

**SIGN REGULATIONS
RED-LINE VERSION OF PROPOSED CHANGES
PRESENTED BY THE SIGN COMMITTEE**



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**ADRIENNE JONES,
COMMUNITY DEVELOPMENT DIRECTOR**

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CITY OF DAPHNE SIGN REGULATIONS

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ARTICLE 8 - DEFINITION OF TERMS (Excerpt)

8-1 Usage.

- a. Except as otherwise provided herein, all words shall have the customary dictionary meaning.
- b. The present tense includes the future tense and the future tense includes the present tense.
- c. The singular number includes the plural and the plural includes the singular.
- d. The word "herein" means "in these regulations".
- e. The terms "this Ordinance", "regulations", or "these regulations" mean the "Land Use and Development Ordinance of the City of Daphne, Alabama".
- f. The word "person" includes an individual, as well as a firm, corporation, association, incorporated association of persons such as a club, company, organization, trust, partnership or other legal entity.
- g. The word "lot" includes "plot" or "parcel".
- h. The word "structure" shall include the word "building", and "building" shall include "structure"; and, the words "building" or "structure" includes any part thereof.
- i. The word "shall" is always mandatory.
- j. The word "may" is always discretionary.
- k. The word "used", "used for", or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used, designated to be used or occupied".
- l. The words "zoning map" mean the official zoning district map of the City of Daphne.
- m. The terms "council", "commission", and "board" shall mean the "Daphne City Council", "City of Daphne Planning Commission", and "City of Daphne Board of Zoning Adjustment," respectively, unless otherwise indicated.
- n. "The New Illustrated Book of Development Definitions" latest addition by Harvey S. Moskowitz and Carl G. Lindbloom shall be adopted as a reference and shall become a part of the Land Use and Development Ordinance as an expansion of the definition of terms not contained in this article.

8-2 Words and terms defined.

As used in this Ordinance, the following words and terms shall have the meaning defined:

Abandoned sign. A sign advertising an activity, product, or business no longer conducted or located on the premises upon which the sign is located.

Accessory structure. A detached subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same parcel or lot as the principal structure.

Advertisement. The calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity.

Billboard. An off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.

Applicable Definition of Terms

Building. Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.

Building, accessory. A subordinate building, the use of which is incidental to that of the principal use of the main building.

Building face or wall. All window and wall area of a building in one plane or elevation.

Building line. The extreme overall dimensions of a building as staked on the ground, including porches, chimneys, and similar projections at grade level, whichever is nearest to the property line. The front building line shall refer to that portion of the building nearest the front lot line.

Building official. Individual or designee thereof appointed by the City of Daphne to carry out inspections required by the building code, latest edition.

Building permit. A permit issued by the building official which allows construction, moving, alteration or repair of a building or structure including accessory structures and the placement of temporary field offices.

Build-to line or setback line. A line parallel to the front lot line, which establishes the maximum setback allowed within the applicable district. Example: A build-to line of twenty (20) feet requires that the front building line can be no less than twenty (20) feet from the front lot line. A corner lot shall be considered to have two such build-to-lines in applicable districts.

Business/commercial center. A group of two (2) or more owners, occupants or tenants with common customer and employee parking provided onsite, and/or connected together by common walls, interior aisles or malls.

Business/office park. A planned development of one (1) or more office(s) and/or business(es) in a park-like setting.

Channel letters or open letter sign. A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property.

City. The City of Daphne.

City council. The chief legislative body of the City of Daphne.

Construction site identification sign. A temporary sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the

construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended.

Commercial vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Development. Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Development permit. A permit required for any development activity in the City of Daphne that requires a building permit, and/or land disturbance permit. (See also Permit.)

Establishment A commercial, industrial, institutional, educational, office, business, or financial entity.

Frontage, building. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

Gas station. Any building, structure or land at which the sale of combustible and flammable fuels is conducted. Gas stations which also have motor vehicle repair services as a component of the business shall be considered "gas/service stations".

Grading. Excavation or fill of material, including the resulting conditions thereof.

Home owner's association (or property owner's association). An incorporated, nonprofit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

Home occupation. Any occupation for gain or support customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home owners association or property owners association (HOA or POA). A legal entity created by a real estate developer for the purpose of developing, managing and selling a development of homes. It allows the developer to exit financial and legal responsibility of the community, typically

by transferring ownership of the association to the homeowners or property owners after selling off a predetermined number of lots.

Logo. A recognizable and distinctive graphic design, stylized name, unique symbol, or any other device used for identifying any organization, commercial entity and/or business. A logo shall be construed as a sign and shall count towards the number of signs allowed and the maximum applicable square footage requirements. In this Ordinance, a logo does not refer to brand-identification of products or goods.

Mall. Any concentration of two (2) or more retail stores and/or service establishments which share customer parking areas and is located within an enclosure having public walkways whereby a customer in one (1) store or establishment may walk to another store or establishment without leaving the enclosure.

Open letter sign. A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property.

Planned unit development. A tract of land under single corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a defined programmed series of development operations in accordance with an approved development plan.

Planning commission. The City of Daphne planning commission as authorized by state statute to be responsible for reviewing and approving site plan and subdivision applications and for making recommendations to the city council regarding annexations, zoning, vacation of easement and/or right-of-way, street acceptances and other duties as specifically provided by the state enabling act.

Public land uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads, internal revenue offices, military installations, etc.

Residential identification sign. A sign that identifies the name of a residential subdivision, condominium development, townhouse or apartment complex.

Right-of-way (ROW). A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Setback line. A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said Ordinance.

Sidewalk area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

(a) *Banner.* Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one (1) or more edges.

(b) *Billboard.* A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

(c) *Changeable copy sign/reader board.* A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

(d) *Construction sign.* Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

(e) *Flashing, electronic and/or intermittent illuminating signs.* Signs which contain intermittent illumination and the changes occur more than twelve (12) times per hour.

(f) *Legal nonconforming sign.* (See Article XXXIII, Sign Provisions, for definition).

(g) *Marquee sign.* Any sign mounted to extend vertically below a marquee or canopy.

(h) *Nonconforming sign.* (See Article XXXIII, Sign Provisions, for definition).

(i) *Off-premises sign.* A billboard or other sign relating its subject matter or any portion thereof to premises other than the premises on which said sign is located.

(j) *On-premises sign.* A sign relating its subject matter to the premises on which said sign is located.

(k) *Permanent sign.* A sign permanently affixed to a building or the ground.

(l) *Political sign.* A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

(m) *Portable sign.* Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another.

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

(o) *Real estate sign.* A sign which advertises the sale, rental or development of the premises upon which it is located.

(p) *Sandwich sign.* Any sign, double or single faced, which is portable and may readily be moved from place to place.

(q) *Temporary sign.* A sign or advertising display intended to be displayed for a short period of time, not to exceed thirty (30) calendar days (See temporary use).

(r) *Wall sign.* A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

(s) *Window sign.* Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

Sign height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, its frame, or supporting structure, whichever is higher. Such grade shall not be altered from the natural ground elevation.

Sign surface area. The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter or other supporting structure. The surface area of a sign shall also be referred to as the "sign face."

ARTICLE 33 SIGN PROVISIONS

33-1 Purpose.

The intent of this article is to further the purpose stated in Article I and is designed to govern the effective use of signs as a means of communications; to protect and promote the public health, safety and welfare by governing the type, number, location, physical dimensions, setback and other standards to signs in each of the use districts established in this Ordinance; to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause; to minimize the possible adverse effect of signs on nearby public and private property; and to encourage a positive visual environment in harmony with the natural beauty of the City of Daphne.

33-2 General provisions.

