reducing the brightness of the display to 70% of peak capacity brightness after sunset. These methods may include light sensing devices embedded within the display's controlling system or software provisions to reduce brightness on a times basis.
 - (vi) Separation – the sign must be a minimum of 100 feet from any other ground sign and no conditional use process as described in Section 12.2.4 (1)(b) may be used to allow a lesser separation distance.

(vii) Area – Video display signs placed as ground signs may not exceed 40% of the sign area allowed in Table 12.2.4(1)(d). Electronic graphic display signs attached to structures may not exceed 40% of the area allowed for attached signs in Section 12.2.4(2)(a). If located in a commercial overlay district, the 40% limitation applies to the sign area standards specified for the overlay district.

(3) Attached signs:

- (a) Size: The total surface area of an attached sign shall not exceed, in square feet, one and one-half (1½) times the linear feet that is the horizontal length of the wall to which the sign is to be attached. The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which fully encloses all words, copy, or messages on the sign. In the case of signs formed by individual, separate letters, the surface area shall be measured by finding the area of the minimum rectangle or square, whichever is less in size, which fully encloses each letter and then by totaling the area of each letter in the sign. An additional one square feet of surface area shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front requirements specified by this Ordinance. Notwithstanding these provisions, a maximum of three (3)square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above shall be distributed among each business therein according to the linear feet frontage occupied by each business.
- (b) Location: An attached sign shall be no higher than the highest point of the building's roof line. Signs, which hang from and under awnings, canopies, marquees, or other structures, shall extend no closer than eight (8) feet to the ground. Projecting signs shall not project from any structure a greater distance than ten (10) feet, shall not project into any street right-of-way, nor within three (3) feet of any street, public or private, and shall be at least eight (8) feet above ground level.

- (4) Billboards:
- (c) Allowable zones: Billboards shall be allowed in C-2, C-3, I-1, and I-2 zones.
 - (d) Size and height restrictions: Billboards shall not exceed four hundred (400) square feet in size and not exceed thirty-five (35) feet in height as measured from ground level to the highest point of the sign.
 - (e) Setback and separation:
 - (i) The front setback, as required by the zoning ordinance for buildings, shall also apply to billboards.
 - (ii) Billboards shall be separated from all other billboards by a minimum distance of fifteen hundred (1500) feet measured at a radius.
 - (iii) Billboards located within two hundred, fifty (250) feet of the edge of the pavement of Martin Luther King, Jr. Drive (U. S. Highway 45) or U. S. Highway 78 shall be separated from all other billboards by a minimum distance of five hundred (500) feet measured at a radius.
 - (f) Other restrictions: Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building. Double sided billboards shall be allowed and shall be considered as one (1) billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.
- (5) Miscellaneous signs: The following types of signs are allowed in addition to ground and attached signs permitted by Sections one (1) and two (2) above.
- (g) Direction and instructional signs: Signs which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed eight (8) square feet in size or five (5) feet in height.
 - (h) Menu signs: Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed thirty (30) square feet in size and shall not be located in any front yard.
 - (i) Name and address signs: Name and address signs not exceeding two (2) square feet in size.
 - (j) Interior signs: Signs completely within the premises of any building provided such signs are not attached to or painted on any windows or exterior doors of the structure.
 - (k) Window signs: Window signs, whether painted on or attached to windows of a structure, provided the total area of any such signs does not exceed thirty percent (30%) of the window area in any single window.
 - (l) Incidental signs: Signs such as credit card, rest room, public telephone and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and do not exceed four (4) square feet in size.
 - (m) Public notice bulletin boards: Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community as a whole provided such signs do not exceed twenty (20) square feet in size.
 - (n) No trespassing/dumping signs: Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed twenty (20) square feet in size.
 - (o) Home business signs: Signs which identify home businesses as approved in accordance with this Ordinance.
 - (p) Gasoline price signs: Signs advertising the price of gasoline, provided such signs shall not exceed fifteen (15) square feet in size, per gas or service station.
 - (q) Flag signs: Each business within a C-2 or C-3 district shall be allowed up to fifty (50) square feet of flag signs per one hundred (100) feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height. For signs attached to buildings, the height shall not exceed ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs which become faded or torn shall be removed or replaced immediately. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.
 - (r) Setbacks: No miscellaneous signs shall extend within or over any street right-of-way, or be located within fifteen (15) feet of any curb line or street edge.
 - (s) Permits not required: Miscellaneous signs shall not be subject to the permit requirements of this Ordinance.
- (6) Signs in highway signage districts.

