

**MINUTES OF DECEMBER 11, 2014
PLANNING COMMISSION**

Be it remembered that a PUBLIC HEARING of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun and held at 5:30 o'clock p.m., Thursday, the 11th day of December 2014, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaiivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Jeff Hansen, Ron Robertson, Tonda Yandell, Planning Commission Consultant/Advisor Bill Hessel and minutes Clerk Veronica Howard.

Commissioners Chris Carrubba and Nicholas Brown were absent the public hearing.

There being a quorum present and sufficient to transact the business of this public hearing, the following proceedings were had and done.

The public hearing to consider a zoning text change in accordance with the Comprehensive Long Beach Unified Land Use Ordinance was called to order.

The City of Long Beach Planning Commission filed an application for a zoning text change, as follows:

➤ **ADD to Section 142: Area, Yard and Height Requirements, Table 1
Front Setback Minimum as follows:**

*In conformance with the Comprehensive Plan for the City, the front yard setback requirements for the following Arterial Streets shall be fifty (50) feet.

- U.S. Highway 90
- Klondyke Road
- Railroad Street
- Cleveland Avenue
- 28th Street

The clerk reported that she did cause to be published in the Sun Herald, a newspaper with general circulation in the City of Long Beach and published in Harrison County, Mississippi, "Notice of Public Hearing", as evidence of the Publisher's Proof of Publication:

MINUTES OF DECEMBER 11, 2014
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Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 131 No., 47 dated 19 day of Nov, 2014

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

NOV 21 2014

Clerk

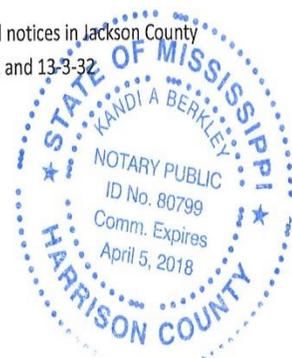
Sworn to and subscribed before me this 20 day of

Nov, A.D., 2014

Kandberg
Notary Public

LEGAL NOTICE
PUBLIC HEARING
In accordance with Article XIX of the Comprehensive Long Beach Unified Development Ordinance of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a zoning text change.
The Long Beach Planning Commission has filed an application for a zoning text change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes the following changes to the ordinance:
Add to Section 142: Area, Yard and Height Requirements, Table 1, the following:
Front Setback Minimum
*In conformance with the Comprehensive Plan for the City, the front yard setback requirements for the following Arterial Streets shall be fifty (50) feet.
U.S Highway 90
Klondyke Road
Railroad Street
Cleveland Avenue
28th Street
The purpose of this proposed amendment is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, December 11, 2014, at 5:30 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.
/s/ signed
Chairman
Planning Commission
Publish 19Nov
1549584

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



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City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



**WILLIAM SKELLIE, JR.
MAYOR**

**CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff**

**CITY ATTORNEY
James C. Simpson, Jr.**

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Development Ordinance of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **zoning text change**.

The Long Beach Planning Commission has filed an application for a zoning text change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes the following changes to the ordinance.

Add to Section 142: Area, Yard and Height Requirements, Table 1, the following:

Front Setback Minimum

***In conformance with the Comprehensive Plan for the City, the front yard setback requirements for the following Arterial Streets shall be fifty (50) feet.**

U.S Highway 90
Klondyke Road
Railroad Street
Cleveland Avenue
28th Street

The purpose of this proposed amendment is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, December 11, 2014, at 5:30 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

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Said notice was posted on the bulletin boards at City Hall, 201 Jeff Davis Avenue, in the Building Official's office, the Water Department and main hallway.

* * *

The Chairman opened the floor for public comment in favor or opposition no one came forward to be heard.

* * *

There being no comments or discussion, Commissioner Yandell made motion, seconded by Commissioner Robertson and unanimously carried to close the public hearing.

* * *

Commissioner Frazer made motion seconded by Commissioner Hansen and unanimously carried recommending approval of the text change.

The second public hearing to consider a zoning text change in accordance with the Comprehensive Long Beach Unified Land Use Ordinance was called to order.

The City of Long Beach Planning Commission filed an application for a zoning text change, as follows:

➤ **REPLACE ARTICLE XVI SIGNS as follows:**

Section 179: Definitions

Abandoned Sign shall mean a sign which no longer serves a useful purpose, the owner of which sign cannot be identified, or is not being maintained.

Accessory Sign shall mean temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include, but are not limited to, entrance and exit signs, building numbers, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs. Accessory signs are not intended to provide identification or advertising from any public way.

Advertising Message shall mean that copy on a sign describing products or services being offered to the public.

A-Frame shall mean a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured and designed to be placed upon a sidewalk, plaza or other area where pedestrians walk or gather.

Anchored Signs shall mean any affixed to the ground, a pole, building or other permanent fixtures and would conform to all Sections of this ordinance.

Animated Sign shall mean any sign which includes action or motion. For the purpose of this ordinance, this term does not refer to flashing, changing or indexing, all of which are separately defined.

Architectural Blade shall mean a roof sign or projecting sign with no legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

Area of Sign shall mean the area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

Awning shall mean a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

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Banner Sign shall mean a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Billboard see off-premise sign.

Board of Appeals or Zoning Board of Appeals shall mean the board consisting of members appointed by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, to hear and decide applications for appeals, special exception uses, and/or variances.

Building Face or Wall shall mean all window and wall area of building in one plane or elevation of a building or other structure.

Building Frontage shall mean the linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

Building Inspector shall mean the Building Official or Building Inspector of the City of Long Beach, Mississippi, or his designated representative.

Canopy (or Marquee) shall mean a permanent roof-like shelter extending from part or all of a building face over a public right-of-way constructed of some durable material such as metal, glass or plastic.

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

Changing Sign (Automatic) shall mean a sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center of reader board.

Copy (Permanent and Temporary) shall mean the wording on a sign surface either in permanent or removable letter form.

Copy Area shall mean the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refers to the message, not to the illuminated background.

Directional Sign shall mean any sign which serves solely to designate the location or direction of any place or area.

Electrical Sign shall mean any sign continuing electrical wiring which is attached or intended to be attached to any electrical service.