The following apply:

(a) *General prohibition:*

- (1) *Signs prohibited:* No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the code enforcement officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications maybe necessary to fully advise and acquaint the code enforcement officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the code enforcement officer shall be made within thirty (30) calendar days from the date of when the application is received. Further, an application for a business license shall be a prerequisite for applying for a sign permit.
- (2) *Electrical permit requirement:* All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises. The absence of a proper ID tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of this Ordinance.

- (3) *Size restrictions applicable:* Any permitted sign shall be subject to the size and height limitations imposed by this Ordinance for the district in which said sign is located, except as otherwise provided herein.
- (4) *Right-of-way placement prohibited:* No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way, except as otherwise provided herein.
- (5) *View obstruction prohibited:* No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.
- (6) *Ingress/egress impediment prohibited:* No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress/egress from any door, window, or fire escape.

33-3 Special provisions.

The following apply:

- (a) *Minimum height requirements:* No portion of any outdoor advertising sign shall be less than nine (9) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.
- (b) *Aesthetic standard:* Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials, featuring earth tones and indirect external lighting are encouraged to reflect the natural beauty of our mostly residential and recreational area.
- (c) *Time requirements:* A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.

33-4 Nonconforming signs.

Any sign in existence on the date of adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the following conditions and this section shall also apply to the prohibitions set forth in section 33-6, Signs prohibited in all districts.

- (a) *Grandfather clause, legal nonconforming signs:*
 - (1) *Existing off-premises signs and billboards:* At such time as any existing off-premises sign or billboard is removed or destroyed the replacement sign or

billboard shall be in conformance with the provisions of this Ordinance. No new off-premises signs or billboards will be permitted in any zone. A permit shall not be issued for any on-premises sign for any premises on which there exists a grandfathered off-premises sign or billboard until the off-premises sign or billboard is permanently removed.

- (2) *Legal nonconforming sign status:* Any sign located within the corporate limits prior to the enactment of the Land Use and Development Ordinance, September 21, 1987, or located on property prior to its annexation, which does not conform to the provisions as set forth by this Ordinance, is eligible for characterization as a "legal nonconforming" sign and is permitted, provided there is only one (1) ground-mounted, on-premises sign, and all other signage is in conformance with these regulations. A permit for a legal nonconforming sign shall be obtained prior to the date when the next business license is due.

- (b) *Loss of legal nonconforming status:* A legal nonconforming sign shall immediately lose its legal nonconforming status and must come into conformance upon the following:

- (1) *Amortization schedule:* Legally nonconforming signs shall be either removed, replaced with a conforming sign by January 1, 2005, or a date three (3) years from the date in which the property is annexed into the corporate limits.

It is intended that this provision shall ensure that those who hold legally nonconforming status will recoup initial investment costs and remaining useful life of such signs. It is further intended that this provision shall not deprive any owners of property rights without just compensation so as to avoid the occurrence of a taking.

It is envisioned that the time period allotted herein shall allow for amortization and depreciation of such signs based upon the following factors:

Initial investment costs, remaining useful life, length of time of ownership of the premises, the sign thereon, maintenance expenditures, cost of removal, and replacement.

- (2) *Structural alteration, abandonment, discontinuation, relocation or replacement:* If such sign is, after the date of adoption of this Ordinance, structurally altered, abandoned, discontinued, relocated or replaced, including the result of an act of God.

- (c) *Additional permits prohibited:* No permits for additional signs shall be issued for any premises on which there are nonconforming signs.

- (d) *Building permit provision:* Wherever a building permit is required for any kind of improvement to a building, structure or land attached to which or on which there exists any nonconforming sign(s), then all signs attached to the building or structure or on the land, shall be replaced with a sign or signs that conform to the requirements of this Ordinance.
- (e) *Destruction/structural deterioration:* If any nonconforming sign is removed or destroyed or becomes fifty (50) percent or more structurally deteriorated as determined by the code enforcement officer, then the replacement sign shall conform to the requirements of this Ordinance.
- (f) *Mandatory compliance:* Any nonconforming sign which is neither grandfathered nor permitted as a "legally nonconforming sign" according to subsection (a) of this section and which is prohibited under section 33-6, Signs prohibited in all districts of this Ordinance shall be removed or made to conform to this Ordinance within ninety (90) days of the date of adoption of this Ordinance.
- (g) *Variance:* The board of zoning adjustment may, in special cases and for good reason, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, permit the erection of a sign not in conformance with the requirements of this article.
The board, at its discretion, may require the posting of a bond in sufficient amount to protect the City of Daphne against all liabilities that may result from the erection and use of such sign.

33-5 Signs for which no permit is required.

The following signs may be erected or constructed without a [sign permit from the Code Enforcement Officer](#) but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

- (a) *Traffic signs:* Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
- (b) *Vehicle signs:* Any sign on a truck, bus, or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.

- (c) *Weather flags:* Weather flags for providing information on weather conditions: one (1) set for each premises.

(d) **Commercial Real Estate Signs:**

1) On Undeveloped Property

- a. A ~~temporary~~ commercial real estate sign advertising undeveloped or vacant real property for sale, lease, or rent will be permitted provided the area of each sign shall not exceed thirty-two square feet (32 sq. ft.), ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development. An additional ~~temporary~~ commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 feet along the same street with no more than four such signs per premise.
- b. In the event that such premises abuts Interstate 10 right-of-way, said ~~temporary~~ commercial real estate advertising sign shall be allowed up to sixty-four square feet (64 sq. ft.), ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development.

2) On Developed Property:

A ~~temporary~~ commercial real estate sign advertising developed real property for sale, lease, or rent will be permitted for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed the following:

- a. **Ground sign:** a commercial/industrial (C/I) and all business zones, (B-1, B-2 and B-3), provided the area of each sign shall not exceed thirty-two (32) square feet, ten (10) feet in height, is non-illuminated, and is within the confines of the development.
- b. **Window sign:** Indoor signage or window signs which advertise commercial real estate may cover no more than twenty (20) percent of the window glass surface area.
- c. **Wall sign:** A ~~temporary~~ commercial real estate wall sign advertising developed real property for sale, lease, or rent will be permitted not to exceed three hundred and fifty square feet (350 sq. ft). or thirty percent (30%) of the frontal area of the building or portion of the building.

(e) Residential real estate signs:

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(1) **General provisions: Real estate signs, temporary in nature, non-illuminated, not** exceeding six-and-one-half (6½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

(2) *Directional signs:* Directional signs will not be allowed, except as provided below:

"Open House" signs, which identify homes/houses when a selling agent is on the site that are open for the general public to view. Said sign(s) size shall not exceed one and one-half (1½) feet in width and three (3) feet in height.

Such signs may be placed at intersections in a manner such that they do not constitute a traffic hazard for a period of one (1) day before the open house and removed the day of the open house, upon closing.

No more than four (4) directional open house signs may be placed in the corporate limits for any one (1) open house and only one (1) route designated by signs to a particular open house and only one (1) sign per company at any one (1) intersection.

(3) *Violations:* Any person who fails to remove the sign (s) within the prescribed time period outlined above shall be fined upon conviction, not less than fifty dollars (\$50.00) per sign remaining. Chronic violations may result in the enforcement of Article XXXXV, section 45-7, entitled Penalties and remedies.

(f) New construction signs:

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Moved (insertion) [1]

(1) General provision: Upon securing a building permit from Building Inspections for new construction, renovation or expansion of an existing building, and securing a city business license from the Revenue Department, a ~~temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during~~

Deleted: ¶

such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, either single or double faced, is allowed for each street frontage.

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Deleted: Such signs shall be removed upon completion of the project.

In the event that such premises abuts Interstate 10 right-of-way, said temporary sign shall be allowed up to sixty-four (64) square feet, ten feet (10) feet in height, is non-illuminated, and is within the confines of the development.

