

**CITY OF DAPHNE
ORDINANCE NO. 2006 - 39**

**AN ORDINANCE ADDING/AMENDING THE FOLLOWING SECTIONS
OF THE CITY OF DAPHNE, ALABAMA LAND USE AND
DEVELOPMENT ORDINANCE, ORDINANCE 2002-22, ADOPTED
ON SEPTEMBER 3, 2002, THEREBY ADOPTING A REVISION
TO ARTICLE XXXIII, SIGN PROVISIONS**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at their special meeting held on April 7, 2006 considered certain amendments to the Sign Provisions of the City of Daphne Land Use and Development Ordinance (Ordinance No. 2002-22) and set forth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

WHEREAS, due notice of said revision of the ordinance has been presented to the public as required by law through publication and a public hearing was held before the City Council on May 15, 2006 concerning said amendments; and,

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration deem that said amendments are proper and believed to be in the best interest of the City that amendments be affirmed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT THE DESCRIBED AMENDMENT BELOW IS HEREBY ADOPTED AS FOLLOWS:

SECTION I:

This Section hereby repeals the following sections in their entirety:

Article XXXIII, Section 33-5 (e) (2), Section 33-5 (h), 33-5 (l), 33-9 (a), 33-10 (title name), and 33-10 (j) (2) currently read as follow:

33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July), retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two

(2) square feet and forty-two (42) inches in height.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet.

33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE

(a) Criteria:

(1) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers, information/directional signs may be permitted subject to the following:

33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign.

SECTION II:

This Section hereby amends the City of Daphne Land Use and Development Ordinance by establishing the following sections to replace those previously repealed under Section I of this Ordinance and hereby adding Sections 33-10 (k) and (l).

Article XXXIII, Sections 33-5 (e) (2), 33-5 (h), 33-5 (1), 33-9 (a), 33-10 (title name), 33-10 (j) (2), 33-10(k), and 33-10(1) thereby providing for "Interstate Corridor Signs" (33-10(k)) and "Commercial/Retail Development Interior Street Signs" (33-10(1)), and shall read respectively as follows:

33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

(1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name of the business, but may not contain advertisements for sales, specials, and the like.

(2) Property Owners Associations (i.e., "POA's") will be allowed to place interior directional signs along city right of ways in neighborhoods. Said signs shall be no greater than 2 square feet and not to exceed 42 inches in height, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(l) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to 2 ½ square feet in dimensions. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the code enforcement officer.

33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE

(a) Criteria:

- (2) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for signs requiring sign permits in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road in front of a school or public building, or on or around the supporting structure of the sign.

(k) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of 200 feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or Interstate Right of Way with a right of way that has no property other than a city, county, or state right of way between the subject real property and the interstate right of way. No sign shall be erected on any lot or parcel containing less than 200 feet of said frontage space. The sign shall be located at or very near the interstate right of way of the parcel, and shall contain no more than 250 square feet of signage.

Said sign shall be no greater than 40 feet in height, measured from the finished grade of the property and shall be no greater than 20 feet in width. Any sign to be erected shall be subject to the approval of the Planning Commission."

- (1) Commercial/Retail Development Interior Street signs:

Inasmuch as commercial developments continue to arise within the City limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument style or "Street Lamp, hanging sign" style. Said signs shall be limited to 30 square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than 5 feet, and Street Lamp style signs shall be no higher than 20 feet, both to be measured from the finished grade. Any proposed sign must first be approved by the Planning Commission prior to being erected.

SECTION III: CONFLICTS

This Section provides for conflicts with other articles, ordinances, or regulations. If the provisions of this article conflict with other articles, ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

SECTION IV: SEVERABILITY

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

SECTION V: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5th DAY OF June, 2006.



GREG BURNAM
COUNCIL PRESIDENT


DATE/TIME SIGNED: 6-5-06 8:20 P.m.



FRED SMALL
MAYOR

DATE/TIME SIGNED: 6-6-06 9:43

ATTEST:



DAVID COHEN,
CITY CLERK, MMC