Embellishment shall mean (a) Letter, figures, characters, or representation in cut-outs or irregular forms of similar ornaments attached to, superimposed, or upon the sign; and (b) Embellishment (Decorative only) shall mean a purely decorative embellishment on a free-standing sign.

Erected shall mean attached, altered, built, constructed, reconstructed, enlarged, or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

Exempt Signs shall mean signs exempted from normal permit requirements.

Facia Signs or Wall Signs shall mean a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

Flashing Signs shall mean 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 electrically controlled message centers are classed as "changing signs" or "flashing signs."

Freestanding sign shall mean an on-premises sign, identifying the principal use conducted on the lot where the sign is located, that is placed on or anchored in the ground with one or more supports and that is not part of a building or other structure. Freestanding signs can also be referred to as a ground, monument, pole or pylon sign.

Freeway-Oriented Sign or Controlled Access Highway Sign shall mean any sign identifying premises where food, lodging or places of services essential to normal operation of motor vehicles, and where such businesses are directly dependent upon the adjacent freeway for business.

Ground Sign shall mean any sign erected on a free-standing frame and not attached to any building, but is architecturally integrated with the building.

Height of Sign shall mean the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of said sign.

Identification Sign shall mean a sign which is limited to the name, address, and number of a building or institution, or the occupancy of the person.

Illuminated Sign shall mean a sign which emanates light either by means of exposes tubing or lamps on its surface by means of illumination transmitted through the sign faces or lights directed on the sign face.

Incidental Sign shall mean any sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

Indexing shall mean turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three messages in the same area.

Individual Letter Sign shall mean any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of, or below a marquee.

Interior Property Line shall mean a property line other than those fronting on a street, road or highway.

Lot of Record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the records of the Chancery Clerk of Harrison County, or a lot described by metes or bounds, the description of which has been so recorded.

Maintain shall mean to permit a sign, structure, or any part of each to continue or to repair or refurbish a sign, structure, or any part of either.

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Monument Sign shall mean a freestanding cabinet or panel sign mounted on, or within a base (on grade with ground), which is detached from any building.

Nameplate shall mean a non-electric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

Non-Accessory Sign shall mean any sign which directs attention to a business, commodity, service or entertainment not related to the premises at which the sign is located, or to a business, commodity, service, or entertainment which is conducted, sold, or offered elsewhere than on the premises of which the sign is located.

Non-Conforming Sign (Legal) shall mean any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this ordinance and any amendments thereof, and which fails to conform to all applicable regulations and restrictions of this ordinance, or a non-conforming sign for which a special permit has been issued.

Off-premise Sign any sign which directs attention to a business, commodity, service, or entertainment that is conducted, sold, offered or manufactured elsewhere than upon the premises where such signs located or to which it is affixed.

On-premise Sign a sign which pertains to the use of the premises on which it is affixed.

Owner shall mean any person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, fiduciary; any person having a vested or contingent interest in or to the property in question.

Parapet or Parapet Wall shall mean that portion of a building wall that rises above the roof level of the building.

Person shall mean any individual, corporation, association, firm, partnership, and the like, singular or plural.

Political sign shall mean a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign shall mean any sign nor permanently attached on the ground or a building.

Premises shall mean any area of land with its appurtenances and buildings which, because of its units of use, may be regarded as smallest conveyable unit or real estate.

Projecting Sign shall mean any sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double faced projecting signs is calculated on one face of the sign only.

Public Right-of-way Width shall mean the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.

Public Service Information Sign shall mean any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, and other items of public interest.

Real Estate Sign shall mean any sign pertaining to the sale, lease or rental of land or buildings.

Roof Line shall mean the top edge of the roof or the top of the parapet, whichever forms the top line of the building.

Roof Sign shall mean any sign erected upon, against or directly above a roof or on top of or above the parapet of a building

Seasonal or Holiday Sign shall mean any sign such as Christmas decorations, or others, used for a historic holiday and installed for a limited period of time.

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

Street shall mean a public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

Temporary Sign shall mean any sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons, or other air or gas filled figures.

Temporary Window or Building Sign shall mean any sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

Under Canopy or Marquee Sign shall mean any sign suspended below the ceiling or roof of a canopy or marquee.

Unlawful Sign shall mean any sign which violates the provisions of this ordinance or which the building inspector may declare as unlawful if it becomes dangerous to public safety by reasons of dilapidations or abandonment or a nonconforming sign.

Window Sign shall mean any sign installed inside or painted on a window for the purposes of viewing from outside the premises, but excludes merchandise located in a window.

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- (b) Words of the masculine gender shall be deemed and construed to include correlative works of the feminine and neuter gender. Unless the context shall otherwise indicate, words and terms herein defined shall be equally applicable to the plural as well as the singular form of any such words and terms. Words and terms not specifically defined in this or other ordinance of the City of Long Beach, Mississippi, shall be construed accordance with their common and ordinary usage.

Section 180: Licensing, Permits, Fees, Inspections and Indemnification

No sign shall be erected within the City of Long Beach, Mississippi, except without first compliance with the terms and provisions of this section pertaining to licensing, payment of fees, and application for permits, inspections and indemnification as hereinafter set forth.

(a) Permit Required

- (1) Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City of Long Beach, Mississippi, or cause the same to be done, without first obtaining a sign permit for such sign from the Building Inspector as required in this Ordinance. These directives shall not be construed to require any permit for a change of copy on any sign, nor for repairing, cleaning and/or normal maintenance or repair of a sign or sign structure for which a permit has been previously issued, so long as the sign or sign structure is not changed or modified in any way. No new permit is required for signs which have permits and which conform to the requirements of this ordinance on the date of its adoption and until such sign is altered or relocated.

(b) Sign Contractor's License

- (1) No person shall perform any work or services for any other person or for any government entity for compensation, in and about, or in connection with, the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion, or manufacture of any sign in the City of Long Beach, Mississippi, or any such work to be done and performed, unless such person first has obtained a contractor's license and is registered Sign Contractor with the said City.
- (2) This section is not intended to limit the erection, construction, enlargement, alteration, repair, movement, or conversion of an on-premise sign by the owner of said sign.

