

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, ALABAMA
MARCH 3, 2014
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Timothy Conaway with Restoration Place Church

3. APPROVE MINUTES: Council meeting minutes / February 17, 2014

- PUBLIC HEARINGS:**
1. Amending the Land Use & Development Ordinance /
Revisions to Zoning Map
 2. Amending the Land Use & Development Ordinance /
Sign Provisions

4. REPORT STANDING COMMITTEES:

- A. **FINANCE COMMITTEE** - Conaway
- B. **BUILDINGS & PROPERTY COMMITTEE** - Davis
- C. **PUBLIC SAFETY** - Rudicell
- D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Scott
- E. **PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. **Board of Zoning Adjustments** – Adrienne Jones
BZA Member List
- B. **Downtown Redevelopment Authority** – Conaway
Review minutes / February 19th
- C. **Industrial Development Board** – Davis
- D. **Library Board** - Lake
- E. **Planning Commission** – Scott
- F. **Recreation Board** - LeJeune
- G. **Utility Board** - Fry

6. REPORTS OF OFFICERS:

- A. **Mayors Report**
 - a.) Approve ABC License / Boudreaux’s Bar and Grill / 020 – Restaurant Retail Liquor
- B. **City Attorney’s Report**
- C. **Department Head Comments**
- D. **City Clerk Report**
 - a.) Parade Permit / Christ the King Respect for Life / Walk / April 12, 2014
 - b.) Parade Permit / Prodissee Pantry / 5K & 1 Mile Fun Run / October 25, 2014
 - c.) Parade Permit / Bayside Medical / 5K & 1 Mile Fun Run / September 20, 2014

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

NO RESOLUTIONS TO CONSIDER

ORDINANCES:

2ND READ

- a.) **Randall Avenue Resurfacing Project. /Ordinance 2014-07**

1ST READ

- a.) **Regulating Construction Best Management Practices for Residential Dwellings and Other Land Disturbance within the City of Daphne. /Ordinance 2014-08**
- b.) **Regulating Illicit Discharge to the City of Daphne’s Municipal Storm Drain System. /Ordinance 2014-09**
- c.) **Amending the Land Use & Development Ordinance / Revisions to Zoning Map. /Ordinance 2014-10**
- d.) **Amending the Land Use & Development Ordinance / Sign Provisions. /Ordinance 2014-11**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT___	ABSENT___
COUNCILMAN RUDICELL	PRESENT___	ABSENT___
COUNCILMAN LAKE	PRESENT___	ABSENT___
COUNCILMAN SCOTT	PRESENT___	ABSENT___
COUNCILMAN LEJEUNE	PRESENT___	ABSENT___
COUNCILMAN DAVIS	PRESENT___	ABSENT___
COUNCIL PRESIDENT FRY	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**FEBRUARY 17, 2014
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

Council President Fry called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor from Celebration Church gave the invocation

COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Richard Merchant, Building Official; Adrienne Jones, Community Development Director; David McKelroy, Recreation Director; Mike Hinson, Finance Director; Tonja Young, Library Director; David Carpenter, Police Chief; Vickie Hinman, HR Director; Angie Phillips, Revenue Officer; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority; Larry Cooke, BZA; Willie Robison, BZA.

Absent: Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

February 3, 2014 Council meeting minutes

There were no corrections to the February 3, 2014 council meeting minutes, and stand approved as written.

February 10, 2014 Council Work Session minutes

There were no corrections to the February 10, 2014 Council Work Session minutes, and stand approved as written.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The minutes for the February 10th meeting are in the packet.

Treasurers Report / January 31, 2014 / \$10,666,989

Sales & Use Tax Collections / December 31, 2013 / \$1,299,075.20

Lodging Tax Collections / December 31, 2014 / \$39,122

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

The minutes for the February 3rd meeting are in the packet.

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C. PUBLIC SAFETY COMMITTEE – Rudicell

The minutes for the February 12th meeting are in the packet. The next meeting will be March 12th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The minutes for the February 12th meeting are in the packet. The next meeting will be March 12th after the Public Safety meeting. They considered several ordinances regarding illicit discharge and best practices which the city prosecutor and municipal judge will review and then the ordinances will be on the March 3rd agenda for a first read.

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met today. There were 17 new residential customers for garbage and one new business customer for garbage. The next meeting will be March 17th at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMITTSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The December 5, 2013 minutes are in the packet along with an update on the previous meeting. There will be a meeting in March with one application for a variance.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be Wednesday, February 19th 5:30 p.m. in the Executive conference room.

C. Industrial Development Board – Davis

The next meeting will be February 24th at 6:00 p.m.

D. Library Board – Lake

The Library received a \$5,000 LSTA grant and was used to purchase e-books. The teen program will be hosting classes on yoga and healthy cooking.

E. Planning Commission – Scott

MOTION BY Councilman Scott to set a Public Hearing date for March 17, 2014 to consider amendments to Amendments to the Sign Provisions and approve advertising notice of Public Hearings. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

The Site Preview meeting is Wednesday at 8:30 a.m., and the regular Planning Commission meeting is Thursday, February 27th at 5:00 p.m.

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F. Recreation Board – LeJeune

No report.

G. Utility Board – Fry

The next meeting is February 26th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor’s Report

No report.

B. City Attorney’s Report

No report.

C. Department Head Comments

Margaret Thigpen – Civic Center Director – reported there will be an open house tomorrow, and Mardi Gras season has started, and the paving of the parking lot at Bayfront has been completed.

David McKelroy – Recreation Director – reported on the soccer shoot out in which 54 teams will be playing and 25 of the teams are from outside the city. Spring sports has started, and Daphne High School basketball team is in the regionals.

Richard Johnson, Public Works Director, thanked everyone that participated in the Arbor Day tree giveaway. The Daphne Beautification group volunteered. They gave away a lot of trees. Friday the AML parade starts at 6:45 p.m. Main Street from Whispering Pines down to College Avenue will be shut down for the parade. Shadow Barons will parade March 1st, and the LOFT parade will be Sunday, March 2nd and will roll at 2:29 p.m.

City Clerk Report – Rebecca A. Hayes

Mrs. Hayes reported that she and the Assistant City Clerk will be traveling to Tuscaloosa tomorrow and will be back Friday evening. They will be attending the Municipal Clerk Certification Training at the University of Alabama.

7. PUBLIC PARTICIPATION

Mrs. Dorothy Morrison – Daphne – thanked the Fire Department for saving her house from the brush fire that got out of control that was started by her neighbor.

Ms. Taylor Warner – Warner Drive - invited everyone to come out for the Lupus Walk March 15th.

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Mrs. Holly LeJeune – Lake Forest – spoke in favor of the proposed Lodging Tax ordinance for parents in the audience. The city needs ball fields and tennis courts. She encouraged council to spend the money for recreation and make it the best on the Eastern Shore.

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel - spoke in opposition to the proposed Lodging Tax Ordinance.

Mr. Chuck Cuff – regional manager for the Hampton Inn – thanked Margaret Thigpen and David McKelroy for the meetings with the area hotels which helps them to understand things happening in Daphne. He would like to see the budget, marketing plans and how the funds will be spent. They want to be included and support how things are run.

Mr. Willie Robison – 560 Stuart Street - spoke in favor of recreation. He is concerned that council will not leave all the money in one account, and spread the funds out.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Bid Award: Glass Crushing Machine / Compact Concrete Crushers. /Resolution 2014-09**
- b.) **Approving Bonds for the Special Care Facilities Financing Authority. /Resolution 2014-10**

MOTION BY Councilman Scott to wave the reading of Resolutions 2014-09 and 2014-10. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolutions 2014-09. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

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1ST READ

- a.) **Randall Avenue Resurfacing Project. /Ordinance 2014-07**

ORDINANCE 2014-07 WAS A 1ST READ

9. COUNCIL COMMENTS:

Mayor Haygood said he will look into getting new microphones for Public Participation so they will not have to be giving instructions on how to use the microphones. He mentioned the Governor will be in town at the Daphne United Methodist Church at 7:00 pm. on Wednesday, February 26th. There has been a lot of talk about recreation, and new facilities, and he thinks that is an area of focus. The council has made that a priority, and they sought out a funding source, and he knows that may not be popular with all, but it is certainly a way to foster a sense of community that they have here in Daphne. You go out to those fields tonight and there is soccer practice, and you will see those being heavily utilized. He has made it a point to go every weekend for the last six weeks to see what is happening, and even when he is not aware of certain events that are going on the city always has a strong presence, and a large number of people using those. They are either the city's residents or people that are visiting the community. He wants all of them to have a great user experience when they are here in the City of Daphne. Recreation is one of the few areas where they can foster the sense of community, and the interaction that really helps form the city's identity. They have talked about this extensively in the strategic plan meetings in terms of what the city's identity is for the City of Daphne, and they all agreed that family oriented is number one. Family oriented typically implies youths, and at the end of the day our youth is the vitality, and the future of Daphne. He wants to say that not only are they going to be committed to making sure that these funds are spent wisely, prudently and expand recreation, but also that the level of quality improves. The city has facilities that gets the job done, but as Mr. LeJeune referred to Daphne as the largest city in Baldwin County, and it is time they start acting like it, and be a leader in the county. He doesn't feel that Daphne has taken the lead on a lot of issues in the past. He sure hopes they can be proud of every aspect of the city, every employee that represents the city and every facility. The last thing he will touch on is the interaction with the hospitality sector saying he thinks it has opened some dialogue. He has had conversations, even today, with multiple people involved in hotel management. There has been some great dialogue, but the need for marketing and promoting the City of Daphne is out there, and that is something council has heard from him, but he is also glad they are hearing it from other industry sectors within the community. He hopes they continue that dialogue, and he hopes they can work together to make sure that council is successful, and that the rest of the City of Daphne is successful, and that at the end of the day he thinks that there is a mutually successful opportunity, and he hopes they embrace that, and hopes

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that they all work together well to make sure that this was a good decision that everyone will look back on in years to come.

Councilman Lake complimented Public Works, The Beautification Committee and Daphne Utilities for the Arbor Day celebration. He said it was a fantastic event.

Councilman Scott asked Mr. Johnson about the paving on north Main Street. Mr. Johnson said the bid will be let in May and will start late June. It is a 45 day project. It will go all the way down to the hotels. Mr. Scott reminded everyone that the S.E.E.D.S. 5K run is March 1st and encouraged folks to sign up to run.

Councilman LeJeune said that Mardi Gras is here, and his family enjoys the parades in Daphne. He said the parades start this Friday.

Councilman Davis complimented Chief White and his staff's response to a medical emergency. A lady told him that she and her husband were in a restaurant over the weekend, and a gentleman got into trouble, and they called 911, because the gentleman was having a heart attack. This lady made it a point to talk about not only the response time, the professionalism, and what the city's fire staff did to help the gentleman, and it did not surprise him a bit, and he asked Chief White to pass this along to his staff, and that they do not take this for granted, and a thank you for the training and leadership. On the marketing issue he went by the Chamber of Commerce, and he found 16 pieces of marketing material talking about the area, and short of the city having any other marketing material, that is kind-of what the city has. Nowhere on these is Daphne the primary word. Daphne is one of three. There is nothing wrong with being one of three, but the city needs to have their own sales team as far as he is concerned. Daphne population according to the 2010 zip code census is 27,466, and 2013 estimate is 29,252. He is here telling them that part of one of the city's neighbor's zip code population has about a couple of thousand of the city's people, because of an anomaly in regards to the community that he lives in known as TimberCreek, and he will try to work to resolve this problem. He enjoyed meeting the people of the lodging business, and wants to meet with them on a fairly regular basis, because they are part of their constituency, and the things they need are the things the city needs. As they work better together, and communicate better this will put Daphne in a better position. The IDB when set up in 1974 was about smoke stacks, and the industries now are not smoke stack driven, and there are literally all kinds of things like lodging, retail, professional and IT, and all kinds of things. He wants Daphne to be in a position that when the county leaders or state leaders thinks of a town and they reach back to draw an arrow he wants it to be Daphne's arrow they pull out. It will not be hard to do that, but they do have to move forward and not wait for these things to happen, for the city needs to make them happen for themselves.

