

Chapter 64 Unified Development Code

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Article VI Use Regulations

Section 64-101 Generally

Section 64-102 Accessory uses

[TO BE ADDED]

A. Home Occupations

1. A home occupation shall be incidental to a residential use of the premises.
2. provided that nNo article is shall be sold or offered for sale except such as may beunless it is produced by members of the family residing in the dwelling.
3. and further provided that the Home occupations is incidental to the residential use of the premises and doesshall not utilize occupy more than twenty-five (25) percent of the floor area of the dwelling. This section does not apply to the DDD or NC-1 districts.
4. Home occupations shall may include, in general, the following uses (refer to § 64-34): personal services, office, such as furnished by a physician, dentistmedical or dental clinic, personal instructional services, musician, artistmedia production, or art studio,cosmetician, or seamstress
5. when The services shall be performed by the persons occupying the building as his or hertheir private dwelling.
6. and not including the employment of any No additional persons on the premises shall be employed in the performance of such service the home occupation.

B. Dumpsters¹

- a. The placement of a dumpster in the front yard or required protection buffer of the building site or in the street right-of-way shall be prohibited.
- b. Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability.
- c. All dumpsters shall be enclosed within a wooden or brick enclosure of at least the height of the dumpster which is being enclosed, but in no case to exceed eight (8) feet in height. The dumpster enclosure may also be equipped with a door or gate constructed of wood or other opaque material that opens outward and which remains closed unless the dumpster is being filled or emptied. The dumpster enclosure must be of sufficient size to allow for placement and removal of dumpster without causing damage to the enclosure.
- d. If required/provided, dumpster enclosures must be kept in good repair and condition by the property owners for the life of the dumpster/enclosure requirement.
- e. The floor or pad of the dumpster enclosure must be equipped with a connection to the sanitary sewer, and any discharge or runoff from the enclosure shall not be allowed to drain into any storm water drain, as required by the city engineering department, or an alternative, approved by the city engineer, that does not allow leakage of contaminants.

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f. Construction dumpsters, used for construction projects, are exempt from this paragraph.

C. Mechanical equipment setbacks²

In any district, the minimum yard setback for any mechanical equipment (HVAC units, generators, pumps, etc.) with a height of three (3) feet or more above grade shall be a distance equal to the underlying setbacks of that district.

D. Outside Storage³

In the CM districts, a six (6) foot privacy fence shall be provided, and inventory shall not be stacked higher than six (6) feet.

E. Swimming pools⁴

Swimming pools shall be considered an accessory structure or use to the primary use unless the primary use of a building site is a commercial pool, swim club, health club, or other similar use.

a. A swimming pool must be located from any side or rear property line or structure a distance equal to at least one foot greater than maximum depth of the swimming pool.

b. A swimming pool shall not be located in any required front yard or corner lot side yard facing an intersecting street.

c. A swimming pool, and the area around the swimming pool, shall be enclosed by a fence of at least four (4) feet in height, and said fence shall be equipped with a self closing and latching gate.

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Section 64-103 Adult businesses

[TO BE ADDED]

Section 64-104 Drive-thru businesses

[TO BE ADDED]

Section 64-105 Fences⁵

6. Fences and walls.

a. No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of three (3) feet, and no fence or wall shall be erected or altered in any required side or rear yard to exceed a height of eight (8) feet. On a corner building site not having to its rear a building site facing toward the intersecting or side street, no fence or wall that obstructs sight shall be erected in the required side yard to exceed a height of three (3) feet.

b. Fences composed of barbed wire, or other dangerous materials, may be permitted in R-A, B-3, B-5, I-1, or I-2 districts upon approval of the Director of the Urban Development Department, or his/her designee. Applications for fences composed of barbed wire, or other dangerous materials, will not be approved in any other district, nor within the Henry Aaron Loop. Provided, however, that if a determination is made by the chief of police per section 21-1 of the Mobile City Code, the fence will be allowed, subject to permits.

c. Electrified fences must be approved by the director of the urban development department, or his/her designee.

7. Side yard exception for small lots. Where side yards are required and a lot of record is less than sixty (60) feet in width, the sum of the widths of the two (2) side yards shall be not less than one-third the

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width of the lot, and neither side yard shall have a width of less than one-seventh the width of the lot; provided, however, that in no case shall either yard have a width of less than five (5) feet.

Section 64-106 Oil Storage Tanks

[TO BE ADDED]

Section 64-107 Signs



~~Purpose: This ordinance Section is enacted to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting and other regulation features of off-premise and on-premise signs within the city. The purposes of this section are as follows:~~

- ~~Protects the right of citizens to freedom of speech as guaranteed by the United States and Alabama Constitutions;~~
- ~~To protect property values within the city;~~
- ~~To protect the motoring public motorists from damage or injury caused or partially attributable to distractions or obstructions from cluttered, improperly designed, or poorly situated signs;~~
- ~~To promote the economic well-being of the community by creating a favorable physical image for the City;~~
- ~~To allow signs appropriate to the planned character of each zoning district;~~
- ~~To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination one over the other; and~~
- ~~To protect the right of citizens to enjoy Mobile's natural scenic beauty;~~
- ~~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.~~

A. Applicability

1. **Generally.** This section applies to all signs in the City.
2. **Message Neutrality.** No provision of this Section shall be construed to regulate or restrict sign content or message. Any sign authorized in this Section may contain any commercial or non-commercial copy in lieu of any other copy.
3. **Sign Permits⁶**
 - ⇔ See Article V for sign permit procedures, and Article XII for application submittal requirements.
 - (a) **Permits Required.** Signs subject to this Section require a Sign Permit, except as provided in subsection (b) below.
 - (b) **Signs for which a permit is not required.** A permit is **not required** for the following types of signs which meet the criteria set out below. ~~These, and such~~ signs shall ~~are~~ not be considered in determining the allowable number or size or signs on a lot, except as provided in subsection C below.⁷

~~(6) Official notices issued by any court, public agency, or officer.~~

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- ~~(2)~~**(1)** Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations. Incidental signs. Incidental structure signs shall not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per structure (such as a gas pump or oil rack).⁸
- ~~(3)~~**(2)** **Flags** and insignia of any government except when displayed in connection with commercial promotion.
- ~~(4)~~**(3)** **Architectural Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- ~~(5)~~**(4)** Most **Indoor signs** are not required to have a sign permit, however permanent mall corridor signs must comply with the provisions of this ordinance. There shall be no limit upon the size, number, type or location of indoor signs, other than those located in mall corridors.

(5) Government Signs. Governmental traffic, directional, or regulatory signs or notices of any federal, state or local governmental entity.
- ~~(6)~~**Traffic Signs.** Signs for which the predominant feature and purpose of such signage is to advertise the time and temperature or signs for which the predominant feature and purpose of such signage is to advertise public service announcements.