(c) Indemnification

- (1) All persons engaged in the business of installing, erecting or maintaining any sign which involves, in whole or in part, the erection, alteration, relocation, or maintenance of a sign or sign structure, or other sign work in, over or immediately adjacent to a public right-of-way or public property so that any portion of the public right-of-way or public property is used or encroached upon such person or by such sign or sign structure, shall indemnify and save harmless the City of Long Beach, Mississippi, and any of its officers, agents, representatives and/or employees, from any and all claims, cost, expenses, compensation and/or liability of any kind whatsoever arising out of, resulting from, and/or in connection with the erection, alteration, relocations, or maintenance of any sign or other sign work, insofar as this ordinance has not specifically directed the placement of the sign or sign structure.

(d) Insurance

- (1) Every Sign Contractor shall provide or show proof of a Certificate of Liability to indemnify the City of Long Beach against any form of liability to a minimum of One Hundred Thousand Dollars (\$100,000), or shall be responsible through any agency or subcontractor.
- (2) Individuals acting on their own behalf in construction, maintenance or alteration of any sign located on their property or in their ownership shall be exempt from this sub-section.

(e) Application for Permit

Application for a sign permit shall be made to the Building Inspector upon a form to be provided by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations for the City of Long Beach, Mississippi, including:

- (1) Name and address of the owner of the sign;
- (2) Name and address of the owner or of the person in possession of the premises where the sign is located or to be located. In the case of a leasehold agreement, a copy of the lease agreement must be attached to the permit application.
- (3) Clear and legible drawing with descriptions and nominal dimensions, showing location of the sign which is the subject of the permit, and all other existing signs whose construction requires permits, when such signs are on the premises; and any other information as may be required by the Building Inspector as will aid in the compliance with the requirements of this ordinance.

(f) Issuance of Permit-Denial

The Building Inspector shall issue a sign permit for the erection, alteration, or relocation of a sign within; the City of Long Beach, Mississippi, when the permit application is properly made and all required information has been provided and all appropriate fees have been paid as outlined below in subsection (i). The Building Inspector may, in writing suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misrepresentation of fact or fraud, or for any violation of the provisions of this ordinance. When a permit is denied by the Building Inspector, he shall

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give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial or revocation of the permit.

(g) Effect of issuance of Permit

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

(h) Permit fees

Application for permits shall be filed with the Building Inspector, together with a permit fee as specified by the Building Inspector, for each sign in accordance with the fee schedule; provided, however, that the minimum fee for a permit, exclusive of any permit costs for electrical components, shall be determined by the Board of Aldermen of the City of Long Beach. In addition, when any sign is hereafter erected, installed or otherwise established on any property prior to obtaining permits as required by this Section, the fees specified hereunder shall be doubled, but the payment of such double fees shall not relieve any person from complying with other provisions of this Section or from penalties prescribed in this ordinance.

(i) On-Premises Signs

(1) The area calculations on a free-standing, ground, monument or any similar sign shall be based only on one face of the sign. That calculation shall be based upon the largest face of the sign.

(2) Facia or wall sign: Only the copy area as calculated in this Ordinance shall be included in the above mentioned fees.

(j) Inspection

The person erecting, altering or relocating a sign shall notify the Building Inspector upon completion of the work for which permits are required.

(1) Inspection

All free standing signs shall be subject to a footing inspection and all signs to a final inspection by the appropriate inspector.

(2) Maintenance

Every sign in the City, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. The Building Inspector shall inspect and have the authority to order the repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

(3) Signs Declared Unlawful

The Building Inspector may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Building Inspector for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed or maintained by any person within the City of Long Beach, Mississippi, the ownership keeping a display which is unlawful pursuant to the provisions of this ordinance, is hereby declared to be in violation of this ordinance. The Building Inspector may declare any such sign to be unlawful, and such declaration shall state, in writing, the reason or reasons which sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this ordinance.

(k) Master Sign Program

(1) The purpose of the master sign program is to provide design compatibility for all signs and to integrate the signs with the architectural features of the multi-tenant building or complex of buildings.

(2) The property owner(s) or designated agent shall submit an application with a specific set of design standards, including but not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type and architectural features.

(3) Upon approval of the master sign program by the Planning Commission all signage contained within the limits of the property, regardless of ownership or tenancy, shall comply with the design standards established by the program.

Section 181: Permitted Signs According to Zoning Use Districts

Signs permitted according to Zoning Use Districts as classified according to Article IX, Zoning Districts and Zoning Map, as now or hereafter amended, are as hereinafter in this section set forth.

(a) Signs Permitted in R-O, R-1, R-2, R-3 and R-4 Districts

Signs permitted in the Residential and Office, R-O, Single-Family Residential District, R-1, the Medium Density Residential District, R-2, the Multi-Family Residential District, R-3, and the Residential and Farm District, R-4, and restrictions thereon are as follows:

(1) Permitted Signs. Permitted signs are defined as: Monument; Subdivision; Identification; Wall; Nameplate; Real Estate; Construction; and Political.

(2) Single family and Duplex. For each single family or duplex one name plate shall be permitted, not to exceed two (2) square feet in area. Said nameplate shall not be subject to the permit requirements.

(3) Subdivision Identification. Signs which identify residential neighborhoods shall be affixed to a wall or placed within a landscaped area as a monument sign at the entrance street or streets of the subdivision.

