

**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 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.

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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

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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.

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- (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.

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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:

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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.

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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 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.**

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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:

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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.

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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 17TH DAY OF MARCH, 2014.

CITY OF DAPHNE



DANE HAYGOOD, MAYOR

ATTEST:



REBECCA A. HAYES, CITY CLERK