

ORDINANCE NO. 1994-20

ORDINANCE NO. 1994-20 THE SIGN ORDINANCE
OF THE CITY OF SPANISH FORT, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF SPANISH FORT, ALABAMA, THAT
ORDINANCE NO. 1994-20 BE AS FOLLOWS:

Section 1 Definitions

- 1.1 Planning Commission: The City Planning Commission of The City of Spanish Fort, Alabama.
- 1.2 City Clerk: The City Clerk for the City of Spanish Fort, Alabama.
- 1.3 Canopy: An awning or similar structure.
- 1.4 Disfunctional Sign: A sign which no longer serves the purpose for which it was erected because of disrepair or otherwise.
- 1.5 Enforcement Officer: Member of the Planning Commission who is charged with enforcement of the provisions of this ordinance.
- 1.6 Frontage, Building: The outside wall surface of a building, excluding porch or deck, nearest to the front lot line. For the purpose of this ordinance "Lot Line" shall mean the lot line which abuts a street or separates the lot from a street, or another lot.
- 1.7 Frontage: The length of the property line of any one premise along a street on which it abuts.
- 1.8 Grade Level: In cases where the sign is located below the grade level of the road or street to which it is oriented, the sign height shall be measured from the grade level of that road or street.
- 1.9 Kiosk: A small, light structure open on one or more sides for displaying information.
- 1.10 Marquee: A permanent covered structure projecting from and supported by a building when such covered structure extends beyond the building alignment or the property line.
- 1.11 Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and/or used as an outdoor display.
- 1.12 Sign, Animated: For purposes of this ordinance, an animated sign is any sign displaying movement of lights, borders, arrows, components, streamers, foil, inflatables or any other regular or cyclical movement, however achieved.

- 1.13 Sign, Changeable Copy: A sign with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged, or altered without changing the face of the sign.
- 1.14 Sign, Construction: Any sign listing principal contractors, architects, and any establishments for the construction site where the sign is placed.
- 1.15 Sign, Copy: The wording on a sign surface in either permanent or removable letter form.
- 1.16 Sign, Development: See Sign, Construction.
- 1.17 Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic or religious place, shrine, public building, or hospital and signs directing and regulating traffic; public safety signs; sign or notices of places of public and civic meetings and signs giving the name of the owner, lessee, or occupant of the premises or the street number.
- 1.18 Sign, Double-faced: A sign having two (2) display surfaces, displaying the same copy, which are attached parallel, and back to back, not more than twelve (12) inches apart.
- 1.19 Sign Erection: The act of posting, affixing or installing any sign which is attached to or requires a location upon the ground or any building or structure.
- 1.20 Sign Erector: The person or company who constructs or builds the sign or sign(s).
- 1.21 Sign Face: The area of a sign on which the copy is placed.
- 1.22 Sign, Flashing: A sign which, through the use of electricity or otherwise, flashes or blinks.
- 1.23 Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- 1.24 Sign Height: The total height of the sign shall be measured from the top of the sign face, or its frame or supporting structure, which ever is higher, to ground level or grade level.
- 1.25 Sign, Historical: A sign of, relating to, based on, or concerned with history or historical events.
- 1.26 Sign Identification Tag: A tag required to be affixed to the sign or sign frame by the sign contractor and displaying the sign number, date of installation and the name, address and telephone number of the sign contractor or erector.
- 1.27 Sign, Illuminated: A sign designed or arranged to reflect light from an artificial source.

- 1.28 Sign, Indirectly Illuminated: A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible.
- 1.29 Sign, Internally Illuminated: A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.
- 1.30 Sign, Mansard: Any sign attached to a mansard-type roof with sloping sides will for the purpose of this ordinance be considered a wall sign.
- 1.31 Sign, Non-Conforming: Any sign, which does not meet the requirements of this ordinance.
- 1.32 Sign Number: The serial number of the permit issued for installing or erecting a sign, said number to be included on the identification tag furnished by the sign contractor.
- 1.33 Sign, Off Premise: A sign relating its subject matter or any portion thereof to the premises other than the premises on which it is located. Any and all off premise signs are considered non-conforming under this ordinance.
- 1.34 Sign, On Site: A sign relating its subject matter to the premises on which it is located.
- 1.35 Sign, Outdoor Advertising: Any sign for which a permit for erection or display is required by this ordinance shall be deemed an outdoor advertising sign; any such sign visible from the exterior of any building including window signs.
- 1.36 Sign, Painted Wall: Any sign painted directly on the surface of a structure.
- 1.37 Sign, Permanent: A sign affixed to a building or the ground.
- 1.38 Sign, Political: A sign identifying and urging voter support for or opposition to a particular issue, political party, or candidate for public office.
- 1.39 Sign, Portable: A sign which is designed to be moved from one place to another.
- 1.40 Sign, Projecting: Any sign other than a wall sign, any part of which extends beyond the building or wall; a prohibited sign for purposes of this ordinance.
- 1.41 Sign, Promotional:
1. A sign designed and intended to promote the sale of land or buildings.
 2. A sign to advertise the opening of a business, special promotions or similar events.
- 1.42 Sign, Real Estate: A sign which advertises the sale, rental or development of the premise upon which it is located.