Council President Fry thanked Public Works, Daphne Beautification Committee and Daphne Utilities that helped with the Arbor Day tree giveaway. He thought it was excellent, and there

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was a good crowd that came out for the program. He appreciates those who pitched in to help. He congratulated Mrs. Conaway on the end of her stint as interim principal for Orange Beach. She is a dedicated school principal who gives her time to continue to help the school system in a pinch. That is true dedication.

10. ADJOURN:

MOTION BY Councilman Lake to adjourn. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:35 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Rebecca A. Hayes,
City Clerk

Randy Fry,
Council President

PUBLIC HEARING

MARCH 3, 2014

TO CONSIDER:

- 1. Amending the Land Use & Development Ordinance /
Revisions to the Zoning Map**
- 2. Amending the Land Use & Development Ordinance /
Sign Provisions**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: January 27, 2014

MEMORANDUM

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the zoning map.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, February 3, 2014 to set the public hearing for Monday, March 3, 2014.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Map Six-Month Report (Copy Attached)
2. Zoning Map (Display - Posted in Council Chambers)

Courier Legals

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk
PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-
Zoning District Map
Revision to the City of Daphne
Land Use and Development
Ordinance

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-

Courier Legals

54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I:
ZONING DISTRICT MAP

Courier Legals

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H Exhibit "A", Ordinances No. 2011-73 and 2012-19, 2012-54, 2013-11 and 2013-55 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III:
EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED
BY THE CITY COUNCIL OF THE
CITY OF DAPHNE, ALABAMA
ON THE DAY OF
2014.

Dane Haygood
 Mayor

ATTEST:
 Rebecca A. Hayes,
 City Clerk

EXHIBIT "A"

ZONING & STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution).

- During this period the City limits remain 16.62 sq. miles.
- The city has not accepted additional roads or rights of way for maintenance.
- Twenty one new lots have been created in the City.
- Ninety seven (97) acres have been zoned for future residential development.
- Over 17 acres (17.9) have been zoned for future non-residential development.

Instrument	Approval	Action	Size
Rezoning			
Ordinance 201340	08/05/13	Rezone B-2 to R-6(G)	97.49 acres
Ordinance 201362	11/18/13	Rezone R-2, B-2 to B-1	11.78 acres
Ordinance 201363	11/18/13	Rezone R-3 to B-2	5.2 acres
Street Acceptance			
none			
Subdivisions—Probate	Date of PC Approval	New lots created (from original lot)	Corporate Limits?
Slide Number	Recorded after last map revision		
2483-A	03/28/13	1	Yes
TC Com. Ph, NW Quad, Road, R2483A			

**SECOND NOTICE
OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on February 7, 2014, that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

**PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-
Zoning District Map**

**Revision to the City of Daphne
Land Use and Development
Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

/END SYNOPSIS

The Courier
February 14, 2014

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H Exhibit "A", Ordinances No. 2011-73 and 2012-19, 2012-54, 2013-11 and 2013-55 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2014.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance,
Various Articles related to the **Sign
Provisions**

Date: January 27, 2014

At the January 23, 2014, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion to set forth a **favorable recommendation** carried of the above-mentioned revision to the Land Use and Development Ordinance.

You will receive an Ordinance form the City Attorney's office. Upon receipt of said documentation, place on the City Council agenda of Monday, February 3, 2014 to set the public hearing for Monday, March 3, 2014, and secondarily for March 17, 2014, if Council deems appropriate.

Thank you,
ADJ/jv

cc: file

Courier Legals

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Sign Provisions. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO. 2014-
AN ORDINANCE TO
AMEND THE CITY OF
DAPHNE'S LAND USE AND
DEVELOPMENT
ORDINANCE**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission meeting on the

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menu items, daily specials, upcoming events or to advertise sales or bargains.

Advertising statutory sign. Any sign which is modeled or a sculptured likeness of an animate or inanimate object intended to be used as an advertising device. This would include an imitation, representation, or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric which for advertising or identifying purposes is erected on or attached to the ground. See also Three-Dimensional (3-D) sign or emblem.

Ambient light. Light existing on all sides encompassing.

Banner, Event. A banner containing a sign or message regarding a public event or a season of celebration.

Banner, Neighborhood. A banner containing a sign or message identifying the neighborhood association or non-profit educational institution within a neighborhood where they are located.

"Coming Soon" sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as "coming soon."

Decorative street banner. A banner which is mounted on street light poles or utility poles on privately owned property. The purpose of which is to (1) advertise on-premise or (2) promote projects of community or civic or regional fairs or celebrations or special events, seasonal or holiday decorations, or projects of community organizations or other public events, that may be of interest to the entire City.

Digital sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Electronic sign.

Electronic sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Digital sign.

Foot candle. A unit for measuring illumination that equals one lumen per square foot.

Courier Legals

ORDINANCE, ARTICLE 33, SECTION 5, SIGN FOR WHICH NO PERMIT IS NEEDED, AS FOLLOWS:

2.01---ADD WORDS SHOWN AS UNDERLINED:

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.

2.02---DELETE SUBSECTION (E) TEMPORARY PROMOTIONAL SIGN ALLOWANCE FOR COMMERCIAL AND RETAIL ESTABLISHMENTS:

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

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: (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 six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and/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 number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply. Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags). Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

2.03---DELETE SUBSECTION (F) POLITICAL SIGNS AS FOLLOWS:

(f) 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.

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:

(f) New construction signs

the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.

b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said 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 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:

Courier Legals

a. Ground sign: commercial/industrial (C/D) 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 of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.

c. Wall sign: A 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.

2.06---DELETE 33-5(f) 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.

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:

(f) New construction signs

the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.

b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said 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 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: commercial/industrial (C/D) 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 of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.

c. Wall sign: A 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.

**SECOND NOTICE
OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on February 7, 2014, that the City Council of the City of Daphne will hold a Public Hearing on March 3, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance / Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

**PROPOSED ORDINANCE:
CITY OF DAPHNE
ORDINANCE NO. 2014-
AN ORDINANCE TO AMEND
THE CITY OF DAPHNE'S
LAND USE AND
DEVELOPMENT
ORDINANCE**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission meeting on the 19th day of December, 2013 to gather input from the public regarding the Sign Committee's recommendations; and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission

CITY OF DAPHNE

ORDINANCE NO. 2014-_____

AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission meeting on the 19th day of December, 2013 to gather input from the public regarding the Sign Committee's recommendations, and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 3, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION 1.0---AMEND ORDINANCE 2011-54, THE LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 8, DEFINITION OF TERMS TO ADD TERMS AND DEFINITIONS AS FOLLOWS:

A-frame sandwich sign. 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.

Advertising statuary sign. Any sign which is modeled or a sculptured likeness of an animate or inanimate object intended to be used as an advertising device. This would include an imitation, representation, or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric which for advertising or identifying purposes is erected on or attached to the ground. See also Three-Dimensional (3-D) sign or emblem.

Ambient light. Light existing on all sides: encompassing.

Banner, Event. A banner containing a sign or message regarding a public event or a season of celebration.

Banner, Neighborhood. A banner containing a sign or message identifying the neighborhood association or *non-profit* educational institution within a neighborhood where they are located.

"Coming Soon" sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as "coming soon."

Decorative street banner. A banner which is mounted on street light poles or utility poles on privately owned property. The purpose of which is to (1) advertise on-premise or (2) promote projects of community or civic or regional fairs or celebrations or special events, seasonal or holiday decorations, or projects of community organizations or other public events, that may be of interest to the entire City.

Digital sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Electronic sign.

Electronic sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Digital sign.

Foot candle. A unit for measuring illumination that equals one lumen per square foot.

Luminosity. The quality or state of being luminous: brightness.

New construction sign. A sign for new construction, renovation or expansion of an existing building as specified herein.

Nit. A nit is a measurement of light emissions and surface area.

Promotional tent. Any tent that is sited within a development which is customized to contain characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.

Sign walker(s). A person who wears, holds, or balances a portable sign, or who wears a commercial logo or other identification on shirts, hats and other apparel that conveys a commercial advertisement message to vehicular traffic.

Three dimensional (3-D) logo sign or emblem. Any 3-dimensional form shaped into a work of art, fountain, sculpture, or similar object that is sited within a development which does either of the following: contains characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises. See also advertising statuary sign.

**SECTION 2.0---AMEND LAND USE & DEVELOPMENT ORDINANCE,
ARTICLE 33, SECTION 5, SIGN FOR WHICH NO PERMIT IS NEEDED, AS
FOLLOWS:**

2.01---ADD WORDS SHOWN AS UNDERLINED:

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.

2.02---DELETE SUBSECTION (E) TEMPORARY PROMOTIONAL SIGN ALLOWANCE FOR COMMERCIAL AND RETAIL ESTABLISHMENTS:

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

~~The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: (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 six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and/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 number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply. Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags). Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.~~

2.03---DELETE SUBSECTION (F) POLITICAL SIGNS AS FOLLOWS:

~~(f) 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.~~

2.04---RECLASSIFY RESIDENTIAL REAL ESTATE SIGNS AS SUBSECTION (e) AS FOLLOWS:

~~(d)---(e) Residential real estate signs~~

(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.

**2.05---INSERT COMMERCIAL REAL ESTATE SIGNS UNDER
SUBSECTION (d) AS FOLLOWS:**

(d) Commercial real estate signs

(1) On Undeveloped Property

- a. A 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.)~~, sixteen (16 sq. ft.) square feet, ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.
- b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said 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 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 of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.
- c. Wall sign: A 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.

2.06---DELETE 33-5(f) 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.~~

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:

(f) New construction signs

(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 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, either single or double faced, is allowed for each street frontage.

In the event that such premises abuts Interstate 10 right-of-way, said 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) Construction site identification sign. A 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) "Coming Soon" sign. An 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 Advertising Signs. 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.

(5) A 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. An under construction, "coming soon" or name identification sign may be placed on premise after receiving a permit from the Code Enforcement Officer and approval of a building permit from the Building Official or a new or amended business license from the Revenue Officer, as applicable and shall be removed upon issuance of a certificate of occupancy or upon final inspection of the Building Official, as applicable, but no later than the first day of the grand opening of the facility.

2.08---REPEAL *ORDINANCE 1989-04* (AN EXISTING CITY ORDINANCE AND INCORPORATE SAID LANGUAGE INTO SIGN PROVISIONS).

2.09---INSERT POLITICAL SIGNS AS SUBSECTION (g) AND RE-NUMBER EACH SUBSEQUENT SUB HEADERS AS FOLLOWS:

(g) Political Signs

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. This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84. The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

- (1) Applicability. Political signs are exempt from the permit requirements of the land use and development ordinance of the City.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Districts in which authorized, non-illuminated. Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any zoning district in the City.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.

(11) Same—Removal by City. Any sign found not to be in compliance with the requirements of this article may 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.

(g) (h) Flags:

(h) (i) Directional Signs and Symbols:

(i) (j) Memorial Signs and Historical Markers:

(j) (k) Professional, Announcement or Occupational Signs:

2.10--AMEND 33-5 TO DELETE TEMPORARY PROMOTIONAL BANNER AND ADD TEMPORARY PROMOTIONAL SIGNS AS FOLLOWS:

(o) Temporary promotional Banner-signs:

~~One temporary promotional banner in compliance with Section 33-5, Signs Prohibited in All Districts, no greater than twenty (20) square feet may be attached to and parallel to the face of the building wall for a period, not to exceed thirty (30) calendar days. (See Article 8, Definition of Terms, Temporary Use).~~

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.

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 located on premise on private property.

(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-type signs, sign walkers, 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. 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. One promotional banner not to exceed sixteen (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. One tethered inflatable three dimensional (3-D) object as prescribed in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables; or,
 8. One promotional banner not to exceed sixteen square feet (16 sq. ft.) in size may be located at each street frontage.