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- (4) Multi-family. Signs which identify multi-family residential developments shall be placed in a landscaped area as a monument sign at the main entrance to the complex, or as a wall sign affixed to the vertical surface of the building. Said sign and sign structure shall be subject to the following provisions:
- (i) Sign Height: Six (6) feet;
 - (ii) Sign Area: Twenty-five (25) square feet;
 - (iii) Letter Height: Eighteen (18) inches.
- (5) Front Setbacks. The minimum setback for signs shall be fifteen (15) feet in all residential districts; and shall be governed by the Zoning Ordinance of the City of Long Beach, Mississippi.
- (6) Illumination. Signs permitted in any residential district may only be indirectly illuminate.
- (7) Real Estate Signs. One (1) real estate sign shall be permitted on each parcel of land abutting a public or private street subject to such sign not exceeding twelve (12) square feet area.
- (8) Side and Rear Setback. Setbacks on all signs, except as expressly stated otherwise shall be as follows:
- Side: Twenty (20) feet from property line.
 - Rear: Five (5) feet from property line.
- (9) Seawall and Sand Beach. Signs in the areas of the seawall and sand beach in the City of Long Beach shall be under the jurisdiction of the Sand Beach Authority of the City as provided by the Mayor and Board of Aldermen.
- (b) Signs Permitted in C-1, C-1HD, C-2, C-2B, C-3, and I Districts
Signs permitted in the Central Business District, C-1; the High Density Commercial, C-1HD; the General Commercial, C-2; the Beachfront Commercial, C-2B; the Neighborhood Commercial, C-3; and the Industrial, I, and restrictions thereon are as follows:
- (1) Permitted Signs. Permitted signs are defined as: A-Frame, monument; subdivision identification; wall; nameplate; real estate; construction; political; canopy; projecting and roof.
- (2) A-Frame Sign.
- (i) A-Frame signs require a permit, however no fee is required.
 - (ii) A three (3') foot clearance area shall be maintained on the sidewalk in front of any location where an A-Frame sign is erected.
 - (iii) A-Frame sign locations shall be approved by the Building Official.
 - (iv) A-Frame signs shall not interfere with pedestrian traffic.
 - (v) A-Frame sign dimensions shall be four feet (4') in vertical dimension by two feet - six inches (2'-6") in horizontal dimension (4' x 2'-6").
 - (vi) The applicant shall submit a Certificate of Insurance (if A-Frame Sign is on City Right of Way):
 - (1) Public Liability Insurance in an amount not less than \$1,000,000.00 for injuries to each person, and in an amount not less than \$1,000,000.00 for any one (1) occurrence.
 - (2) Property damage insurance in an amount not less than \$1,000,000.00 for damage to the property of each person on account of any one (1) occurrence.
 - (3) Said Policies shall name the City of Long Beach as additional insured and shall constitute primary insurance for the City, its officers, agents, and employees, so that any other policies held by the City shall not contribute to any loss under this insurance.
 - (4) Policies shall provide for thirty (30) days prior written notice to the City of cancellation or material changes.
 - (vii) A-Frame signs are permitted for ground floor or street frontage tenants directly in front of the place of business, no more than 20' from the building façade. Where numerous businesses are located within one building, one (1) Shared Multi-tenant A-frame sign per street frontage may be used.
 - (viii) The City reserves the right to remove forthwith a sign which causes any interference with vehicular traffic or pedestrian traffic or in the event of any emergency situation or interferes with any work that is to be performed upon the public sidewalk by or on behalf of the City.
 - (ix) A-Frame signs shall be removed during non-business hours.
 - (x) A-Frame signs shall not encroach into required off-street parking areas.
- (3) Monument or Monument Style Signs. One (1) monument sign placed in a landscaped area of not less than 250 square feet for each developed parcel or premise having a frontage on a public right-of-way, not to exceed sixty (60) square feet of sign area is permitted.
- (i) Where a parcel has in excess of one hundred (100) feet of frontage, one additional monument sign may be erected for each additional one hundred (100) feet of street frontage in excess of the first one hundred (100) feet of street frontage abutting said parcel.
 - (ii) Where a parcel is permitted to have more than one monument signs on each parcel shall be not less than one hundred (100) feet apart.
 - (iii) The total area of all monument signs on each parcel shall not exceed sixty (60) square feet of sign area for each sign permitted.
 - (iv) All monument signs shall be placed in a manner so not to interfere with traffic in any way, or confuse traffic, or to present any traffic hazard.
 - (v) All monument signs shall be parallel or perpendicular to the streets unless otherwise required by the City.

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- (vi) All monument signs shall not exceed fifteen (15) feet in height and have a base not to exceed ten (10) feet in width; except in C-3 Districts where the height maximum shall be ten (10) feet.
 - (vii) The minimum front setback for signs shall be fifteen (15) feet in all commercial and industrial districts.
 - (viii) Side and rear setbacks on all signs, except as expressly stated otherwise shall be as follows:
Side – twenty-five (25) feet from property line.
Rear – ten (10) feet from property line.
- (4) Wall Signs. One wall or facia sign for each occupancy within a developed parcel is permitted. Said sign shall not exceed a total area of three (3) square feet of copy area for each linear foot of building occupancy. If such occupancy is on a corner, one wall sign will be permitted for each frontage. If the building includes a canopy, each tenant will be permitted one under canopy sign.
- (5) Projecting Signs. Any occupant with frontage on a public right-of-way is permitted to have one (1) projecting sign along that public street. The projecting sign may exist instead of, but not in addition to a monument sign. Where a premise is allowed two (2) monument signs, the occupant may elect to substitute a projecting sign for one of the monument signs.
- (6) Canopy Signs. Canopy signs shall be subject to the following conditions or restrictions:
- (i) Area of copy may be three (3) square feet per linear foot canopy front and sides. Subject to a minimum height limit on nine (9) feet from the sidewalk, copy may be installed above or on the face of the canopy apron proper. Signs attached to the underside of a canopy shall have a copy area no greater than twelve (12) square feet, subject to a minimum clearance of seven (7) feet and six (6) inches (7'6") from the sidewalk.
 - (ii) No portion of a canopy sign can be closer than two (2) feet to a vertical line from the curb face.
 - (iii) On places of public entertainment such as theaters, arenas, meeting halls, and other, the copy allowance will be six (6) square feet per linear foot of canopy.
- (7) Awnings. Signs on awnings consisting of one line of letters or an identification emblem, initial, insignia or other features may be painted, place or installed upon the hanging border or end of any awning, subject to clearance for safety as required for canopy signs.
- (8) Real Estate Signs. One (1) Real Estate sign in commercial or industrial districts shall be permitted on each street abutting the parcel of land subject, however, to the requirements that the area of the sign shall not exceed one (1) square foot for each five (5) feet of street frontage on the abutting street; provided further, that the total sign area need not be less than twenty-five (25) square feet nor shall it exceed fifty (50) feet in area.
- (9) Pole Signs. A pole sign may be used in unusual site condition where a monument sign is not reasonably accommodated however; such use shall require Planning Commission approval after receiving in writing a full explanation as to why a monument sign cannot be used. Site plans and details must accompany any request.