(2) Temporary under construction site identification sign. A temporary sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended shall be permitted and where in accordance with General Provisions noted above.

(3) Temporary advertising-“Coming Soon” sign: A temporary advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as “coming soon.” One such sign shall be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, where in accordance with General Provisions noted above.

(4) Additional Provisions for Temporary Advertising Signs,

Deleted: Temporary advertising sign:

A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development.

Deleted: A temporary sign advertising property for sale in a commercial/industrial (C/I) and all business (B-1, B-2 and B-3) zones, provided the area of each sign shall not exceed sixteen (16) square feet, is non-illuminated and is within the confines of the development. ¶

(5) A temporary name identification sign will be permitted on each premise for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign. Temporary under construction, advertising sign-“coming soon”, and name identification sign shall

be removed upon issuance of a certificate of occupancy, no later than the grand opening.

(g) Political Signs:

The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

1. **Enactment.** The city, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns. The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the city and the state currently in force and effect.
2. **Authority.** This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84.
3. **Applicability.** Political signs are exempt from the permit requirements of the land use and development ordinance of the city.
4. **Painting on or attaching to public property, or utility property.** Political signs shall not be erected, constructed, posted or painted on any publicly maintained city, county, state or federal right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign.
5. **Attaching to business or commercial establishment signs.** Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment.
6. **Impeding traffic.** Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways.
7. **Districts in which authorized, nonilluminated.** Two (2) nonilluminated political signs per lot or parcel may be placed on private property in any zoning district in the city.
8. **Maximum size in residential districts.** Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height.
9. **Maximum size in business, commercial and industrial districts.** Political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height.

Deleted: These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage. ¶

Deleted: Permits shall be issued for a period of one (1) year. An additional one-year permit may be issued if the code enforcement officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in section 33-7. The temporary sign will be removed when a permitted permanent sign is erected. ¶

¶ (3) *Time limitations and size requirements:* A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced. ¶

Deleted: *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: ¶

(1)¶
Council authorization required:
 Temporary signs and banners not exceeding fifty (50) square feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers for recognizing holidays and other occasions authorized by the city council. ¶

(2)¶
Promotional weekend and nationally recognized holidays: On the last Friday of each month, commencing no earlier than 6:00 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/or 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 ...

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Deleted: *Political signs: Political signs shall be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entity administering the election. Such signage shall be subject to the requirements of Ordinance 1989-04, Establishing Sign Control during Political Campaigns. Signs located within residential districts shall not exceed four (4) square feet in area. ¶*

~~10. — 11. Attachment to vehicles.~~

~~Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.~~

~~11. Use of party balloons. Customary size party balloons imprinted with a political ad may be tethered to any political sign, provided such balloons do not rise more than four (4) feet above the sign to which they are attached and that not more than two (2) such balloons are attached to any one (1) sign.~~

~~12. Period of placement. Political signs may be displayed for the duration of a campaign and shall be removed within five (5) days following the election. A candidate shall not place signs prior to qualifying to run for office with the qualifying entities administering the election.~~

~~13. Failure to remove—Fining of candidate. If political signs are not removed within five (5) days after the election, candidates whose names appear on such signs shall be subject to a fine of twenty-five dollars (\$25.00) per sign and each day such sign shall continue to be left after the election shall constitute a new offense.~~

~~14. Same—Removal by city. Any sign found not to be in compliance with the requirements of this article shall be removed by city personnel and the candidate whose name appears on such sign shall be subject to a fine of twenty-five dollars (\$25.00), for each nonconforming sign.~~

(h) *Flags:* National flags and flags of political subdivision of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice).

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(i) *Directional signs and symbols:*

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(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 (POAs).* Property owners associations will be allowed to place interior directional signs along city right-of-ways in neighborhoods. Said signs shall be no greater than six (6) square feet and not to exceed forty-two (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.

- (j) *Memorial signs and historical markers:* Memorial signs and historical markers constructed of bronze, stone or other incombustible material after historical authentication and location is approved by the city council.
- (k) *Professional, announcement or occupational signs:* One (1) each professional, announcement or occupational sign non-directly illuminated and flat wall mounted, and/or one (1) each outdoor advertising sign for privately-owned premises or business location, provided the area of the sign or the combined areas of both signs, if two (2) signs are erected, does not exceed five (5) square feet, and provided the premises or business location is without a permitted sign. (See Home occupations, as defined in Article XXXI.)
- (l) *Non-commercial yard or garage sale temporary signs:* Noncommercial yard or garage sale temporary signs not exceeding one and one-half (1½) square feet, which display the date(s) and the address of the sale. No more than four (4) directional yard sale signs may be placed. Said signs shall be removed as soon as the sale is concluded.
- (m) *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 two and one-half (2½) 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.
- (n) *Indoor signage or window signs:* Indoor signage or window signs which identify or advertise activities, services, goods, or products available within the building, and which collectively cover no more than twenty (20) percent of the window glass surface area.
- (o) *Marquee or canopy signs:* One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy, provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.
- (p) *Temporary promotional signs: Any on-premise sign with a commercial message, including but not limited to a banner or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.*

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This definition does not apply to the following: temporary commercial real estate signs, political signs, coming soon signs, under construction signs, real estate builder signs, or subdivision information signs.

1. Placement

- (i) Must be at least five feet (5 ft) from the edge of a public street, located on premise on private property except for tethered inflatables.
- (ii) Shall not obstruct the view of or impede pedestrian or vehicular traffic along any right-of-way or interior driveway.
- (iii) Shall not be located on accessory structures or buildings.

2. Prohibitions

- (i) Bench signs, ladder signs, snipe signs and any portable or moveable sign that is not expressly allowed in the sign provisions.
- (ii) Signs in a state of disrepair and poorly maintained.

3. A-Frame Sandwich Board Signs

An a-frame sandwich sign is defined as a movable on-premise sign not secured or attached to the ground and has two faces connected at the top by a hinge mechanism that allows the base to be expanded outward to form an "A" shape, used to display products, services, menu items, daily specials, upcoming events or to advertise sales or bargains.

- i. One a-frame sandwich board may be allowed per primary entrance unless in multi-tenant establishment with common entry way. Only one (1) per building per entrance per street frontage
- ii. Said sign placement should not obstruct view or flow of pedestrian or vehicular traffic.
- iii. One such sign allowed within twenty feet (20-ft) of the front entrance of single tenant establishment
- iv. For a multi-tenant establishment with one common entry way, a-frame sandwich boards are disallowed.
- v. A multi-tenant establishment with individual exterior entry may be allowed within five feet (5-ft) of that entrance.
- vi. Sign faces added together shall be no greater than twenty-five square feet (25 sq. ft.) in area.
- vii. Each a-frame sign as permitted herein shall be moved and properly stored out of sight during non-business hours and/or inclement weather and shall be used during hours of business only.

4. Special Use Permit For A-Frame Signs

Upon approval of the code enforcement officer, an institutional use such as Life South, American Red Cross, The Haven, The Animal Shelter, or Community Action, may be permitted to place a sandwich board sign within the right of way

only during hours of operation for special event. The sign shall be removed at the close of business.

One such sign may be utilized per establishment and should be located at the right of way closest to the establishment. Placement of said sign should not obstruct view or flow of pedestrian or vehicular traffic.

5. Advertising Package for Retail and Commercial Establishments

Advertising Package for Retail and Commercial Establishments may only be displayed in accordance with the provisions listed herein.

i. A weekend advertising package may be displayed as follows:

- a) No earlier than six (6) a.m. on Friday, the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday and/or any other State recognized holiday.
- b) All 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.
- c) Advertising package may include no more than three (3) of the following items:
 - 1. Balloons;
 - 2. Yard signs - 3 yard signs count as 1 item;
 - 3. Pennants - 3 sets count as 1 item;
 - 4. Streamers - 3 sets count as 1 item;
 - 5. Bunting - 3 sets count as 1 item;
 - 6. Flags - (Flags used for this purpose shall be separated by a minimum distance of twenty feet (20-ft)); or
 - 7. tethered inflatable 3-d object setback at least 100 ft from the road frontage may be located at each street frontage; ~~or~~ One tethered inflatable three dimensional (3-D) object, **the maximum height shall be no more than fifty feet (50-ft)**, and shall be setback at least one hundred (100-ft) from the property line; or,
 - 8. One promotional banner not to exceed ~~20~~ **16** sq. ft. in size may be located at each street frontage

ii. A holiday advertising package for retail and commercial establishments may only be displayed as follows:

- a) May commence display no earlier than six (6) a.m. on a National holiday and/or any other State recognized holiday.
- b) All items shall be removed from the premises at the close of the final business day of said holiday and in compliance with weekend holiday advertising as described above.
- c) A holiday advertising package may include no more than three (3) of the following items:
 - 1. Balloons;
 - 2. Yard signs - 3 yard signs count as 1 item;
 - 3. Pennants - 3 sets count as 1 item;
 - 4. Streamers - 3 sets count as 1 item;
 - 5. Bunting - 3 sets count as 1 item;
 - 6. Flags (Flags used for this purpose shall be separated by a minimum distance of at least twenty feet (20-ft));
 - 7. ~~Tethered inflatable 3-d object setback at least 100-ft from the road frontage may be located at each street frontage;~~ One tethered inflatable three dimensional (3-D) object, **the maximum height shall be no more than fifty feet (50-ft)**, and shall be setback at least one hundred (100-ft) from the property line; or,
 - 8. One promotional banner not to exceed ~~twenty feet (20)~~ **sixteen square feet (16 sq. ft.)** in size may be located at each street frontage.

33-6 Signs prohibited in all districts.

The following signs are prohibited in all districts:

- (a) *Prohibited placement:* Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole, except the manufacturer's or installer's ID plate shall not exceed five (5) by eight (8) inches in size.
- (b) *Prohibited wording:* Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.
- (c) *Flashing signs prohibited:*
 - (1) *General prohibition:* Signs which contain intermittent illuminations are prohibited.

- (2) *Exceptions:* This subsection does not prohibit the following:
- (a) Signs required for traffic control.
 - (b) Signs which exhibit time, date, temperature, and other customary public information.
 - (c) Signs which contain intermittent illuminations provided the change is less than twelve (12) times per hour.
- (d) *Prohibited sign types:* Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in section 33-5, Subsections (d), (e) or ladder-type signs.
- (e) *Prohibited sign effects:* Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.
- (f) *Billboards and off-premises signs:* Billboards and off-premises signs as defined in this Ordinance.
- (g) *Vehicle advertisement:* Any sign attached to or painted on a vehicle parked adjacent to or on a public right-of-way, thoroughfare, or public parking lot dedicated for public use for the principal purpose of advertising.
- (h) *Illuminated tubing:*
- (1) *General prohibition:* Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.
 - (2) *Exception:* This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.
 - (3) *Grandfather clause:* Any illuminated tubing located within the corporate limits prior to the enactment of this Ordinance is hereby grandfathered, provided however, that a permit for which no charge will be made is obtained for the illuminated tubing prior to the date upon which the next City of Daphne business license is due. Upon obtaining such permit, the business shall be granted "legal nonconforming" status as described in section 33-4, subsection (a), and shall be

subject to the restrictions and provisions for loss of legal nonconforming status as set forth in section 33-4, subsection (b).

33-7 Maintenance and removal of signs.

- (a) *General maintenance requirement:* All signs shall be maintained in good condition and appearance. The code enforcement officer, after due notice in writing to the owner, may remove, at the owner's expense, any sign which shows neglect or which appears abandoned, dilapidated, or dysfunctional, or an area of a distance ten (10) feet around such sign that is not kept free of weeds, rubbish, debris, or uncut grass, and maintained in compliance with city standards.
- (b) *Vacation of premises:* Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee with three (3) months of the time of vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does 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.
- (c) *Public right-of-way:* The code enforcement officer shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the city, or which is in violation of any of the provisions of this Ordinance.
- (d) *Penalty for violation:* The erection or maintenance of any sign in violation of this Ordinance is a misdemeanor and shall be subject to the penalties set forth in Article XXXXV, Penalties and Remedies.

33-8 Traffic control devices on private property.

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof. In addition, the owner shall meet the requirements of Code of Ala. 1975, § 32-5-31(a), with respect to local authorities in their respective jurisdictions.

33-9 Municipal identification or directional signage.

- (a) *Criteria:* That in any business park, office park, commercial park, and/or municipal facility, as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:
 - (1) That information/directional signs shall be permitted at locations as more specifically referenced herein, subject to prior licensing approval by the code enforcement officer;

- (2) That information/directional signs may be placed at a primary entrance to such business park, office park, commercial park, and/or municipal facility;
- (3) That information/directional signs may be placed on public right-of-ways, on public places, and/or private property which private property may be common area servicing the business park, office park, or commercial park located within the park;
- (4) That each information/directional sign may be single or double faced, and shall not exceed fifteen (15) feet in total height from ground level, which height shall include the city's identification logo with color to match to the existing logo at the top of the sign.

Such information/directional sign shall not have a total area in excess of fifty (50) square feet, excluding the city logo and shall not contain more than twelve (12) eight-inch panels, with each panel to be six (6) feet long. Each individual directional sign panel shall not include the city's identification logo. Each information/directional sign shall be appropriately landscaped with circumference of not less than three (3) feet around the base of the sign with bedding and appropriate seasonal planting.

- (5) That each individual information/directional sign panel shall list only those users located within such business park, office park, commercial park, and/or municipal facility and shall be designed to provide directional assistance to travelers or otherwise only to identify users located within such business park, office park, and/or commercial park.
- (6) That the city shall have final approval for the location, material, content, color, and design of the signs and individual panels, whether the information/directional sign is located on public or private property.
- (7) That when the informational/direction sign is to be located on public property, the city shall be responsible for the erection, operation, content, and maintenance of each sign. The city may impose fees and enter into such written agreements for one-year intervals with interested businesses for the construction, installation and maintenance of such information/directional sign.
- (8) That when the informational/direction sign is to be located on private property, all costs for construction, installation, design, and maintenance shall be incurred by the applicant.
- (9) That information/directional signs shall not be considered a sign of any user, including users who own the land upon which the information/directional sign is located for purposes of determining the maximum number of signs, as otherwise

permitted under section 33-11, Schedule of permitted sign requirements, of this Ordinance.

- (10) That such information/directional signs shall not be located in such a manner as to materially impede the view of any street or highway intersection, nor shall such sign be located so as to prevent free ingress or egress from any door or window for a fire escape route.

(b) *Issuance of permits and approval:*

- (1) That the city clerk's office and/or code enforcement officer shall establish suitable forms and documentation to authenticate the issuance of such permit as approved by the city from time-to-time. Such permit for the placement of such sign shall be for a one-year interval subject to renewal annually from the initial issuance with the permitting to be re-approved by the city council.

The city may deny the re-issuance of the information/directional sign permit should the sign and surrounding landscaping not be maintained in a satisfactory fashion during the preceding year.