2.11---AMEND 33-5 TO ADD SUBSECTION (p) SMALL PROMOTIONAL TENTS AS FOLLOWS:

p. Small Promotional Tents:

Promotional tents may also be known as either outdoor pop-up tent, tent sign promotion, branded promotional tent, branded outdoor pop-up tent, branded tent sign promotion, logo, promotional, marketing, branding, open air tent or stand. A small promotional tent is equal to or less than one hundred forty-four (144) square feet in area and may be allowed without obtaining a permit from the Code Enforcement Officer. Promotional tents exceeding this size shall not be erected until a permit has been issued by the Code Enforcement Officer in accordance with the provisions in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables.

2.12---AMEND 33-5 TO ADD SUBSECTION (q) DECORATIVE STREET BANNERS AS FOLLOWS:

q. Decorative Street Banners:

- i. One decorative street banner may be placed on each light standard (ex. light pole or street lamp) on any school or religious campus, business park, office park, retail shopping center and/or commercial park, provided that the same are maintained in good condition. Said decorative street banner must be posted on-premise on private property and shall not advertise products, goods or services.
- ii. Each decorative street banner shall be no more than thirty (30) inches in width or sixty (60) inches in length, must be professionally produced and made of canvas, vinyl, nylon or cloth material, and must maintain a minimum clearance of twenty (20) feet from the land below.
- iii. Only the City of Daphne shall have the right to post a street banner upon a public right of way.

SECTION 3.0---SIGNS PROHIBITED IN ALL DISTRICTS.

3.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SECTION 6, SIGNS PROHIBITED IN ALL DISTRICTS, SUBSECTION (d) PROHIBITED SIGN TYPES AS FOLLOWS:*

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.~~ Portable signs; bench signs; snipe signs; ladder-type signs; sign walkers; and, sandwich signs, except as allowed in Section 33-5, Subsection (o)(3).

SECTION 4.0---PERMITTED SIGNS.

4.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10 PERMITTED SIGNS.*

4.02---ADD TO INTRODUCTORY PARAGRAPH AS FOLLOWS:

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.

4.03---AMEND 33-10 (b) FORMATTING TO CREATE SUBSECTION HEADERS TO EXISTING LANGUAGE AS FOLLOWS:

Name indication signs:

- 1.** 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.
- 2.** 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.
- 3.** 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.

4.04---AMEND 33-10 (b) TO ADD SUBSECTION 4 AS FOLLOWS:

- 4.** One three-dimensional logo sign or emblem may be used in lieu of the above mentioned freestanding name identification sign except for establishments with multiple City street frontages. Such sign is prohibited in a multi-tenant arrangement or general business (shopping center). Any off-premise 3-D logo sign(s) and advertising statuary sign(s) shall be prohibited.
 - a.** The maximum height shall not exceed four (4) feet and the maximum area shall not exceed sixteen (16) square feet. The supporting pedestal or base shall not exceed a height of two (2) feet or a width of four (4) feet. Where allowed, one (1) such sign may be placed perpendicular to each City street frontage to be served. In the event that the business has multiple street frontages, one three-dimensional logo sign or emblem may be utilized on one frontage and a freestanding sign may be placed additional road frontages. The minimum setback of which shall be no less than fifteen (15) feet from the nearest property line.

- b. Measuring three-dimensional logo sign or emblem. Three-dimensional or irregularly-shaped signs shall be measured by determining the surface area of the face of a minimum imaginary rectangle parallel to the plane of view that completely encloses all of the extremities of the largest side of the sign, excluding its supports. The rectangle shall enclose the extreme limits of each word and written representation, including any series of letters, emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

4.05---AMEND 33-10 (b) TO ADD SUBHEADING TO EXISTING LANGUAGE AS FOLLOWS:

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

Amend 33-10 (c) Wall-mounted signs as follows:

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 (300) square feet or twenty (20) percent~~ 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.

4.06---MOVED (g) NEW CONSTRUCTION SIGNS TO 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED SUBSECTION (F).

4.07---ADDED (g) PROMOTIONAL BANNERS, LARGE PROMOTIONAL TENTS AND TETHERED 3-DIMENSIONAL INFLATABLES LANGUAGE AS FOLLOWS:

(g) Promotional Banners: a 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 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 promotional banner for up to

twenty eight (28) days per calendar year. The business shall acquire a no cost permit from Code Enforcement prior to posting the 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 facade; 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. A plot plan showing the proposed location of the banner and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
4. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred-forty four square feet (144 sq. ft.) in area are exempt from these provisions.
5. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
6. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

4.08---AMEND 33-10 (h) CONVENTIONS AND GRAND OPENINGS AS FOLLOWS:

~~(h) Conventions and Grand Openings: 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.

Grand Openings, Grand Re-openings, and Conventions Marketing Packages:

1. Upon obtaining a permit from the Code Enforcement Officer, one 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 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 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 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,
 - 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.

SECTION 5.0---ELECTRONIC SIGNAGE.

5.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (j)

ELECTRONIC SIGNS FOR BUSINESS OR RELIGIOUS ESTABLISHMENTS AND CREATE SUBSECTIONS 1 AND 2 AS FOLLOWS:

(j) Electronic signs:

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

(1) Electronic Signs for Business or Religious Establishments

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 and Landscaping Required

- i. **Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation. No electronic or digital sign shall be considered properly installed unless associated landscaping has been implemented in accordance with a landscape plan approved by the Director of Community Development.**
- ii. **A landscape plan designed by a qualified professional shall be submitted to the Department of Community Development prior to or at the same time as the sign permit application is submitted to the Code Enforcement Officer. Disapproval of the landscape plan may result in disapproval of the sign permit or a delay in approval thereof. Any disapproval of a landscaping plan expressly associated with the installation of an electronic or digital sign shall be appealed to the Board of Zoning Adjustment.**
- iii. **Any landscaping expressly associated with a permit application for a digital or electronic sign shall include at least the following items:**
 - a. **A minimum of two (2) understory (medium) trees (3) inches in caliper and eight (8) feet in height at planting to be planted on each side of the monument sign post. It is recommended that trees be obtained from a licensed source.**
 - b. **Multi-stemmed understory trees shall be a minimum of ten (10) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourth (¾) inches. Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. On-site trees of adequate size**

may be credited toward these requirements if said trees provide adequate aesthetic value to the landscaping.

- c. Foundation planting shall be placed at the base of monument sign. Shrubs shall be a minimum of three (3) gallons at planting, but should be of a variety that will not grow to obstruct view of the sign. These include, but are not limited to the following: Ligustrum, Indian Hawthorn, Tree Yaupon and Camellia. Ground cover planting shall be established with pots sized four inches or greater. Grass shall be composed of solid sod. Seed and mulch shall not be accepted.

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 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.
- ii. Any monument sign that incorporates digital and/or electronic signage shall not exceed twelve feet (12-ft) in height. No pylon sign shall be permitted to incorporate digital and/or electronic signage as such is prohibited in the City of Daphne.

(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 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

- 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 6,000 (six thousand) nits per foot candle in full daylight and 300 (three hundred) 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:

SECTION 6.0--- REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNS.

6.01 AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10* ADD SUBSECTION (m) REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNAGE AS FOLLOWS:

(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).

SECTION 7.0---EASTERN SHORE PARK AND JUBILEE RETAIL OVERLAY.

7.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 37, EASTERN SHORE PARK OVERLAY, SECTION 15, SIGN PROVISIONS SUBSECTION B. PERMITTED SIGNS* AS FOLLOWS:

(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 ~~three hundred fifty (350) square feet or thirty (30) percent~~ 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.

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.

7.02---AMEND TITLE OF SUBSECTION (j).

(j) New construction signs Temporary Signage

7.03---ADD SUBSECTION (j)(4) AS FOLLOWS:

(4) Large promotional tents and tethered 3-d inflatables:

- i. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than 144 square feet in area are exempt from these provisions.
- ii. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
- iii. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

**7.04---LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 39,
JUBILEE RETAIL OVERLAY, SECTION 16, SIGN PROVISIONS AMEND
AS FOLLOWS:**

Subsection (b) Permitted signs

(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 ~~three hundred fifty (350) square feet or thirty (30) percent~~ four hundred (400) square feet or forty (40) percent of the surface frontal 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.

**7.05---AMEND SUBSECTION (b) PERMITTED SIGNS AMEND TITLE OF
SUBSECTION (9) AND ADD LANGUAGE AS FOLLOWS:**

(9) ~~New Construction~~ Temporary Signage

(d) Large promotional tents and tethered 3-d inflatables:

- i. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred forty-four square feet (144 sq. ft.) in area are exempt from these provisions.
- ii. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and

public right-of-way shall accompany the permit application.

- iii. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

SECTION 8.0 SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 9.0 EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 10.0 REPEALER

All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**REPORT
OF
STANDING COMMITTEES**

**REPORT
OF
SPECIAL BOARDS**

To: Becky, Hayes, City Clerk
From: Adrienne Jones, Director Community Development
Subject: BZA Membership & Officers
Date: February 24, 2014

MEMO

Listed below are the current BZA members, their term end dates and the recently Elected Officers.

Regular Board Members

Chairman	Term Ends
Willie Robison	November, 2016
Vice Chairman	
Larry Cooke	May, 2016
Frank Lamb	March, 2014
Billy Mayhand	March, 2014
Philip Durant	July, 2015

Alternates

William Scully	May 2016
Thomas Warner III	May 2016

□

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET, DAPHNE, AL
February 19, 2014**

COMMITTEE MINUTES

Members Present: Casey Zito, Debbie Strahley, Dayna Oldham, Dorothy Morrison, Kennard Balme, Council Member Tommie Conaway

Absent: Doug Bailey, Patricia Vanderpool

Also Present: Christine Ciancetta, Deputy Finance Director; Council Member Pat Rudicell

Casey Zito called the meeting to order at 5:37 pm

1. Approval of Minutes:

Chairwoman Zito requested an amendment to the minutes to strike Dayna Oldham from the list of individuals absent from the December meeting.

Motion: to approve the minutes from the January 22, 2014 meeting. **Moved by Dorothy Morrison, second by Debbie Strahley.**

Carried unanimously.

2. Treasurer's report

Christine Ciancetta reported the amounts due to the DRA from the City from the October, November, and December portions of the lodging tax as \$2419.10, \$2,195.65, and \$1,956.13 respectively for a total due of \$6,570.88. The DRA generally agreed to continue receiving funds on a quarterly basis.

Chairwoman Zito reported that the DRA currently had \$106,829.40 on hand.

Additionally, Ms. Ciancetta reported that the increased 2 percent funding from the Lodging Tax will begin in April 2014 and collected in May.

Motion: to approve the Treasurer's Report as given. **Moved by Debbie Strahley, second by Dorothy Morrison.**

Carried unanimously.

3. Beautification report

Dorothy Morrison first reported that attendance at the annual Arbor Day festival was good, with attendees from Daphne, Spanish Fort, and Fairhope.

She also announced that Bob Hopkins of Keep Mobile Beautiful would be attending the February Beautification Committee meeting as a guest speaker to inform the members about the Keep Beautiful City national designation.

4. Christmas purchases

The DRA reviewed pricing materials given for a Christmas star for the outdoor Christmas tree set up annually at City Hall.

Motion: to appropriate up to \$300 for the purchase of a star to be used on the City Hall outdoor Christmas Tree. **Moved by Debbie Strahley, second by Dayna Oldham.**

Carried unanimously.

5. Discussion: Meeting at Bayfront Pavilion

Chairman Zito read information regarding the DRA's desire to designate funds for the improvement of Bayfront Pavilion. She shared that Bayfront was under certain regulations that limited the dollar amount in upgrades that could be done to the building on an annual basis.

The DRA generally conceded to holding the next meeting at Bayfront Pavilion on March 26, 2014 at 5:30 pm.