(6) Signs directing and guiding traffic services on private property that:

 - a. but bearing include no advertising, ~~matter and~~
 - a.b. not exceeding twenty (20) square feet for each sign, except in the cases of hospitals or health care facilities in which case each sign shall not exceed forty (40) square feet comply with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Alabama Department of Transportation.
- (7) Temporary Indoor Window Signs.** Signs located on the inside of windows ~~intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are of a temporary nature, and~~ are constructed of such materials and are of such a nature that clearly indicates that they are temporary.
- (8) Gasoline pump signs.** Shall be allowed on gasoline pumps so as to provide required information to the public such as "gallons," "price," "octane rating," and "type of fuel." ~~As the tradename of the business is oftentimes incorporated into the name for the different types of fuel, said tradename and any associated symbols shall be permitted on the pumps as flat signs not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per pump.~~
- (9) Oil rack signs.** ~~Since oil is marketed on the pump island, the identification signs on the merchandise are visible and shall be permitted. Any additional signs on the oil rack shall not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet per rack.~~

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~~(10)~~ Pricing signs. A sign advertising only the price of gasoline, other than pump signs, shall be permitted and shall not exceed twelve (12) square feet per sign face and an aggregate area of twenty-four (24) square feet, not shall it exceed five (5) feet in height, if freestanding. One (1) such sign per on-premise frontage shall be allowed with a maximum of two (2) such signs per premises. However, should such pricing sign be attached to, or be a part of, a permanent freestanding sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories.

~~(11)~~ Contractor's signs and craftsmen's signs which pertain to development or construction on the site on which they are located, and signs offering real property for sale or lease on the property which is for sale or lease.

~~(12)~~(8) Essential Hazard signsWarnings. Where itSign that are is necessary to warn or furnish the public, tenants, and employees with information necessary to prevent property damage or ensure their health, welfare, and safety, are not subject to limits shall be placed on the number and/or size. (i.e. Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rail Crossing, etc.)

~~(13)~~(9) Temporary signs. A temporary sign, which shall include a mobile or portable sign, may be allowed for no more than seven (7) days per location per six (6) months to advertise a special event or occurrence of a charitable or non-profit organization, subject to subsection D below.

~~(14)~~(10) Moving vVehicle sign sage, subject to subsection F below.

B. General provisions⁹

1. Compliance. All signs must be in compliance comply with the provisions of the Standard Building Code and the National Electrical Code adopted by the eCity's adopted building code, and listed and labeled by a national testing lab. [~~refer to Chapter 11, Art. 1 (Building Code)~~]

~~2. b. Notification of violations.~~

~~Such notifications shall be made by the inspection services department.~~

~~3.2. Sign inspection. It shall be responsibility of tThe sign contractor to shall request all inspections in relation to the sign construction and installation.~~

~~4. Height~~

~~5. requirement. No sign shall obstruct vision between a height of three (3) feet and eight (8) feet measured vertically from the street level at the base of the sign.~~

~~6.3. Display surfaceSign area:~~

(a) The Sign area within each is calculated as the face area of a regular geometric shape (such as a rectangle, circle, square or triangle) enclosing all elements of informational or representational matter- and including blank maskingthe background or white space.

(b) Structural supports not bearing information shall are not be included in the computation of displaycounted toward the -sign area.

(c) All dDecorative embellishments or appurtenances such as directional arrows which are not a part of the display area shall not be greater thanthat comprise no more than twenty

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~~(20%) percent~~ of the display area are not counted toward the sign area. Any area that exceeds that amount is counted toward the sign area.¹⁰

~~(d)~~ Where two display areas are placed back to back and are at no point more than two feet from one another, the sign area is:

~~(1)~~ the area of one of the display areas if the two display areas are of equal area, or

~~(e)(2)~~ the larger display area if the two display areas are of unequal area.

~~7-4.~~ **Height.**

~~(a)~~ Sign height: ~~As~~ measured from finished ground level to the top of the sign.¹¹

~~(b)~~ The height of a sign is measured from the finished ground level to the top of the sign. In cases where signs are located below the grade of the road street to which they are oriented (as declared by the sign owner), sign height shall be measured from the street grade of that street.

~~8-5.~~ **Setbacks.** ~~In no case may a~~ sign exceeding ~~ten (10)~~ feet in height shall be located:

~~(a)~~ within at least eighteen (18) inches of from the right-of-way, or

~~(b)~~ eight (8) feet from any side property line, if adjacent property is used as a single-family residence.

~~9-6.~~ **Abandonments.** An abandoned sign must be removed within ninety (90) days from the date Director provides official notice ~~to abandon is given by the inspection services department.~~ Permanent on-premise site signs applicable to a business temporarily suspended because of a change in ownership or management ~~of such business shall are~~ not be deemed abandoned ~~unless~~ the property remains vacant for a period of six (6) months or more.

~~10-7.~~ **Sign maintenance.** Any signs not meeting the following provisions shall be repaired or removed within thirty (30) days after receipt of notification by the ~~inspection services department~~ Director.

~~(a)~~ The area around the sign shall be properly landscaped and maintained clear of brush, trees, and other obstacles so as to make signs readily visible.

~~(b)~~ All burned-out bulbs or damaged panels must be replaced.

~~(c)~~ All sign copy shall be maintained securely to the face and all missing copy must be replaced.

~~11-8.~~ **Owner responsibility.** ~~It shall be the responsibility of t~~The sign owner ~~to shall~~ maintain and insure conformance to ~~the provisions of this article [sSection].~~

~~12-9.~~ **Building graphics.** Drawings painted on buildings that contain no copy, symbols, or other references to product or services ~~shall are not be~~ considered signs and ~~shall be are~~ exempt from the provisions of the article, but shall be reviewed in designated historic districts. Drawings painted on buildings that do contain copy, symbols, or other references to products or services ~~shall be are~~ considered wall signs ~~and shall be~~ subject to the regulations of the district in which they are located.

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~~13-10.~~ **Signs in or over public right-of-way.** Any sign which projects in or over a public right-of-way shall be attached to and shall not project more than ~~twelve (12)~~ inches from the front of the building and must be raised ~~not less than at least~~ **nine (9)** feet from finish grade level.

~~14-11.~~ **Removal.** The city may cause any sign or other advertising structure which is an immediate hazard to persons or property to be removed immediately in order to protect the health, safety and welfare of the citizens of the city. ~~Such-These~~ signs shall be removed in accordance with the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971. ¹²

⇔ See also: § 64-44 (Yard, Lot and Block Regulations-Intersection Visibility)

C. Standards by Sign Type, Zoning District and Use¹³

~~1.~~ **General:** All setbacks are measured from any property line and outside of all sight visibility triangles.