- (2) That should a private owner of such sign allow the sign or landscaping to become in disrepair or to otherwise be unkempt, the code enforcement officer shall provide the permitted owner thirty (30) calendar days written notice to correct the deficiency to the satisfaction of the code enforcement officer. Should the permitted owner not complete the remedial work within thirty (30) calendar days, the city may upon thirty-day notice thereafter revoke the permit of the owner and order the removal of the sign. Should the owner fail and/or refuse to remove the sign after the thirty-day time period, the city may enter upon the real property where the sign is situated for the limited purposes to effectuate the removal of the sign, and the cost incurred by the city for removal shall be taxed against applicant.

(c) *Sign construction:* All signage utilized in accord with the provisions of this Ordinance, shall be constructed in accordance with the following:

That all upright posts shall be eight (8) inches by eight (8) inches treated wood, embedded in the ground a minimum of four (4) feet, surrounded by a minimum circumference of six (6) inches of three thousand (3,000) psi concrete.

- (1) That all two (2) inches by twelve (12) inches treated wooded wooden cross supports shall be pinned together and routed into the eight (8) inches by eight (8) inches wooden posts, and then lag bolted into each post from the outside.

- (2) That the city logo panel shall be constructed of sand blasted sign foam and painted pursuant to the standard color scheme of the logo.
- (3) That all wooden posts and cross supports shall be painted black in color.
- (4) That each individual sign panel shall be white plastic with appropriate colored lettering selected by the user.

33-10 Permitted signs.

The following signs may be erected or constructed upon the issuance of a sign permit from the Code Enforcement Officer and shall comply with any structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

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The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

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

- (a) *Property owners association:* Signs conveying information regarding association activities and/or the use of common areas and other amenities of an incorporated property owners association may be permitted subject to approval of the planning commission.

Such signs shall be of a material and design approved by the planning commission and shall not exceed thirty-five (35) square feet in area nor be greater than six (6) feet in height with changeable copy on no more than two (2) faces. Signs so permitted may be placed at up to a maximum of four (4) locations only within the subdivision on common property owned by the property owners association.

- (b) *Name indication signs:* Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium or planned unit development; office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by right, with planning approval, or special exception in any residential district, are permitted.

Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, and a maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each city street frontage to be served.

Premises classified as "General Business (Shopping Center)" in section 33-11, Schedule of permitted sign requirements, shall be permitted one (1) sign, the area of which shall be determined according to the following formula: one (1) square foot of signage per thousand (1,000) square feet of the building; however, such sign shall not exceed one hundred fifty (150) square feet in area per face, two (2) faces, fifteen (15) feet in width, and a maximum of twenty-one (21) feet in height. Additionally, those so classified shall be permitted one sign not to exceed fifty (50) square feet in area per face, two (2) faces, maximum of twenty-one (21) feet in height. One (1) such sign may be placed perpendicular to each city street frontage to be served, of which is not supporting the larger sign.

Signs permitted under section 33-10 shall require a permit, except as otherwise provided herein.

(c) *Wall-mounted signs:* Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred ~~fifty (350)~~ square feet or ~~thirty (30)~~ percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

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(d) *Menu type signs:* One (1) menu type sign per drive-thru window service not to exceed forty (40) square feet in area or eight (8) feet in height.

(e) *Automobile dealerships:* Automobile dealerships in the sale of the new vehicles shall be subject to the following:

(1) *Numerical limitation:* In addition to the allowed one (1) sign per street frontage, one (1) secondary ground sign per street frontage shall permitted only if two (2) or more automotive product lines (automotive makers) are offered for sale on the premises.

(2) *Area limitation:* The maximum area of the face for a secondary ground sign shall not exceed twenty-four (24) square feet and not higher than ten (10) feet above ground level.

(f) *Gasoline and fuel signs:* Gasoline or other motor vehicle fuel pricing signs, in addition, to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.

(g) Temporary Promotional Banners: a Temporary-promotional banner is a strip of cloth, paper, canvas, or similar material, on which a professionally printed message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped with only such material for a backing for the purpose of advertising or drawing attention to a product, object, facility, activity or idea. A banner may be used to advertise a unique event or special recurring business marketing promo and to be removed upon completion of that event and/or promotion.

1. The temporary promotional banner is not intended to replace a permanent business identification sign nor to circumvent the sign permit application process.
2. A single tenant building and/ or multi-tenant building with individual entrances shall be allowed to utilize a sixteen (16) square foot temporary promotional banner for up to twenty eight (28) days per calendar year. ~~In no case shall there be more than two consecutive 14 day intervals.~~ The business shall acquire a no cost permit from Code Enforcement prior to posting the temporary promotional banner. Said temporary banner use shall not count against any promotional weekend, holiday, or event as allowed by Council.
3. Said banner may be located as follows: attached, connected or tethered to the building façade; or, supported by stakes or other similar devices. No banner may be located in the road right-of-way or alleyway; or located so as to obstruct the view or impede pedestrian or vehicular traffic.

Size:

32 sq. ft. max unless the property is part of a unified development that abuts I 10 and/or a State highway then the max shall be 50 sq. ft.

Time:

No more than 30 days but no less than promotional period

Moved up [1]: (g) - New construction signs:

¶ (1) . *General provision:* Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. ¶

¶ One (1) such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project. ¶

¶ (2) . *Temporary advertising sign:* A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. A temporary sign advertising property for sale in a commercial/industrial (C/I) and all business (B-1, B-2 and B-3) zones, provided the area of each sign shall not exceed sixteen (16) square feet, is non-illuminated and is within the confines of the development. ¶

¶ These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage. ¶

¶ Permits shall be issued for a period of one (1) year. An additional one-year permit may be issued if the code enforcement officer has determined the promotion of the development is active and the temporary sign meets the maintenance requirements in section 33-7. The temporary sign will be removed when a permitted permanent sign is erected. ¶

¶ (3) . *Time limitations and size requirements:* A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from a ground to a height not to exceed ten (10) feet. Said sign may be single or double faced. ¶

(h) Grand Openings, Grand Re-openings, and Conventions Marketing Packages:

Deleted: Conventions and grand openings

- (1) Upon obtaining a permit from the Code Enforcement Officer, one temporary marketing package as described herein is allowed per street frontage for each lot, business or residential development.
- (2) In the event of a grand re-opening of an existing business, a temporary marketing package may be allowed for a duration of fourteen (14) days.
- (3) In the event of a grand opening of a new business, a temporary marketing package may be allowed for a duration of thirty (30) days.
- (4) Any convention marketing shall be on premise and may be on display for a time commensurate with and remain for the duration of the convention.
- (5) A grand opening marketing package may include a combination of five (5) of the following temporary marketing signs:
 - i. One promotional not to exceed thirty two (32 sq. ft.) square feet in size may be located at each street frontage;
 - ii. Promotional flags (shall be separated by at least 20-ft);
 - iii. One tethered inflatable three dimensional (3-D) object, **the maximum height shall be no more than fifty (50-ft) feet, and shall be setback at least one hundred (100-ft) from the property line, and may be located at each street frontage; and,**
 - iv. Three (3) other items from the following list:
 - a. Balloons; or
 - b. Yard signs - three yard signs count as one item;
 - c. Pennants - three sets count as one item;
 - d. Streamers - three sets count as one item; or,
 - e. Bunting - 3 sets count as 1 item.

(i) *Public interest directional signs:* A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting, or public event when authorized by the city council.