Section 182: Prohibited Signs

It shall be unlawful to erect, alter, relocate or maintain any sign in the City of Long Beach, Mississippi which;

- (a) Does not meet all requirements of the provisions of this ordinance, including, but no limited to, the issuance of a sign permit therefore; or
- (b) Contains obscene, indecent or immoral matter prohibited by laws of the State of Mississippi; or
- (c) Is tacked, nailed, taped, tied or pasted to any hydrant, tree, lamp post, telephone or , electric or other pole, fence, or building; or
- (d) Is hung or supported from any other sign and is not built as an integral part thereof; or
- (e) Is placed in any public place or right-of-way; or
- (f) Is of a temporary nature, not permanently anchored to the ground or other structure, such as A-frame signs or portable sign, but not including immobile signs as provided herein; or
- (g) Contains lighting which includes illuminations that produce glare to vehicular traffic or electric incandescent bulbs with a rating exceeding forty (40) percent of the lumen output of one hundred (100) watt clear bulb with such lighting located less than twenty (20) feet above the ground surface; or shall be modified in accordance with the direction from the Planning Commission.
- (h) Which obstructs the vision of motorists at vehicular intersections; or
- (i) Does not meet or exceed standards or specifications of the Building Code or the City of Long Beach, Mississippi, if not covered in this ordinance.
- (j) Off-premise and Non-Accessory Sign are prohibited in the City of Long Beach.

Section 183: Structural Requirements

- (a) Design and Stress Diagrams Required

Before a permit shall be granted the erector of every Outdoor Advertising Sign with the exception of shingle signs and a light cloth temporary signs, shall submit to the Building Official a design and stress diagram or plan, containing the necessary information to enable the Building Official to determine that such sign complies with all the regulations and provisions of this ordinance.

- (b) Wind Pressures

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In the design and erection of all signs, the effect of wind shall be carefully considered. All signs shall be so constructed as to withstand the wind pressures as specified by the adopted Building Codes of the City.

Section 184: Sign Construction

(a) General Requirements

Where applicable, the construction of signs shall conform to the following requirements.

- (1) No sign shall be installed or erected so as to cover the doors or windows of any building, or constructed in such a manner as to obstruct any fire escapes, or any access thereto; nor shall any sign be attached to any fire escape, exterior stair or other means of ingress or egress.
- (2) Any sign which projects over public space shall be removed by the owner thereof after thirty (30) days written notice from the Building Official when such sign does not conform to the provisions of this ordinance and such nonconformity is the result to the street widening or reconstruction, curb relocation or other work performed in such public space by any governmental agency.
- (3) No part of any sign shall be closer than five (5) feet to any electric, telephone or other utility pole or line.
- (4) All cables, turnbuckles, eyebolts or other fastenings for any sign shall be of a non-corrosive metal or hot-dipped galvanized steel.
- (5) Where any supports, braces, eyebolts, etc., which support a sign pierce a roof, there shall be a flashing pan provided and the roof shall be made watertight.
- (6) The roofs of all marquees shall be properly guttered and drained.
- (7) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (8) Any electrical wiring either used in construction of sign or for supply line to sign must be U.L. approved and meets all standards used in the Building Code as adopted by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, as and for the Building Code of the City.

(b) Projecting Signs

- (1) Projecting signs shall be constructed entirely of metal or shall have a metal structural frame with the approved plastic faces, letters, or decorations. Where such signs are erected on the walls of buildings and supported by cable the main guy which supports the dead weight of the sign shall be anchored to the wall by through bolts or shall be carried over the parapet and anchored to the roof construction one through bolt, not less than one-half (1/2) inch in diameter.
- (2) Except as provided in subsection (e) below for wall signs, no sign shall project beyond the property line into or over any street, right-of-way, alley, walk or other public space.
- (3) Any projecting sign which violates this Section, which was lawfully erected, maintained and in place on the effective date of this ordinance, or for which a permit to erect, enlarge, rebuild or structurally alter the sign was issued prior to the effective date of this ordinance, shall be deemed a nonconforming sign. A nonconforming sign may continue in existence for the maximum period of time provided in Section 187 of this ordinance, but all nonconforming signs shall be removed, and are prohibited and unlawful thereafter. During such time period, no nonconforming sign may be enlarged or altered in a way which increases its nonconformity. If a nonconforming sign is damaged or destroyed by any means to an extent of more than sixty-five percent (65%) of its value at the time of damage or destruction, it shall not be repaired or reconstructed except in conformity with this ordinance.

(c) Wall Signs

- (1) Wall signs which project into public space shall comply with all requirements of projecting signs, except the maximum projection of a wall sign shall be one (1) foot.
- (2) Wall signs shall be anchored to a solid masonry wall with metal expansion bolts and to a hollow masonry wall with toggle bolts or through bolts. Anchorage to other walls shall be by a method approved by the Building Inspector.
- (3) Wall signs shall not be erected over any window, door or other opening in the wall, and shall not extend above the roof level of any building; except where there is a parapet, a wall sign may extend to the top of the parapet.
- (4) Wall sign area shall be calculated by determining the area of the sign face, including the frame. Wall signs that consist of individual letters mounted on a wall, the area shall be deemed the area of the smallest rectangular figure which can encompass each individual letter. Each letter may not be spaced more than fifty (50%) percent width of the widest letter in each word.

(d) Banner Signs (non-commercial)

Banner signs shall not exceed twenty-five (25) square feet in area; and a permit for same shall be limited to thirty (30) days, but may be renewed on approved applications. Such signs shall be securely anchored to the buildings, poles or other structural support, but shall not be permitted to be attached to electric, telephone or other utility poles, guys or devices, or within the public right-of-way.

(e) Marquee Signs

Marquee signs shall be constructed entirely of metal or non-combustible material, and may be attached to, or hung from a marquee; and such signs, when hung from a marquee, shall be at least eight (8) feet at its lowest level above the sidewalk or ground level; and further, such signs shall not extend outside the line of such marquee. Marquee signs may be attached to the sides and front of a marquee; and such sign may extend the length and width of said marquee; provided, further, that such sign does not extend more

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than six (6) feet above, nor one (1) foot below, such marquee. But under no circumstances, shall the sign or signs have a vertical dimension greater than eight (8) feet.