- (a) Location – businesses located on property, any part of which shall be located within 1000 feet of the center of the following interchanges on U.S. Highways 45 or 78/I-22; US78/I-22 and McCullough Boulevard/MS178; US78/I-22 and Coley Road Extended; US78/I-22 and Veterans Boulevard; US45 and Eason Boulevard; and US45 and Green Street, and which is zoned C-2, General Commercial, shall be eligible for larger and higher signage to meet visibility needs of businesses serving traffic on said highways.
- (b) Height and area restrictions – highway district signage may be as high as the nearest point of the highway surface plus fifty (50) feet. The area of highway district signs may not exceed two hundred (200) square feet, except that fifty (50) square feet of additional area shall be allowed for each additional business advertised on the same sign, to a maximum of four hundred (400) square feet.
- (6) Sign colors – signs that include any of the “restricted colors” as defined in Chapter 2 shall be calculated at three times the measured area of meeting size restrictions in Sections 12.2.4 of this Chapter.

12.2.5. Temporary Signs

In addition to the permanent signs which are allowed in each zoning district under Section 12.2.1, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth. Temporary signs which do not meet the setback requirements may be removed by city staff without notice.

- (1) Signs requiring permits: The following temporary signs are allowable, within the stated restrictions, provided permits are obtained for their construction, erection or placement:
 - (a) Banners and streamers: Banners and/or streamers are allowable for a total of one (1) period of two (2) weeks in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive. Banners shall not exceed seventy-five (75) square feet in size. Banners or streamers shall not be located within twenty (20) feet of any street. A permit issued for either a banner or streamers shall be deemed as allowing either or both uses.
 - (b) Street banners: Street banners are allowable for official, civic, or philanthropic parades, festivals or events, and 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 should not exceed one hundred, twenty-five (125) square feet in size and may not extend across or above streets or highways.

- (c) Political signs: Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than ninety (90) days in advance of any election, referenda or similar issue and shall be removed within five (5) days after the election and special election in which the candidate is eliminated in the case of primary elections and within five (5) days after the general election for all other candidates, issues, and referenda. All persons and groups wishing to use signs for political candidates, referenda or similar issues as a means of media within the City of Tupelo, shall pay an administrative fee of fifty dollars (\$50) to the City of Tupelo for all signs collectively prior to erecting any signs. Such signs shall comply with size and setback regulations pertinent to permanent signs contained in Section 12.2.4. Signs placed in violation of these regulations will be removed by City staff and deposited at City Hall. These signs will be released to the holder of the permit on payment of a fee of five dollars (\$5) per sign.
- (d) Special event display devices: Advertising display devices not otherwise provided for in this ordinance, such as inflatables, tents, tethered balloons, et cetera are allowable for a total of a period of one (1) week in duration per quarter (1/4) year for each business or location, and these periods may not be consecutive. A drawing or photograph of the proposed device, along with a plan showing location on the property shall be submitted to the Planning Department for review. The proposed device, excluding tethered balloons, may not exceed twenty-five (25) feet in height, shall not have any flashing or distracting illumination as described in Section 12.2.6. (1), and shall not be located within forty (40) feet of any street right of way, or in any location that may interfere with drivers' visibility, the visibility of signage on other property, or electrical power lines.
- (2) Signs not requiring permits: The following temporary signs are allowable, without

requiring permits, provided the stated restrictions are met:

- (a) Real estate signs: Real estate signs shall not exceed ten (10) square feet in size or five (5) feet in height in residential zones and shall not exceed seventy-five (75) square feet in size or fifteen (15) feet in height in all other zones. All real estate signs shall be removed within seven (7) days after the closing of the sale, lease or rental of premises, or as determined by the Director of Planning and Development for multiple lease or tenants spaces in a single project.
 - (b) Construction and development signs: Construction and development signs shall not exceed seventy-five (75) feet of total signage area per construction project or development. Such signs shall be removed within one (1) week of the substantial completion of the project or the installation of any permanent sign.
 - (c) Carport and yard sale signs: Signs advertising carport or yard sales should not exceed eight (8) square feet in size or four (4) feet in height. Such signs shall be placed not more than one (1) day in advance of the sale and shall be removed within one (1) day of the completion of the sale.
 - (d) Public and semi-public signs: Signs advertising public and semi-public affairs such as civic, school, church and similar affairs and events are allowable provided they do not exceed thirty-six (36) square feet in size or ten (10) feet in height. Such signs shall be placed a maximum of ten (10) days in advance of the event advertised, and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.
- (3) Setback requirements: No temporary sign shall be placed or erected within the right-of-way of any street, or within fifteen (15) feet of any curb line or street edge. Temporary signs which do not meet the setback requirements may be removed by city staff without notice.

12.2.6. Prohibited Signs

The following types of signs are prohibited:

- (1) Flashing or other distracting illumination:
 - (a) No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness or color,

excepting signs meeting the requirements of Section 12.2.4(2).

- (b) The light for or from any illuminated sign shall be so shaded, shielded, or directed that the light intensity shall not be objectionable to surrounding areas and shall not cause unnecessary glare to be directed toward traffic lanes.
- (2) Resemblance to traffic signs: No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning" or any similar words or phrases that may be construed to misdirect or confuse traffic flow.
 - (3) Vehicle signs: No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in this Ordinance. This will include portable signs, with or without illumination. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding two (2) square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.
 - (4) Prohibited locations: No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way, except as allowed by Section 9.1.10. (3)(c).
 - (5) General prohibited signs: All other signs not specifically allowed by this Ordinance are prohibited, unless a major conditional use for their use can be secured in accordance with Chapter 5, Part 4 of this Ordinance.
 - (6) Off premise signs: No sign may be placed on a separate tract of land from the business or other use for which it provides advertisement, except as allowed by Section 12.2.4 (3) of this ordinance.

12.2.7 Sign Variances

Variance from standards for setback, height, or area of signs may be granted on the basis of creative design or technological innovation not anticipated by the ordinance, or in situations where the applicant can demonstrate a net reduction in signage resulting from the approval of the variance "The applicant is responsible for demonstrating that the proposed variance will not violate the purposes and intent of the sign standards as stated in Section 12.2.1.

12.2.8. Uniform Sign Plans for Shopping Centers and Other Multi-Occupant Non-Residential Developments

- (1) A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of site plan approval and for all other multi-occupant non-residential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.
- (2) The uniform sign plan shall consist of five (5) elements which shall govern all signs within the shopping center or development: location, materials, size, letter style, and color. The uniform sign plan shall include drawings, specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to the requirements of this part.
- (3) The uniform sign plan shall be subject to approval by the Planning and Development Department. For shopping centers and other multi-occupant developments, the uniform sign plan must be submitted, reviewed, and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein or out-parcels connected thereto.
- (4) Ground sign advertising two (2) businesses may be up to one hundred, forty (140) square feet in size and thirty (30) feet in height. Ground signs advertising three (3) businesses may be up to one hundred, seventy-five (175) square feet in size and thirty-five (35) feet in height.
- (5) Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified by (d) above.
- (6) A uniform sign plan for the shopping center or development shall not be approved until and unless the Planning and Development Department finds that:
 - (a) The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction;
 - (b) The plan provides for signs which meet the size limitations, location requirements, and other applicable requirements of this part.