Deleted: Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants and streamers for recognizing conventions and grand openings. Said temporary decorations and signs shall be kept in good condition and shall be permitted no more than fourteen (14) days. ¶

(j) *Electronic signs:*

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General prohibition: Electronic signs are prohibited within the corporate limits with the following exception(s):

(1) Electronic Signs For Business or Religious Establishments

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Other business or religious establishments shall be allowed to maintain an electronic sign on premise for the purpose of advertisement for that business or establishment provided that such sign complies with the following provisions.

a. Sign Permit Required

Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation.

b. Prohibited Locations

Electronic signs shall be prohibited in Olde Towne Daphne Overlay, in any residential zone district, except a use permitted by special exception of the Board of Zoning Adjustment (for example a church, hospital, school or similar use) may be permitted subject to Planning Commission approval), in a Mixed Use zone district and off premise.

c. Prohibited Effects

- i. Scrolling or traveling of a message on changeable copy is prohibited.
- ii. Image shall be static, shall not be animated, intermittent, and/or full video. Flashing, strobing, and/or racing shall be prohibited. No sign can be designed or displayed to imitate traffic safety lights and/or signs.
- iii. Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.

- iv. No animation, no sequential messaging, no streaming video, no sound, no sequencing to appear as motion.

d. On Premise digital and/or electronic sign provisions

The following provisions shall apply:

- i. May be incorporated into the body of a monument sign or pylon sign and shall not be placed at any other location on site; shall not exceed sixty percent (60%) of the monument sign or pylon sign face; shall not exceed thirty square feet (30 sq. ft). per sign face and 15 sq. ft. per sign face; and shall be no more than 33% white or similar color.
- ii. Any **monument and/or** pylon sign that incorporates digital and/or electronic signage shall not exceed twelve feet (12-ft) in height.

e. Mode of Operation

The following describes the means in which an electronic sign may operate:

i. Changeable copy

A digital sign shall only display a static image and, there shall not be a transition between messages. A message change may occur once every ~~five (5) minutes~~ **thirty (30) seconds**.

Images and messages must be complete in themselves without continuation in context to the next image or message or to another sign.

f. Brightness

~~Illuminated digital signs shall not emit more than 5,000 nits/foot candle in full daylight and 1000 nits /foot candle between dusk and dawn.~~

- i. All electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. **In no event shall an illuminated digital sign emit more than 5,000 nits per foot candle in full daylight and 1,000 nits/foot candle between dusk and dawn.**

- ii. Settings or interface controlling settings must be made available to Code Enforcement upon request. Settings shall include but are not limited to any settings or schedules related to brightness, luminosity, copy change or other settings which could affect compliance with electronic sign provisions as set forth in this ordinance.
- iii. Regardless of any other requirement, illuminated signs shall not project light that exceeds one tenth (1/10) of a foot candle above the ambient light at any property line bordering any residential zone district.
- iv. Sign must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the city that it is not complying with the standards of this ordinance.

(2) Public entities, limited to the Daphne Civic Center, Recreation, and Library Complex and Schools of the Baldwin County School System shall be allowed to maintain electronic signs on the premises of such entities for the sole purpose of providing (1) information regarding onsite activities or (2) community information of general public interest (i.e.: city council meetings, public service announcements (P.S.A.s), provided, however that such signs comply with the following requirements:

- (a) *Size:*
 - (1) Signs shall be of the monument style.
 - (2) Signs shall not exceed ten (10) feet in height.
 - (3) Sign area shall not exceed fifty (50) square feet.
 - (4) Electronic display area shall not exceed thirty (30) square feet.
- (b) Electronic display method: Information shall be displayed via simple fade in/fade out manner.
- (c) *Time:*
 - (1) Each message must be displayed for a minimum of twenty (20) seconds.

(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 (1) "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of two hundred (200) feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or interstate right-of-way, when 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 two hundred (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 two hundred and fifty (250) square feet of signage.

Said sign shall be no greater than forty (40) feet in height, measured from the finished grade of the property and shall be no greater than twenty (20) feet in width. Any proposed sign to be erected shall be subject to the approval of the planning commission.

- (l) *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, street lamp, or hanging sign style. Said signs shall be limited to thirty (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 five (5) feet, and street lamp style signs shall be no higher than twenty (20) feet, both to be measured from the finished grade. Any proposed sign to be erected shall be subject to the approval of the planning commission.

- (m) Real Estate Builder/Subdivision Directional Signage: Inasmuch as residential developments continue to arise within the city limits, real estate builder advertising signs shall be allowed to be placed at each entrance to the subdivision with a permit from the Code Enforcement Officer and in accordance with the following conditions:

- 1) Each real estate builder/subdivision directional sign shall be located on private property not in the right of way; and,
- 2) The permit for such sign is subject to annual renewal when maintained in good repair; however, all signs shall be removed by the permit holder when no additional lots are available for sale; and,

3) Said sign shall not exceed thirty two square feet (32 sq.ft.). No more than one such sign will be permitted per entrance, and the placement of any additional real estate builder/subdivision directional sign shall be separated by a minimum distance of five hundred feet (500-ft).

33-11 Schedule of permitted sign requirements.

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Zoning District	Type of Use	Max. Area/Face	No. of Faces	Max. Height	Max. No. of Signs Permitted
R-1	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-2	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-3 & R-6(D,G)	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-4 & R-7(A,M,T)	MF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-5	MH Residential	6 sq. ft.	1	6 ft.	1 per premises
B-1	Local Business	50 sq. ft.	1 per premises	21 ft.	1 per street frontage
B-2	General Business	50 sq. ft.	2 per premises	21 ft.	1 per street frontage 2 if premises frontage is greater than 1,000 linear ft.
B-2	General Business (Shopping)	—	2 per premises	21 ft.	1 sq. ft. of signage per 1,000 sq. ft. of floor space for facilities or commercial buildings over 50,000 sq. ft. of floor space. Max. signage of 150 sq. ft. and max. width of sign, 15 ft.

	Center)	50 sq. ft.	2 per premises	21 ft.	1 per street frontage, which is not supporting the larger sign.
B-3	Professional Business	30 sq. ft.	2 per premises	10 ft.	1 per street frontage
C/I	Commercial/Industrial	50 sq. ft.	2 per premises	21 ft.	1 per street frontage

33-12 Fees.

Fees for each permitted sign under sections 33-10 and 33-11 shall be as specifically enumerated in Article XXXIV, entitled the Schedule of Fees.

OLDE TOWNE DAPHNE DISTRICT SIGN PROVISIONS

14-11 Signage.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

- (a) Nonconformance: Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the conditions and prohibitions set forth in the provisions of Article XXXIII, Sign Provisions.
- (b) Single-use building (A commercial building with one (1) commercial tenant): Signs indicating the name of a business or retail use permitted in this district with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

- (c) Multi-use building (A commercial building which houses more than one commercial tenant): Signs indicating the name of a business or retail use permitted in this district with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district within a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

- (d) Fees: Signs permitted under this article shall require a permit as more specifically enumerated in Article XXXIII, Sign Provisions. Fees for each permitted sign are specifically enumerated in Article XXXIV, Schedule of Fees.

THE VILLAGE OVERLAY DISTRICT SIGN PROVISIONS

36-10 - Signage.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

(a) *Nonconformance*: Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of Article XXXIII, Sign Provisions.

(b) *Single-use building (A commercial building with one (1) tenant)*: Signs indicating the name of a business or retail use permitted in this district with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) *Multi-use building (A commercial building which houses more than one (1) commercial tenant)*: Signs indicating the name of a business or retail use permitted in this district with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this district with a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten (10) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) *Fees:* Signs permitted under this article shall require a permit as more specifically enumerated in Article XXXIII, Sign Provisions. Fees for each permitted sign shall be as more specifically enumerated in Article XXXIV, Schedule of Fees.

ESTABLISHMENT OF EASTERN SHORE PARK SIGN PROVISIONS

37-15 - Sign provisions.