(f) Temporary Sign (commercial)

A temporary sign shall not exceed the allowable square footage for the district placed and a permit shall be obtained prior to placement. Sign shall be limited to fifteen (15) consecutive days and may not exceed a total of sixty (60) days in any given calendar year.

(g) Illumination

Wherever an external artificial light source is used to illuminate a sign, illumination shall be located, shielded and directed so as to not be directly visible from a public street or residentially zoned property at grade level. All illuminates on the sign face and to prevent the casting of glare of direct light upon adjacent properties or streets.

The intensity of illumination for the sign shall not exceed ten (10) foot candles per square foot of surface area and shall be even over the face of the sign with no bright spots.

Illumination signs located on a lot adjacent to or immediately across the street from any residential district turned off at all time between the hours of 11:00 p.m. and 7:00 a.m.; except such sign may remain illuminated during such time the activity to which the sign pertains is engaged.

(h) Zoning limitation Signs

No sign shall be erected, constructed, maintained or relocated in the City of Long Beach, Mississippi, which does not conform to the use regulations and other provisions of this ordinance.

Section 185: Exempt Signs

Signs exempt from the provisions of this ordinance are as hereinafter specifically set forth, and only as set forth in this section.

(a) Permit Exceptions

The following operations shall not be considered as creating a sign insofar as requiring of a sign permit, but the signs must be in conformance with all other codes and electrical laws and regulations of the City of Long Beach, Mississippi. These are:

(1) Changing of the advertising copy or message on an existing approved painted or printed sign, whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.

(2) Changes in the content of show window displays and permitted temporary signs.

(b) Exempt Signs

The exempt signs are as follow:

(1) Construction Signs. One construction sign per construction project not exceeding sixty (60) square feet in sign area in business and industrial districts or sixteen (16) square feet in sign area in residential districts, provided that such signs shall be erected no more than thirty (30) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within thirty (30) days after completion of construction and prior to occupancy.

(2) Directional or Instructional Signs. Non-electrical signs which provide instruction or direction and are located entirely on the property to which they pertain, and do not exceed four (4) square feet in area; sign identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrances and exits signs, and those of a similar nature.

(3) Government Signs. Governmental signs for control of traffic and other regulatory purpose, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(4) Holiday Decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holidays.

(5) House Numbers and Name Plates. House numbers and name plates not exceeding two square feet in area for each residential building.

(6) Interior Signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this ordinance.

(7) Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.

(8) Notice Bulletin Boards. Notice bulletin boards not over thirty-two (32) nominal square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

(9) No-trespassing or No-dumping Signs. No-trespassing or no-dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the Building Inspector for additional signs under proven special circumstances.

(10) Occupant Signs. One sign for each dwelling unit not to exceed two (2) square feet in area indicating the name of the occupant, location or identification of a home professional office.

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- (11) Plaques. Plaques or name plate signs not more than four (4) square feet in area which are fastened directly to the building.
- (12) Public Notices. Official notices posted by public officers or employees in the performance of their duties.
- (13) Public Signs. Signs required or specifically authorized for a public purpose, be it any law, statute, ordinance, or order, which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute, ordinance or governmental order under which the signs are erected.
- (14) Real Estate Signs. One real estate on any lot or parcel provided such sign is located entirely within the property to which the sign applies, and is not directly illuminated.
- (15) Symbols or Insignia. Religious symbols, commemorative plaques or recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.
- (16) Temporary Signs. Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or event of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive, or provided that said signs are posted only during said drive, or not more than thirty (30) days before said event, and are removed no more than five (5) days after an event.
- (17) Warning Signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon the subsidence of danger.
- (18) Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name. All free-standing signs shall be placed within a landscaped area.
- (19) Political Campaign Signs. Political campaign signs may be placed on private property, with the consent of the owner or tenant thereof, in all zoning districts of the City subject to the following:
 - (i) Such signs shall not be tacked, nailed, painted, posted, or affixed in any manner on trees, utility poles, fences, rocks or other such supporting structures.
 - (ii) Such signs shall not be located on public property or public right-of-way.
 - (iii) Candidates who qualify for any election shall remove their signs no later than seven (7) days after any election are certified as being official by the Secretary of State for the State of Mississippi, or any political party, whichever first occurs.
 - (iv) In the event of violation of this subsection, the political candidate will be held responsible.

Section 186: Maintenance, Repair and Removal of Signs

- (a) Maintenance and Repair. Every sign, including but not limited to those signs for which permits or for which no permit fees are required, shall be maintained in a safe, presentable and good structural and material condition at all times, including the replacement of defective parts, painting, repairing, cleaning, and other acts required for the maintenance of said signs. The Building Inspector, or his authorized representative, shall require compliance with all standards of this ordinance. If the sign is not made to comply with adequate safety standards, the Building Inspector shall require its removal in accordance with this Section.
- (b) Abandoned Signs. Except as otherwise provided in this ordinance, any sign which is located on property which becomes vacant and 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, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of one (1) year or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises whereon such abandoned sign is located.
- (c) Dangerous or Defective Signs. No person shall erect or maintain or permit to be erected or maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective, or dilapidated condition. Any such sign shall be removed or repaired by the owner of the sign or of the premises whereon such sign is located.
- (d) Unlawful Signs. No person shall erect on any premise owned or controlled by him, or on any other premises, any sign which does not comply with the provisions of this ordinance.
- (e) Street Improvement Projects. Any sign projecting over a public right-of-way at the time of the effective date of this ordinance, which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the City of Long Beach, Mississippi, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this ordinance, if, as the result of, or after completion of a street improvement project, said sign does not or would not comply with the terms and provisions of this ordinance.
- (f) Removal of Signs, Notice. The Building Official, or the Building Inspector, shall have the power and authority to order the removal of: any prohibited sign for which no permit has been issued; any abandoned sign; or any dangerous, materially or electrically or structurally defective sign; all upon fifteen (15) days notice in writing to the owner of any such sign, or to the owner of the premises upon which any such sign

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is located, or to the tenant or occupant of the premises in control of any such sign; all in accordance with the provisions of this section.