6. Other business discussed

Councilman Pat Rudicell addressed the DRA, informing the members regarding various proposed recreational projects that would affect the downtown area. He suggested that the DRA be in contact with the Recreation Board and other entities to see what impact these projects would have on the downtown area and what input and assistance the DRA could provide.

Next meeting: March 26th at 5:30 pm.

The meeting was adjourned at 7:00 pm.

**REPORT
OF
OFFICERS**



To: Anita
Fax: 671-6904

Kristie
~~671-3597~~
Detectives
Fax: 671-3094

CASE NO. 2014-1

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>2-24-14</u>	(initial) <u>aa</u>
DATE FORWARDED TO POLICE DEPT.	<u>2-24-14</u>	<u>aa</u>
DATE RECEIVED BY POLICE DEPT.	<u>2-24-14</u>	<u>JH</u>
DATE: APPROVED <input checked="" type="checkbox"/>	DISAPPROVED <input type="checkbox"/>	
POLICE DEPT SIGNATURE	<u>[Signature]</u>	
DATE RETURNED TO REVENUE DIV.	<u>2-24-14</u>	<u>JH</u>
DATE FORWARDED TO CITY CLERK	<u>2-25-14</u>	<u>aa</u>
DATE RECEIVED BY CITY CLERK	<u>2-25-14</u>	<u>RH</u>
SCHEDULED DATE ON AGENDA	_____	_____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER OR TO ABC FIELD OFFICE: _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140220090210730



Type License: 020 - RESTAURANT RETAIL LIQUOR State: \$300.00 County: \$400.00
Type License: State: County:
Trade Name: BOUDREAUXS BAR AND GRILL Filing Fee: \$50.00
Applicant: BOUDREAUXS BAR AND GRILL LLC Transfer Fee:
Location Address: 29249 US HWY 98 DAPHNE, AL 36526
Mailing Address: 29249 US HWY 98 DAPHNE, AL 36526
County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:
Sale of Products Containing Ephedrine: NO Type Ownership: LLC
Book, Page, or Document info: BOOK 1436104 PAGE 6 Do you sell Draft Beer:
Date Incorporated: 01/03/2014 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 01/03/2014 Alabama State Sales Tax ID: SLS-R008772411

Name: Title: Date and Place of Birth: Residence Address:

DARCY BELL SYMES 6398994 - AL	MEMBER	11/09/1954 MANHASSET, NY	31193 WAKEFIELD DR SPANISH FORT, AL 38527
AARON CRAIG BRANT 6486907 - AL	MEMBER	11/16/1979 MOBILE, AL	124 LAKE FORREST BLVD DAPHNE, AL 36528
MICHAEL AARON GERONEMUS 7821735 - AL	MEMBER	03/18/1979 FORT LAUDERDALE, FL	117 LAKE FOREST BLVD DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: AARON BRANT
Business Phone: 561-309-2566
Fax:

Home Phone: 251-379-5544
Cell Phone: 251-379-5544
E-mail: BRANTRM@YAHOO.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: COMPLEAT ANGLER
Applicant: RGB SPANISH FORT LLC

Previous License Number(s)
License 1: 020-001656402
License 2:



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION Confirmation Number: 20140220090210730



Initial each

AB

In reference to law violations, I attest to the truthfulness of the responses given within the application.
In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

AB

In reference to ACT No. 80-528, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

AB

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

AB

In reference to the Club Application Information, I attest to the truthfulness of the responses given within the application.

AB

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

AB

In accordance with Alabama Rules & Regulations 20-X-5-01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

AB

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

AB

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Aaron Craig Brant

Signature of Applicant: [Handwritten Signature]

Notary Name (print): Betty G. Dean

Notary Signature: [Handwritten Signature]

Commission expires: 1/10/2015

Application Taken: 2/20/2014 App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20140220090210730



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

What is the applicant(s) primary source of funding?: SAVINGS

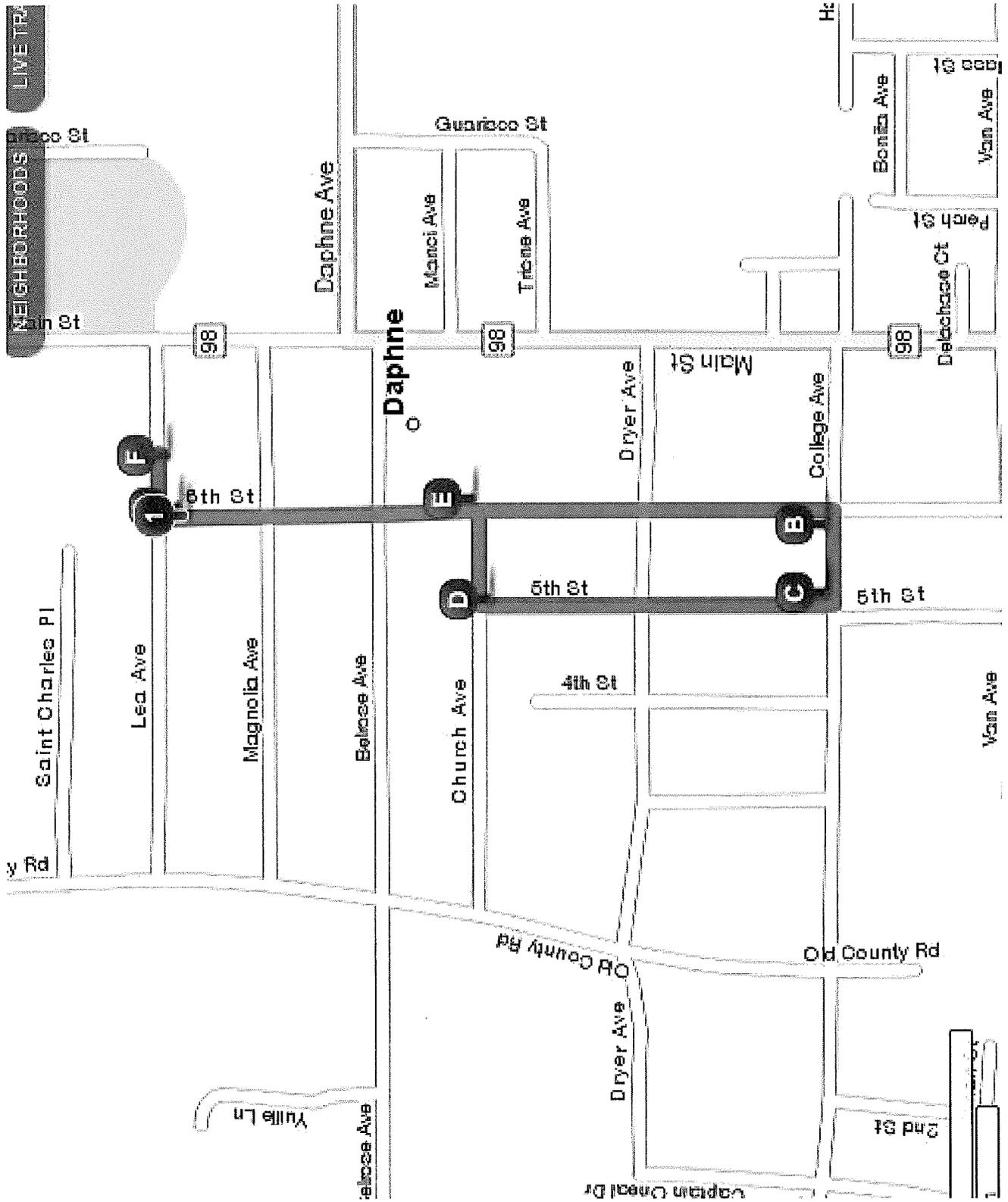
Is the lessor involved in any way with the alcohol beverage business?: RETAIL SALES THROUGH HIS GAS STATION

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Christ the King Catholic Church Respect for Life Committee</i>
CONTACT PERSON:	<i>Kathy White</i>
ADDRESS:	<i>711 College Avenue, Daphne, AL 36526</i>
PHONE NUMBER (HOME):	<i>251-626-2342 church office</i>
PHONE NUMBER (BUSINESS):	<i>251-625-4554 Kathy home</i>
CELL NUMBER:	<i>251-680-9624 Kathy cell</i>
E-MAIL ADDRESS:	<i>buildthewhiteway@hotmail.com</i>
TYPE OF PARADE:	<i>Annual Pilgrimage</i>
DATE OF PARADE:	<i>April 12, 2014</i>
ROUTE TO BE TRAVELED:	<i>From CTK to Shrine of the Holy Cross</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>75 people, no cars</i>
START TIME:	<i>8:30 am</i>
STOP TIME:	<i>9:30 am</i>
ASSEMBLY AREA/STREET:	<i>Porch of CTK</i>
ASSEMBLY TIME:	<i>8:30 am</i>
SPECIAL INSTRUCTIONS:	<i>Will only be walking on sidewalks</i>
DATE APPLIED:	<i>2/13/2014</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: 3-03-14	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION	

**CITY OF DAPHNE
PARADE PERMIT**

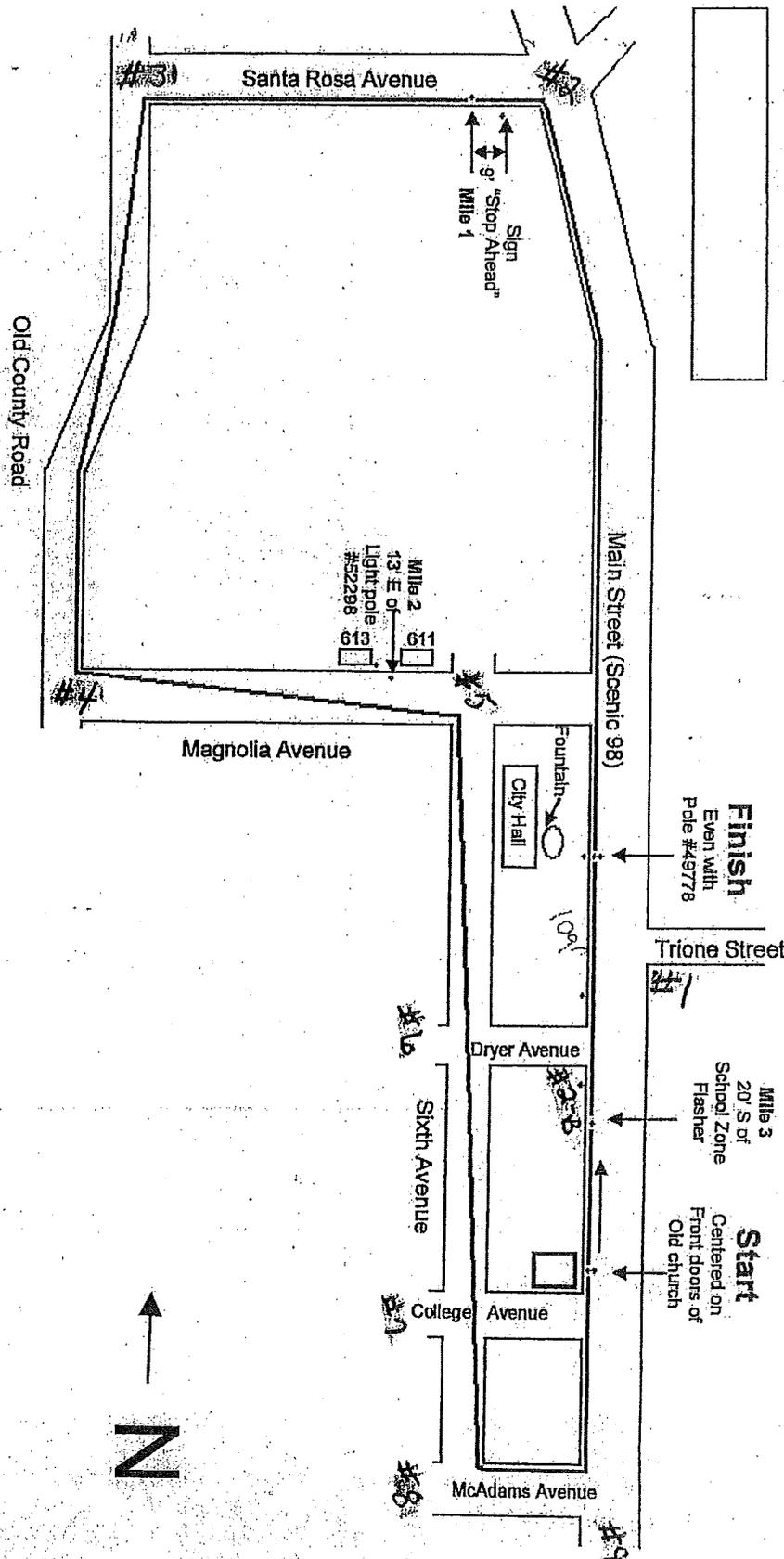
ORGANIZATION:	<i>Prodisee Pantry (Baldwin County's largest Non-Profit Food Pantry)</i>
CONTACT PERSON:	<i>Karen McVay</i>
ADDRESS:	<i>PO Box 7403 Spanish Fort, AL 36527</i>
PHONE NUMBER (HOME):	<i>251-621-1803</i>
PHONE NUMBER (BUSINESS):	<i>251-626-1720</i>
CELL NUMBER:	<i>251-510-1955</i>
E-MAIL ADDRESS:	<i>office@prodiseepantry.org</i>
TYPE OF PARADE:	<i>5K Race & 1 Mile Fun Run (Fund Raiser for the food pantry)</i>
DATE OF PARADE:	<i>Saturday, 10/25/2014</i>
ROUTE TO BE TRAVELED:	<i>See attached Map (Same route as 2012,2013)</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>1000 Peole</i>
START TIME:	<i>8:00</i>
STOP TIME:	<i>10:00</i>
ASSEMBLY AREA/STREET:	<i>Lott Park</i>
ASSEMBLY TIME:	<i>7:30</i>
SPECIAL INSTRUCTIONS:	<i>Streets Blocked Off</i>
DATE APPLIED:	<i>01/15/2014</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: 3-03-14	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>1-23-2014</i>
NOTIFICATION	



CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Bayside Medical Missions</i>
CONTACT PERSON:	<i>Flor Fellers</i>
ADDRESS:	<i>19195 Scenic Highway 98 Fairhope, AL 36532</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER: E-MAIL ADDRESS:	
TYPE OF PARADE:	<i>5K and 1 Mile fun run</i>
DATE OF PARADE:	<i>September 20, 2014</i>
ROUTE TO BE TRAVELED:	<i>See attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>400 people, 200 cars</i>
START TIME:	<i>8 am</i>
STOP TIME:	<i>12 noon</i>
ASSEMBLY AREA/STREET:	<i>City Hall</i>
ASSEMBLY TIME:	<i>5:45 am</i>
SPECIAL INSTRUCTIONS:	<i>Each year Melvin helps hang the banner; 2 police cars, front and back, as well as needed people.</i>
DATE APPLIED:	<i>February 24, 2014</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: 03-03-14	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION	

Bayside Medical Missions 5K Run
Daphne, Alabama

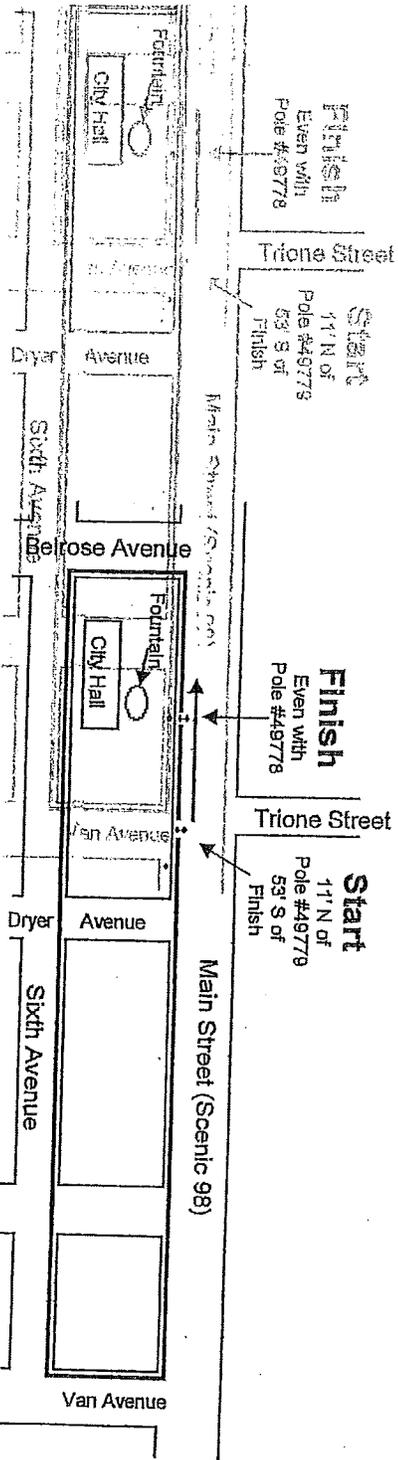
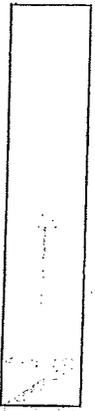


No Diagrams to Scale

Splitters: Marked with green paint.
 Locations are given explicitly on map.
Start and Finish marked with green paint

Measured by Jon Bowle (Daphne, AL 251-209-0887)
 jrbowle@gmail.com
 17 January 2010
 Calibrated on AL08007JD
 Race contact: Denise D'Oliveira (251-505-8777)

Bayside Medical Missions 1 Mile Fun Run
Daphne, Alabama



No Diagrams to Scale

No Diagrams to Scale

Splitters: Marked with green paint.
 Locations are given explicitly on map.
Start and Finish marked with green paint

Splitters: Marked with green paint.
 Locations are given explicitly on map.
Start and Finish marked with green paint

Measured by Jon Bowle (Daphne, AL 251-209-0887)
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 jnbowle@gmail.com
 17 January 2010
 Calibrated on AL08007JD
 Race contact: Denise D'Oliveira (251-605-8777)

RESOLUTIONS

&

ORDINANCES

ORDINANCE 2014-07

Randall Avenue Resurfacing Project

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHEREAS, Randall Avenue needs resurfacing; and

WHEREAS, staff requested quotes for the project; and

WHEREAS, quotes were received for the project with Asphalt Services, Inc. being the low quote for construction - \$38,152 and cost for materials to be purchased by the City - \$42,283 for a total project cost of \$80,435 (*engineering done in-house*).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$80,435 from the Seven Cents Gas Tax and made a part of the Fiscal Year 2014 budget for the Randall Avenue Resurfacing Project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2014-08**

**AN ORDINANCE REGULATING
CONSTRUCTION BEST MANAGEMENT PRACTICES
FOR RESIDENTIAL DWELLINGS AND OTHER
LAND DISTURBANCE WITHIN THE CITY OF DAPHNE**

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety and the general welfare of its citizens to establish regulations for construction best management practices; and

WHEREAS, it is in the best interest of the citizens of the City of Daphne and the continued development of the area to implement satisfactory controls for construction best management practices including but not limited to erosion and sediment controls for residential dwellings and other land disturbance within the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I: TITLE ORD. NO. 2014-__ CONSTRUCTION BEST MANAGEMENT PRACTICES FOR RESIDENTIAL DWELLINGS AND OTHER LAND DISTURBANCE WITHIN THE CITY OF DAPHNE.

SECTION II: JURISDICTION

The provisions of this Ordinance shall apply to all lands within the corporate limits of the City of Daphne.

SECTION III: PURPOSE

The intent of this Ordinance is to provide minimum standards to ensure effective Storm Water Management, drainage management, and construction best management practices for individual residential dwellings and any other activity that results in more than one thousand (1000) square feet land disturbance within the City of Daphne other than activities that would require the issuance of a site disturbance permit from the Community Development Department and the exceptions for land disturbances as noted in Section V.

SECTION IV: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this Ordinance:

1. "ADEM" means the Alabama Department of Environmental Management.

2. "Alabama Handbook" means the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas. A copy of the latest edition can be found on the Alabama Soil and Water Conservation Committee's (ASWCC) web page (www.swcc.state.al.us) .

3. “Best Management Practices” or “BMPs” mean implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to Stormwater and to treat Stormwater to remove pollutants prior to discharge.

4. “Building Inspector” means a City employee who under general supervision, performs technical review of plans and building permit applications for completeness and general compliance to State regulations, model codes and local Ordinances. The building inspector conducts field inspections of building construction, reconstruction and alterations at various stages and at completion to assure compliance with approved plans and specifications.

5. “City” means the City of Daphne, Alabama.

6. “Clearing” means any activity that removes the vegetative surface cover.

7. “Code Enforcement Officer” means the City employee who carries out the City’s code enforcement program whereby individuals in violation of City codes and related regulations are identified, investigated, and corrected utilizing appropriate enforcement measures.

8. “Common Plan of Development or Sale” means any announcement or piece of documentation (e.g., sign, public notice, or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (e.g., boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. Individual lots within a common plan of development are required to acquire ADEM NPDES General Permit coverage for Construction Activity since cumulatively, the lots have potential to disturb more than one acre at a time.

9. “Community Development Director” means the City employee who plans, organizes and reviews the activities and operations of the Community Development Department including planning and community and neighborhood enhancement.

10. “Construction Activity” means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and Silvicultural (forestry) practices.

11. “Construction Best Management Practices Plan” or “CBMP Plan” means a plan that includes research, planning considerations, systems, procedures, processes, activities and practices implemented for the prevention and/or minimization of pollutants in Stormwater to the maximum extent practicable, and collection, storage, treatment, handling, transport, distribution, land application or disposal of construction Stormwater and onsite management of construction waste generated by the Construction Activity, and to comply with the requirements of the City of Daphne.

12. “Erosion” means the process by which land surface is worn away by the action of wind, water, ice and/or gravity.

13. “Final Stabilization” means the application and establishment of the permanent ground cover (vegetative, erosion resistant hard or soft material or impervious structures) planned for the site to

permanently eliminate soil erosion to the maximum extent practicable. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater. Permanent vegetation shall consist of: permanent grasses, planted trees, shrubs, landscaped flower beds, perennial vines; an agricultural or a perennial crop of vegetation appropriate for the region. Final stabilization applies to each phase of construction.

14. "Grading" means excavation or fill of material, including the resulting conditions thereof.

15. "Land Disturbing Activity" means any and all activities which results in more than one thousand (1000) square feet of land disturbance and/or change to the existing storm water drainage characteristics of land.

16. "NPDES" means National Pollutant Discharge Elimination System.

17. "Ordinance" means this ordinance regulating construction best management practices for residential dwellings and other land disturbance within the city of Daphne.

18. "Permittee" means any person who obtains a Land Disturbance Permit from the City of Daphne Building Department.

19. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, solid wastes and other residues that result from constructing a building or structure; and/or noxious or offensive matter of any kind.

20. Priority Construction Site means any site that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code. 335-6-10-.09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code. 335-6-10-.10.

21. "Qualified Credentialed Professional" or "QCP" means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare CBMPPs, to make sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective Stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines,

effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.

22. "Sedimentation" means the process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity.

23. "Silviculture" means the care and cultivation of forest trees; forestry.

24. "Site Containment Inspector" means the City employee who under general supervision, performs technical review of CBMP Plans, Erosion and Sediment Control Plans and land disturbance permit applications for completeness and general compliance to Federal and State regulations, and local Ordinances. The Site Containment Inspector conducts field inspections of permitted land disturbance sites, during construction and at completion to assure compliance with approved plans and specifications.

25. "Stabilize" means the application and establishment of the ground cover (vegetative, erosion resistant hard or soft material or impervious structures) planned for the site to eliminate soil erosion to the maximum extent practicable.