- A. *Signs prohibited in this district.* The following signs are prohibited:
- (a) *Prohibited placement:* Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer's or installer's ID plate shall be permitted, provided that such plate does not exceed five (5) by eight (8) inches in size.
 - (b) *Prohibited wording:* Any sign which is not a traffic control sign and uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.
 - (c) *Flashing signs prohibited:*
 - (1) *General prohibition:* Except as otherwise provided below, flashing signs, signs which contain intermittent illuminations and digital LED signs/reader boards are prohibited.
 - (2) *Exceptions:* This subsection does not prohibit the following:
 - (a) Signs required for traffic control; and,
 - (b) Signs which exhibit time, date, temperature, and other customary public information.
 - (d) *Prohibited sign types:* Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Article XXXIII, Sign Provisions of the Land Use Ordinance, ladder-type signs, billboard signs or off-premises signs. "Billboard" is defined as "an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located." "Off-premises sign" is defined as "a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located."
 - (e) *Prohibited sign effects:* Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.
 - (f) *Illuminated tubing:*
 - (1) *General prohibition:* Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.
 - (2) *Exception:* This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

- B. *Permitted signs.* The following signs are permitted, subject to review by the planning commission to determine compliance with the sign criteria provided below in this subsection B. and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

- (a) *Monument and pylon signs:* Except as otherwise provided in these district regulations, the following monument and pylon signs are permitted in the district.
- (b) *District interstate pylon sign:* The developer/owner is permitted to install and maintain one (1) pylon sign at or near the Northeastern boundary of the district. This sign is permitted to have panels for multiple businesses in the district, provided that the panel space on each side of the district interstate pylon sign shall not exceed one thousand two hundred (1,200) square feet in the aggregate and no individual panel shall have more than three hundred and fifty (350) square feet or less than one hundred and fifty (150) square feet per side. The height of the interstate pylon sign shall not exceed one hundred and twenty (120) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the planning commission.

The sight line study shall consider the topographical elevation of the location of the district interstate pylon sign, the obstruction to the sign panels by trees and the Interstate 10 overpass at the northeast corner of the district, so as to insure that the top panel on the sign is visible traveling in both directions on Interstate 10.

Each lot in the district which borders Interstate 10 and either (A) has at least five hundred (500) front feet on Interstate 10, or (B) is located at the intersection of Interstate 10 and Alabama Highway 181, shall be permitted one (1) pylon sign at or near said lot's common boundary with Interstate 10.

Permitted individual lot interstate signs are not to exceed fifteen (15) feet in width, or forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the district which border Interstate 10, other than those described immediately above, may not have such an individual lot pylon sign without a variance from the board of zoning adjustments.

- (c) *Development signs:* One (1) sign is permitted on Alabama Highway 181 and one (1) sign on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the district. Each sign shall not exceed thirty (30) feet in height.

- (d) *Monument signs:* Each lot having frontage on Alabama Highway 181, U.S. Highway 90, or any other public road or right-of-way within or abutting the district shall be permitted to have one (1) monument sign for each public road right-of-way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or boulevards. The permitted sign shall not exceed fifty (50) square feet per face if the lot's frontage on the public road right-of-way is three hundred (300) feet or less, and shall not exceed one hundred (100) square feet per face if the lot's frontage on the public road right-of-way exceeds three hundred (300) feet. All monument signs shall have a pedestal and shall not exceed twenty-one (21) feet in height (including the pedestal).

No sign which qualifies under this definition shall be construed to have any supportive structure and/or structural elements of the sign bearing no advertising matter that would be exempt from calculating the square footage dimensions of the sign. The entire dimensions of the monument itself shall be computed for the maximum square footage per face allotted.

- (e) *Directional signs:* Directional signs shall be permitted at the intersection of all roads in the district. Directional Signs shall not exceed sixteen (16) square feet per face.
- (f) *Wall-mounted signs:* Each establishment in a shopping center or each business premises in B-1, Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of ~~four hundred~~ (400) square feet or ~~forty~~ (40) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.

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In the Eastern Shore Park District each establishment which borders Interstate 10 may acquire an additional permit for an interstate-side wall mounted sign not to exceed fifty (50%) percent of the wall mounted sign on the surface frontal area of the building. 'Interstate-side' shall be deemed the side parallel to or predominately facing Interstate 10.

A business establishment with over forty thousand (40,000) square feet of building area may have on (1) additional wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use or name identification.

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses or name identification. No business establishment can have more than three (3) wall-mounted signs.

- (g) *Menu type signs:* One (1) menu type sign per drive-thru window service not to exceed forty (40) square feet in area or eight (8) feet in height.
- (h) *Automobile dealerships:* Automobile dealerships in the sale of the new vehicles shall be subject to the following:
 - (1) *Numeric limitation:* Each lot on which an automobile dealership operates shall be permitted the following:
 - (a) One (1) monument sign for each new automobile manufacturer line of cars offered on the lot, together with one (1) monument sign for used cars, if the same are for sale on the lot; and,
 - (b) Lots operated as automobile dealerships and have a common boundary with Interstate 10 are permitted to have one (1) pylon sign as provided in section 37-15.B above of these district regulations.
 - (2) *Height limitation:*
 - (a) The monument signs shall not exceed twenty-one (21) feet in height; and,
 - (b) Any pylon sign for lots adjoining Interstate 10 North shall not exceed forty-five (45) feet in height.
- (i) *Gasoline and fuel signs:* Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the district.
- (j) *New construction signs:*
 - (1) *General provision:* Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

- (2) *Temporary advertising sign:* A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.
 - (3) *Temporary promotional banners:* Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.
- (k) No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the code enforcement officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications may be necessary to fully advise and acquaint the code enforcement officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the code enforcement officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

THE RESIDENTIAL HIGH RISE CONDOMINIUM DISTRICT SIGN PROVISIONS

38-6 Sign provisions.

Signs shall be restricted to monument style signs. See Article XXXIII, Sign Provisions. The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

JUBILEE RETAIL OVERLAY DISTRICT PROVISIONS

39-16 - Sign provisions.

- (a) Signs prohibited in the Jubilee Retail Overlay District: The following signs are prohibited:
- (1) Prohibited placement: Any sign erected or painted upon a sloped roof, fence, tree, stand pipe, fire escape, or utility pole is prohibited, except that a manufacturer's or installer's identification (ID) plate shall be permitted, provided that such plate does not exceed five (5) by eight (8) inches in size.
 - (2) Prohibited wording: Any sign which is not a traffic control sign and uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs is prohibited.
 - (3) Flashing signs prohibited:
 - (a) General prohibition: Except as otherwise provided in subsection (b) (1) below, flashing signs, signs which contain intermittent illuminations and digital LED signs/reader boards are prohibited.
 - (b) Exceptions: This subsection does not prohibit the following:
 1. Signs required for traffic control; and,
 2. Signs which exhibit time, date, temperature, and other customary public information.
 - (4) Prohibited sign types: Portable signs, bench signs, snipe signs, sandwich signs, except as allowed in Article XXXIII, Sign Provisions, ladder-type signs, billboard signs or off-premises signs. "Billboard" is defined as "an off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located." "Off-premises sign" is defined as "a billboard or other sign on which any portion thereof relates to a premises (or activities thereon) other than the property on which said sign is located."
 - (5) Prohibited sign effects: Signs which produce sound, noise, cause interference with radio, telephone, television or other communication transmission, produce or reflect motion pictures; emit visible smoke, vapor, particles, odor, are animated, or produce any rotation, motion, or movement.
 - (6) Illuminated tubing:
 - (a) General prohibition: Illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building are prohibited.

- (b) Exception: This prohibition shall not apply to temporary displays erected in connection with holiday decorations and community decorations.

(b) Permitted signs:

The following signs are permitted, subject to review by the planning commission to determine compliance with the sign criteria provided below in this and further subject to the requirement that permitted signs shall have internal illumination only.