- (1) The notice hereinabove provided for shall be in writing and signed by the Building Official or Building Inspector, addressed to the owner of any such sign, or to the owner of the premises upon which any such sign is located, or to the tenant or occupant of such premises in control of any such sign, addressed to them, or any of them, at their or any of their last known addresses, and served upon them, or any of them, by any police officer of the City of Long Beach, Mississippi, or by mail to them, or any of them, by certified mail, return receipt requested; the said notice to state in detail the facts and reason or reasons for the order of removal of any such sign, and requiring the removal of any such sign within the fifteen (15) days of the date of such order, unless, within such fifteen (15) days period from the date of such order, the conditions stated therein requiring the removal of any such sign shall have been corrected by the aforesaid owner or owners to tenant or occupant and approved by the Building Official or Building Inspector.
- (2) Any person so notified to remove any such sign who shall fail, neglect or refuse to remove any such sign within the fifteen (15) days period as above provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in this ordinance.
- (3) Owner of any sign, or any owner of the premises upon which any such sign is located, or any tenant or occupant of such premises in control of any such sign, feeling aggrieved by the order of removal by the Building Official or Building Inspector, may appeal the order or decision of the Building Official or Building Inspector to the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, within the fifteen (15) days, and not later. In the event of any such appeal, the order of the Building Official or Building Inspector shall be stayed pending the final decision of the Mayor and Board of Aldermen on appeal.
- (4) Emergencies, Notice Not Required. In the event of any emergency presenting an immediate and present danger presenting imminent peril to the public health, safety and lives, resulting from the existence of any such dangerous or defective sign, the Building Official or Building Inspector may cause the immediate removal of any such dangerous or defective sign presenting such clear, present and immediate danger to the public health, safety and lives, without notice. The costs and expense incident to any such removal of any such dangerous or defective sign in any such emergency may be recovered by the City of Long Beach by appropriate action in any court of competent jurisdiction or by assessment against the property or premises upon which dangerous or defective sign was located. Any such dangerous or defective sign removed in any such emergency shall become the property of the City of Long Beach, Mississippi.

Section 187: Non-Conforming Signs

(a) Legal Non-Conforming Signs.

- (1) Notification of Non-Conformity. After the adoption of this ordinance, the Building Official or Building Inspector shall, as soon as practicable, survey the City of Long Beach for signs which do not conform to the requirements of this ordinance. Upon determination that a sign is non-conforming, the Building Official or Building Inspector shall make reasonable efforts to so notify either personally or in writing the user or owner of the property upon which the sign is located of the following:
 - (i) the sign's non-conformity; and
 - (ii) whether the sign is eligible for characterization either as legal non-conforming or unlawful.
- (2) Signs Eligible for Characterization as legal Non-Conforming. Any sign located within the corporate limits of the City of Long Beach, Mississippi, on the date of the adoption of this ordinance, or located in an area annexed to said City thereafter, which does not conform with the provisions of this ordinance, is eligible for the characterization as a "legal non-conforming sign," and is permitted, provided it also meets the following requirements:
 - (i) the sign was covered by a sign permit or variance on the date of the adoption of this ordinance if one was required under then applicable law.
 - (ii) if no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of the adoption of this ordinance.
 - (iii) the owner of the sign applies for a permit after the adoption of this ordinance.
- (3) Loss of Legal Non-Conforming Status. Any sign which has been characterized as a "legal Non-Conforming Sign" will lose legal non-conforming designation, if:
 - (i) the sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or make the sign less in compliance with the requirements of this ordinance than it was before the alterations; or
 - (ii) the sign is relocated to a position making it less in compliance with the requirements of this ordinance; or
 - (iii) the sign is changed to another non-conforming sign; or
 - (iv) the sign is expanded; or
 - (v) the sign is re-established after damage or destruction of more than fifty-one percent (51%) of the values of the said sign. Upon the happening of any one or more of the conditions set out in (i), (ii), (iii) or (iv) above, the sign immediately shall be brought into compliance with the term of this ordinance, with a prior permit secured therefore, or shall be removed by the owner of the

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sign, or the owner of the premises upon which the sign is located, or by the tenant of the premises in control of the sign on such premises.

(b) **Legal Non-Conforming Sign, Maintenance and Repair**

Nothing in this Section 187 shall be construed to relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of the ordinance regarding safety, maintenance and repair of signs, as contained herein; provided, however, that any repainting, cleaning and other normal maintenance or repair of any sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming, in which latter event, the sign shall lose its legal non-conforming status.

(c) **Extension of Use of Non-Conforming Sign**

Notwithstanding the provisions of Section 187(a) (3) above, the owner of any non-conforming sign may make application to the Planning Commission of the City of Long Beach, Mississippi, for permission to extend the use of any non-conforming sign, upon forms for that purpose to be furnished by the Planning Commission. Such application to extend the use of a non-conforming sign must be made and filed with the Planning Commission no later than fifteen (15) days set forth in Section 187(a) (c) hereof, for the alteration, removal or replacement of any sign or signs. The Planning Commission, after notice of and hearing upon such application may, in its discretion, grant or deny such application, upon such terms and conditions and for such period as it may determine.

(d) **Non-Conforming Signs, Action by Planning Commission**

Before granting any extension of use of any non-conforming sign, the Planning Commission must find and determine that all the following facts exist:

- (1) That because of unique circumstances applicable to the sign, alteration, removal or replacement within the time period provided in Section 187(a) (3) will result in a substantial economic hardship or that applicant will suffer great financial loss thereby;
- (2) That the sign will not adversely affect other lawfully erected signs in the same area;
- (3) That the sign will not be detrimental to the property located in the vicinity of the property upon which the subject sign is located;
- (4) That the sign will be in keeping with the character of the surrounding neighborhood; and
- (5) That the sign shall not obstruct the vision of vehicular or pedestrian traffic.

(e) **Signs on Non-Conforming Property**

Signs or sign structures which are located on property the use of which is non-conforming to the zoning use district in which said property is located shall conform to those sign requirements imposed by the district in which said use is located or the sign requirements of the district where such use of property would be first permitted.