26. "Stormwater" means runoff, accumulated precipitation, process water, and other wastewater generated directly or indirectly as a result of Construction Activity, the operation of a construction material management site, including but not limited to, precipitation, upgradient or offsite water that cannot be diverted away from the site, and wash down water associated with normal construction activities. Stormwater does not mean discharges authorized by the Department via other permits or regulations.

27. "Storm Water Management" means all natural and man-made elements used to convey storm water from the first point of impact within the construction site to a suitable outlet location.

28. "Temporary Stabilize" means the application and establishment of temporary ground cover (vegetative, erosion resistant hard or soft materials or impervious structures) for the purpose of temporarily reducing raindrop impact and sheet erosion in areas where final stabilization cannot be established due to project phasing, seasonal limitations or other project related restrictions.

29. "Wetland" means land where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface (Cowardin, December 1979).

30. "Wetland Delineation" means the act of establishing the boundary between wetlands and uplands (or non-wetlands).

SECTION V: APPLICABILITY & EXCEPTIONS

This Ordinance shall apply to residential dwellings and any other land disturbance activity which disturbs one thousand (1000) square feet or greater within the City of Daphne; and, undertaken by any person on any land within the City of Daphne's city limits except for the following:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
2. Any land disturbance which requires a Right-of-Way Permit from the Public Works Department of the City of Daphne.
3. Existing nursery, agricultural and Silvicultural operations.
4. Any land disturbance activity which has a Site Disturbance Permit from the City of Daphne's Community Development Director or his or her designee.

SECTION VI: PERMIT APPLICATION REQUIRED

1. A permit for residential dwellings and other land disturbance activity which disturbs one thousand (1000) square feet or greater within the City of Daphne shall be required. No person, firm, business or corporation shall engage in any Land Disturbing Activity prior to obtaining a land disturbance permit from the City of Daphne Building Department. Unless the land disturbance permit is issued prior to the building permit, for new construction and additions, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.
2. All applications for land disturbance permits shall be accompanied by a Construction Best Management Practices Plan. It is not required that the CBMP Plan be prepared by a QCP, unless the site is required to have ADEM NPDES General Permit coverage. The plan shall meet all minimum requirements set out in the most current edition of the Alabama Handbook.
3. A permit shall be issued to either the titled owner of the said real property or the permittee charged with the contractual obligation of the Construction Activity. A fee of one hundred dollars (\$100.00) shall be charged and collected by the City of Daphne Building Department for the issuance of the land disturbance permit.

SECTION VII: CONSTRUCTION BEST MANAGEMENT PRACTICES PLAN MINIMUM REQUIREMENTS

For the purposes of this Ordinance, the following are the minimum requirements for the Construction Best Management Practices Plan:

1. Land disturbance that results in a total land disturbance of one acre or greater and sites less than one (1) acre but are part of a Common Plan of Development or Sale shall have permit coverage under the ADEM NPDES Construction General Permit prior to the issuance of the City of Daphne Land Disturbance Permit and/or Building Permit. At a minimum the site's CBMPP shall meet all conditions and qualifications of the General Permit and BMP design should be based on the guidance in the Alabama Handbook.
2. Best Management Practices (BMPs) shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor/or permittee to promptly implement effective BMPs in accordance with the permittee's land disturbance permit and submitted Construction Best Management Practices Plan prior to commencing the Land Disturbing Activity. The permittee shall be solely responsible for ensuring that all BMPs are implemented and maintained for the entire duration of the Land Disturbing Activity. The permittee shall also be solely responsible for ensuring that the BMPs are in

accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook.

3. The permittee shall ensure proper onsite containment and disposal of all construction building materials, supplies, trash, debris, fertilizers, pesticides, herbicides, detergents sanitary waste and any other solid waste.

4. The permittee shall ensure proper onsite containment and disposal of any pollutants resulting from equipment and vehicle washing, concrete, paint and other washout water.

5. The permittee shall minimize the discharge of any pollutants resulting from a spill or leak from, including but not limited to vehicles, mechanical equipment, and chemical or fuel storage.

6. The permittee shall stabilize all construction entrances and exits to minimize off-site tracking of sediment from vehicles.

7. The permittee shall minimize the generation of dust during construction.

8. The permittee shall minimize the disturbance of steep slopes, unless infeasible.

9. The permittee shall minimize the amount of soil exposure and compaction during construction activity.

10. The permittee shall Temporarily Stabilize disturbed areas immediately whenever work toward project completion and Final Stabilization of any portion of the site has temporarily ceased on any portion of the site and will not resume for a period exceeding thirteen (13) calendar days.

11. The permittee shall provide the necessary measures to ensure that drainage structures important to overall Storm Water Management and control are not adversely affected by clearing, grading, or any other land disturbing activities and shall permanently stabilize any right-of-ways disturbed by during construction.

12. All onsite areas disturbed during construction shall be permanently stabilized prior to issuance of a Certificate of Occupancy. Any offsite disturbances shall with land owner permission be permanently stabilized prior to issuance of Certificate of Occupancy.

13. The permittee shall, with property owner permission, remove any offsite sediments from adjacent properties and stabilize any areas disturbed during the removal. If the removal involves streams or wetlands, proper Federal and State permits shall be required prior to removal.

14. Any permitted land disturbance site that has continued compliance issues and/or offsite impacts may be issued a Stop Work Order; ceasing all activity except BMP installation and maintenance. At that time the permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

SECTION VIII: INSPECTION AND MAINTENANCEREQUIREMENTS

For the purposes of this Ordinance, the following are the minimum requirements for the CBMPP Inspections:

1. The permittee shall ensure proper implementation, daily observation, regular inspection and continual maintenance of effective Best Management Practices to prevent offsite impacts and impacts to downstream water quality.

2. In the event the Best Management Practices are found to be in need of maintenance or improvements, the permittee shall commence and implement all necessary maintenance and corrective measures to the Best Management Practices within forty-eight (48) hours of notice unless prevented by unsafe weather conditions.

SECTION IX: SENSITIVE AREA PROTECTION

Sensitive areas within the City that require enhanced environmental protection are listed below:

1. Priority Construction Site: Any Priority Construction Site that is less than an acre with continued compliance issues and/or offsite impacts may be issued a Stop Work Order; ceasing all activity except BMP maintenance. At that time, the permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

2. Streams & Shorelines: During CBMP Plan review, if it is determined that the site may impact State waters or shore lines, the City may require that the permittee have the site evaluated by the state and federal permitting agency to determine whether a state or federal permit will be required to complete site work. If it is determined that a permit will be required, then the permit must be acquired by the prior to issuance of any City permit.

3. Wetlands: During CBMP Plan review, if it is determined that the site may impact potential wetlands, the City may require that the permittee have a Wetland Delineation performed at his or her cost. If a determination is made that the site will impact wetlands then all state and federal permits must be acquired by the prior to issuance of the City's permit.

SECTION X: ENFORCEMENT

Failure comply with any section of this Ordinance is hereby deemed a violation and shall be sufficient cause for the City of Daphne, through either a Building Inspector, Site Containment Inspector or Code Enforcement Officer, to issue an order suspending all work (a "Stop Work Order") on the land disturbing site until satisfactory measures are taken to comply with this Ordinance.

SECTION XI: CRIMINAL PROSECUTION

1. Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00), or imprisonment not to exceed one-hundred and eighty days (180), or both.

2. The City may recover all attorneys' fees court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

SECTION XII: MINIMUM PENALTIES

1. Penalty for Violation-Fines: The following schedule of fines is hereby established by the City pursuant to this Ordinance and the laws of the State of Alabama. In addition to the fines so established, the Defendant shall pay, in addition to such fine amount, any court costs which are in effect at the time of such

violation occurs. If the Defendant elects to plead guilty before a magistrate to a violation of any of the municipal offenses contained herein for which there is a fine set forth in this section, the fine plus applicable court cost shall apply. In lieu of appearing before a magistrate, the Defendant may sign a guilty plea and waiver of trial provision on the municipal offense citation, and deliver the amount of the fine plus applicable court costs to the Clerk of the Municipal Court or mail such amount to the Clerk of the Municipal Court for the City of Daphne at 1502 Highway 98, Daphne, Alabama 36526.

2. Schedule of Fines: Any person found guilty of the provisions of this Ordinance as referenced herein, the minimum fines shall apply as follows:

- a. First Offense \$100.00 Plus Court Cost
- b. All Subsequent Offense Court Appearance, Fines and Court Cost

In addition to the other remedies so provided herein, the City retains the right to bring an action for injunctive relief to require the payment of damages to City properties, including but not limited to streets, and right of ways, resulting from the permittee’s failure to implement and/or maintain construction site BMPs.

SECTION XIII: REPEALER

Ordinance No. 2008-54 is specifically repealed in its entirety and any other Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they conflict.

SECTION XIV: SEVERABILITY

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION XV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ DAY OF _____, 2013.

RON SCOTT,
CITY COUNCIL PRESIDENT
Date & Time Signed: _____

DANE HAYGOOD, MAYOR
Date & Time Signed: _____

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE
ORDINANCE NO. 2014-09**

**AN ORDINANCE FOR REGULATING ILLICIT DISCHARGES TO THE CITY
OF DAPHNE’S MUNICIPAL STORM DRAIN SYSTEM**

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, and the general welfare of its citizens to establish regulations for illicit discharges to the municipal storm drain system; and

WHEREAS, this Ordinance for Regulating Illicit Discharges to the City of Daphne’s Municipal Storm Drain System (this “Ordinance”) establishes methods for controlling the introduction of pollutants into the City’s municipal separate storm sewer system (the “MS4”) in order to comply with requirements of the National Pollutant Discharge Elimination System (the “NPDES”) MS4 Phase II permit process.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I: TITLE ORD. No. 2013-09 “*ILLICIT DISCHARGE ORDINANCE*”

SECTION II: JURISDICTION

The provisions of this Ordinance shall apply to all lands within the corporate limits of the City of Daphne.

SECTION III: PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Daphne through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the NPDES permit process. The objectives of this Ordinance are:

1. To regulate the introduction of pollutants to the MS4 by stormwater discharges by any user.
2. To prohibit illicit connections and discharges to the City’s MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

SECTION IV: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this Ordinance:

1. Authorized Enforcement Personnel: Environmental Programs Manager, Site Containment Inspector, and the Code Enforcement Officer or their designee from the City designated to enforce this Ordinance.
2. Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
3. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
4. City: The City of Daphne, Alabama.
5. Construction Activity: The disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural (forestry) practices.
6. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
7. Illegal Discharge: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section VIII, A (1) of this Ordinance.
8. Illicit Connections: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, swimming pool discharge, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an City.
9. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in the Code of Federal Regulations, 40 CFR, Section 122.26 (b) (14).
10. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

11. Non-Stormwater Discharge:

Any discharge to the storm drain system that is not composed entirely of stormwater.

12. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

13. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, solid wastes and other residues that result from constructing a building or structure; and/or noxious or offensive matter of any kind.

14. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

15. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

16. Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

17. Stormwater Pollution Prevention Plan or SWPPP: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

18. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION V: APPLICABILITY & EXCEPTIONS

This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City.

SECTION VI: ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION VII: DISCHARGE PROHIBITIONS**1. Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration in to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, firefighting activities, and any other water source not containing pollutants.

b. Discharges specified in writing by the City as being necessary to protect public health and safety.

c. Dye testing is an allowable discharge, but requires a verbal notification to the City prior to the time of the test.

2. Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION VIII: SUSPENSION OF MS4 ACCESS**1. Suspension due to Illicit Discharges in Emergency Situations.**

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

2. Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

SECTION IX: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing discharges to the MS4. If warranted, NPDES stormwater permitted sites, may be required to connect its non-stormwater discharges to the sanitary sewer for additional treatment to minimize the potential for pollutants entering the City’s MS4.

SECTION X: MONITORING OF DISCHARGES**1. Applicability**

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

2. Access to Facilities

a. The City’s Authorized Enforcement Personnel shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

b. Facility operators shall allow the City’s Authorized Enforcement Personnel ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c. The City’s Authorized Enforcement Personnel shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. The City’s Authorized Enforcement Personnel has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or verbal request of the City. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delay in allowing the City’s Authorized Enforcement Personnel access to a permitted facility is a violation of a stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the

City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

g. If the City's Authorized Enforcement Personnel has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from the court of competent jurisdiction.

