

SIGN ORDINANCE FOR THE CITY OF BROOKHAVEN

Purpose of Article

The purposes of this article are to:

1. Promote the use of signs in the city of Brookhaven which are safe, compatible with their surroundings and legible in the circumstances in which they are seen. This article also recognizes the need for a well-maintained and attractive physical appearance of the community and the need for adequate business identification for the conduct of competitive commerce. This article is also adopted for the purpose of reducing sign or advertising distractions which may increase traffic accidents and result in visual congestion for motorists.
2. Create the legal framework for a comprehensive but balanced system of street graphics and thereby to facilitate an easy and pleasant communication between people and their environment.

Findings of Fact

In adopting this article, the Board of Aldermen makes the following findings:

1. The people of the city have an interest in controlling the erection, location and maintenance of signs in a manner to protect the public health, safety and morals, and to promote the public welfare.
2. The indiscriminate erection and maintenance of large and/or numerous signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the city which, in turn, injuriously affect the business community and thereby the economic well-being of the city.
3. For the promotion and preservation of the public health, safety and welfare of the people of the city, it is deemed necessary that the erection, construction, location and maintenance of signs be regulated and controlled.
4. This ordinance regulating signs shall upon passage by the Board of Aldermen of the City of Brookhaven and becoming effective shall supersede all prior sign ordinances that now exist for the City of Brookhaven and this ordinance shall be the regulating authority for signs for the City of Brookhaven.

Conflicts

If any portion of this ordinance regulating signs is found to be in conflict with other provision of the various ordinances of the City of Brookhaven, the provisions of this ordinance shall prevail unless superseded by State or Federal statute.

Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The City Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Building Code.

Permits and Application

1. It shall be unlawful for any person to henceforth erect or relocate any permanent business or outdoor sign structure, without first obtaining a permit, and paying the required permit fee per sign structure. The application for sign permits shall contain or have attached there to the following information:
 - a. Name, address and telephone number of the applicant and/or owner.
 - b. Location of the building, structure or lot to which or upon which the sign is to be located.
 - c. Name of person, firm, corporation or association that will be erecting the sign.
 - d. Evidence of insurance policy or bond responsibility as required for said sign erection.
2. It shall be the duty of the City Building Inspector of the City of Brookhaven to examine the applications for a sign permit, and if it appears the proposed structure is in compliance with all of the requirements of this article, said sign permit shall be issued. If the work authorized under the sign permit has not been commenced within six (6) months after the date of issuance, said permit shall become null and void.
3. Application forms will be provided by the City Building Inspector.

Nonconforming Signs

In an instance where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure may be allowed although such a sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way, which increases its nonconformity. No sign, which has been damaged more than 50% of its fair market value, shall be restored except in conformity with the regulations of this ordinance. Any maintenance of a nonconforming sign, such as painting of panels or frame or repairs to frame or panel without altering the sign shall not require a permit from the City Building Inspector. However, any alteration of a nonconforming sign such as changing out face panels,

size or materially altering the sign from its original state shall require a permit from the City Building Inspector and shall conform with the regulations of this ordinance.

Nonconforming flashing signs and portable signs have ninety (90) days after the effective date of this ordinance to be brought into compliance

Prohibited Signs

Except as specifically provided otherwise in this article, the following signs and displays shall be strictly prohibited throughout the city.

1. Portable signs and/or portable signs converted for purposes of permanent installation. Portable signs shall not be grandfathered. Owners shall remove within 90 days after the effective date of this ordinance.
2. Signs in public rights-of-way which are not city, county, state and federal regulatory signs.
3. Light strings, light bulbs, light bands, blinking, electronic or flashing signs except time, temperature and date signs or signs which exhibit changing natural or artificial light or color effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street or a private residence, unless attached to the business building.
4. Snipe signs or signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities.
5. Abandoned or defunct signs, including the posts or other supports thereof, that advertise or identify or formerly advertise an activity, business product or service that is no longer conducted or available on the premises where such sign is located. The property owner shall remove such sign within ninety (90) days after the effective date of this ordinance.
6. Hazardous signs. No signs shall be erected, relocated or maintained so as to prevent free ingress or access from any door, window, fire escape, driveway or utility lines.
7. Roof signs or any sign erected upon, against or directly above a roof or on top of or above the parapet of a building shall have a maximum height of eight (8) feet above the building silhouette.
8. Signs which emit an audible sound or odor.

9. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle.
10. Signs which are illegal under federal or state laws or regulations are prohibited.
11. Signs which hide or interfere with traffic flow or any street sign, signal or device.
12. Permanent signs or any permanent advertising device attached to or located on a parked vehicle or on a trailer for the basic purpose of providing advertising of products or services or directing people to a business or activity located on the same or nearby property or any other premises. This does not apply to allowed signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
13. No sign, symbol, placard or advertising device of any kind visible otherwise than in the interior of the building where the beverages are sold or made available shall advertise the sale or availability of beer or any other alcoholic beverage; provided that this section shall not be construed to prohibit the advertisement of beer in a regularly published newspaper, magazine or other publication the primary purpose of which is not the advertisement of the sale of beer.

Sign Restrictions

1. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public street, private roads or driveways.
2. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies. All outdoor advertising and permanent business signs over ten (10) feet in height and more than fifty (50) square feet of sign area shall be designed to withstand a minimum wind load of 90 miles per hour and shall have an engineer's stamp on drawing. No sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this ordinance.
3. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road without written approval of the Planning Commission.

Permanent Business Signs
(Permit Required)
(C-1/C-2/C-3/I-1/I-2 Zoning District)

1. ***Permanent business signs*** shall be permitted as follows:
 - a. The sign area shall be up to a maximum of 150 square feet for each of two sides including message board.
 - b. The leading of the sign shall be a minimum of five (5) feet from any property line.
 - c. One permanent business sign shall be allowed per lot, except for lots with 300 or more feet of frontage, which may have up to two permanent business signs, and except for corner lots which may have up to two permanent business signs, one on each frontage and up to two signs with 300 or more feet of frontage.
 - d. The maximum height of sign shall be 35 feet.
 - e. Message boards shall be permitted for commercial buildings, which may occupy no more than 50 square feet of the permanent business sign face.

2. ***Permanent business sign alternatives***, multi-tenant properties. The following permanent business sign alternatives may be permitted, subject to approval by the City Building Inspector:
 - a. **Two to four businesses**. The allowable sign area on properties advertising two or more individual businesses may be a maximum of 250 square feet for each of two sides, including message board, if the following is true:
 1. Signs advertising multi-tenant complexes shall be one sign structure with changeable sign faces for individual businesses.
 2. The appearance of the sign structure and the individual sign elements are visually related to form an orderly whole.
 3. The maximum height of such sign shall be 35 feet.
 4. The leading edge of the sign shall be a minimum of 5 feet from any property line.

 - b. **Five or more businesses**. Signs advertising multi-tenant complexes with five or more individual businesses may be increased to 350 square feet, including message board, subject to the following conditions:

1. Signs advertising multi-tenant complexes shall be one sign structure with changeable sign faces for individual businesses.
 2. The appearance of the sign structure and the individual sign elements are visually related to form an orderly whole.
 3. Each business storefront shall be provided a sign area of equal size.
 4. The sign may not be greater than 35 feet in height.
 5. The leading edge of the sign shall be a minimum of five (5) feet from any property line.
 6. Each individual sign shall have no more than 50 square feet.
3. **Wall Signs.** Wall signs shall be permitted as follows: Allowed in zoning districts C-1/C-2/C-3/I-1/I-2.
- a. Wall signs shall be placed on the principle façade of the building. The maximum total sign area of all wall signs shall not exceed 20 percent of the area of the first two stories of building elevation on which it is placed. However, where an establishment has a rear entrance which is not visible from another sign for the establishment, an additional sign which also directs persons to the rear entrance may be posted above or to the side of the rear entrance, provided that such sign does not exceed four square feet in sign face area.
 - b. The maximum sign area shall be 20 percent of the area of the first two stories of building elevation on which it is placed, or in the case of a multi-tenant retail commercial building or multi-owner office condominium, each tenant or owner may have a sign area not to exceed 20 percent of the area of its leased exterior storefront.
 - c. Commercial buildings may have an entrance identification sign on a wall other than specified above, provided that the entrance identification sign does not exceed ten square feet and is located on the wall within ten feet of the primary public entrance which leads directly into a lobby or waiting area.
 - i. Wall signs may not cover any part of a window or extend above the roof line more than eight (8) feet.
 - ii. Canopy signs are considered wall signs. Lettering must not exceed 20 percent of the total canopy area, subject to the other wall sign area limitations in this division; and

canopies are limited to placement above windows, doors and principal walkways.

- iii. Movie theaters may have, as additional signs, attraction board wall signs. The traditional marquee sign shall be permitted.
- iv. The wall sign shall extend no further than eighteen (18) inches from the wall to which it is attached.

d. Secondary Façade Wall Signs.

- i. One secondary façade wall sign may be permitted in lieu of freestanding signs. The maximum total area of the secondary façade wall sign shall not exceed ten percent of the area of the first two stories of the building elevation of the secondary façade; or

4. **Window signs.** Window signs shall be permitted as follows: Allowed in zoning districts C-1/C-2/C-3/I-1/I-2.

- a. Window signs must not exceed 20 percent of the total window area.
- b. Neon lettering shall be permitted on window signs. Lettering must not exceed 20 percent of the total window area.

5. **Projecting signs.** Projecting signs shall be permitted as follows: Allowed in zoning districts C-1/C-2/C-3.

- a. Projecting signs shall be at least ten feet at their lowest level above the street or ground level.
- b. Projecting signs shall not project over a public right-of-way nor project by more than five feet beyond the building line.
- c. Surface area of projecting signs shall not exceed 40 square feet per facing.
- d. Height of projecting signs shall not exceed the top of the top of the second story of the structure.
- e. Number of projecting signs shall not exceed one per structure.

6. **Ground Signs.** Allowed in zoning districts C-1/C-2/C-3/I-1/I-2.

- a. A minimum of 5 feet from property line.

- b. Maximum height 10 feet.
 - c. 100 sq. ft. maximum sign size.
7. **Church Signs.** Allowed in all zoning districts.
- a. A minimum of 5 feet from property line.
 - b. Maximum height 10 feet.
 - c. 100 square feet maximum sign size.
8. **Traffic Directional/Parking Signs and Delivery Signs:** Signs providing traffic directions (entrance/exit signs), parking directions, and delivery signs shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be directly or indirectly illuminated, but they shall not exceed four (4) square feet in area. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area. Maximum height 3 feet. Minimum front and side setback of 2 feet.

Billboards
Outdoor Advertising Signs
(Permit Required)
Allowed in C-3 zoning district

- 1. Outdoor advertising signs may be erected in the C-3 commercial district only. The maximum area of size of any outdoor advertising sign shall not exceed 300 square feet in sign area, and signs are not to include as part of the measurement the structural components of trim of said sign. No sign in violation of the maximum square footage allowable shall be repaired or replaced if damaged or destroyed except that said repairs or replacement may be made to bring said sign into conformity with provision of this ordinance.
- 2. Setbacks: 25 feet from front property line (15 feet side; 15 feet rear, to the leading edge of the sign).
- 3. Maximum height shall be 35 feet high and shall be supported by a single steel post.
- 4. All outdoor advertising signs permitted to be erected under this article shall not be erected after the passage of this article unless the sign to be erected is spaced a minimum of 2,000 feet from a then-existing outdoor advertising sign on the same side of the road as measured along a line parallel to such road; this spacing does not exclude back-to-back, side-by-side or v-type sign

structures, as such sign structures are considered one (1) sign structure for spacing requirements.

5. All illuminated outdoor advertising signs shall be so illuminated as to adhere to the customary practices of the industry in Mississippi at the time of passage of this article, providing that no lighting device shall be used which in any way imitates any traffic control device, railroad sign or signal, or highway directional sign, or in any manner directs flashing lights to a residential zone.
6. All outdoor advertising signs, whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of this article that is found to be abandoned, or is considered to be in such disrepair or is so poorly maintained as to produce a visual blight, shall be subject to removal without liability after providing notice to the sign owner, if known, and to the landowner to so remove the sign with 90 days. Any sign which is declared to be an illegal sign, one that is erected or placed on location in violation of this article after said article is effective, shall be removed immediately, without liability for said removal.

Bond or Insurance Requirements

No person shall engage in the business of erecting or maintaining outdoor advertising signs as regulated under this article within the corporate limits of the City of Brookhaven until after such person shall have filed with the City Clerk evidence of liability insurance coverage of \$50,000.00 property damage, \$100,000.00 personal injury to any one person and \$200,000.00 for personal injury growing out of any one occurrence; such liability insurance will save and keep the City and all of its officials, employees and agents harmless from all damages, liabilities, losses or judgments resulting by reason of the erection or maintenance of any such sign, and of any injury to persons or damages to property resulting therefrom. Further, no person shall install, erect or maintain any outdoor advertising sign as defined in this ordinance until such person has filed with the City a surety bond in the penal sum of five thousand dollars (\$5,000.00) and shall be conditioned upon good and faithful installation, erection and maintenance under the terms and conditions as set forth in this ordinance and the laws of the State of Mississippi.

Temporary Signs (No Permit Required)

Banners: (Allowed in zoning districts C-1/C-2/C-3.)

1. These banners shall not be affixed to poles, trees, wire utility lines or any city owned property. A banner advertising the sale of products shall not exceed sixty (60) square feet in area. A banner advertising an event or special occasion shall not exceed sixty (60) square feet in area. Banners shall not be placed within five (5) feet of the right-of-way. Banners shall not advertise alcohol or tobacco products.

1. Banners are not allowed across public or private streets within the Municipal boundaries, except by written permission from the Mayor and Board of Aldermen for the City of Brookhaven and shall not contain any commercial advertising.

Inflatable Displays (Allowed in zoning districts C-1/C-2/C-3/I-1/I-2.)

These displays are permitted under the same guidelines as banners. The maximum height is twenty (20) feet and shall be setback a minimum of five (5) feet from the edge of the property line.

Political Signs (Allowed in all zoning districts)

Political signs may not be placed upon governmental buildings or adjacent lawns, upon public utility poles or on public right-of-way. Political signs are permitted in all zoning districts. Political signs may be placed on private property with the permission of the property owner. All political signs must be removed within ten (10) business days following the election to which they pertain. If a political sign is not removed or placed improperly, the city is authorized to remove the sign, even if it is placed on private property. If any sign fails to comply with this ordinance, the candidate being advertised shall be responsible for any litter penalties.

Holiday Displays (Allowed in all zoning districts)

Displays, including lighting, erected in connection with the observance of holidays shall not be installed more than sixty (60) days before the holiday and must be removed within fifteen (15) day following holiday.

Real Estate, For Sale or Lease Signs: (Allowed in all zoning districts)

1. For single-family or two-family developed lots, the sign area of one face shall not exceed nine (9) square feet.
2. For undeveloped tracts of three (3) acres or more, multi-family or commercial lots, the sign area of one face not to exceed thirty-two (32) square feet.
3. Real estate signs shall be removed within seven days after the closing of the property.

Enforcement

1. The City of Brookhaven City Inspector and Code Compliance Officer shall be directed to enforce all of the provisions of this ordinance.
2. Any person violating any provision of this ordinance shall be upon conviction fined not less than \$50.00 nor more than \$200.00 plus court cost for each offense.

If said violation continues without correction, each 30 day period thereafter shall constitute a separate offense.

3. Any sign owner aggrieved by the sign ordinance or order of the City of Brookhaven City Inspector or Code Compliance Officer may appeal to the Planning and Zoning Commission within ten (10) days after written notification by the City of Brookhaven City Inspector or Code Compliance Officer. The City of Brookhaven City Inspector or Code Compliance Officer shall take no further action on the matter pending the Commission's decision, except for unsafe signs, which present an immediate and serious danger to the public. Decisions of the Planning and Zoning Commission may be appealed to the Mayor and Board of Aldermen within ten (10) days of the action by the Planning and Zoning Commission.

Severability

The provisions of this ordinance are severable. Should any portion thereof be determined to be invalid, the remainder nonetheless remains in full force and effect.

Publication

The Municipal clerk is instructed to publish this ordinance one time in the Daily Leader and to obtain Proof of Publication thereof.

Effective Date

This ordinance shall take effect one (1) month after passage and publication of this ordinance.

Definitions Attached

DEFINITIONS

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 indicated a different meaning:

Abandoned sign means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed, except as otherwise permitted for off-premises advertising.

Animated sign means any sign which included action or motion. For purposes of this article, this term does not refer to flashing or changing, all of which are separately defined.

Banner means a sign made of fabric, plastic, paper or other light pliable material, not enclosed in a rigid frame, so as to permit movement of the sign by wind or atmospheric movement.

Billboard. See *Standard Outdoor Advertising Structure.*

Building Face or Wall: All window and wall area of a building in one plane or elevation.

Canopy: Any structure attached to a building at the inner end and supported on the other end, or a free-standing structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

Changeable Copy Signs (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Changeable Copy Signs (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and ate sign, message center or reader board, where different copy changes are show on the same lamp bank.

Church Bulletin Boards: A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.

City: The city of Brookhaven.

Copy: The working or graphics of a sign surface.

District: As defined under the Zoning Ordinance and Zoning District Map.

Erect: To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

Façade, Principle: The front or main part of a building facing a public street.

Façade, Secondary: The side of a building facing a secondary access street, parking lot or major privately owned circulation road; a side of a building other than the principle façade.

Face of Sign: The entire area of a sign on which could be placed. The area of a sign which is visible from one direction as projected on a plane.

Flashing Signs: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not classed as "Flashing Signs".

Frontage: The length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Gasoline and Oil Service Stations: Any business which dispenses, or is designed to dispense gasoline and/or oil for use in motor vehicles or boats.

Ground Level: Immediate surrounding grade.

Height of Sign: The vertical distance measured from the surrounding grade to the highest point of sign.

Illegal Sign: A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous Ordinance was not obtained.

Interior Property Line: Property lines other than those forming a dedicated public right-of-way.

Logo: A letter, character or symbol used to represent a person, corporation or business enterprise.

Lot: A parcel, tract, plat or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the Building Inspector.

Message Boards: Any sign that has changeable or removable lettering.

Off-Premise Sign: A sign which advertises an activity, business, product or service not conducted on the premises on which the sign is located.

Owner: A person recorded as such an official records and including duly authorized agent, a purchaser, lessee, devisee, receiver, trustee or any person having a vested or contingent interest in the property or business in question.

Person: Any natural person, firm partnership, association, corporation, company, trust or organization of any kind.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Planning Commission means a board appointed by the Board of Aldermen to approve matters pertaining to this article and appeal the decisions of the sign enforcement officer.

Primary Roads: Shall mean that portion of connected main highway, as officially designated, or as may hereafter be so designated, by the State Highway Commission, and approved by the United States Secretary of Commerce, pursuant to the provisions of Title 23, United States Codes, "Highways".

Right-of-way (R.O.W.): Shall mean any publicly owned or used right-of-way.

Roof Line: The highest point of the coping on a flat roof, false mansard or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof.

Seasonal or Special Occasion Temporary Signs: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Setback: The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line, or proposed right-of-way line for streets. On private streets for public use, the setback is measured from the street easement, curb or pavement, or legally required width whichever results in greater setback.

Shopping Center: A building containing two (2) or more shops, stores and other retail and/or service places of business, and providing off-street parking facilities in common for all of the businesses and their customers.

Show Window Signs: Any temporary sign advertising sales or specials attached to or within three (3) feet of the glass surface of any fixed window (glazing) visible from a public right-of-way.

Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and

person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purposes of this ordinance, this definition shall include, but, not be limited to, those signs painted directly upon a building or other structure. For the purpose of removal, signs shall also include all sign structures. Not included are decorative device or emblems as may be displayed on a residential mailbox.

Sign Area: The surface area of a sign shall be computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign Attached: A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, Canopy: Any sign hanging entirely beneath a canopy, portico or marquee.

Sign Commercial Directory: A permanent pole sign designating the name of a commercial center and listing the various tenants of the center.

Sign, Construction: A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

Sign, Directional: A sign which indicates a direction for vehicular or pedestrian traffic or other movement.

Sign, Electrical: A sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Sign Enforcement Officer: The designated authority of officer charged with the administration and enforcement of this Code, or his duly authorized representative.

Sign, Fluttering: A sign, including banners, flags, pennants or other flexible material which moves with the wind or by some artificial means.

Sign, Grand Opening: Any temporary sign used to draw attention to a business or facility which has been newly opened, reopened, expanded in floor area or relocated.

Sign, Ground: Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

Sign, Illuminated: Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

Sign, Memorial or Tablet: The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication or other similar information.

Sign, Monument: A freestanding identification sign, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

Sign, Nonconforming: A sign legally erected under the previously existing ordinances of the city, but which does not conform to the provisions of this ordinance.

Sign, Open Letter: A sign consisting of letters and/or numbers attached to the face of a building without structural trim or background.

Sign, Overhanging: Any sign which projects more than twelve (12) inches beyond the plane of the wall on which the sign is erected or attached.

Sign, Occupational and/or Identification: An attached wall sign not larger than one (1) square foot in area identifying the name of a person occupying a building.

Sign, Placard: Any cardboard, metal, plastic, fabric or vinyl sign less than six (6) square feet in area.

Sign, Pole: Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single or multiple stationary pole or post.

Sign, Political: A temporary sign advocating or opposing any political proposition or candidate for public office.

Sign, Portable: See *Temporary Sign*.

Sign, Project Identification: A permanent ground sign identifying an apartment complex, condominium project or mobile home development entry, name and/or street names within the project.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign, Property Real Estate: A sign pertaining only to the prospective rental, lease or sale of the property upon which it is located.

Sign, Residential Construction Project: Any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.

Sign, Roof: Any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plan of a mansard-type roof shall be interpreted as the same as a wall of a building.

Sign, Snipe: A temporary sign or poster affixed to a tree, fence, etc.

Sign, Structure: The sign and all parts associated with its construction.

Sign, Temporary: Any sign intended for a limited or intermittent period of display or which is removable and not permanently attached or affixed to the inside of hanging within three (3) feet of an exterior window or glass door.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface.

Sign, Window: A sign at the window of a building with the face parallel to and within 12 inches of the plane or building wall.

Sign, Supports: All structures by which a sign is held up, including, for example, poles, brace, guys and anchors.

Special Permit: See *Variance*.

Special Displays: Signs not exceeding thirty-two (32) square feet, used for holidays, public demonstrations or promotion of civil welfare or charitable purposes.

Standard Outdoor Advertising Structure, off premises poster panel and/or Billboard: Any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry or other activity not conducted, sold or offered on the premises upon which the sign is erected, or a sign which advertises or identifies goods, products or services which may incidentally be sold on the premises on which the sign is located. Such signs, however, shall not include signs which identify or advertise the name of the business or person or primary and principal activity, good or services located on the premises where the sign is erected. By way of example, a billboard advertising a soft drink or beverage, which is sold as an incident to the business conducted on the premises, shall nevertheless, be considered a billboard, provided the owner or name of the business upon which such sign is located is not identified or named. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Subdivision Identification Signs: A permanent ground sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

Variance: A relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship.

Use: The purpose of which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Zoning Ordinance: The Zoning Ordinance of the city of Brookhaven and the current zoning district map related thereto.