- 1.43 Sign, Revolving: Any sign erected or constructed so as to rotate.
- 1.44 Sign, Roof: Any sign erected, constructed, and maintained with the principal support on the roof structure.
- 1.45 Sign, Sandwich: Any double-faced sign, which may readily be moved from place to place.
- 1.46 Sign, Shopping Center: A ground sign identifying a shopping center as defined herein, by name only; a wall sign located on a store within the shopping center to identify the tenant therein.
- 1.47 Sign, Snipe: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post, or any similar object located or situated on public or private property, not otherwise exempt.
- 1.48 Sign Structure: Any construction used or designed to support a sign.
- 1.49 Sign, Subdivision: Any sign designed to identify a subdivision or neighborhood.
- 1.50 Sign, Surface Area: The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure whichever is greater.
- 1.51 Sign, Temporary: A sign or advertising display intended to be displayed for a limited period of time.
- 1.52 Sign, Wall: A sign entirely attached against the wall of a building or the slope of a mansard-type roof. Wall signs attached to any wall of a building other than the wall which contains the primary entrance to the building are non-conforming signs.
- 1.53 Sign, Window: Any sign placed inside or upon a window and which is intended to be seen from the exterior.
- 1.54 Shopping Center: A group of retail and service establishments on the ground floor and located on commonly owned property, or sharing the same parking facilities.
- 1.55 Sight Triangle: An area adjacent to street intersections maintained clear of visual obstructions; a triangle so constructed that two sides thereof are superimposed upon the intersection street centerlines for a distance of 150 feet back from the point of intersection of the centerlines, the third and closing side terminating at the respective points 150 feet from the point of centerline intersection.
- 1.56 Street: A public or private right-of-way for vehicular and pedestrian in traffic.

Section 2

Signs

2.1 Sign Regulation Provisions:

This ordinance is enacted to protect the health, safety and welfare of the citizens of the City of Spanish Fort and the general aesthetics of the City of Spanish Fort by providing for uniform standards for the location, spacing, height, setback, size and other regulations of off-premises and on-premise signs within the City.

The purpose of this section are as follows:

- a. To protect property values within the City;
- b. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs;
- c. To promote the economic well-being of the Spanish Fort community by creating a favorable physical image;
- d. To allow signs appropriate to the planned character of each zoning district;
- e. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination one over the other;
- f. To protect the right of citizens to enjoy Spanish Fort's natural scenic beauty;
- g. To protect the community from signs not in keeping with desired objective of insuring the general aesthetics values of the community;
- h. To protect the natural view and vista of the area in and around the bay;
- i. To regulate the construction, erection, maintenance, and size of outdoor signs which may constitute a direct danger to pedestrians and property, especially during periods of high wind;
- j. To preserve and promote the public health, safety, and welfare in the Spanish Fort community.

2.2

General Provisions: The provisions of this Section shall govern the location, size, setback and height of signs in each of the use districts established in this Ordinance in order to insure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, and to protect property values of the entire community.

Permits and Inspections

- (a) Permits required: Except as otherwise provided in this article, it shall be unlawful to erect, alter or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to change, modify alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Planning Commission. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City Clerk. The following activity shall not require a sign permit: The changing of advertising copy or message on signs, including off premise signs, which are specifically designed for the use of replaceable copy.
- (b) Application: In order to obtain a permit to erect, alter or relocate any sign under the provisions of this article, an applicant therefor shall submit to the City Clerk a sign permit application which shall set forth in writing a complete description of the proposed sign including:
- (1) The name, address, and telephone number of the land owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - (2) The location by street address and legal description of the site of the proposed sign structure.
 - (3) Complete information as required on application forms provided by the City Clerk, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign (for identification purposes only), such other data as is pertinent to the application.
 - (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 - (5) Application, and required information for such application, for an electric permit for all electric signs if the person erecting the sign is to make the electrical connection.
 - (6) The sign must withstand a wind load factor of 67.3 or a wind tolerance of 120 miles per hour.

Each application shall contain an agreement to indemnify and hold the City harmless for all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the City Clerk on request, a certificate of liability insurance prior to the issuance of a sign permit. The Planning Commission, upon reviewing the

application and plans, shall act upon as filed, or as amended, without unreasonable or unnecessary delay.

- (c) Certificates: Signs are required to be certified by a registered civil engineer. All ground signs larger than fifty (50) square feet in area shall, when required by the Planning Commission, be designed and certified by an Alabama registered engineer, who shall submit sufficient data to enable the Planning Commission to determine whether the sign complies with all applicable codes and ordinances.
- (d) Issuance of permit if application in order: It shall be the duty of the City Clerk, upon receipt of a completed application for a sign permit to submit the said application to the Planning Commission which will then examine such plans and specifications and other data, and, if the proposed structure is in compliance with the requirements of this article, notify the City Clerk of the same, who will then issue to the applicant, a written permit evidencing the applicant's compliance therewith. Issuance of the permit shall in no way prevent the Planning Commission from later declaring the said sign to be nonconforming if upon further review of information submitted with the application, or of newly acquired information, the sign is found not to comply with the requirements of this Ordinance.
- (e) Permit duration: A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.
- (f) Identification tag: The sign contractor shall attach to the sign a weather-proof tag which shall have printed or impressed thereon:

"CITY OF SPANISH FORT SIGN PERMIT"
the number thereof, the year of its
issuance and the name, address and
telephone number of sign erector.

No sign as herein defined, and unless specifically exempted, shall be erected, displayed, rebuilt, repaired, painted or otherwise maintained which does not have such tag securely attached thereto, or to its supporting structure in such manner as to be plainly visible from the street or roadway. The absence of an identification tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of the provisions of this article.

2.4

Removal, alteration or maintenance of signs.

- (a) All signs which are no longer functional or are abandoned, shall be removed, or relocated, at the owner's expense, in compliance within the provisions of this Ordinance with thirty (30) days

following disfunction as determined by the City Council.

- (b) All outdoor advertising signs and sign structures shall be kept in repair and in proper state of preservation.
- (c) Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of the ground signs for a perimeter distance of ten (10) feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

2.5

Prohibited Signs

Prohibited signs are subject to immediate removal.

- (1) Any sign erected or painted upon a sloping roof, fence, tree, stand pipe, fire escape or utility pole.
- (2) Any sign which uses the word "stop" or "danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.
- (3) Signs which flash or illuminate intermittently, and animated signs.
- (4) Signs which emit visible smoke, vapor, particles, or odor.
- (5) Signs with any lighting or control mechanism which causes radio or television or other communication interference.
- (6) Any sign or sign structure placed upon any street or highway right-of-way, except directional signs provided by the City for a fee.
- (7) Any sign affixed to any fence, tree, utility pole or traffic sign standard.
- (8) Any sign attached to or painted onto a vehicle parked adjacent to or on a public thoroughfare for the principal purpose of advertising.
- (9) Sandwich signs.
- (10) Snipe Signs.
- (11) Window signs which identify or advertise activities, services, or products available within the building which collectively cover more than twenty (20) percent of the window glass surface area.
- (12) Bench signs with messages or advertising copy.
- (13) Tethered inflatable signs, either on-site or off-site.

(14) Portable Signs.

(15) Streamers

(16) Revolving signs

2.6

Non-Conforming Signs. Any non-conforming sign in existence on the date of enactment of this Ordinance, including off-premise signs and signs which have been made non-conforming due to annexation, shall be subject to the following conditions:

- (a) The following to be removed or made to conform to this Ordinance within ninety (90) days:
 - (1) Non-conforming signs made of paper, cloth, or other non-durable material.
 - (2) All temporary signs other than those permitted herein.
- (b) If any non-conforming sign is removed or more than 50% destroyed above ground level, the replacement sign shall be in conformity with the requirements of this Ordinance. No non-conforming sign existing at the time of the enactment of this ordinance may be improved or expanded.
- (c) Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign, with the exception of off-premise signs, in any manner, the altered or changed sign shall be in conformance with the requirements of this Ordinance.
- (d) All non-conforming signs, other than off premise signs, 15% or more in excess of allowed maximum area, shall be either removed or replaced with a conforming sign within five (5) years of the date of enactment of this Ordinance, except as otherwise provided by law.
- (e) Upon failure to comply within the time specified, the Planning Commission is hereby required to recommend to the City that it cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property upon which the sign is located.
- (f) Existence of any non-conforming sign on the premises will prohibit issuance of further sign permits while non-conforming use exists.

2.7

Exempt Signs.

- (a) Except as otherwise provided, the following on-site signs are exempt from the provisions of this Ordinance and may be erected without securing a permit, subject, however, to meeting all other applicable codes and regulations.

- (1) One (1) professional nameplate for each occupant. Each professional nameplate shall not exceed six (6) square feet in area.
- (2) One (1) identification sign for each premise, denoting only the name, street, number and business of an occupant in a commercial building or public institutional building. An identification sign shall not exceed six (6) square feet in area.
- (3) One (1) bulletin board or identification sign per site for public, charitable, educational or religious institution located on the premises of said institution and not exceeding thirty-two (32) square feet in area.
- (4) Legal notices and official instruments.
- (5) Flags or insignias of a governmental organization mounted on a single pole. Flags or insignias of a religious, charitable, fraternal, or special interest organization, mounted on a single pole for a seven (7) day period. Flags or insignias shall be limited to fifty (50) total square feet in area.
- (6) Decorative flags, banners and bunting authorized by the City Council for a city-wide celebration, conventions or commemorations.
- (7) Seasonal or holiday lights and decoration only during customary duration of holiday period.
- (8) Memorial signs, tablets or cornerstones, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (9) Nonadvertising (not to exceed two (2) square feet in area) directional signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of non-commercial private property.
- (10) Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed two (2) square feet in area.
- (11) One (1) non-illuminated, double-faced, temporary, real estate for sale sign per street frontage not exceeding in face area:
 - a. In residential zoning districts:
 1. Six (6) square feet where the property being advertised has a frontage of less than five hundred (500) lineal feet.
 2. Sixteen (16) square feet where the property being advertised

has a frontage of five hundred (500) lineal feet or more.

- b. In all other districts, sixteen (16) square feet where the property or structure being advertised has a frontage of less than two hundred (200) lineal feet.
 - c. In all other districts, thirty-two (32) square feet where the property or structure being advertised has a frontage of two hundred (200) lineal feet or more.
 - d. Multiple-listing strips and sold signs may be allowed when attached to a real estate for sale sign. Signs shall be removed immediately when ownership has changed or the property is no longer for sale, rent, or lease. Open for inspection signs not exceeding two (2) square feet in area may be allowed on property that is open for inspection.
- (12) One (1) construction sign per street frontage located on property where building is actually in progress under a current building permit. This shall be a ground sign not to exceed thirty-two (32) square feet for non-residential structures and sixteen (16) square feet for residential structures and may include the names of persons and firms performing services, or labor, or supplying materials to the premises. Such sign must be removed before a certificate of occupancy is issued.
- (13) Political signs, on private property provided such signs shall not exceed 16 sq. ft. in area (6 sq. ft. in a residential district), such signs shall not be erected more than 30 days before an election and must be removed within 3 days after the election.
- (14) Window signs which identify or advertise activities, services, goods or products available within the building and which collectively cover twenty (20) per cent or less of the window glass surface area.
- (15) Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps and do not exceed two (2) square feet per piece of equipment.

- (16) Directional and regulatory signs erected by an agency of government or any lawfully constituted utility.
- (17) One under-canopy sign per business not to exceed 3 sq. ft., in area, not lower than 8 ft. clear above the walkway surface and not illuminated.
- (18) Historical signs erected by a state or government agency or any lawfully constituted historical society. Historical signs shall be in conformity with this ordinance.