Section 188: Special Signs

(a) **Subdivision Development Signs**

The Building Inspector may issue a special permit for a sign in a zone in connection with the marketing of lots or structures in a subdivision, subject to the following condition:

- (1) Such permits may be issued for a period not to exceed one (1) year. The Building Inspector may renew such permits for additional periods of up to one (1) year for each permit upon written application filed therefore not less than thirty (30) days prior to its expiration.
- (2) Type of Permits. The term "signs" used in this section refer to all types of signs, except signs exempted under Section 185 of this ordinance and those prohibited under Section 182 of this ordinance.
- (3) Legend. The construction site sign may contain advertising in connection with the name of the subdivision, development firm, builder, contractor, real estate sales firm, and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer.
- (4) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one subdivision or in one sale of lots or structures in another sub-division, or another unit within the same subdivision, without the express permission of the Building Inspector.

(b) **Signs for Special Events**

Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in a public parade, public event or public celebration of a period not to exceed ten (10) days, provided, however, that the erection of such sign shall be approved by the Building Inspector.

Section 189: Special Exception – Variances

(a) **Intent**

The intent of this ordinance is to allow certain provisions of this ordinance to be modified by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, where such modification will encourage excellence in the planning and design of signs. Nothing in this ordinance, however, is intended to permit the erection or maintenance of signs in the said City which are prohibited in Section 182 "Prohibited Signs" of this ordinance.

(b) **Special Use – Variances**

Applications for special exception uses or variances in the erection and/or maintenance of signs other than as permitted in this ordinance may be made by any interested party to the combined Planning

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Commission and Zoning Board of Appeals to be filed and processed as provided in Section 43 or 61. With the final approval by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi.

Section 190: Administration

(a) Sign Inspector – Appointment

The Mayor and Board of Aldermen of the City of Long Beach, Mississippi, shall appoint a “Sign Inspector,” who may be the same person as the Building Official or Building Inspector, who shall serve without compensation, except as may be otherwise provided by resolution of the Mayor and Board of Aldermen entered upon its minutes, and who is to enforce this Ordinance.

(b) Sign Inspector – Duties

(1) Sign Inspector shall examine all applications for permits for erections of signs, authorize the continued use of signs which conform to the requirements of this ordinance, receive, record and file all permits with any accompanying plans, specifications and documents, make an annual inspection of all signs in the City, and make such reports as may be required by the Mayor and Board of Aldermen, not less than annually.

(2) If the Sign Inspector shall find that any sign has been constructed or erected or is being maintained in violation of any provision of this ordinance, he shall promptly in writing notify the owner, user or lesser thereof, to correct the same. Such notification shall not excuse the violation of any provision of this ordinance; and in the enforcement of the provision of this ordinance, the Sign Inspector, or Building Official or Building Inspector may enlist the aid of the Fire Department and/or Police Department, or other officers and departments, of the City of Long Beach, Mississippi.

Sections 191 – 197: Reserved

The clerk reported that she did cause to be published in the Sun Herald, a newspaper with general circulation in the City of Long Beach and published in Harrison County, Mississippi, “Notice of Public Hearing”, as evidence of the Publisher’s Proof of Publication:

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Proof of Publication

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Brackett who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 131 No., 47 dated 19 day of Nov, 2014

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Vol. _____ No., _____ dated _____ day of _____, 20____

Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

NOV 21 2014

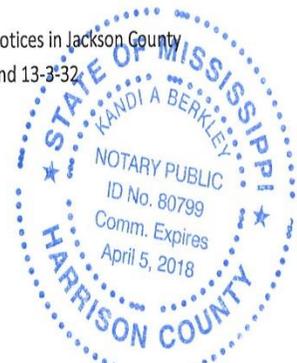
Clerk

Sworn to and subscribed before me this 20 day of Nov, A.D., 2014

Kandi Berkley

Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



LEGAL NOTICE
PUBLIC HEARING
In accordance with Article XIX of the Comprehensive Long Beach Unified Development Ordinance of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a Zoning text change.
The Long Beach Planning Commission has filed an application for a zoning text change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes the following changes to the ordinance.
Replace:
Article XVI Signs
The proposed amendment is available for public review at the Long Beach Planning Commission office. A copy will be made available upon request.
The purpose of this proposed amendment is to promote uniform development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, December 11, 2014, at 5:30 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.
/s/ signed
Chairman
Planning Commission
Publish 19Nov
1549585

**MINUTES OF DECEMBER 11, 2014
PLANNING COMMISSION**

City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Development Ordinance of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **zoning text change**.

The Long Beach Planning Commission has filed an application for a zoning text change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes the following changes to the ordinance.

Add to Section 142: Area, Yard and Height Requirements, Table 1, the following:

Front Setback Minimum

*In conformance with the Comprehensive Plan for the City, the front yard setback requirements for the following Arterial Streets shall be fifty (50) feet.

U.S Highway 90
Klondyke Road
Railroad Street
Cleveland Avenue
28th Street

The purpose of this proposed amendment is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, December 11, 2014, at 5:30 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

**MINUTES OF DECEMBER 11, 2014
PLANNING COMMISSION**

Said notice was posted on the bulletin boards at City Hall, 201 Jeff Davis Avenue, in the Building Official's office, the Water Department and main hallway.

The Chairman opened the floor for public comment in favor or opposition no one came forward to be heard.

* * * * *

There being no public comments or discussion, Commissioner Yandell made motion, seconded by Commissioner Fischer and unanimously carried to close the public hearing.

* * * * *

Commissioner Yandell made motion seconded by Commissioner Heinzl and unanimously carried recommending approval of the text change.

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 11th day of December 2014, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Jeff Hansen, Ron Robertson, Tonda Yandell, Planning Commission Consultant/Advisor Bill Hessel and minutes Clerk Veronica Howard.

Commissioners Chris Carrubba and Nicholas Brown were absent the meeting.

There being a quorum present and sufficient to transact the business of this regular meeting, the following proceedings were had and done.

Commissioner Robertson made motion seconded by Commissioner Hansen and unanimously carried to approve the regular meeting minutes of November 13, 2014 as submitted.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Hansen and unanimously carried to adjourn the meeting until January 8, 2015 due to the Christmas holiday.

**MINUTES OF DECEMBER 11, 2014
PLANNING COMMISSION**

APPROVED:

Commission Chairman, Frank Olaivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk