

City of Gulf Shores

Sign Ordinance



§18-1. Purpose. The purpose of these regulations is to provide minimum control of signs to promote the health, safety and general welfare; to avoid congestion on the public streets and roads; and to preserve property values: by preventing unsightly and detrimental development that would detract from the tourist resort appeal of the community and lead to economic decline and blight, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned and by securing certain fundamentals of design that would strengthen the community's economic base.

§18-2. Definitions. Certain terms used herein shall have the meanings defined by this Ordinance. In the event that a term is not listed in this Ordinance; or is not defined in the Zoning Ordinance or Subdivision Regulations of the City of Gulf Shores or elsewhere in the Gulf Shores City Code, then the conventional meaning of such term shall apply.

The Zoning Official is hereby authorized to make a final determination of any term used in these regulations. In the interpretation of these regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses and derivative forms. Words in the singular number shall include the plural; and words in the plural the singular. The masculine gender shall include the feminine; and the feminine the masculine. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation. In case of any conflict between the text and any caption, illustration, figure, or other graphic material, the text shall govern.

The following definitions shall apply to the regulation and control of signs as provided herein:

1) Sign, Attached: A sign attached to or painted on a Building, including "Flat Signs" and "Projecting Signs".



Flat Sign



Projecting Sign

2) Awning: A detachable framework covered by

cloth or other light materials, supported from the walls of a Building for protection from sun or weather.

3) Banner: Any sign not designed or intended for permanent use, made of lightweight fabric or any other similar non-rigid material with no enclosing framework and which is mounted to a pole, Building, or any other Structure at one or more edges. National flags, state or municipal flags, or the Zoning Official flag of any Institution or business shall not be considered Banners.

4) Canopy: A rooflike Structure projecting from a wall or supported on pillars, as an ornamental feature.

5) Changeable Copy Sign: A sign or portion thereof that has a reader board for the display of information in which each character, graphic or symbol is defined by objects, not consisting of an illumination device, and may be changed or rearranged manually without altering the face of the surface of the sign, including Electronic Changeable Copy Signs.

6) Commercial Speech or Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity or is otherwise defined as "Commercial Speech" by the Alabama Supreme Court, the United States District Court for the District of Alabama, or the United States Supreme Court for purposes of interpreting the United States Constitution or Alabama constitution regarding freedom of expression or speech.

7) Detached Sign: A sign not attached to or painted on a Building but which is affixed to the ground as a freestanding Structure.

8) Directional Sign: An incidental sign intended to direct movement of traffic onto or within a Premises and containing no commercial message. Directional Signs may indicate entrances, exits, parking areas, and similar on-premise locations to motorists or pedestrians.

9) Double-faced Sign: A sign with two parallel, or nearly parallel faces, back to back and located not more than twenty-four (24) inches apart.

10) Electronic Changeable Copy: A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area. Electronic Changeable Copy Signs include computer programmable, microprocessor controlled electronic displays.

11) Fence Sign: Any permanent sign attached to or

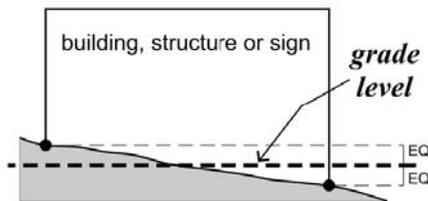
painted onto a freestanding wall or fence.

12) Flashing Sign: An Illuminated Sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving Illuminated Sign shall be considered a Flashing Sign.

13) Flat Sign: Any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall, fascia, Awning, Canopy, or Parapet wall of a Building and supported throughout its length by such wall or Building and not extending more than twelve (12) inches from the Building wall, fascia, Awning, etc.

14) General Advertising Sign: Any sign that is not an Accessory Establishment Identification Sign or which is not specifically limited to a special purpose by these regulations. This term includes signs typically referred to as billboards that promote or advertise goods, services, or activities that are unrelated to the Premises on which they are located.

15) Grade Level. For Detached Signs, the average level of the finished Grade at the edge of the sign nearest the Lot Line.



Grade Level

16) Identification Sign: A sign which pertains only to the use of a Premises and which, depending upon the Applicable District, contains any or all of the following information: (1) the name of the owner, occupant, and/or management of use; (2) the address of the use; (3) the kind of business and/or the brand name of the principal commodity sold on the Premises, and (4) other information relative to a service or activity involved in the conduct of the business, but not including the name of subsidiary products except where specifically permitted by the provisions of this Ordinance.

17) Illuminated, Cumulative(ly): Illuminated by numerous artificial light sources that as a group illuminate any portion of the Beach.

18) Illuminated Sign: A sign meeting one of the following definitions:

a) Directly Illuminated Sign: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not

limited to neon and exposed lamp signs.

b) Indirectly Illuminated Sign: A sign Illuminated with a light so Shielded that no direct rays therefrom are visible elsewhere than on the Lot where said illumination occurs. If such Shielding device is defective, such sign shall be deemed to be a Directly-Illuminated Sign.



Directly Illuminated Sign



Indirectly Illuminated Sign

19) Marquee Sign: A sign on a marquee, such as for a movie theater, playhouse, or concert hall, providing information on currently showing and/or coming attractions, movies, plays, and similar events occurring for a limited period of time.

20) Monument Sign: A freestanding detached sign, other than a pole sign, in which the entire bottom of the sign is in contact with or is close to the ground.

21) Moveable Sign: A Detached Sign not secured or attached to the ground in a manner meeting all Building and electrical code requirements and which is designed to be moveable or portable.

22) Name Plate: An Attached Sign identifying the owner or occupant of a Dwelling or Building and exempt from a Sign Permit when not exceeding two (2) sf in area.

23) Noncommercial Speech or Message: Any sign copy or other display that is not a commercial message as defined herein, and includes any definition of "Noncommercial Speech" by the Alabama Supreme Court, the United States District Court for the District of Alabama, or the United States Supreme Court for purposes of interpreting the United States Constitution or Alabama constitution regarding freedom of expression or speech.

24) Non-Illuminated Sign: A sign that is not Illuminated either Directly or Indirectly.