1. Permits are required for all allowed **Generally.** This section establishes standards for individual sign types, including sign types identified by location and by zoning district. For each location or zoning district, standards are identified for each major sign type category (freestanding and attached) as follows:

(a) The maximum number of signs, either per site, per entrance, tenant space, or street frontage (in linear feet [lf]), and

(b) Maximum sign area (in square feet [sf] or per street frontage (in linear feet [lf]), and

(c) Maximum height, and

~~2-~~**(d)** Minimum setback, if applicable, signs and must conform to the following criteria:¹⁴

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Table 106-1 Sign Dimensional Standards

| | Type | Number | Sign Area sf | Height ft | Setback ft |
|--|--------------------------------|-------------------------------------|---|--------------|--|
| Location | | | | | |
| Single-family Subdivision identification entry sign | Monument | 2 per entrance | 35 per side | 10 | |
| Multi-family complex entry sign | Total | 2 per complex | | | |
| | Monument | 2 per entrance | 25 per side | 10 | |
| | Pole | 1 per entrance | 25 per side | 15 | |
| Home Occupation Accessory management or rental office | Wall | 1 | 1 | | |
| | Wall (below roofline) | | 25 | | |
| Menu Board (Commercial/ Industrial only) | | 1 per drive-thru lane | 48 sf | | 25 from Rboundary of any RL or RM district |
| High rise (1,000' of the center line of I-65 and I-10) | | | 200 sf | 100 | |
| Districts | | | | | |
| T-BNC | Monument | 1 per site | 1 per 2 lf street frontage 75 sf max | 105 | |
| | Wall, awning, or canopy (below | 1 per establishment or tenant space | 10% usable wall 100 sf max | | |

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| | Type | Number | Sign Area sf | Height ft | Setback ft |
|---|---|---|--|-----------------|--|
| | Marquee (below roofline) | | 10% usable wall | | |
| | Projecting | | 75 sf 0.5 lf building frontage 40 sf max | | |
| DC, D, CT, CM, IL, IH, P and PD Commercial/Industrial (single establishment) | All signs | 3 | | | 1.5 from ROW 10 from side adjoining R-1/R-2 |
| | Freestanding / Monument | 2 per site | 1 per lf street frontage 200 sf max | 10/35 | |
| | Wall, awning, or canopy (below roofline) | | 30% usable wall 350 sf max | | |
| | Marquee (below roofline) | | 30% usable wall 200 sf | | |
| | Projecting | | 1 per lf building frontage 125 sf max | 5 above parapet | |
| | Window | | 20% window area 200 sf | | |
| DC, D, CT, CM, IL, IH, P and PD Commercial/Industrial (multiple establishment) | Monument | Based on 1 per 600' street frontage: | 75 sf | 50 | |
| | Freestanding | 1-600' lf = 1 601-1,200' = 2 > 1,201' = up to 3 | 350 sf | 50 | |
| | Freestanding (grouped) | 1 2 | 700 1,050 | | |
| | Wall, projecting, awning, canopy or marquee | 1 per establishment | 30% usable wall 350 sf max | | |
| | Window | | 20% window area 200 sf | | |

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3.2. Banners. A banner may be permitted for a business, institution or organization to announce a special sale, offering or function subject to the following criteria:

- (a) Banners are allowed in the NC, DC, D, CT, CM, IL, IH, P and PD districts.
- (b) A banner is described as a sign made of a nonrigid material such as fabric, cloth, or vinyl with text and/or graphic designs. Banners shall be affixed to the existing building and attached to rigid frame material, or hung with tension devices to maintain tautness and flexibility.
- (c) Banners shall be maintained in such a way as to avoid fading, cracking and fraying, and to maintain tautness.
- (d) Banners are limited to one (1) on-premise banner per business, and one (1) banner per occurrence of a special sale, offering, or function. A maximum of three (3) occurrences per year may be permitted establishment or use during the time periods allotted for temporary signs (see subsection (f) below).
- (e) Maximum banner size shall not exceed thirty-two (32) square feet.

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~~(d)(f)~~ Display ~~of a permitted banner~~ shall be limited to ~~a maximum of thirty (30)~~ consecutive days per occurrence from the date of permitting; ~~a maximum of three (and up to 3)~~ occurrences per annum, not to run consecutively.

~~(e)(g)~~ Placement ~~of a banner~~ shall meet ~~all of the requirements of the zoning ordinance for wall signs in subsection 1 above.~~ Banners are counted toward the maximum wall sign allowance in Table 106-1.

~~(f)(h)~~ A sign permit ~~shall be~~ required for each banner. ~~No inventory fee shall be required. The permit fee for a banner shall be twenty (\$20.00) dollars and shall in no way reduce or exempt the business from permit fees for permanent signage.~~

3. Menu Boards

~~(a)~~ One (1) drive thru menu/order board per drive thru lane, with a maximum of forty eight (48) square feet each. Must be located a minimum of twenty five (25) feet from any residential property line; and must conform to Menu Boards shall comply with subsection 1 above, and are allowed only in the DC, D, CT, CM, IL, and IH districts.

~~(g)(b)~~ the following standards for The maximum volume (documentation from manufacturer required with permit application for menu board sign) of any speaker is as follows:-

Table 106-2 Maximum Volume for Menu Boards

| Distance from the Speaker (Feet) | SPL (dBA) |
|-------------------------------------|-----------|
| 1 foot | 84 dBA |
| 2 feet | 78 dBA |
| 4 feet | 72 dBA |
| 8 feet | 66 dBA |
| 16 feet | 60 dBA |
| 32 feet | 54 dBA |

4. Sandwich Board Signs. Sandwich boards signs are permitted within the Corporate Limits of the City of Mobile as follows:¹⁵

~~(a)~~ Sandwich Boards are allowed in the NC, DC, D, CT, CM, IL, IH, P and PD districts.

~~(a)(b)~~ A Sandwich Board shall be in front of the business location for which it is permitted; exact location to be approved by the Urban Development Department, Planning Section, and shall not obstruct reduce any pedestrian ways or reduce them to less than four (4) feet in width. If the existing pedestrian way is less than 4 feet in width, the Sandwich Board shall not reduce the existing width. Approval by Traffic Engineering, Engineering, Right of way, and/or Historic Development may also be required.

~~(b)(c)~~ Each ground floor tenant space business shall be limited to ~~a maximum of one (1)~~ Sandwich Board ~~sign~~.

~~(e)(d)~~ Sandwich Boards signs (including frames) shall be no larger than ~~twenty four (24)~~ inches in width and ~~thirty six (36)~~ inches in height.

~~(d)(e)~~ Illuminated Sandwich Board signs ~~are not permitted shall not be illuminated.~~

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~~(e) A twenty-five dollar (\$25.00) permit fee is required for all sandwich board signs.~~

(f) All Sandwich Boards ~~signs~~ shall be removed each day, before the close of the permit holder's business ~~each day~~.

~~(g) Before any permit provided for herein is issued, the applicant must submit a hold harmless and release agreement satisfactory to the city.~~

~~(h) Failure of the permittee to comply with any of these conditions shall result in the revocation of the permit and any display of the sandwich board sign thereafter is prohibited.~~

5. **h. Political campaign Temporary Signs.** Signs announcing candidates seeking public office or relating to any election of public referendum shall be ~~permitted in all districts subject to the following provisions for a consecutive period of 30 days for up to 4 times per year if:~~ An additional allocation of freestanding or wall signs is permitted in all districts subject to the following provisions for a consecutive period of 30 days for up to 4 times per year if:

~~(a) Such~~ The temporary signs are ~~confined wholly to placement~~ placed on private property.

~~(b) Such signs are removed within seven (7) days after the election or referendum for which they were prepared has been decided.~~

~~(c) Such~~ The signs do not exceed ~~four (4)~~ four (4) square feet per face in any ~~residential-RL or RM area-zoning district~~ residential-RL or RM area-zoning district and ~~thirty-two (32)~~ thirty-two (32) square feet per face in ~~commercially-all other zoned areas~~ commercially-all other zoned areas districts, and are not located within ~~ten (100)~~ ten (100) feet of any street or public right-of-way.