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article VIII, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty (80) percent in lieu of the standard rate of one hundred (100) percent.

- (1) Monument and pylon signs: Except as otherwise provided in these district regulations, the following monument and pylon signs are permitted in the district.

- (2) Jubilee Retail Overlay District pylon sign:

- (a) The developer/owner or designee thereof is permitted to install and maintain one (1) on-premises pylon sign on their development at a location approved by the planning commission. This sign is permitted to have panels for multiple businesses in the district, provided that the panel space on each side of the Jubilee Retail Overlay District Interstate pylon sign shall not exceed nine hundred (900) square feet in the aggregate and no individual panel shall have more than two hundred and fifty (250) square feet or less than one hundred and fifty (150) square feet per side.
- (b) The height of the Jubilee Retail Overlay District Interstate pylon sign shall not exceed ninety (90) feet and shall be determined based on a sight line study obtained by the developer/owner and approved by the planning commission as justification for the proposed height and to insure that the top panel on the sign is visible while traveling in any direction on Interstate 10.

The sight line study shall consider the following:

- a. The topographical elevation of the location of the Jubilee Retail Overlay District Interstate pylon sign;
- b. Any obstruction to the sign panels by trees, other signs, structures or items along Interstate 10.
- (c) Any lot in the district which abuts Interstate 10 and either has at least two hundred (200) feet along the right-of-way of Interstate 10, or is located at the intersection of the Interstate 10 ramp/right-of-way and Highway 90, shall be permitted one (1) individual lot interstate pylon sign at or near said lot's common boundary with Interstate 10.

- (d) Permitted individual lot interstate signs shall not exceed fifteen (15) feet in width, or forty-five (45) feet in height, and shall have a maximum area of three hundred (300) square feet per face. Lots in the Jubilee Retail Overlay District which border Interstate 10, other than those described immediately above may not have an individual lot interstate pylon sign unless approved as a variance by the board of zoning adjustment.
- (3) Shopping center or development signs: One (1) sign is permitted on U.S. Highway 90 identifying the development. Each side may also have panels beneath the development identification not exceeding one hundred and fifty (150) square feet each for multiple businesses within the district. No sign shall exceed twenty-one (21) feet in height or fifteen (15) feet in width.
- (4) Monument signs: Each lot having frontage on U.S. Highway 90, or any other public road or right-of-way within or abutting the district shall be permitted to have one (1) monument sign for each public road right-of-way which the lot abuts. The sign shall be placed perpendicular to the said highways and/or right-of-way. If the lot's road frontage is three hundred (300) feet or less, then the permitted sign area shall not exceed fifty (50) square feet per face. If the lot's road frontage exceeds three hundred (300) feet then the permitted sign area shall not exceed one hundred (100) square foot per face. All monument signs shall have a pedestal. The sign shall not exceed fifteen (15) feet in height, pedestal included.
- (5) Directional signs: Directional signs shall be permitted at the intersection of all roads in the Jubilee Retail Overlay District. Directional signs shall not exceed sixteen (16) square feet per face.
- (6) Wall-mounted signs: Each establishment/business premises under sixty-five thousand (65,000) square feet of building area in B-1, Local Business and B-2, General Business districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of four hundred (400) square feet or forty (40) percent of the surface frontal area of the building. Each establishment sixty-five thousand (65,000) square feet of building area or larger may acquire a permit for wall mounted signage of a size not to exceed six and one-half (6.5) percent of the surface frontal area of the building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.
- (a) Side surface area wall-mounted signage: A business establishment sixty-five thousand (65,000) square feet of building area or more may have two (2) additional wall-mounted signs of a size not to exceed five (5) percent of the surface area of the side of the building. Said signage shall be limited to one (1) side of the building, either the left or right side or the rear of the building.
- (b) Accessory use advertisement wall-mounted sign: A business establishment between forty thousand (40,000) square feet of building area to one hundred thousand (100,000) square feet of building area may have one (1) additional

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wall-mounted sign of a size not to exceed one hundred (100) square feet for the purpose of advertising an accessory use.

A business with over one hundred thousand (100,000) square feet of building area may have two (2) additional wall-mounted signs of a size not to exceed one hundred (100) square feet each for the purpose of advertising accessory uses. No business establishment may have more than three (3) wall-mounted signs.

- (7) Menu type signs: One (1) menu type sign per drive-thru window service shall not exceed forty (40) square feet in area or eight (8) feet in height.
- (8) Gasoline and fuel signs: Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other applicable sign requirements for the Jubilee Retail Overlay District.
- (9) New construction signs:
 - (a) General provision: Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress may be permitted. One (1) such sign, no greater than ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.
 - (b) Temporary advertising sign: A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, and is within the confines of the development. These signs shall be the height no greater than ten (10) feet mounted from the ground, for no more than one (1) sign, either single or double faced, per street frontage.
 - (c) Temporary promotional banners: Two (2) temporary signs or banners not exceeding fifty (50) square feet each in area and temporary decorative flags, bunting, pennants and streamers for recognizing grand openings are permitted. Said temporary banners shall be kept in good condition and shall be permitted no more than fourteen (14) days. Furthermore, decorative seasonal banners are permitted on light standards at all times, provided that the same are maintained in good condition.

Repeal Ordinance 1989-04 in its entirety

Deleted: CHAPTER 14 - OFFENSES AND MISCELLANEOUS PROVISIONS ARTICLE III. - POLITICAL SIGN CONTROL ¶

Sec. 14-40. - Purpose.¶

The purpose of this article is to establish rules and regulations for sign control during political campaigns. ¶

(Ord. No. 1989-04, § 1, 3-20-89) ¶

Sec. 14-41. - Enactment.¶

The city, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents, to ensure equal opportunity to political candidates during the election process, and to maintain the beauty and natural attraction of the local environment, hereby ordains and enacts into law a sign control ordinance applicable to political campaigns. The requirements of this article shall be supplementary to any other ordinances, rules and regulations of the city and the state currently in force and effect. ¶

(Ord. No. 1989-04, § 2, 3-20-89) ¶

Sec. 14-42. - Authority.¶

This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84. ¶

(Ord. No. 1989-04, § 3, 3-20-89) ¶

Sec. 14-43. - Applicability.¶

Political signs are exempt from the permit requirements of the land use and development ordinance of the city, but are subject to the regulatory controls of this article. ¶

(Ord. No. 1989-04, § 4, 3-20-89) ¶

Sec. 14-44. - Painting on or attaching to public property, or utility property.¶

Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, or stand pipe; nor attached to any city, county, state or federal roadway marker, directional sign or informational sign. ¶

(Ord. No. 1989-04, § 4.1, 3-20-89) ¶

Sec. 14-45. - Attaching to business or commercial establishment signs.¶

Political signs shall not be attached to any existing identification, announcement or pricing sign for any business or commercial establishment. ¶

(Ord. No. 1989-04, § 4.2, 3-20-89) ¶

Sec. 14-46. - Impeding traffic.¶

Political signs shall not be located in such a manner as to materially impede the view of any street or highway intersection or to adversely affect ingress or egress from parking lots or driveways. ¶

(Ord. No. 1989-04, § 4.3, 3-20-89) ¶

Sec. 14-47. - Districts in which authorized, nonilluminated.¶

Two (2) nonilluminated political signs per lot or parcel may be placed on private property in any zoning district in the city. ¶

(Ord. No. 1989-04, § 4.4, 3-20-89) ¶

Sec. 14-48. - Maximum size in residential districts.¶

Political signs in residential districts shall not exceed four (4) square feet in area or four (4) feet in height. ¶

(Ord. No. 1989-04, § 4.41, 3-20-89) ¶

Sec. 14-49. - Maximum size in business, commercial and industrial districts.¶

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