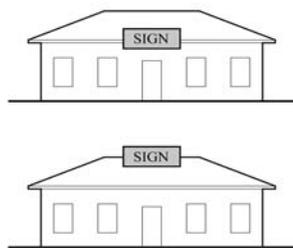
25) Official Sign: Any Official federal, state, or local government traffic, directional, or informational sign placed by a duly authorized public official, or notice issued by any court, person, or officer in performance of a public duty; an Official historical marker; any sign erected by a federal, state, or local government agency for identification purposes at any office, Institutional, recreational, or other publicly owned or leased site.

26) Parapet or Parapet Wall: That portion of a Building wall which extends vertically above the roofline of a flat roofed Building.

27) Premises: A premise shall include all land, Buildings, and appurtenances that, under unified control, are planned, designed, and constructed to be parts of a unified development. A premise shall remain a single premise during the existence of such unified development regardless of future subdivision of its land or ownership. A premise shall include all lands joined by a Unity of Title Declaration.

28) Projecting Sign: A sign, which is attached to and projects more than twelve (12) inches from the face of a wall of a Building.

29) Roof Sign: A sign which is fastened to and supported by or on the roof of a Building or which extends over the roof of a Building Roof signs may not extend more than thirty-six (36") inches over or above the roof line or Parapet wall of a Building.



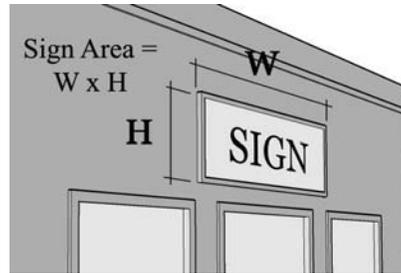
Roof Signs

30) Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display that is designed to identify, announce, direct, or inform.

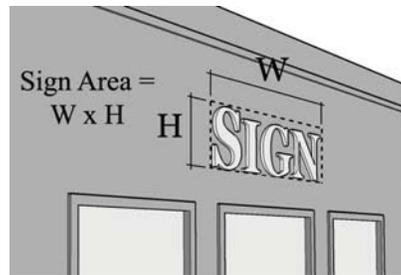
29) Sign Area: The area that can be enclosed or measured by the smallest rectangle that will encompass the message(s) and any background painted, textured or otherwise altered to provide a distinctive background for the message(s) contained on a flat sign. The entire face of a projecting or detached sign, excluding those posts, uprights, braces or other structural members that support it, which contain no message(s).

The area of a cylindrical sign shall be computed by multiplying its diameter by its height. For spherical, free-form, sculptural, and other non-planar signs,

Sign Area shall be calculated as the sum of the area of the four vertical faces of the smallest cube that would encompass the sign.



Sign copy/graphics on background panel



Sign copy mounted as individual letters/graphics

Calculating Sign Area

31) Sign Area, Maximum Aggregate. The total display area of all signs permitted on a lot, premises, or development site.

32) Sign Area, Multiple-face Sign. Where a sign has multiple faces and only one face may be viewed from a single location on a public right-of-way (i.e., parallel faces), the largest of these faces shall be considered its sign area. Where a sign includes two (2) or more faces that may be viewed from a single location, the sum of all such faces shall be considered its sign area.

33) Sign Height. The vertical distance of a detached sign measured from the lowest finished grade level to the highest elevation of the sign.

33) Snipe Sign: A sign attached or otherwise applied to trees, utility poles, bus benches, trash receptacles, or any other unapproved Structures.

34) Window Sign. A sign, whether temporary or permanent, located within a Building visible to the public through a window. Signs applied, painted, or otherwise affixed to the outside of the window shall be considered Attached Signs.

§18-3. General Sign Regulations. Except as otherwise specifically provided in this Article, signs shall be

permitted only as accessory or appurtenant to an existing or approved Principal Use or Structure on the same property. The following regulations apply generally to all signs and are in addition to the regulations established for each District or the regulations contained elsewhere in this Ordinance.

A. Permit Required. No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has been issued by the Community Development Department (CDD) Before any permit has been issued, an application shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Zoning Official with the location, height, size, construction, materials, manner of illuminating, and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. Information shall be provided for existing as well as proposed signs. All signs, which are electrically illuminated by neon or by any other means, shall require a separate electrical permit and inspection. Changing the copy on a bulletin board, poster board, display encasement, or marquee, including the substitution of non-commercial messages for existing commercial messages, shall not require a permit.

B. Staff review. The Zoning Official shall review all sign permit applications for compliance with this Ordinance. Because signs are so nearly a part of the premises to which they are attached or pertain, the Zoning Official shall assure, through the review process, that signs are appropriately fit to, and are not incompatible with, their host premises. Only upon finding that all proposed signs are in conformance with the provisions of this Ordinance shall the Zoning Official cause to be issued a sign permit upon payment of the appropriate fee.

C. Fees. Each sign permit application shall be accompanied by payment of a permit fee, as established by resolution of the City Council. This fee shall defray the cost of processing sign permit applications, and shall be charged in addition to any building permit fee, electrical permit fee, or any other fee associated with the approval of a proposed or existing development.

D. Time limitation, sign permit. If the work authorized under a sign permit has not been completed within six (6) months following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.

E. Revocation. The Zoning Official is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this Ordinance.

F. Exempt Signs. The following signs may be

erected or constructed without a Sign Permit but shall be in accordance with the structural and safety requirements of the Building Code, the provisions herein, and the provisions for the Applicable District where specified.

1. Official signs of the State of Alabama, Baldwin County, City of Gulf Shores, or other political subdivision, including but not limited to, informational and warning signs, or signs required to be erected by a governmental agency.

2. Temporary, non-illuminated construction signs, announcing a new business (e.g. "Coming Soon") or identifying the developer and/or contractor, not more than fifty (50) sf in area erected in connection with new construction work. A "Coming Soon" sign may be erected following Site Plan approval and may be displayed as long as the Site Plan is valid. Other such signs may be displayed on the Premises during such time as the actual construction work is in progress (following issuance of a Building Permit). A maximum of three (3) such signs may be erected for each Street Frontage. These signs shall be removed upon issuance of the Certificate of Occupancy or discontinuation of construction, whichever occurs first.

3. Non-illuminated Signs, not exceeding six (6) sf in area with letters not exceeding eight (8) inches in height, painted, stamped, perforated, or stitched on the surface area of a permitted opaque Awning, Canopy, roller curtain, or umbrella but not in any R-1 or R-2 zoning district.

4. Street address with numbers not exceeding eight (8) inches in height when located on the front Building Façade.

5. Sign affixed to the exterior body of a truck, bus or other vehicle while in use in the normal course of a business and pertaining only to the business being conducted. Vehicles shall be parked to the rear or side of businesses when possible. When rear and side parking is not possible vehicles shall be parked at a minimum of 100 feet from all thoroughfares.

6. An attached Name Plate, no more than two (2) sf in area, to identify the owner or occupant of a Dwelling or Building, one per occupant/establishment.

7. Symbolic flag or award flag of an Institution or business (house flag, including a flag of a bona fide civic, charitable, fraternal or welfare organization), provided the Institution or business is the sole occupant of the Premises. Said flags may not exceed fifteen (15) sf and may not equal or exceed the size or height of any governmental flag displayed on the same Premises.

8. Weather flags displayed by or as required by a governmental agency, for providing information on weather conditions, one (1) set for each Premises



9. Real Estate Signs.

a. Real estate signs, temporary in nature, non-Illuminated, , advertising real estate for sale or lease or rent, or announcing contemplated Improvements of real estate, and located on the same Premises which they advertise, a maximum of one sign for each Street Frontage. Real estate signs for developed and vacant property, exceeding the following dimensional requirements shall require a Sign Permit and shall be subject to the following signage area.

(1) On Single-family or Duplex properties: maximum six (6) ft in area; maximum six (6) ft in height

(2) On Multiple-Family properties and those zoned AG, OS or BN: maximum twelve (12) ft in area: maximum six (6) ft in height

(3) All others: maximum eighteen (18) ft in area; maximum eight (8) ft in height

b. Shared real estate signs for self-contained Multiple-family developments and Single-family residential subdivisions, containing limited entrances to the Dwellings therein, shall be permitted, as provided herein, in addition to the individual real estate signs in (a) above. A maximum of one shared sign per principal entrance to the development displaying a message similar to "For sale in (name of development)" and containing no more than five (5) hanging plates with the unit number, address of the property for sale, owner/agent phone number, etc. Signs shall be installed and maintained by the Homeowners' Association and displayed in a common area at the aforementioned entrances when in compliance with sight distance requirements. The maximum height of such signs shall be six (6) ft, top panel dimensions maximum two (2) x one (1) ft, and individual panel dimensions two (2) ft by four (4) inches.

10. Non Illuminated Window Signs.

11. Illuminated Window Signs, located within the interior of a Building, where permitted, shall be limited to ten (10) percent, or no more than four (4)

square feet, of the glass area of the window in which they are placed (as framed by wall opening). This shall include any such internal, Illuminated Signs if located not more than five (5) ft from the window (measured perpendicularly from the window/wall plane toward the interior of the Building) such that the Illuminated Sign is visible from the exterior of the Building. Window signs may not rotate, scroll and/or display intermittent light.

11. Temporary decorative flags and bunting for conventions and commemorations erected or sanctioned by the City, County, State or U.S. Government.

12. Incidental or Directional Signs, whether Illuminated or not, including entrance/exit; open/closed; credit cards accepted; and similar types of informational, non-advertising signs. Each Directional Sign shall be limited to two (2) sf in area and a height of three (3) ft in any case. Directional Signs shall not include logos or any other form of Commercial Speech or Message. Where an Entry Identification Sign is provided at the main entrance to a residential or non-residential development, no Directional Signs shall be installed at such entrance. However, internal Directional Signs may be permitted elsewhere within the development.

13. Temporary, non-Illuminated Signs containing only personal or non-Commercial Speech (e.g. political signs), subject to a maximum aggregate area of fifteen (15) sf per property. Such signs, when located in residential districts, shall not exceed four (4) sf in area.

14. A national flag or a flag of a political subdivision of the United States, provided that not more than one (1) flag shall be displayed on any single Premises representing any one government and not more than a total of two flags, and provided further that the maximum size of the flag shall not exceed five (5) ft in height (hoist) and ten (10) ft in length (fly). The maximum flag pole height for Non-residential and Multiple-family property shall be thirty (35) ft. The Council may authorize the display of additional flags of the United States of America or State of Alabama on private and public property during specified national Holiday periods.

15. For commercial properties, one sign not exceeding three (3) sf in area or twenty-four (24) inches in height for listing the business providing site landscape maintenance, security or other similar information.

16. For Lodging Uses in the Beach Area Overlay District, one (1) sign not exceeding four (4) sf in area nor three (3) ft in height listing the managing

and/or leasing company.

17. Signs erected upon lands owned in fee by the State of Alabama, in execution or direct furtherance of a governmental function of the State or its political subdivisions or agencies.

18. For Lodging Uses in the Beach Area Overlay District with Direct Frontage on the Gulf of Mexico, one (1) flat, non-illuminated Identification Sign per Premises, placed on the gulf side façade of the building, in accordance with the area and dimensional requirements established in Chapter 7 of the Code of Ordinances.

19. Yard sale signs, subject to the following:

a. Yard sale signs shall not exceed four (4) sf in area nor three (3) ft in height and shall be located on private property and not within any public ROW.

b. Signs may be posted for no more than three (3) days and shall be removed by the responsible party at the end of the end of the sales event.

G. Erection of Signs in Special Cases. The Zoning Official shall have the authority to grant permits for certain signs in special cases, normally prohibited under §18-2.1, below. A "Special Case" shall be defined as an event associated with:

1. temporary carnivals, festivals, fairs, and sporting events,
2. educational and cultural events,
3. charitable, school, and church events,
4. reunions, grand openings & closings, auctions
5. Official City, or State of Alabama notices,
6. any other similar events, requiring or not requiring an assembly permit, or
7. Private sales

Such signs shall may be approved by the Zoning Official for a maximum of fourteen (14) days annually. One sign is permitted per Street Frontage and is limited to thirty-two (32) sf in area. All signs shall be placed on-premises only and shall not be permitted within a public ROW. Requests for posting for longer than fourteen (14) days or for signs placed on a public ROW may only be approved by the Council. Signs erected for Special Cases shall be summarily removed upon expiration by the Zoning Official.

H. Sign Placement Restrictions.

1. No sign of any character shall be suspended across any public Thoroughfare, Alley or Waterway; nor shall any sign of any description be painted on or applied to any curb, sidewalk, tree,

light standard, utility pole, hydrant, bridge, wall, fence, bench, trash receptacle, or any Structure, unless specifically permitted by this Ordinance, except on a temporary permit basis as provided in §18-3 G. Erection of Signs in Special Cases.

2. Intersection Visibility. No sign is to be placed or located in conflict with the sight distance requirements of §6-14 Sight Distance Requirements of the Zoning Ordinance.

3. A minimum clear height of eight (8) ft shall be maintained between the surface of any sidewalk or similar pedestrian passage and any portion of a sign, other than a flat sign, that projects into or above the pedestrian passage.

4. No portion of any Flat Sign or Projecting Sign shall project over any Thoroughfare or Alley ROW for a distance of more than thirty-six (36") inches.

5. No detached sign shall extend or project over any portion of any sidewalk, Thoroughfare ROW, Alley ROW, Waterway or any other public way or any public property with the exception of those as provided for in existing Municipal Information Sign Franchise Agreements.

6. The City may from time to time locate public recycling container stations on public rights-of-way or other public property, directly, by contract, or by franchise. As may be determined by the Board of Zoning Adjustments and notwithstanding the provisions of any other Section or Subsection of this Ordinance, such public recycling container stations may have as attachments recycling sponsorship acknowledgment display panels in form, size and content approved by the Board of Zoning Adjustments or its designee.

I. Signs and Sign Devices Prohibited. The following signs and sign devices shall be prohibited:

1. Signs which are of a rotating nature and/or display either intermittent light and/or light of such intensity that it either constitutes, because of its location, hazardous condition to motorists, or simulates lights customarily associated with those used by police, fire, ambulance, or similar emergency vehicle.

2. Signs that use light or other features to display or simulate motion or movement unless specifically permitted by this Ordinance

3. Flood or spot lights, or similar lighting, including but not limited to motion, trailing, or other light effects, used for sign purposes.

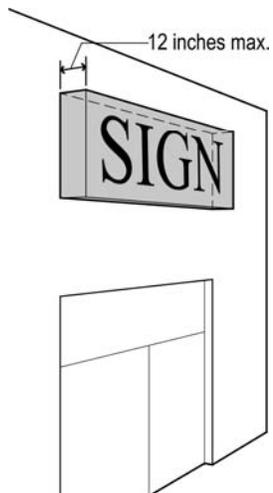
4. Signs which use the words "stop" or "danger" so as to imply the need or requirement for stopping, or the existence of danger, or which is an imitation of an Official Sign. This provision does not apply when the words are part of an attraction title for a

theater or similar event or purpose.

5. Snipe Signs, including signs applied to trees, utility poles, bus benches, trash receptacles, or any other unapproved Structures.
6. Moveable Sign, sidewalk, and sandwich signs and other temporary, portable signs (including signs carried or worn by a person, e.g. a costume) except where specifically permitted by this Ordinance.
7. Off-premise signs, unless expressly permitted by this Ordinance.
8. Pennants, Banners, streamers, balloons, flags not otherwise permitted by this Ordinance and all other fluttering, spinning or similar type signs and advertising devices, visible from any public ROW.
9. The use of any type of vehicle solely for the purpose of advertising one or several businesses shall not be permitted.
10. Any sign whose content is determined to be obscene, incites violence or is without protection of the First Amendment of the United States Constitution.

J. Attached Signs. Attached Signs include Flat or Projecting Signs attached to a Building subject to the following general restrictions.

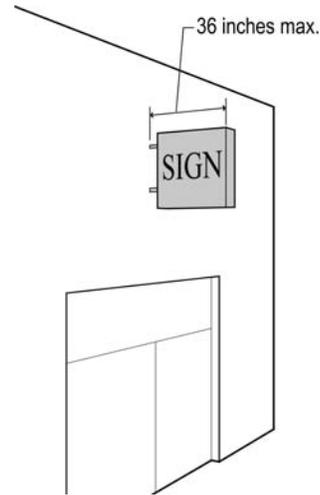
1. Flat Signs shall not extend more than twelve (12) inches from the plane of the Building surface to which they are attached.



Maximum projection of Flat Sign

2. Projecting Signs shall not extend more than thirty-six (36) inches from the plane of the Building surface to which they are attached. Projecting Signs shall only be permitted to project into a ROW when they are located in a district which permits Buildings to be built up to a Front Lot Line and only when such sign is oriented to pedestrian

traffic along the sidewalk on which the Building fronts.



Maximum projection of Projecting Sign

K. Fence or Fence Identification Signs. Permanent signs attached to fences or walls, where permitted,. A Fence Sign shall not exceed the height of the wall or fence on which it is located,.

L. Sign Illumination. Illuminated Signs shall only be permitted as provided in §18-4 Sign Regulations by District and in accord with the following standards.

M. Traffic Control Devices to Conform to State Law. All traffic control signs and devices on private property used by the public for vehicular travel and parking for the use of customers, tenants or employees shall be erected and maintained in accordance with the Alabama Manual of Uniform Traffic Control Devices.

N. Changeable Copy and Electronic Changeable Copy Signs. All Changeable Copy Signs shall be permitted as a form of Detached Sign and shall meet all of the requirements of Detached Signs. In addition, Changeable Copy and Electronic Changeable Copy Signs shall comply with the following regulations.

1. General Regulations

a. Location. The sign must be located on the site of the business or use identified or advertised by the sign. In the case of a real estate office, the sign may display information on properties that are off-premises and are offered for sale by the business on-premises.

b. Static Display. Display of message must be static. When the display of an Electronic Changeable Copy Sign changes, it must change as rapidly as is technologically feasible with no phasing, rolling, scrolling, flashing, twirling, blending, or in any manner which imitates movement.

c. Number of Lines. Changeable Copy Signs and Electronic Changeable Copy Signs may display up to a maximum of four (4) lines of characters at one time.

d. Brightness. Electronic Changeable Copy Signs must have a maximum illumination of 3500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the specified levels. Illuminated signs within the Marine Turtle Conservation Zone shall comply with the requirements of Ordinance 1461 and Article Six of the Zoning Ordinance.

e Dimmer Control. Electronic Changeable Copy Signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise. In addition, it must also be able to respond to lighting level changes occurring due to atmospheric conditions.

f. District Limitations. Changeable Copy and Electronic Changeable Copy Signs shall not be located within any residential district. Any non-residential use existing within a residential district may only erect a Changeable Copy or Electronic Changeable Copy sign after rezoning to an applicable non-residential zoning district.

g. Setback from Residential. A Changeable Copy or Electronic Changeable Copy Sign, located in any district, must be a minimum distance of 100 ft from an Abutting residential district boundary.

h. Visibility. Changeable Copy and Electronic Changeable Copy Signs may not face an Abutting residential district. Adequate Landscaping shall be provided to ensure that the view of the sign is obscured from Abutting R-1 and R-2 districts.

i. Setback from Other Electronic Changeable Copy, Electronic Graphic Display or Video Display Signs. Electronic Changeable Copy Signs must be separated from other Electronic Changeable Copy Signs by at least fifty (50) ft.

j. Color. Text message shall be composed of one (1) color with the background composed of one (1) color. Pictures, logos, images, graphics, and symbols may be displayed from one color to full color.

k. Maintenance. All Changeable Copy Signs will be maintained in proper working order. Any dead zones or non-illuminated portions of the signs shall be replaced or repaired within thirty (30) days or the use of the sign shall be discontinued.

2. Detached Signs:

a. Number of Signs. No more than one (1) Changeable Copy Sign or Electronic Changeable Copy Sign with a maximum of two (2) sides is permitted per Lot of Record. The sides of two-sided signs shall be parallel to each other.

b. Duration. Electronic Changeable Copy Signs shall change no more than one (1) time per forty five (45) seconds. The City shall conduct annual reviews of electronic changeable copy signs to determine the duration is not creating hazards to vehicular safety and /or negatively affecting community character.

c. Integrated Sign. Changeable Copy and Electronic Changeable Copy Signs shall only be permitted as a portion of an on-premise Detached Sign. The Changeable Copy Sign portion may be separated from the remainder of the sign. If the electronic message center portion of the sign is being utilized after sunset, the existing static portion of the sign must be functioning, illuminated, and readable.

d. Area. The area of the Changeable Copy or Electronic Changeable Copy Sign may comprise no more than forty (40) percent of the surface area of the Detached Sign of which it is a part. Neither shall any portion of the Changeable Copy or Electronic Changeable Copy Sign project above the height of the permanent Detached Signage. Changeable Copy Signs are secondary to the permanent non-changeable portions of the sign and should be designated in this regard.

e. Calculation of Area. A Changeable Copy Sign shall be included in the calculation of the total permitted Sign Area of the Detached Sign of which it is a part.

3. Attached Signs. Changeable Copy and Electronic Changeable Copy Signs attached to Buildings shall only be permitted as follows:

a. A maximum of one (1) sign per Building or Premises, whichever is less, may be permitted if such Building or Premises does not contain any other Changeable Copy Sign, detached or wall mounted.

b. Such signs may not exceed twenty (20) sf in area and will be counted toward the calculation for maximum signage for the Building.

c. Such signs shall comply with all other applicable provisions of this Ordinance.

O. Municipal Information Signs. The City may install, within public rights-of-way in the BG, BA, BT and ICW Districts, municipal information signs. Such signs shall:

1. Provide directions only to locations within the corporate limits or police jurisdiction;
2. Conform to the materials and constructions standards established by the City;
3. Conform to standards set by the Council with regard to their number, location and content;

M. Multiple-family Building Signs. Multiple-family Building signs shall be limited in information to the name of the Structure, complex and/or Building number, address and the name, address and phone number of its management.

Table 18-4A Sign Regulations by Zoning District

Zoning Districts			AG	R	BN	BG/BA	BT	I	ATP	OS	ICW
Sign Types											
1	Detached Signs	Max. No. of Signs per Thoroughfare Frontage	2 (A)	2 (A)	1	1	1	1	1	1	1
		Max. Area per Sign (Sq.Ft.)	32	32	32	32 (B)(C)	32 (B)(C)	32	32 (B)	32	32
		Max. Height	8'	8'	8'	25'	25'	8'	25'	6'	8'
		Min. Spacing Per Thoroughfare Frontage	300'	300'	300'	800'	300'	N/A	150'	450'	N/A
2	Attached Signs	Max. Sign Area per Bldg Façade (Sq.Ft.)	10% or 32	N/A	10% or 32	20% or 125	20% or 125	20% or 200	10% or 32	5% or 32	20% or 125

- A. Monument Sign per main entrance to identify any residential development, including subdivisions and multi-family complexes, or to identify any other permitted public or semi-public use.
- B. The area of a detached sign may be increased three-fourths (3/4) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of ninety-six (96) square feet.
- C. Multi-tenant developments with greater than one hundred and fifty feet (150') of thoroughfare frontage are allowed a monument sign not to exceed a maximum one hundred and fifty (150) square feet of sign area, and not more than fifteen feet of sign height.

§18-4. Sign Regulations by District.

Signage per Zoning District shall be limited to that provided in Table 18-4A subject to the specific Zoning District provisions below and any applicable, exempt signs as specified in §18-3F. Signs, unless specified otherwise, may be either attached or detached.

A Residential Districts. Specific sign regulations.

1 Neon tubing, outlining a sign or window and which is visible from the exterior of the Building, shall be prohibited.

2. Projecting Signs shall be prohibited.

C. BN District. Specific sign regulations

1. Neon tubing, outlining a show window and which is visible from the exterior of the Building, shall be prohibited.

D. BG and BA Districts. Specific sign regulations.

1. Movie theaters and similar entertainment venues shall be permitted one (1) Attached Sign per Façade, which may be a Marquee Sign subject to Table 18-4A. Such Marquee Sign shall only be permitted along the main entrance façade or façade facing a public thoroughfare. Where the main entrance is located at the corner of the Building and the Marquee is proposed along both Façades, the maximum area of the Marquee Sign shall be, along each side, ten (10) percent of the area of the corresponding Façade.

2. Neon tubing, outlining a show window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.

E. BT District . Specific sign regulations.

1. Permitted Sign Area for a flat sign may be increased in area by ten (10) sf for each Story that it is elevated above the fourth floor level of the Building to which it is attached.

2. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.

G. ATP District. Specific sign regulations.

1. One Detached Sign shall be permitted for each 150 ft of Lot Frontage on a Premises. Where more than one Detached Sign is erected on a Premises, each Detached Sign shall be assigned a separate segment of Lot Frontage for the purpose of determining maximum permitted Sign Area. Additional Sign Area permitted under provisions of Item c below shall not be included in determining total permitted Sign Area.

2. There shall be no limitations on the size or type of signs, pennants, Banners, and similar devices, which are not visible from any Thoroughfare ROW or from any buildable land area beyond the Premises on which such devices are placed.

3. Pennants and Banners, visible from a public ROW, are permitted when complying with the following:

a. Pennants and Banners shall not be located nearer than 300 ft to any public ROW;

b. the total Sign Area of Pennants and Banners, which are visible from any public Thoroughfare, shall not exceed 110 sf for each seventy-five (75) ft of Lot Width at a distance of 300 ft from such public Thoroughfare provided that such width is measured along a line parallel to the Thoroughfare ROW Line; and

c. the maximum height at which pennants and Banners can be displayed shall be twenty (20) ft above Grade Level or twenty (20) ft above the Principal Building or Structure on which they are mounted.

4. Movie theaters and similar entertainment venues (where permitted) shall be permitted one (1) Attached Sign per Frontage, which may be a Marquee Sign subject to Table 18-4A. Such Marquee Sign shall only be permitted along the main entrance façade or façade facing a public thoroughfare. Where the main entrance is located at the corner of the Building and the Marquee is proposed along both Façades, the maximum area of the Marquee Sign shall be, along each side, ten (10) percent of the area of the corresponding Façade.

5. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.

H. OS District. Specific sign regulations.

1. Limitations.

a. Signs shall not be Directly Illuminated.

b. Detached Signs fronting on a public Thoroughfare shall be set back not less than five (5) ft from any Thoroughfare ROW Line. If the sign is located on a Berm, such sign shall not extend more than two (2) ft above such Berm.

c. Detached Signs fronting on a Waterway or body of water shall be permitted when located no less than 100 ft from any public Thoroughfare ROW.

2. Neon tubing, outlining a sign or show window and which is visible from the exterior of the

Building, shall be prohibited.

I. Intracoastal Waterway (ICW, ICW-E, and ICW-S) Districts. Specific sign regulations.

1. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.
2. All uses Adjacent to the Intracoastal Waterway that provide a pedestrian path consistent with the ICW-E District shall be allowed adjacent to said pathway:
 - a. one (1) Detached Sign per 50 lf of frontage along the ICW, maximum height of five (5) ft, maximum area of eight (8) sf, Indirectly Illuminated for placement Adjacent to the ICW and said pedestrian path.
 - b. One (1) Attached Sign, maximum area of sixteen (16) sf, non-illuminated for placement on the south face of the Principal Building.

§18-5. Master Signage Plan. A Master Signage Plan (MSP) is designed to benefit the community in administering its sign regulations. The purpose of such a plan is twofold. (1) It provides a *Master Plan* for all signs on a Premises; and (2) It provides a *Master Record* of all signs on a Premises This provides the Zoning Official with information about existing signs on a site when considering a permit application for a new sign and also eliminates the need to recompute permitted Sign Area and numbers for a property every time a sign administration or enforcement question arises. By requiring planning and coordination of signs on a property, the streetscape will improve though strict and detailed substantive requirements are not imposed.

It is, in a sense, a PUD for signs and imposes minimum area requirements so that it will only apply to large developments where a large number of signs will be present. It can be used as an incentive by rewarding developers who prepare and follow coordinated signage plans for the property. The provisions of the plan impose no maximum amounts of signage on the Premises as a whole and also provides for a common Detached Sign, which could be larger than is normally allowed. The standards for signage in the applicable zoning districts shall be used as a guideline during the approval process, but certain deviations may be made depending upon the intensity and scope of the development if it is determined by the Zoning Official that the deviations are in keeping with the intent of this Section. The intent of the MSP is to develop a creative approach to satisfying reasonable sign needs and not simply a means of requesting or receiving greater sign area or larger signs.

A. Criteria for Consideration of a MSP. The provisions as set forth in this section may be used in lieu of the provisions for signage in the BG, BA,

I-1, ICW, ATP and PUD Districts only when all of the following criteria apply:

1. The development area for which a MSP is filed shall be at least ten (10) acres.
2. The use for which a MSP is filed shall be characterized as either a campus, industrial park, office park, Amusement Park, shopping center, Mixed-use development, planned residential community, public or semi-public use, or a phase thereof.
3. The Premises has at least 200 ft of Lot Frontage along a public Thoroughfare.

B. Sign Permits. No Sign Permit shall be issued for any signs within a proposed MSP-designated area or a phase thereof unless and until a MSP for the Premises has been submitted to the Zoning Official and approved as conforming with this section.

C. MSP Submission Requirements. For any project or property wishing to take advantage of this section, the owner(s) shall submit to the Zoning Official an MSP application containing the following:

1. An accurate plot plan of the Premises at such a scale as the Zoning Official may reasonably require, showing:
2. Location of Buildings, parking lots, Driveways and landscaped areas;
3. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, unless exempted by the Zoning Official;
4. Computation of the total Sign Area, the area of each individual sign, the height of signs, and an outline of the Building Façades for which signs will be mounted. This shall include all signs permitted for the applicable district and any additional signage area requested through the MSP.

D. Master Signage Plan Review. A Master Signage Plan application may be submitted with any Site Plan, PUD plan, or other Official plan required by the City (excluding Building Permits, Land Disturbing Activity Permits, etc.) for the proposed development and shall be processed simultaneously with such other applications. For developments containing more than one phase, site or Premises, a MSP shall be required for each site or Premises upon development.

E. Amendment. A Master Signage Plan may be amended by filing a new Master Signage Plan with the Council that conforms with all requirements of the ordinance then in effect.

F. Binding Effect. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with

such plan, and such plan may be enforced in the same way as any provision of this Ordinance.

§18-6. Administration.

A. Generally. The provisions of this Ordinance shall be administered and enforced by the Zoning Official, who may be provided with the assistance of such other person(s) as the City Council may direct.

B. Enforcement. If a violation of any provision of this Ordinance specified in a written notice from the Zoning Official to the owner of the property upon which the sign is located is not remedied by the time specified in the notice, the Zoning Official shall use all available means to remedy the situation and may direct the city attorney to bring a civil action to remedy the violation. Any reasonable expenses incident to such removal shall be paid by the owner of the property to which such sign is located.

C. Variance. The Board of Zoning Adjustment may authorize, on application in specific cases, a variance from the provisions of this Ordinance such as will not be contrary to the public interest, where owing to special conditions applying to the premises in question and not applicable generally to other buildings or structures, a literal enforcement of such provisions will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to those which the Board of Zoning Adjustment finds that the granting of the application for a variance is necessary, that it does not merely serve as a convenience to the applicant, and that the condition from which relief is sought would 1) result in peculiar, extraordinary and practical difficulties to the property upon which the sign would be erected or displayed; or 2) as applied to a sign existing as of the effective date of this Ordinance, serve to decrease the aesthetic value or condition of the premises or adjacent properties.

D. Appeals. Any decision of the Zoning Official or Official authorized by this Ordinance may be appealed to the Board of Zoning Adjustment. Appeals shall be filed in writing with the Zoning Official within fifteen (15) business days of the decision. Appeals shall be considered at the next Board of Zoning Adjustment meeting, provided the applicant has furnished the Board of Zoning Adjustments with all information and materials needed by the Board of Zoning Adjustment to consider the appeal at least seven (7) days in advance of such meeting.

E. Inspection. The Zoning Official shall be responsible for inspection of all signs to determine compliance with the provisions of this Ordinance.

F. Maintenance of Signs and Removal of Illegal

Signs.

1. Maintenance. All signs shall be maintained in good condition and appearance. The Zoning Official may cause to be removed under the procedures described herein any sign which shows gross neglect or becomes dilapidated or where the area around such sign is not well maintained.

2. On Vacated Premises. Any Accessory sign previously associated with a vacated Premises shall be either removed from the Premises by the owner or lessee not later than thirty (30) days from the time such activity ceases to exist, or said sign(s) shall be altered or resurfaced by the owner or lessee within the same thirty (30) day time period, so that the sign will not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated Premises or any other unapproved activity. Any sign not removed, altered or resurfaced in accordance with this paragraph shall be subject to removal in accordance with this Section.

3. On Demolished Premises. On any property upon which the Principal Building or Structure is demolished or removed, for any reason, all Signs shall also be demolished or removed.

G. Removal of unsafe signs. The Zoning Official shall require any sign that is an immediate danger to persons or property to be removed by the owner of the property upon which the sign is located within forty-eight (48) hours of written notice to such owner. The Zoning Official shall require any sign that is not an immediate danger to persons or property, but otherwise impinges upon the public health, safety, or general welfare, or is, in the opinion of the Zoning Official, structurally unsound or unsafe in any way, to be removed, repaired, replaced, or secured, in compliance with the provisions of this Ordinance, by the owner of the property upon which the sign is located, within seven (7) days of written notice to such owner.

H. Removal of prohibited signs. The Zoning Official shall require any sign for which no permit has been issued, or that is specifically prohibited by this Ordinance, to be removed by the owner of the property upon which the sign is located, within fifteen (15) days of written notice to such owner. If the sign is not removed within said thirty-day period, the city may, but shall not be required to, have such sign removed and such owner must reimburse the city for the cost of such removal within ten (10) days of the removal of such sign.

I. Impoundment and Disposition of Removed Signs. Except as otherwise provided in Subsection J below, any sign removed by the Zoning Official or by

any other law enforcement officer of the City pursuant to the authority of this Section shall be impounded by the City for a period of thirty (30) days. During such period, the owner or lessee of the sign may reclaim such sign upon presentation of satisfactory proof of ownership or lease rights and upon payment to the Zoning Official of the cost of removal of the sign and a storage fee of \$10.00 per day for each day of impoundment or a flat storage fee of \$100.00, whichever fee is greater. In the event an impounded sign is not reclaimed prior to the expiration of such period, such sign shall be deemed abandoned property and shall thereafter be subject to disposal by the City as abandoned property.

J. Issuance of Judicial Orders in Aid of the Removal of Signs. The Municipal Judges of the City shall have authority to issue search warrants and other appropriate orders within the jurisdiction of the Municipal Court in aid of the enforcement of this Section. Any sign removed under the authority of a search warrant or other judicial order shall be held and disposed of in accordance with the instructions of the Municipal Judge.

K. Appeal Rights. Any person aggrieved by the affixing of a Notice to Cease and Desist to a sign or by the removal of a sign shall have appeal rights to the Board of Zoning Adjustment, the filing of an appeal from the affixing of a Notice to Cease and Desist shall not stay the removal of the affected sign unless a restraining order against such removal is granted by the Board of Zoning Adjustment or by a court of record on application and notice to the Zoning Official and for good cause shown and provided, further, that the filing of an appeal from the removal of a sign pursuant to this Section shall not necessitate the return of the sign to the appellant except upon the terms otherwise provided by this Ordinance or by the order of the Board of Zoning Adjustment or a court of record.

L. Enforcement Provisions Cumulative. The provisions of this Section are cumulative with and not in derogation of any other provisions of the City Code pertaining to sanctions for violation of this Ordinance.

§18-7. Nonconforming Signs.

A. Effective Date of Nonconformity. For purposes of this Section, the term "effective date of nonconformity" with respect to a sign shall mean:

1. May 10, 1982, for any sign existing within the corporate limits of the City as such limits existed on May 10, 1982, which was rendered nonconforming by the enactment of Ordinance No. 235;

2. the effective date of this Ordinance (No# _____) and any subsequent amendment thereto, for any sign first rendered nonconforming by this Ordinance or such amendment thereto;

3. the effective date of annexation, for any sign first rendered nonconforming by the annexation of its site into the corporate limits of the City on a date subsequent to May 10, 1982.

B. Limitations on Continuance. Except as otherwise provided, all legally existing Nonconforming signs (except Moveable Signs), which lawfully existed prior to the effective date of nonconformity may continue to lawfully exist; provided, however, signs which are determined by the Zoning Official to have been structurally damaged or deteriorated by any cause including age to the extent of more than fifty (50) percent of their current cost of replacement shall be either removed or altered so as to comply with the provisions of this Ordinance. The continued use of legally existing nonconforming signs shall further be limited according to the following provisions:

1. A nonconforming sign shall not, after the effective date of this Ordinance, be enlarged, structurally altered, or extended unless such sign shall be made to comply with all the provisions of this Ordinance. Another nonconforming sign may not replace a nonconforming sign. Minor repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted. However, no changes in the location, size, or shape of any nonconforming sign shall be permitted except to make the sign comply with all provisions of this Ordinance.

2. If not sooner removed or altered in accordance with Item 1 above, any legally existing nonconforming sign (other than a movable sign) shall be either removed or altered so as to comply with the provisions of this Ordinance within ten (10) years after its effective date of nonconformity.

3. All legally existing nonconforming Moveable Signs shall be removed within ninety (90) days after the effective date of nonconformity. Any nonconforming sign for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act—Outdoor Advertising of the State of Alabama shall be exempted from the terms of removal or limitations on continuance of this Ordinance. However, this shall not preclude the City from seeking to remove any such sign through other lawful means.

C. Restriction on Additional Signs. No permits for additional signs shall be issued for any Premises on which there are any nonconforming signs.

D. Restrictions on Off-Premise Signs. No

nonconforming sign may be altered from one format to another. Such signs may not be enlarged, extended, or substantially improved, and in no case may one be altered from a flat display to a tri-panel display or to an electronic LED display, or modified in any other way. Said signs shall be maintained only in the condition they existed upon their becoming nonconforming.

E. Compensation.

1. The owner of a legally existing nonconforming sign subject to removal pursuant to §18-7B2 and made subject to a Notice to Cease and Desist by the Zoning Official may file a sworn claim with the Zoning Official for any compensation the owner contends is allowed by law for the removal of such sign. In the case of a General Advertising Sign, an owner of real property who derives revenue from a lease or license of such property to the owner of a sign shall separately be considered an owner for the purpose of compensation under this §18-7E. Upon the filing of such a claim prior to the removal of such sign, the Zoning Official may, in his discretion, suspend the operation of the Notice to Cease and Desist pending consideration of the claim. Such claim shall document:

- a. the legal basis on which such compensation is claimed;
- b. the date and original cost of erection of the sign;
- c. the depreciated value of the sign as reflected on the books and records of the owner as of the effective date of the nonconformity;
- d. the depreciated value of the sign as reflected on the books and records of the owner as of the date of removal of the sign, or as of the date of affixing of the Notice to Cease and Desist to the sign, if removal has not been effected;
- e. the current reasonable salvage value of the sign materials, if any;
- f. the complete terms and duration of any lease or contract regarding such sign to which the owner was party on the date of removal or the date of the Notice to Cease and Desist, if removal has not been effected; and
- g. a statement of the actual or anticipated cost of removal of the sign, supported by the invoice or bid of a contractor licensed to do business in the City or, if removal has been or will be performed by the owner, supported by the sworn cost statement of the owner.

2. In processing a claim for compensation, the Zoning Official shall first secure the written opinion of the City Attorney as to whether or not the claimant has presented an appropriate legal basis

for a claim of compensation. If the City Attorney's opinion is other than that an appropriate legal basis is not presented, the Zoning Official shall render a determination as to the appropriate compensation payable to the claimant by the City upon removal. Unless the opinion of the City Attorney otherwise directs, the standards to be applied by the Zoning Official shall include the following:

- a. an award component equal to the depreciated value of the sign as reflected on the books and records of the owner as of the date of removal or, if not yet removed, as of the date of the Notice to Cease and Desist provided the sign has been depreciated by the owner using generally accepted accounting principles, less the reasonable salvage value of the sign materials, if any;
- b. an award component equal to the present value of the net revenue realizable but unrealized by the owner during the remaining term of any lease or contract with respect to the sign (A) in effect on the date of removal or the date of the Notice to Cease and Desist, if removal has not been effected, and (B) entered into prior to the effective date of nonconformity, with the remaining term measured to the earliest date a party other than the owner could elect to terminate such lease or contract on a basis other than default by the owner;
- c. an award component equal to the reasonable cost to the owner of removal of the sign.

Any unauthorized improvements made to a Nonconforming sign in contradiction to this Ordinance shall not be taken into account in a claim for compensation.

3. The written determination of the Zoning Official with respect to the award of compensation shall be transmitted to the owner by first class mail directed to the address specified by the owner in the owner's claim and to the City Clerk and shall be deemed rendered on the date of deposit into the U.S. Mail. In the case of a sign whose removal has not yet been effected, the City Clerk shall advise the Zoning Official in writing within twenty-one (21) days after the date on which the Official's written determination is rendered whether the City agrees to pay the award of compensation as determined upon removal of the sign, intends to appeal the determination as provided in Paragraph 4 below, or requests that the Notice to Cease and Desist with respect to the sign be withdrawn until such time as the City gives written notice of its request for a new determination of the award of compensation. The Zoning Official shall transmit a copy of the City Clerk's written advice to the owner by first class mail as provided above.

4. The determination of the Zoning Official may be appealed to the Board of Zoning Adjustment. Any party aggrieved by the final judgment or decision of the Board of Zoning Adjustment or by the decision of the City Attorney that an appropriate legal basis for a compensation claim has not been presented, may apply to the Circuit Court for judicial relief within the time period as provided in Section 11-52-81 of the Code of Alabama, as amended.

5. In the event of an appeal of the Official's determination by any party aggrieved, the operation of any Notice to Cease and Desist then in effect shall be and remain suspended until no appeal to the Board of Zoning Adjustment or to any court remains pending. Upon final determination of the award of compensation in the appeals process, the City Clerk shall advise the Zoning Official in writing within twenty-one (21) days after the date of final determination whether City agrees to pay the award of compensation as finally determined upon removal of the sign or the City requests that the Notice to Cease and Desist with respect to the sign be withdrawn until such time as the City gives written notice of its request for a new determination of the award of compensation. Upon receipt of such latter request, the Zoning Official shall withdraw the Notice to Cease and Desist and shall give the owner written notice of such withdrawal by first class mail as provided above.