~~(d) The regulations of this subsection does not prohibit the purchase of advertising space on permitted billboards signs in addition to the signs permitted by this subsection.~~

6. **Vehicle Signs:**

~~(a) Signs on vehicles that are functional, used as motor vehicles, and have current registration and tags are not regulated except as provided in subsection (b) below.~~

~~6. A Sign shall not be~~

~~(a) placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign. Vehicles for which the sole or primary purpose is advertising—whether owned by the company or rented advertising space.~~

~~(b) A e. stationary vehicle with advertising (a delivery van, service or repair vehicle parked on private property within twenty-five (25) feet of a street) will be is considered a prohibited sign.~~

~~(c) Signs on public transportation vehicles (vehicles owned and/or operated by a government sponsored or contracted agency, providing seating for ten (10) or more persons). Signage shall include full vehicle wraps.~~

~~(d) Delivery vans, service or repair vehicles when vehicle function is normal part of day to day activities of the business and is integral to business operation.~~

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- ~~(e)~~ 3. Personal vehicles or vehicles on loan from dealerships/sales for use relating to special events and to include such events as bowl games, non-profit or service organization fund raisers, Bayfest, Junior Miss, etc. Signage shall not include full vehicle wraps.
- ~~(f)~~ 4. Taxi service mounted on roof, maximum height of eighteen (18) inches above roof of vehicle
- ~~(g)~~ 5. Personal Mobility Equipment (including wheelchairs, bicycles, Segways, walkers, and other equipment as designated by the Director or her designee) Maximum size 32" x 32". Signage on Personal Mobility Equipment is limited to the Henry Aaron Loop.

D. Digital or Electronic ~~Signs~~billboards allowed; conditions and requirements.

The use of electronic or digital technology in off-premise signs is permitted ~~and allowed, subject to the following limitations and restrictions which are in addition to and intended to supplement all other applicable requirements as follows:~~

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1. Display Changes

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- ~~1-(a)~~ All off-premise electronic or digital signs shall be programmed so that the message or image on the sign changes no more often than once every ~~eight (8)~~ seconds.
- ~~2-(b)~~ All off-premise electronic or digital signs shall be programmed so that there are no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
- ~~3-(c)~~ All off-premise electronic or digital signs shall be programmed so that the image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.

~~4-2.~~ **Brightness Controls.** All off-premise electronic or digital signs shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

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- (a) The signs shall have installed ambient light monitors, and shall at all times allow the monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
- (b) The maximum brightness levels for ~~such the~~ signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
- (c) The maximum brightness levels for ~~such the~~ signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
- (d) Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign ~~has been is~~ preset not to exceed the illumination levels established by this section, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

3. Malfunction

~~5.~~(a) All off-premise electronic or digital signs shall contain a default design that will freeze the device and message in one position with no more than a maximum illumination of five hundred (500) nits if a malfunction occurs.

~~6.~~(b) Any off-premise electronic or digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this section within 24 hours.

4. Conversion to Electronic or Digital Technology

~~7.~~(a) Existing conforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section. ~~The conversion of any existing conforming billboard requires permitting from the city's land use/code administration department and the issuance of a permit (see subsection 6 below).~~

~~8.~~(b) Existing nonconforming ~~billboards, signs and structures~~ may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section ~~(including the minimum set back and spacing requirements applicable to electronic and digital signs that are set forth in paragraphs I and J below), and provided that such if the~~ structures are structurally able and capable of supporting the conversion. The conversion of any existing nonconforming ~~billboard sign~~ requires ~~permitting from the city's land use/code administration department a permit (see subsection 6 below).~~

5. Spacing

~~9.~~(a) The minimum spacing between electronic or digital signs facing the same direction of travel, or that are otherwise visible to the same direction of travel, shall be ~~three thousand (3,000)~~ linear feet measured radially.

~~10.~~(b) No off-premise electronic or digital sign shall be located less than ~~five hundred (500)~~ linear feet from a residential (~~R-1, R-2, or R-3~~RL, RM) property line.

~~11.~~6. **Permitting.** All off-premise electronic or digital signs, including the conversion of any existing billboard to electronic or digital technology, ~~shall~~ require permits as follows:

(a) ~~The Sign Owner shall file an a~~Application for a ~~building sign~~ permit ~~shall be made to the land use/code administration department with the Director.~~ The Director shall issue or deny the permit within 10 calendar days, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the department personnel with the proposed sign and sign location. ~~The application shall be accompanied with the deed, lease, or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information: distance from proposed sign to closest off premise sign on the same side of the street and on the opposite side of the street; distance from proposed sign to closest residentially zoned (R-1, R-2, or R-3) property; location of all other digital billboard signs within a radius of one mile of the proposed location; written certification from the sign manufacturer certifying that the~~

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~~light intensity of the sign has been preset not to exceed the illumination levels established by this subsection, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method; and an identification of the signs that will be removed within six (6) months of the issuance of the building permit as required by this section.~~

(b) The ~~building sign~~ permit shall become null and void unless construction of the sign ~~has been~~ is substantially completed within ~~five (5)~~ months from the date on which the permit was issued. ~~In the event a~~ If the permit becomes null and void ~~after the expiration of five (5) months,~~ the permittee shall ~~be required to~~ reapply for a permit for that site ~~and pay another permit application fee.~~ If, however, the permittee provides ~~substantial~~ evidence that good cause prevented substantial completion within the ~~five (5)~~ months, ~~and such evidence is accepted by the building official~~ Director, ~~then said permit may be extended the permit one (1) time for an additional three (3) months.~~

(c) ~~A permit application fee of two hundred fifty dollars (\$250.00) per structure shall be paid by each person or corporation seeking a building permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.~~

~~(d)~~(c) Electrical permits are also required.

~~12-7.~~ **Removal of Existing Sign Faces.** For each off-premise electronic or digital billboard erected or constructed after the effective date of this section, or for each existing billboard that is converted to electronic or digital technology after the effective date of this section, the permittee shall ~~remove three (3) existing sign faces~~ from nonconforming signs owned by the permittee or any subsidiary, parent or other company affiliated with the permittee within ~~six (6)~~ months of the issuance of the building permit. The permittee shall make written certification to the ~~land use/code administration department~~ Director no later than ~~six (6)~~ months following the issuance of the permit identifying the location of the sign faces that were removed and the date of their removal.

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~~13-8.~~ **Vehicle Displays.** No electronic or digital or video display message shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right of way within the corporate limits of the city. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile advertising billboards. Any person operating or using a vehicle, motor vehicle or trailer in violation of this section shall be subject to the issuance of a municipal offense ticket and punishment in the same manner and in accordance with the schedule of fines and other procedures set out in chapter 1, Mobile City Code.

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E. ~~3-~~ Nonconforming Signs

~~1- a.~~ **Cessation Of Nonconforming Permanent Signs.**

(a) ~~(1) Signs that are located in improper zoning districts and signs that exceed the allowable number or the allowable size limitations shall be removed in historic districts by October 13, 1992, and by October 13, 1994, in non-historic districts.~~

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~~(b) (2) In addition, all nonconforming portable trailer signs flying paraphernalia advertising shall be removed within ninety (90) days from the enactment of this ordinance.~~

~~(c) (3) All signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this section.~~

1. Allowance for Certain Nonconforming Signs. ~~Subject to the conditions and amortization schedule hereinafter set forth,~~ Nonconforming signs may be continued in operation and maintenance after the effective date of this section.