PART 3. TEMPORARY USES AND STRUCTURES

12.3.1. Temporary Uses Allowed

- (1) The following uses may be established as temporary uses in any district, subject to approval by the Director of Planning and Development in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:
 - (a) Circuses, carnivals, fairs, side shows, religious services, and musical and other similar types of events;
 - (b) The sale of agricultural products, including Christmas trees;
 - (c) Civic and cultural events, grand openings, and ground-breaking ceremonies;
 - (d) The sale or repair of crafts or other items.
- (2) In addition to the requirements specified in Section 5.2.2, all applications for temporary use permits shall be filed at least two (2) weeks prior to the date the temporary use will commence. If public safety support is requested from the City, such application must be filed at least four (4) weeks before the commencement of the temporary use. All applications for uses described in Section 12.3.1(1)(a) and (c) shall include the following information:
 - (a) The location of the property on which the proposed activity (hereafter "event") will take place, the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property.
 - (b) A description of the proposed event, including:
 - (i) The type of event, and general nature of the program to be presented, if applicable;
 - (ii) The number of persons expected to attend, and, where applicable, the number of tickets to be placed on sale or the number of invitations distributed;
 - (iii) The planned use of sound amplification equipment.
 - (c) A security plan, including information regarding each of the following:
 - (i) The number of security guards to be provided, their duties and responsibilities;
 - (ii) The agency providing security guards, its address and telephone number;

- (iii) The site supervisor designated by the security agency and contact telephone number;
 - (iv) Public safety support requested from the City of Tupelo;
 - (v) Proposed means of contact between safety and security guards and City and other local emergency services during the course of the event, including cleanup;
 - (vi) Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations.
- (d) A parking plan, including information shown on the sketch plan regarding each of the following:
- (i) Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular right-of-way;
 - (ii) Locations and numbers of available off-street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
 - (iii) Locations and numbers of available on-street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
 - (iv) Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond five hundred (500) yards of the property available to individuals in attendance;
 - (v) Locations of restricted parking zones within five hundred (500) yards of the property.
- (3) The Director of Planning and Development shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the following requirements:
- (a) If the property is undeveloped, it contains sufficient open space to support the temporary use;
 - (b) If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;
 - (c) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;
- (d) The proposed temporary use will be located no closer than two hundred (200) feet to a dwelling;
 - (e) Off-street parking is adequate to accommodate the proposed temporary use;
 - (f) Where the temporary use will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required under Chapter 11 of this Ordinance for the principal, permanent use of the property;
 - (g) Adequate rest room facilities, if needed, are provided;
 - (h) For uses described in Sections 12.3.1(1)(a) and 12.3.1(1)(c), an adequate plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;
 - (i) For uses described in Sections 12.3.1(1)(a) and 12.3.1(1)(c), an adequate plan for public health, safety, and welfare on and around the site of the event will be implemented;
 - (j) For uses described in Sections 12.3.1(a)(1) and 12.3.1(a)(3), an adequate plan for public health, safety, and welfare outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the City and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic;
 - (k) All inspections and permits required by applicable construction codes have been made and approved by the Building Department;
 - (l) The use has obtained a Transient Vendors License as required by Mississippi State Code 1972, Annotated, Title 75, Chapter 85, Section 7, or has proven exemption from this provision; and,
 - (m) The temporary use meets all other applicable requirements of this Ordinance.
- (4) Sale of food or drink products from tents, trucks, trailers, or other vehicles or movable structures will be allowed for no more than three (3) days in one location during any

three (3) month period except for sidewalk vendors meeting the following requirements:

- (a) location – sidewalk vendors may operate at no more than two specified sidewalk locations within the Downtown Overlay district, and may not operate within 50 feet of the entrance to any food service business.
- (b) equipment – cart must be professionally built and approved by Mississippi Health Department; no musical or sound amplification equipment; signage attached to cart may not exceed a total of ten square feet; no chairs or tables allowed; umbrella or awning allowed;
- (c) other requirements – City of Tupelo certificate of occupancy and business license; Mississippi Tax Commission number; approval of location and equipment by Downtown Main Street Association office.

12.3.2. Temporary Expansion or Replacement of Existing Facilities or until Permanent Establishment of New Facilities

- (1) Purpose and scope: Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:
 - (a) Expansion space for existing churches, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City;
 - (b) Temporary offices for construction and security personnel during the construction of a development for which the City has issued a building permit pursuant to Chapter 5 of this Ordinance;
 - (c) Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the City has approved a site plan, planned unit development master land use plan, or subdivision plat for the residential development;
 - (d) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within ninety (90) days after approval of the modular building. The Director of Planning and Development

may approve a written request for an extension of an additional ninety (90) days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building.

- (2) Standards and requirements for approval. In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the following standards and requirements:
 - (a) The factory-fabricated, transportable building shall not be located between the principal building and the front lot line or in any required yard or setback that applies to the principal building;
 - (b) The underskirt shall be installed around the entire factory-fabricated, transportable building;
 - (c) Where used to accommodate the expansion of an existing facility, the design of the factory-fabricated, transportable building shall be compatible with the existing buildings on the site in terms of scale and exterior color;
 - (d) In addition to any other off-street parking required on the site, off-street parking shall be provided for the factory-fabricated, transportable building in accordance with the requirements set forth in Chapter 11 of this Ordinance, as determined by the use and size of the factory-fabricated, transportable building;
 - (e) Except for temporary construction and security personnel offices, at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets;
 - (f) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Inspector prior to installation of the factory-fabricated, transportable building;
 - (g) A sketch plan, containing sufficient information to show compliance with the above standards, shall be submitted to and approved by the Planning and Development Department prior to installation of the factory-fabricated, transportable building.
- (3) Duration: Such factory-fabricated, transportable buildings may remain on the site for no more than twelve (12) months. This period may be renewed for another

twelve (12) month period, for good cause shown, upon approval of a written request, submitted to the Director of Planning and Development thirty days prior to the expiration of the permit. In no event, however, shall such extensions allow the factory-fabricated, transportable building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the City issues the last certificate of occupancy for the development.

12.3.3. Temporary Expansion of School Facilities

- (1) Purpose and scope: Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation to other sites, may be placed on a property to serve as expansion space for existing schools, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City.
- (2) Standards and requirements for approval: In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the standards and requirements in Section 12.3.2.2, except that at least three hundred (300) square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.
- (3) Duration: Such factory-fabricated, transportable buildings may remain on the site for no more than twelve (12) months. This period may be renewed for additional twelve (12) month periods, for good cause shown, upon approval of a written request for such an extension by the Director of Planning and Development submitted to the Director thirty days prior to the expiration of the permit.

12.3.4. Model Sales Homes

- (1) Model sales homes shall be allowed within a new residential development, subject to approval by the Planning and Development Department as a temporary use, provided that:
 - (a) The model sales home is located on a lot that was approved by the City as part of the subdivision or development;

- (b) The home will be converted to residential use after it is used as a sales office;
 - (c) Only one informational ground sign is erected on the property, with a height no greater than forty-two (42) inches and a surface area no greater than fifteen (15) square feet.
- (2) Model sales homes may be approved for a period of up to three (3) years. This period may be renewed for additional six (6) month periods, for good cause shown, upon approval of a written request for such an extension by the Director of Planning and Development. Imposing other requirements as he/she deems necessary should be done to avoid adverse impacts that the use as a model sales home may have on adjacent properties or the community as whole. If at any time the model sales home fails to comply with the provision of this section, the Director of Planning and Development may revoke approval of the model sales home.

12.3.5. Temporary Real Estate Sales Offices

- (1) Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Planning and Development Department as a temporary use, provided that:
 - (a) The temporary real estate sales office is located on a lot that was approved by the City as part of the subdivision or development;
 - (b) The building will be converted to residential use after it is used as a sales office;
 - (c) Only one informational ground sign is erected on the property, with a height no greater than forty-two (42) inches and a surface area no greater than fifteen (15) square feet;
 - (d) The temporary real estate sales office is aesthetically compatible with the character of the community and the surrounding development;
 - (e) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;
 - (f) There is no more than one (1) temporary real estate sales office in the development;
 - (g) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices in Chapter 11 of this Ordinance;
 - (h) Landscaping shall be provided in accordance to the requirements set forth

- for office development in Chapter 13, Part 2 of this Ordinance;
- (i) A site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Planning and Development Department prior to installations of the sales office.
 - (2) Temporary real estate sales office may be approved for a period of up to one (1) year. This period may be renewed for two (2) additional twelve (12) month periods, but not to exceed a total of three (3) years, for good cause shown, upon approval of a written request for such an extension by the Director of Planning and Development, filed at least thirty (30) days prior to the expiration date of the existing approval. In approving or renewing approval of a real estate office, the Director of Planning and Development may impose other requirements as he or she deems necessary to avoid adverse impacts that the use as sales office may have on adjacent properties or the community as a whole.
 - (3) The use as a sales office shall be terminated upon expiration of the site plan for the development.