2.8

Sign Standards

- (a) Visual Obstruction: Signs shall not obscure vision between heights between three and nine feet above the grade level of the primary roadway which they face. Signs shall not be allowed in a sight triangle.
- (b) Protection of Residential Districts:
 - (A) Except as may otherwise be provided herein permanent signs are prohibited in single family residential districts.
 - (B) Signs in commercial or industrial districts which abut residential districts shall not be located closer than twenty five (25) feet to any residential boundary line.
 - (C) Illuminated or neon signs shall be diffused and shall not shine directly onto residential dwellings.
- (c) Ground signs, wall signs, mansard signs, marquee and canopy signs shall be subject to the following conditions:
 - (1) Temporary signs on private single family residential property are permitted at the property owner's discretion, provided, however, the sign shall be removed upon termination of the activity, such as, garage or yard sale, political campaign, real property sale or other like activity, for which it was erected. Signs permitted hereunder shall not exceed six (6) square feet in surface area.
 - (2) No new ground sign shall be larger than one hundred (100) square feet, except as otherwise provided herein.
 - (3) Aggregate surface area of all signs shall not exceed one square feet of area for each two feet of building frontage occupied by the business displaying signs. Maximum aggregate surface area allowed for each frontage:

A. In professional business area developments, fifty (50) square feet.

B. In all other districts where allowed, one hundred and fifty (150) square feet if said sign is located more than 300 feet from the roadway sitting nearest to the applicable building. For setbacks greater than 300 feet any increase in sign area must be approved by the Planning Commission.

- (4) Signs in multiple-occupancy non-residential building.

Where a single building or complex of buildings contains two (2) or more separate activities or establishments, the individual establishment located therein shall be permitted a wall sign and wall sign area based on portion of building frontage used by establishment as though they were individual buildings with individual street frontage. Such multiple occupancy buildings will be permitted one (1) directory on a common single multi-listing sign with a surface area not to exceed then (10) square feet and with a maximum height of sixteen (16) feet.

- (5) Maximum number of signs. Only one (1) ground sign and one (1) wall, mansard marquee or canopy, shall be allowed for each premises; except that on corner and double frontage lots, two (2) grounds signs are allowed, provided that premises with more than one (1) street frontage may utilize up to the maximum sign surface area allowed for each frontage, but no transfers of allowable area may be made from one frontage to another.

- (6) Ground signs.

A. Maximum height:

- (1) All signs, maximum sixteen (16) feet above natural ground level or grade level (see definition) to the top of sign face or frame or supporting structure, whichever is higher.

- (7) Wall sign projection. Wall signs may not project more than twelve (12) inches from the building to which they are attached.

- (8) Mansard signs. Unless otherwise specified, the mansard type roof portion of a structure may be used for the mounting of a sign, provided such sign shall not extend above the break point of the mansard type roof line upon which the sign is mounted.

2.9 Shopping center signs: Each shopping center sign bearing the name and identification of the shopping center and logo shall be allowed subject to the following requirements:

- (1) One (1) ground sign with a maximum height of sixteen (16) feet and a maximum surface area of one hundred (100) square feet is permitted to identify the name of the shopping center only.
- (2) Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface and shall not be greater than six (6) feet in vertical dimension and shall not extend beyond the marquee or canopy.

2.10 Subdivision signs: One (1) permanent subdivision sign may be located at each entrance to a subdivision provided the following requirements are met:

- (1) Such sign shall contain only the name of the subdivision and motto, if any. It shall not contain promotional material.
- (2) The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.
- (3) An acceptable legal entity shall be provided to assure the maintenance of the subdivision sign.
- (4) The sign shall not exceed seven (7) feet in height.
- (5) The sign shall not exceed thirty-two (32) square feet in area.

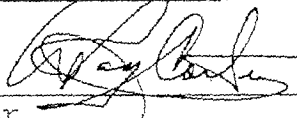
2.11 Multiple family residential development and mobile home park signs: One (1) wall or ground sign may be located on the site of a multiple family residential development or mobile home park provided that it is not more than thirty-two (32) square feet. Such sign shall not be more than eight (8) feet in height. Where a multiple family residential development or mobile home park is located on more than one (1) street, one (1) sign may be displayed on each street.

2.12 Gasoline pricing signs:

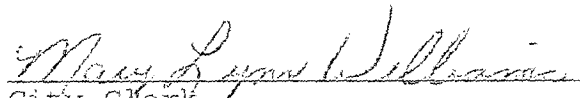
- (1) One sign advertising the price of gasoline is permitted, provided that it shall not exceed twelve (12) square feet per sign face and an aggregate area of twenty four (24) square feet. If freestanding, the sign shall not exceed five (5) feet in height.
- (2) Signs which are placed on gasoline pumps in order to provide required information to the public regarding price per gallon or liter, type of fuel and octane rating are permitted; however, such signs may not exceed three (3) square feet per side in surface area and six (6) square feet in total area.

This ordinance shall become effective immediately upon due adoption and publication as required by law.

ADOPTED THIS 17th DAY OF October, 1994.



Mayor



City Clerk