2. Prohibited Changes to Nonconforming Signs, ~~provided that~~ Nonconforming signs shall not be:

- (a) Changed to or replaced with another nonconforming sign;
- (b) Structurally altered so as to extend their useful life;
- (c) Expanded;
- (d) Relocated;
- (e) Re-established after damage or destruction of more than seventy-five (75) percent of the value of the structure at the time of ~~such~~ damage or destruction; or
- (f) Modified in any way that would increase the degree of nonconformity of ~~such the~~ sign. ~~Except in the case of subsection (g) hereinabove, this~~ Except for an expansion (see subsection (c) above), this ~~shall does~~ not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

3. Annexed Signs. ~~Where s~~ Signs ~~have been~~ made nonconforming due to annexation, ~~such signs~~ shall be removed or modified ~~so as~~ to conform ~~to this Section~~ according to the amortization schedules ~~below, measured from~~ established herein, ~~but the initiation date of the schedules shall be the~~ effective date of the annexation ordinance which ~~brought brings~~ the affected property into the City; ~~rather than that of this section.~~

~~(a)~~ Nonconforming portable trailer signs shall be removed within 90 days.

~~3.(b)~~ Signs in the public right-of-way shall be removed within 90 days.

4. Removal of Signs. Signs which are installed, erected, constructed, or maintained in violation of any terms of this section ~~shall be~~ considered unsafe to the extent of being a public nuisance. Such signs shall be removed by the city in accordance with the city's Unsafe Building Act, Acts of Alabama, P. 219, Act. No. 140, adopted May 11, 1971.

F. Prohibitions

The following signs are unlawful, and are prohibited in the city:

1. Digital or Electronic Signs (except as provided in subsection D).

~~2. or m~~ Moving/rotating signs.

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Article VI Use Regulations |Section 64-107 Signs

~~2.3.~~ Trailer signs. ~~6. Prohibited signs.~~

4. Signs imitating traffic or emergency signals. No sign shall:

(a) attempt or appear to attempt to regulate, warn or direct the movement of traffic, or

~~3.(b) which~~ interfere with, imitate, or resemble any official traffic sign, signal or device, ~~or-~~

(c) ~~be permitted which imitates an official traffic sign or signal, or~~ contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or

~~4.(d) which~~ displays intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.

5. Signs employing strobe type lights. No sign shall ~~be permitted which utilizes~~ use intense flashing lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle. ~~Computerized message signs shall be allowed as long as said signs comply with all requirements of this ordinance. This does not apply to permitted digital signs.~~

6. Signs employing confusing motion. No sign shall ~~be permitted which~~ employs motion ~~in such a manner as to that~~ obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic, or a traffic signal, device, or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.

7. Sign lighting which is incompatible with residential character. No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the district into which such illumination is cast.

8. Roof-mounted signs. ~~Such signs are prohibited to the extent that any portion of the sign extends above the facade of the building.~~

9. Portable trailer signs.

10. Anchored flying paraphernalia.

11. Signs of any kind attached to public utility poles.

12. Any trailer sign with copy being towed or transported.

13. Bus bench signs.

14. Signs which are not clean and in good repair.

15. Signs that are not securely fixed on a substantial structure.

16. ~~Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.~~ Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

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17. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
18. Stacked off-premise signs.
19. Wind activated signs, ~~as defined in section 64-11.1.1 are prohibited.~~

G. Signs in Historic Districts and Along Government Street¹⁶



Purpose: The purposes of this subsection are:

- to encourage the effective use of signs as a means of communication,
- to protect the city's historic districts and historic structures;
- to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; and
- to enable the fair and consistent enforcement of these sign regulations.

1. ~~Applicability-effect.~~ **This section applies to any** sign:

- (a) ~~may be erected, placed, established, painted, created, or maintained~~ within any historic district, or
- (b) the properties along Government Street from Water Street to the intersection of Government Street and Dauphin Island Parkway, or
- ~~1-(c)~~ (c) on a building site with any portion ~~thereof~~ located in a historic district, ~~only in conformance with the standards, procedures, exemptions, and other requirements of this section. If any standard or regulation adopted pursuant to this section differs or conflicts with the standards prescribed by any other law, the most restrictive standard shall apply.~~

2. ~~Permissible signs in Historic Districts.~~ **The following signs are permitted in historic districts** ~~provided they comply with all of the requirements stated in this chapter.~~ In calculating the maximum allowable sign signage area for all signs; (except for banners and sandwich board signs, ~~)~~ no sign shall exceed one and ~~one half~~ (1.5) square feet per linear foot of the primary building wall, ~~for a maximum of sixty four (up to 64) square feet per tenant.~~ All sides of projecting, monument or freestanding signs ~~containing a commercial message shall be~~ are included.

- (a) Awning signs;
- (b) Banners. ~~Banners that comply with section 64-11 of the City Code, as amended;~~
- (c) Canopy signs. Maximum copy size shall not exceed that allowed for wall sign;
- (d) Changeable copy signs;
- (e) Freestanding signs. No portion of a freestanding sign shall exceed ~~eight~~ (8) feet in height;
- (f) Marquee signs;
- (g) Menu boards, up to signs. ~~Maximum size shall not exceed twenty-five (25) square feet;~~

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Article VI Use Regulations | Section 64-107 Signs

- (h) Monument signs, ~~No portion of a monument sign shall exceed six (up to 6) feet in height and ; and monument signs may be allowed up to a maximum of fifty (50) square feet of sign area;~~
- (i) Projecting signs. ~~Limited to a maximum of forty (Up to 40) square feet; no sign shall extending up to five (5) feet beyond the building wall; signs may project and into the right-of-way a maximum of up to two thirds (2/3) of the distance to the roadwaystreet; but no sign may project five (5) feet from the building wall and no sign shall be and no closer than two (2) feet to a roadwaythe street; and minimum height to bottom of sign shall be eightof (8) feet;~~
- (j) Suspended ~~or blade~~ signs;
- (k) Wall signs, ~~thirty (30) percent%~~ of usable wall area maximum; and
- (l) Window signs, ~~twenty (20) percent%~~ of window area maximum.

3. **Prohibited Signs Prohibited Under This Section.** The following signs are prohibited in historic districts:

- (a) Animated signs;
- (b) Beacons;
- (c) Inflatable signs and tethered balloons;
- (d) Off-premise signs;
- (e) Pennants;
- (f) Portable signs;
- (g) Roof signs;
- (h) Strings of lights, not permanently mounted to a rigid background, except ~~those allowed under the during November 15 through January 15; and February 1 through March 15 holiday lights provision stated in subsection g;~~
- (i) Temporary signs; and
- (j) All other signs prohibited ~~by this chapterSection.~~

4. **Exempt Signs exempt from regulation under this section.** The following signs shall be exempt from regulation under this section:

- (a) ~~Any public notice or warning, to be displayed on any lot or structure within a historic district, required by a valid and applicable federal, state, or local law, regulation, or ordinance~~ Signs exempted pursuant to subsection A of this Section;
- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than ~~three 3~~ feet beyond the lot line of the building site or parcel on which such sign is located;
- (c) Works of art ~~that do not include a commercial message;~~

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Article VI Use Regulations |Section 64-107 Signs

- ~~(d)~~ Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and the two ~~(2)~~ weeks preceding Mardi Gras;
- ~~(e)~~ Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet department of transportation standards and which contain no commercial message;
- ~~(f)~~~~(d)~~ Building markers;
- ~~(g)~~ Construction signs;
- ~~(h)~~~~(e)~~ Flags;
- ~~(i)~~~~(f)~~ Historic markers; and
- ~~(j)~~ Incidental signs. ~~A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots. Incidental signs shall not contain a commercial message;~~
- ~~(k)~~ Political campaign signs that comply with section 64-11 of the City Code as amended; and
- ~~(l)~~~~(g)~~ Real estate signs.

H. Off-premise advertising

No ~~outdoor~~ Off-Premise ~~advertising structure~~Sign shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:

~~(a)~~1. **Where Permitted**

~~(b)~~ **Moratorium**

~~(c)~~~~(a)~~ ~~Outdoor~~Off-Premise ~~advertising structures~~Signs shall ~~are~~ not be allowed in any of the City's officially designated historic districts as reflected on the maps maintained by the city historic development commission, in any area placed on the National Register of Historic Places, along Water Street from Broad-Beauregard Street on the North to the intersection of Water Street and Canal Street on the South, and on Government Street from the Mobile River to Dauphin Island Parkway.

~~(d)~~~~(b)~~ ~~Outdoor~~Off-Premise ~~advertising structures~~Signs shall ~~be~~ permitted by right in ~~B-2CT, B-3CM, B-5, IL-1 and IH-2~~ zoning districts ~~as those districts are defined in the zoning ordinance of the City of Mobile, as the same may be amended from time to time. Such signs shall be removed within forty five (45) days of the enactment of this ordinance.~~

2. Replacement

~~(e)~~~~(a)~~ Replacement of an ~~outdoor off-premise advertising structure~~Off-Premise Sign for an existing ~~outdoor off-premise advertising structure~~Off-Premise Sign in ~~B-2, B-3, B-5CT, CM, IL-1 and IH-2~~ zoning districts ~~will be~~ permitted subject to compliance with all other provisions of this ~~ordinance~~Section. V-type or back to back signs ~~shall be~~ considered as ~~one~~~~(1)~~ sign.

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Article VI Use Regulations | Section 64-107 Signs

~~(f)~~(b) ~~In the event of a natural disaster, r~~Replacement of an ~~outdoor off-premise advertising structure~~Off-Premise Sign with damage ~~from a natural disaster~~ not exceeding ~~seventy-five (75%) percent~~ of the sign's total value ~~will be~~is permitted in ~~CT, CM, IL and IH B-2, B-3, B-5, I-1 and I-2~~ districts subject to compliance with all other provisions of this ~~ordinance~~Section.

~~(g)~~(c) In a ~~B-2~~CT zoning district no ~~outdoor off-premise advertising structure~~Off-Premise Sign shall be constructed or erected after the date of the enactment of this ordinance, ~~except to the extent that such~~unless the outdoor off-premise advertising structureOff-Premise Sign replaces an existing ~~outdoor off-premise advertising structure~~Off-Premise Sign in a ~~B-2~~CT district and otherwise complies with ~~the provisions of this ordinance~~Section.

~~2-3.~~ **Location and Spacing**¹⁷

(a) No ~~outdoor off-premise advertising structure~~Off-Premise Sign shall be constructed within ~~five hundred (500)~~ feet of a residential property line (~~R-1, R-2, R-3~~RL, RM).

(b) On all interstate highways, streets, and all other highways, no ~~outdoor off-premise advertising structure~~Off-Premise Sign shall be located within ~~one thousand (1,000)~~ feet (measured along one side of the street) from any other ~~outdoor off-premise advertising structure~~Off-Premise Sign.

~~(c) No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching intersecting traffic.~~

~~(d) All outdoor off-premise advertising structures will be inspected by a designated official of the Land Use/Code Administration Department of the City of Mobile.~~

~~3-4.~~ **Lighting**¹⁸

(a) No ~~revolving or rotating beam or~~ Beacon of light that simulates any emergency light device ~~shall be~~is permitted as part of any private ~~or commercial~~ sign.

~~(a)~~(b) Flashing or blinking devices ~~shall not be~~permitted ~~upon~~ a sign~~; However, illuminated signs which indicate customary public information only such as time, date, temperature or other similar information shall be permitted.~~

(c) External lighting such as flood lights ~~or~~, thin line goose-neck reflectors are permitted ~~provided if~~ the light source:

(1) ~~is directed on the face of the sign~~Display Area only, and

~~(b)~~(2) ~~to avoid glare and obstructed vision,~~ is effectively shielded ~~so as~~to prevent beams or rays of light from being directed onto any portion of ~~a street or driveway~~the traveled way ~~so as to cause glare or limit vision.~~

~~(e)~~(d) ~~To prevent direct rays of light from shining into adjoining residential districts, The~~ illumination of any sign within a ~~five hundred (500)~~ foot radius of a ~~residential~~an RL or RM district boundary line shall be diffused or indirect in design ~~to prevent direct rays of~~

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Article VI Use Regulations |Section 64-108 Telecommunications Facilities

~~light from shining into adjoining residential districts, including but not limited to single-family or multi-family zoning districts or uses.~~

~~4-5.~~ **Height and size**

- ~~(a)~~ **(a)** The minimum distance from the base of the sign face to the ground shall measure ~~no less than (at least 10)~~ feet.
- ~~(a)(b)~~ **(b)** The maximum height of an Off-Premise ~~advertising structure~~ **Sign** shall not exceed ~~thirty-five (35)~~ feet overall height as measured from the base of the sign signature to its highest point.
- ~~(b)(c)~~ **(c)** The maximum area of ~~an Off-Premise Sign a sign face shall be~~ **is three hundred (300)** square feet. No cutouts ~~shall be~~ **are** allowed.

(Ord. No. 80-057, 5-16-67; Ord. No. 54-014, 4-7-92; Ord. No. 64-051, § 1, 8-16-94; Ord. No. 64-058, § 1, 9-20-94; Ord. No. 64-093, § 1, 11-29-94; Ord. No. 64-033, § 1, 7-25-95; Ord. No. 64-008, §§ 1-7, 2-2-99; Ord. No. 64-021, §§ 1-4, 4-8-03; Ord. No. 64-041-2006, § I, 10-10-06; Ord. No. 64-003-2008, § I, 2-6-08; Ord. No. 64-039-2008, § 1, 5-21-08; Ord. No. 64-019-2012, §§ XVII, XVIII, 8-7-12; Ord. No. 64-040-2012, § II, 12-11-12; Ord. No. 64-007-2013, § I, 2-19-13; Ord. No. 64-018-2013, § I-III, 6-4-13; Ord. No. 64-046-2013, § 1, 12-31-2013; Ord. No. 64-004-2014, §§ I, II, 2-11-14)

Section 64-108 Telecommunications Facilities

[TO BE ADDED]

Section 64-109 Reserved.

o Definitions (Signs) | Section 64-1

Definitions (Signs)

[TO BE COMBINED WITH OTHER DEFINITIONS IN ARTICLE 10]

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.¹⁹

Banner: A sign that is ~~mounted on or attached to~~ composed of a non-rigid surface such as cloth, fabric, ~~or~~ paper. ~~A banner is described as a sign made of a nonrigid material such as fabric, cloth,~~ or vinyl with text and/or graphic designs.²⁰

Beacon: Any light with one or more beams directed into the atmosphere or directed at ~~one (1)~~ or more points not on the same building site as the light source; ~~also, or~~ any light with ~~one (1)~~ or more beams that rotate or move.²¹

Building marker: Any sign ~~indicating the name of a building and date and incidental information about its construction, which sign is~~ cut into a masonry surface or made of bronze or other permanent material.²²

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.²³

Canopy ~~sign~~: Any sign that is a part of or attached to ~~an awning, a~~ canopy; or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. ~~A (other than an awning or marquee) is not a canopy.~~²⁴

Changeable Copy ~~sign~~: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.²⁵

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.²⁶

Copy: The characters, letters or illustrations displayed on a sign ~~face~~.²⁷

Display Area: The exterior area or surface of a sign on which is placed the copy. For a freestanding sign, the display area is the board, placard, poster, banner, or similar plane on which the copy is placed. For a wall sign, awning sign, canopy sign, marquee sign or any other sign that is placed upon or integral to a structure, building or building element, the display area is the shape enclosing the copy (see the sign area measurement provisions of § 64-106), including any background which is different from or in contrast with any wall or structure surface upon which it is mounted.

Flag: Any fabric or other material containing distinctive colors, patterns, or symbols, ~~used as a symbol of a government or political subdivision.~~²⁸

~~Banner: Any sign of lightweight fabric or similar material that is securely mounted to a building. Flags shall are not be considered banners.~~²⁹

Historic markers: Any sign ~~indicating with~~ historic significance as awarded or recognized by the MHDC.³⁰

Marquee: Any permanent rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.³¹

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o Definitions (Signs) | Section 64-1

Marquee ~~sign~~: Any sign attached to, in any manner, or made a part of a marquee. ³²

Menu Board: An incidental sign oriented to a driveway or drive-through lane, which may include a speaker box. An example includes a sign that lists the menu and prices for a drive-thru restaurant.

Monument ~~sign~~: A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign. ³³

Nits: Luminance is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m²)). ³⁴

ODWRB: The Old Dauphin Way review board as established by chapter 44 of this Code, as amended. ³⁵

Owner ~~sign~~: Shall include the person receiving benefit from the sign and/or the property owner. ³⁶

Parapet: That portion of a building wall that rises above the roof line. ³⁷

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. ³⁸

Primary Building Wall: Exterior building walls that face a street and contain a primary public entrance. ³⁹

Roof ~~sign~~: A sign that is erected, constructed, or maintained above the roof of any a building or above any portion of the building's facade. ⁴⁰

Sandwich Board ~~sign~~: Two-sided, A-frame style self-supporting sign, which is not permanently affixed to the ground and is designed to be moveable. ⁴¹

Sign, Abandoned: A sign shall be considered abandoned when the business activity or firm which such sign advertises is no longer in operation, or does not have a current business license in effect, or is in a state of disrepair. ⁴²

Sign, Animated ~~sign~~: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Time and temperature signs shall be considered animated signs. ⁴³

Sign, Awning ~~sign~~: A sign placed directly on the surface of an awning. ⁴⁴

Sign, Blade:

Sign, Bulletin Board ~~sign~~: A type of changeable copy sign displayed in a casement made of glass or plexiglass. ⁴⁵

Sign, Digital: A "Digital or electronic signs" include computer programmable, microprocessor controlled electronic, or digital displaysscreen or surface that displays electronic images, graphics, or pictures, with or without textual information. ⁴⁶Directional sign: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots. ⁴⁷

Sign, Electronic or digital signs: any sign, billboard, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology. ⁴⁸

o Definitions (Signs) | Section 64-1

Sign, Flashing ~~Signs~~: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. ~~Illuminated signs which indicate the time, temperature, or date shall not be considered flashing signs.~~⁴⁹

Sign, Freestanding ~~Sign~~: Any sign supported by structures or posts that are placed on, or anchored in, the ground and that are independent from any building or other structure.⁵⁰ This includes any monument sign or pole sign.

Sign, Illegal ~~sign~~: Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this section.⁵¹

Sign, Illuminated ~~sign~~: A sign illuminated in any manner by an internal artificial light source.⁵²

Sign, Incidental Structure: Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that serves an independent purpose other than the sign display and is used for its intended purpose.

Sign, Incidental: A sign that is subordinate in scale to the principal signs on the site or to the buildings, structures, or building elements (such as windows) on which they are placed. Typical uses include, but are not limited to, official notices required by law or by a public utility, trade affiliations, signs attached to ATM machines or gasoline pumps, signs providing direction or instruction to persons using a facility (such as placards indicating hours of operation or courtesy information such as “credit cards accepted,” “vacancy,” “no vacancy,” “open,” “closed,” and “self service”), and signs that provide time and temperature or public service announcements. These signs may be freestanding or wall signs.

Sign, Multi-Family Entry: a sign located within an interior median or on a lot adjacent to an intersection at the entrance to a multi-family development.

Sign, Nonconforming ~~sign~~: Any sign that does not conform to the requirements of this ~~Code~~Chapter.⁵³

Sign, Off-premise ~~sign~~: A sign located away from or advertising a product not sold at the location on which the sign is placed.⁵⁴

Sign, Off-Premise Electronic ~~Or~~ Digital ~~sign~~: Any sign that ~~qualifies as an Off-Premise Sign and as an Electronic Sign or Digital Sign~~ used to attract attention to an object, person, product, institution, organization, business, service, event or location that is not located on the premises upon which the sign is located. ~~This definition does not include governmental traffic, directional, or regulatory signs or notices of any federal, state or local governmental entity.~~⁵⁵

Sign, On-premise ~~sign~~: Any sign ~~that is used to attract attention to an object, person, institution, organization, business, service, event or location that is located on the premise upon which the sign is located~~ other than an off-premise sign.⁵⁶

Sign, Permanent Window ~~sign~~: A sign that is placed on or attached to a window.⁵⁷

Sign, Pole: A freestanding sign supported by pole, and where the bottom edge of the sign face is located three feet or more above the average finished grade at the base of the sign. A “pole sign” does not include a flag mounted on a flagpole

Sign, Portable ~~sign~~: A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground. Trailer signs are considered ~~to~~ be portable signs.⁵⁸

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Sign, Projecting-sign: A sign which is supported by an exterior wall of a building ~~and which~~, is displayed perpendicular to or at an angle of forty-five (45) degrees from the face of the building, and ~~which~~ projects more than twelve (12) inches. ⁵⁹

Sign, Subdivision Entry: a sign located within an interior median or on a lot adjacent to an intersection at the entrance to a single-family subdivision.