SECTION XI: REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The City has requirements within the latest version of the *Construction Best Management Practices Ordinance* and *Article 18 of the Land Use and Development Ordinance* that identifies Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a SWPPP as necessary for compliance with requirements of the NPDES permit.

SECTION XII: WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION XIII: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch

services. In the event of a release of non-hazardous materials, said person shall notify one of the City’s Authorized Enforcement Personnel in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the same City Authorized Enforcement Personnel within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained at the facility for at least three years.

SECTION XIV: ENFORCEMENT

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may mandate compliance by written notice of violation to the responsible person (“Notice of Violation”). Such Notice of Violation may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work must be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

This Ordinance is also subject to enforcement by the issuance of a Municipal Offense Ticket or summons and complaint pursuant to the ordinance titled “Establish Penalties and Enforcement Procedures for Violation of Municipal Ordinances.” Each day of documented non-compliance constitutes a separate violation of this Ordinance.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION XV: COST OF ABATEMENT OF THE VIOLATION

Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid

within a timely manner as determined by the decision of the municipal authority the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the first (1st) day following discovery of the violation.

SECTION XVI: INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION XVII: ALTERNATE COMPENSATORY ACTION IN LIEU OF ENFORCEMENT

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action, such as storm drain stenciling, attending compliance workshops, creek cleanup, etc.

SECTION XVIII: VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION XIX: CRIMINAL PROSECUTION

Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and be punished by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00), or imprisonment not to exceed one-hundred and eighty days (180), or both.

The City may recover all attorneys' fees court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

SECTION XX: MINIMUM PENALTIES

1. Penalty for Violation-Fines

The following schedule of fines is hereby established by the City pursuant to this Ordinance and the laws of the State of Alabama. In addition to the fines so established, the Defendant shall pay, in addition to such fine amount, any court costs which are in effect at the time of such violation occurs. If the Defendant elects to plead guilty before a magistrate to a violation of any of the municipal offenses contained herein for which there is a fine set forth in this section, the fine plus applicable court cost shall apply. In lieu of appearing before a magistrate, the Defendant may sign a guilty plea and waiver of trial provision on the municipal offense citation, and deliver the amount of the fine

plus applicable court costs to the Clerk of the Municipal Court or mail such amount to the Clerk of the Municipal Court for the City of Daphne at 1502 Highway 98, Daphne, Alabama 36526.

2. Schedule of Fines

Any person found guilty of the provisions of this Ordinance as referenced herein, the minimum fines shall apply as follows:

- a. First Offense \$ 50.00 plus Court Cost
- b. All Subsequent Offense Court Appearance with Fine & Court Cost

SECTION XXI: REMEDIES NOT EXCLUSIVE

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

SECTION XXII: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION XXIII: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2013.

DANE HAYGOOD, MAYOR
Date & Time Signed: _____

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2014-10**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 23, 2014 favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinances No. 2011-73, 2012-19, 2012-54 and 2013-11 and 2013-55; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54 and 2013-11 and 2013-55; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 3, 2014; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit “A” of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H Exhibit “A”, Ordinances No. 2011-73 and 2012-19, 2012-54, 2013-11 and 2013-55 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2014.

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

ZONING & STREET MAP UPDATES

Every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution).

- During this period the City limits remain 16.62 sq. miles.
- The city has not accepted additional roads or rights of way for maintenance.
- Twenty one new lots have been created in the City.
- Ninety seven (97) acres have been zoned for future residential development.
- Over 17 acres (17.9) have been zoned for future non-residential development.

Instrument	Approval	Action	Size
Rezoning---			
Ordinance 2013-40 <i>TC sub</i>	08/05/13	Rezone B-2 to R-6 (G)	97.49 acres
Ordinance 2013-62 <i>Christ the King</i>	11/18/13	Rezone R-2, B-2 to B-1	11.78 acres
Ordinance 2013-63 <i>Martin Pierce</i>	11/18/13	Rezone R-3 to B-2	5.2 acres
Street Acceptances---	none		

Subdivisions--- Probate Slide Number	Date of PC Approval Recorded after last map revision	New lots created (from original lot)	Corporate Limits?
2483-A <i>TC Com. P2, NW Quad, ResL4, ResP4A</i>	03/28/13	1	Yes
2491-B <i>Summer Oaks Townhomes</i>	04/25/13	12	Yes
2484-A <i>Resub L2 Webb FLP Sub</i>	05/02/13	1	Yes
2491-C <i>The Courtyards Sub</i>	06/27/13	3	Yes
2488-E <i>Nero Subdivision</i>	07/25/13	1	ETJ
2489-D <i>Wilson Acres Sub</i>	07/25/13	1	Yes
2490-F <i>Replat L11 pt and 12 Whispering Pines</i>	08/29/13	0 replat	Yes
2493-B <i>Resub L2A of L2, Wilson Ave BP</i>	09/26/13	3	Yes
2483-D <i>Ervin Subdivision</i>	05/02/13	1 additional lot	
Approved but not recorded	as of 12/02/13	--	--
*Honda Division	11/21/13	1	
*Gipson	10/25/13	1	ETJ
*Lazzari	10/25/13	1	ETJ
Tasheiko	10/25/13	3	ETJ

- Not shown on maps

CITY OF DAPHNE
ORDINANCE NO. 2014-11

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LAND USE AND
DEVELOPMENT ORDINANCE / SIGN PROVISIONS**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the City Council of the City of Daphne in a joint meeting with the Planning Commission held a public hearing on signage on the 7th day of February, 2013; and,

WHEREAS, the Mayor identified sixteen specific items for signage consideration including: a-frame sign, roadside promotional signage, banners, building wall signs, inflatables, tents, political signs, commercial real estate signs, digital signage, new store/grand opening signs, monument/pylon signage, street banner lamp post, coming soon/under construction, real estate builder or subdivision signage, 3-d objects, on premise signage (informational/directional); and,

WHEREAS on the 18th day of June, 2013, the City Council appointed a seven member sign committee that met weekly between July 2nd and September 24th to discuss and vet each of the sixteen signage considerations; and,

WHEREAS, the Sign Committee voted and made its final report of recommendations to the City Council on the 24th of September regarding proposed amendments to and related to various provisions regarding signage of the City of Daphne; and,

WHEREAS, the City of Daphne Planning Commission held a public hearing during its regularly scheduled Commission Sign meeting on the 19th day of December, 2013 to gather input from the public regarding the Sign Committee's recommendations, and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 3, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION 1.0---AMEND ORDINANCE 2011-54, THE LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 8, DEFINITION OF TERMS TO ADD TERMS AND DEFINITIONS AS FOLLOWS:

A-frame sandwich sign. 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.

Advertising statuary sign. Any sign which is modeled or a sculptured likeness of an animate or inanimate object intended to be used as an advertising device. This would include an imitation, representation, or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric which for advertising or identifying purposes is erected on or attached to the ground. See also Three-Dimensional (3-D) sign or emblem.

Ambient light. Light existing on all sides: encompassing.

Banner, Event. A banner containing a sign or message regarding a public event or a season of celebration.

Banner, Neighborhood. A banner containing a sign or message identifying the neighborhood association or *non-profit* educational institution within a neighborhood where they are located.

“Coming Soon” sign. An advertising sign calls attention to an establishment, merchandise, product, or service which is sold, provided, manufactured, or furnished on the premise as “coming soon.”

Decorative street banner. A banner which is mounted on street light poles or utility poles on privately owned property. The purpose of which is to (1) advertise on-premise or (2) promote projects of community or civic or regional fairs or celebrations or special events, seasonal or holiday decorations, or projects of community organizations or other public events, that may be of interest to the entire City.

Digital sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also

referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Electronic sign.

Electronic sign. An electronic sign used to advertise products or information. Digital signage includes LCD, LED, plasma and front-projection displays to target audiences. A network of digital displays that are centrally managed and addressable for advertising. Also referred to as (synonyms): Dynamic Signage, Digital Signs, Electronic Signage, Digital Media Advertising, Digital Signage Network. See also Digital sign.

Foot candle. A unit for measuring illumination that equals one lumen per square foot.

Luminosity. The quality or state of being luminous: brightness.

New construction sign. A sign for new construction, renovation or expansion of an existing building as specified herein.

Nit. A nit is a measurement of light emissions and surface area.

Promotional tent. Any tent that is sited within a development which is customized to contain characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.

Sign walker(s). A person who wears, holds, or balances a portable sign, or who wears a commercial logo or other identification on shirts, hats and other apparel that conveys a commercial advertisement message to vehicular traffic.

Three dimensional (3-D) logo sign or emblem. Any 3-dimensional form shaped into a work of art, fountain, sculpture, or similar object that is sited within a development which does either of the following: contains characteristics of an advertising sign or identifies or draws attention to a business, profession, or industry, to the type of products sold, manufactured or assembled, or to the type of services or entertainment offered or available on the premises. See also advertising statuary sign.

**SECTION 2.0---AMEND LAND USE & DEVELOPMENT ORDINANCE,
ARTICLE 33, SECTION 5, SIGN FOR WHICH NO PERMIT IS NEEDED, AS
FOLLOWS:**

2.01---ADD WORDS SHOWN AS UNDERLINED:

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.

2.02---DELETE SUBSECTION (E) TEMPORARY PROMOTIONAL SIGN ALLOWANCE FOR COMMERCIAL AND RETAIL ESTABLISHMENTS:

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

~~The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited: (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 six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and/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 number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply. Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags). Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.~~

2.03---DELETE SUBSECTION (F) POLITICAL SIGNS AS FOLLOWS:

~~(f) 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.~~

2.04---RECLASSIFY RESIDENTIAL REAL ESTATE SIGNS AS SUBSECTION (e) AS FOLLOWS:

~~(d)~~ (e) Residential real estate signs

(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.

**2.05---INSERT COMMERCIAL REAL ESTATE SIGNS UNDER
SUBSECTION (d) AS FOLLOWS:**

(d) Commercial real estate signs

(1) On Undeveloped Property

- a. A 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.)~~, sixteen (16 sq. ft.) square feet, ten feet (10 ft.) in height, is non-illuminated, and is within the confines of the development. An additional commercial real estate advertising sign may be permitted at each street frontage, but shall be no closer than 500 (five hundred) feet along the same street with no more than four such signs per premise.
- b. In the event that such premises is five (5) acres or greater or abuts Interstate 10 right-of-way said 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 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 of the front of the building or portion of the building wherein the window sign is proposed and not to exceed an aggregate area of one hundred (100 sq. ft.) square feet.
- c. Wall sign: A 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.

2.06---DELETE 33-5(f) 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.~~

2.07---AMENDED 33-5 TO ADD AS SUBSECTION (f) NEW CONSTRUCTION SIGNS [MOVED FROM 33-10 (g) PERMITTED SIGNS AND AMENDED] AS FOLLOWS:

(f) New construction signs

(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 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, either single or double faced, is allowed for each street frontage.

In the event that such premises abuts Interstate 10 right-of-way, said 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) Construction site identification sign. A 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) “Coming Soon” sign. An 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 Advertising Signs. 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.
- (5) A 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. An under construction, “coming soon” or name identification sign may be placed on premise after receiving a permit from the Code Enforcement Officer and approval of a building permit from the Building Official or a new or amended business license from the Revenue Officer, as applicable and shall be removed upon issuance of a certificate of occupancy or upon final inspection of the Building Official, as applicable, but no later than the first day of the grand opening of the facility.

2.08---REPEAL *ORDINANCE 1989-04* (AN EXISTING CITY ORDINANCE AND INCORPORATE SAID LANGUAGE INTO SIGN PROVISIONS).

2.09---INSERT POLITICAL SIGNS AS SUBSECTION (g) AND RE-NUMBER EACH SUBSEQUENT SUB HEADERS AS FOLLOWS:

(g) Political Signs

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. This article is hereby adopted pursuant to authority granted by Code of Ala. 1975, §§ 11-52-1—11-52-84. The purpose of this article is to establish rules and regulations for sign control during local political campaigns.

- (1) Applicability. Political signs are exempt from the permit requirements of the land use and development ordinance of the City.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) Districts in which authorized, non-illuminated. Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any zoning district in the City.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Same—Removal by City. Any sign found not to be in compliance with the requirements of this article may 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.

- ~~(g)~~ **(h)** Flags:
- ~~(h)~~ **(i)** Directional Signs and Symbols:
- ~~(i)~~ **(j)** Memorial Signs and Historical Markers:
- ~~(j)~~ **(k)** Professional, Announcement or Occupational Signs:

2.10--AMEND 33-5 TO DELETE TEMPORARY PROMOTIONAL BANNER AND ADD TEMPORARY PROMOTIONAL SIGNS AS FOLLOWS:

(o) Temporary promotional Banner signs:

~~One temporary promotional banner in compliance with Section 33-5, *Signs Prohibited in All Districts*, no greater than twenty (20) square feet may be attached to and parallel to the face of the building wall for a period, not to exceed thirty (30) calendar days. (See Article 8, *Definition of Terms, Temporary Use*).~~

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.

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 located on premise on private property.**
- (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-type signs, sign walkers, 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. 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. One promotional banner not to exceed sixteen (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. One tethered inflatable three dimensional (3-D) object as prescribed in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables; or,
 8. One promotional banner not to exceed sixteen square feet (16 sq. ft.) in size may be located at each street frontage.

2.11---AMEND 33-5 TO ADD SUBSECTION (p) SMALL PROMOTIONAL TENTS AS FOLLOWS:

p. Small Promotional Tents:

Promotional tents may also be known as either outdoor pop-up tent, tent sign promotion, branded promotional tent, branded outdoor pop-up tent, branded tent sign promotion, logo, promotional, marketing, branding, open air tent or stand. A small promotional tent is equal to or less than one hundred forty-four (144) square feet in area and may be allowed without obtaining a permit from the Code Enforcement Officer. Promotional tents exceeding this size shall not be erected until a permit has been issued by the Code Enforcement Officer in accordance with the provisions in Section 33-10(g) Promotional Banners, Large Promotional Tents and Tethered 3-Dimensional Inflatables.

2.12---AMEND 33-5 TO ADD SUBSECTION (q) DECORATIVE STREET BANNERS AS FOLLOWS:

q. Decorative Street Banners:

- i. **One decorative street banner may be placed on each light standard (ex. light pole or street lamp) on any school or religious campus, business park, office park, retail shopping center and/or commercial park, provided that the same are maintained in good condition. Said decorative street banner must be posted on-premise on private property and shall not advertise products, goods or services.**
- ii. **Each decorative street banner shall be no more than thirty (30) inches in width or sixty (60) inches in length, must be professionally produced and made of canvas, vinyl, nylon or cloth material, and must maintain a minimum clearance of twenty (20) feet from the land below.**
- iii. **Only the City of Daphne shall have the right to post a street banner upon a public right of way.**

SECTION 3.0---SIGNS PROHIBITED IN ALL DISTRICTS.

3.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SECTION 6, SIGNS PROHIBITED IN ALL DISTRICTS, SUBSECTION (d) PROHIBITED SIGN TYPES AS FOLLOWS:*

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.~~ Portable signs; bench signs; snipe signs; ladder-type signs; sign walkers; and, sandwich signs, except as allowed in Section 33-5, Subsection (o)(3).

SECTION 4.0---PERMITTED SIGNS.

4.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, *ARTICLE 33, SIGN PROVISIONS, SECTION 10 PERMITTED SIGNS .*

4.02---ADD TO INTRODUCTORY PARAGRAPH AS FOLLOWS:

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.

4.03---AMEND 33-10 (b) FORMATTING TO CREATE SUBSECTION HEADERS TO EXISTING LANGUAGE AS FOLLOWS:

Name indication signs:

- 1.** 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.
- 2.** 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.
- 3.** 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.

4.04---AMEND 33-10 (b) TO ADD SUBSECTION 4 AS FOLLOWS:

- 4. One three-dimensional logo sign or emblem may be used in lieu of the above mentioned freestanding name identification sign except for establishments with multiple City street frontages. Such sign is prohibited in a multi-tenant arrangement or general business (shopping center). Any off-premise 3-D logo sign(s) and advertising statutory sign(s) shall be prohibited.**
 - a. The maximum height shall not exceed four (4) feet and the maximum area shall not exceed sixteen (16) square feet. The supporting pedestal or base shall not exceed a height of two (2) feet or a width of four (4) feet. Where allowed, one (1) such sign may be placed perpendicular to each City street frontage to be served. In the event that the business has multiple street frontages, one three-dimensional logo sign or emblem may be utilized on one frontage and a freestanding sign may be placed additional road frontages. The minimum setback of which shall be no less than fifteen (15) feet from the nearest property line.**

- b. Measuring three-dimensional logo sign or emblem. Three-dimensional or irregularly-shaped signs shall be measured by determining the surface area of the face of a minimum imaginary rectangle parallel to the plane of view that completely encloses all of the extremities of the largest side of the sign, excluding its supports. The rectangle shall enclose the extreme limits of each word and written representation, including any series of letters, emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

4.05---AMEND 33-10 (b) TO ADD SUBHEADING TO EXISTING LANGUAGE AS FOLLOWS:

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

Amend 33-10 (c) Wall-mounted signs as follows:

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 (300) square feet or twenty (20) percent~~ 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.

4.06---MOVED (g) NEW CONSTRUCTION SIGNS TO 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED SUBSECTION (F).

4.07---ADDED (g) PROMOTIONAL BANNERS, LARGE PROMOTIONAL TENTS AND TETHERED 3-DIMENSIONAL INFLATABLES LANGUAGE AS FOLLOWS:

(g) Promotional Banners: a 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 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 promotional banner for up to

twenty eight (28) days per calendar year. The business shall acquire a no cost permit from Code Enforcement prior to posting the 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. A plot plan showing the proposed location of the banner and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
4. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred-forty four square feet (144 sq. ft.) in area are exempt from these provisions.
5. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.
6. Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.

4.08---AMEND 33-10 (h) CONVENTIONS AND GRAND OPENINGS AS FOLLOWS:

~~(h) Conventions and Grand Openings: 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.

Grand Openings, Grand Re-openings, and Conventions Marketing Packages:

1. **Upon obtaining a permit from the Code Enforcement Officer, one 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 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 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 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,**
 - 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.**

SECTION 5.0---ELECTRONIC SIGNAGE.

5.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (j)

ELECTRONIC SIGNS FOR BUSINESS OR RELIGIOUS ESTABLISHMENTS AND CREATE SUBSECTIONS 1 AND 2 AS FOLLOWS:

(j) Electronic signs:

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

(1) Electronic Signs for Business or Religious Establishments

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 and Landscaping Required

- i. **Any electronic and/or digital sign or sign component shall obtain a permit from the Code Enforcement Officer prior to installation. No electronic or digital sign shall be considered properly installed unless associated landscaping has been implemented in accordance with a landscape plan approved by the Director of Community Development.**
- ii. **A landscape plan designed by a qualified professional shall be submitted to the Department of Community Development prior to or at the same time as the sign permit application is submitted to the Code Enforcement Officer. Disapproval of the landscape plan may result in disapproval of the sign permit or a delay in approval thereof. Any disapproval of a landscaping plan expressly associated with the installation of an electronic or digital sign shall be appealed to the Board of Zoning Adjustment.**
- iii. **Any landscaping expressly associated with a permit application for a digital or electronic sign shall include at least the following items:**
 - a. **A minimum of two (2) understory (medium) trees (3) inches in caliper and eight (8) feet in height at planting to be planted on each side of the monument sign post. It is recommended that trees be obtained from a licensed source.**
 - b. **Multi-stemmed understory trees shall be a minimum of ten (10) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourth (¾) inches. Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. On-site trees of adequate size**

may be credited toward these requirements if said trees provide adequate aesthetic value to the landscaping.

- c. Foundation planting shall be placed at the base of monument sign. Shrubs shall be a minimum of three (3) gallons at planting, but should be of a variety that will not grow to obstruct view of the sign. These include, but are not limited to the following: Ligustrum, Indian Hawthorn, Tree Yaupon and Camellia. Ground cover planting shall be established with pots sized four inches or greater. Grass shall be composed of solid sod. Seed and mulch shall not be accepted.

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 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.
- ii. Any monument sign that incorporates digital and/or electronic signage shall not exceed twelve feet (12-ft) in height. No pylon sign shall be permitted to incorporate digital and/or electronic signage as such is prohibited in the City of Daphne.

(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 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

- 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 6,000 (six thousand) nits per foot candle in full daylight and 300 (three hundred) 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:

SECTION 6.0--- REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNS.

6.01 AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 33, SIGN PROVISIONS, SECTION 10 ADD SUBSECTION (m) REAL ESTATE BUILDER/SUBDIVISION DIRECTIONAL SIGNAGE AS FOLLOWS:

(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).**

SECTION 7.0---EASTERN SHORE PARK AND JUBILEE RETAIL OVERLAY.

7.01---AMEND LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 37, EASTERN SHORE PARK OVERLAY, SECTION 15, SIGN PROVISIONS SUBSECTION B. PERMITTED SIGNS AS FOLLOWS:

(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 ~~three hundred fifty (350) square feet or thirty (30) percent~~ **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.

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.

7.02---AMEND TITLE OF SUBSECTION (j).

(j) ~~New construction signs~~ Temporary Signage

7.03---ADD SUBSECTION (j)(4) AS FOLLOWS:

(4) Large promotional tents and tethered 3-d inflatables:

- i. **One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than 144 square feet in area are exempt from these provisions.**
- ii. **One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and public right-of-way shall accompany the permit application.**
- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

**7.04---LAND USE & DEVELOPMENT ORDINANCE, ARTICLE 39,
JUBILEE RETAIL OVERLAY, SECTION 16, SIGN PROVISIONS AMEND
AS FOLLOWS:**

Subsection (b) Permitted signs

(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 ~~three hundred fifty (350) square feet or thirty (30) percent~~ four hundred (400) square feet or forty (40) percent of the surface frontal 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.

**7.05---AMEND SUBSECTION (b) PERMITTED SIGNS AMEND TITLE OF
SUBSECTION (9) AND ADD LANGUAGE AS FOLLOWS:**

(9) ~~New Construction~~ Temporary Signage

(d) Large promotional tents and tethered 3-d inflatables:

- i. One promotional tent greater than one hundred-forty four square feet (144 sq. ft.) in area may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said tent should be located within the minimum setbacks of the property and sufficiently anchored or tethered to ensure safety. A plot plan showing the proposed location of the tent and the distance from the nearest property lines and public right-of-way shall accompany the permit application. Small promotional tents or those equal to or less than one hundred forty-four square feet (144 sq. ft.) in area are exempt from these provisions.
- ii. One tethered inflatable three dimensional (3-D) object may be used upon obtaining a permit from the Code Enforcement Officer for no more than ninety days per calendar year. Said inflatable shall be setback at least one hundred feet (100-ft) from the property line. The maximum height shall not exceed fifty feet (50-ft). A plot plan showing the proposed location of the 3-D tethered inflatable and the distance from the nearest property lines and

public right-of-way shall accompany the permit application.

- iii. **Either one promotional tent or one tethered inflatable three dimensional (3-D) object may be allowed at one time. A promotional tent greater than one hundred-forty four square feet (144 sq. ft.) shall not be erected at the same time that a tethered 3-D inflatable object is displayed.**

SECTION 8.0 SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 9.0 EFFECTIVE DATE

This Ordinance shall take effect and be in force effective April 1, 2014 subject to publication as required by law.

SECTION 10.0 REPEALER

All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2014.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