Sign, Suspended-sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by ~~such that~~ surface. ⁶⁰

Sign, Temporary-sign: Any sign other than a banner, that is not permanently mounted, to be displayed for a specified period of time. ⁶¹

Sign, Wall-sign: A sign painted on a wall or attached to a wall of a building, parallel to the wall. ⁶²

Sign, Window sign: Any sign, ~~pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service,~~ that is placed inside a window frame or upon the window panes or glass and is visible from the exterior of the window. ⁶³

Sign: Any device, fixture, placard, object, or structure that uses any word, letter, figure, design, fixture, projected image, color, form, graphic, illumination, symbol, or writing to advertise, display, direct, or attract attention to, announce the purpose of, or identify a person object, institution, organization, business, product, service, event, location or entity, or to communicate information of any kind to the public. ⁶⁴

Useable wall area: The exterior wall or surface area of a building or structure that excludes doors. ⁶⁵

Visibility triangle: The triangular area formed by the intersection street lines and a straight line connecting such street lines at point equidistant from such point of intersection and passing through a point which point is the intersection of lines defining the front and side yards. ⁶⁶

Wind-activated signs: ~~Wind-activated signs are those~~ A sign that is driven by the wind or by mechanically produced air flow ~~that are aimed at advertising a commercial interest or to drawing attention to a commercial interest~~ via movement. ~~Wind-activated signs~~ Examples include but are not limited to free-standing advertising flags, blower-driven tubes or human forms, pennant streamers, whirligigs, and the like. ~~Flags representing a governmental or civic entity, acknowledging a holiday or season, or promoting a community-oriented event shall~~ are not be considered wind-activated signs. ⁶⁷

Work of Art: A hand-painted, hand-carved or hand-cast work of visual art expressing creative skill or imagination in a visual form which is intended to beautify or provide an aesthetic influence to a public area or area. An original art display may be either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner, or a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Endnotes

¹ From 64-4.D.9.

² From 64-4.D.11.

³ Standards are currently embedded in definition of “distribution and/or assembly uses.”

⁴ From 64-4.D.12.

⁵ From 64-4.D.6.

⁶ This section collapses official notices and 1-sf signs into the incidental sign category, and gasoline pump and oil rack signs into the incidental structure sign category. Mall corridor signs (note: “mall corridor” is not defined) are removed because they are not visible outside of the building. Gasoline price signs are now part of the allocation in subsection C for permanent signs or as part of the incidental structure sign. Contractor’s and real estate for-sale signs will now become part of the yard and wall sign allocation. Temporary signs are now covered by Subsection D.

⁷ Is there any desire to regulate the overall area of these types of signs?

⁸ To be defined as: “Sign, Incidental: A sign that is subordinate in scale to the principal signs on the site or to the buildings, structures, or building elements (such as windows) on which they are placed. Typical uses include, but are not limited to, official notices required by law or by a public utility, trade affiliations, signs attached to ATM machines or gasoline pumps, signs providing direction or instruction to persons using a facility (such as placards indicating hours of operation or courtesy information such as “credit cards accepted,” “vacancy,” “no vacancy,” “open,” “closed,” and “self service”), and signs that provide time and temperature or public service announcements. These signs may be freestanding or wall signs. [See Article 6, § 64-_____ for the permitted number and area of incidental signs.]” and “Sign, Incidental Structure: Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that serves an independent purpose other than the sign display and is used for its intended purpose. [See Article 6, § 64-_____ for the permitted number and area of incidental signs.]”

⁹ The definitions (64-11.1.1 and – 7.c) are moved to Article 10 (Definitions & Rules of Interpretation). Sign permits and application requirements (64-11.4) are moved to Articles 5 (Procedures) and 12 (Submittal Requirements).

¹⁰ From 64-11.1.1 (sign regulations) and 64-11.7.c (Signs in historic districts and along Government Street).

¹¹ From 64-11.1.1 (sign regulations).

¹² Is there a codified reference? This act is also referenced in Code of Ala. § 11-40-51 (Continued Use and Occupancy of Buildings in Class 2 Municipalities).

¹³ Standards for setbacks are moved to Article 4 (Development Standards).

¹⁴ Pending further direction, I have limited the table to the NC (currently T-B), commercial and industrial districts, and the few sign location types for which simple dimensional standards are currently specified. I expand the table more broadly to the districts, and add categories for each sign type in each district with a more robust set of standards (with entries, for example, for spacing between other signs and design characteristics, such as whether the particular sign type in that district can have internal illumination, external illumination, Halo Lit illumination, channel letters, and changeable copy). However, I have maintained the fairly simple standards in place today.

¹⁵ Fees and submittal requirements (such as hold harmless agreement) will move to Article 12. Enforcement and removal will move to Article V, as it is a general requirement for all permits.

¹⁶ The definitions (64-11.7.c) are moved to Article 10 (Definitions & Rules of Interpretation). Review Board procedures are moved to Art. 5 (Procedures).

¹⁷ Prohibition on obscuring traffic is deleted because it already applies to all signs, per subsection B. The inspection provision is deleted because it is not a requirement of an applicant but just a statement that it will happen, so that City can provide for this internally. In addition, any use regulated by this Chapter can be inspected anyway.

¹⁸ These provisions are written as though generally applicable. Should they apply only to Off-Premise signs, or to all signs (move to subsection B)?

¹⁹ From 64-11.1.1 (sign regulations).

²⁰ From 64-11.1.1 (sign regulations). “Banner” is defined in 3 places in the sign regulations (including 64-11.8.c(5)), and this combines those definitions.

²¹ From 64-11.7.c (Signs in historic districts and along Government Street).

²² From 64-11.7.c (Signs in historic districts and along Government Street).

²³ From 64-11.1.1 (sign regulations).

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²⁴ From 64-11.7.c (Signs in historic districts and along Government Street).

²⁵ From 64-11.1.1 (sign regulations).

²⁶ From 64-11.7.c (Signs in historic districts and along Government Street).

²⁷ From 64-11.1.1 (sign regulations).

²⁸ From 64-11.7.c (Signs in historic districts and along Government Street).

²⁹ From 64-11.7.c (Signs in historic districts and along Government Street).

³⁰ From 64-11.7.c (Signs in historic districts and along Government Street).

³¹ From 64-11.7.c (Signs in historic districts and along Government Street).

³² From 64-11.7.c (Signs in historic districts and along Government Street).

³³ From 64-11.1.1 (sign regulations).

³⁴ From 64-11.1.1 (sign regulations).

³⁵ From 64-11.7.c (Signs in historic districts and along Government Street).

³⁶ From 64-11.1.1 (sign regulations).

³⁷ From 64-11.1.1 (sign regulations).

³⁸ From 64-11.7.c (Signs in historic districts and along Government Street).

³⁹ From 64-11.7.c (Signs in historic districts and along Government Street).

⁴⁰ From 64-11.1.1 (sign regulations).

⁴¹ From 64-11.7.c (Signs in historic districts and along Government Street).

⁴² From 64-11.1.1 (sign regulations).

⁴³ From 64-11.7.c (Signs in historic districts and along Government Street).

⁴⁴ From 64-11.1.1 (sign regulations).

⁴⁵ From 64-11.1.1 (sign regulations).

⁴⁶ From 64-11.1.1 (sign regulations).

⁴⁷ ~~From 64-11.1.1 (sign regulations).~~

⁴⁸ From 64-11.1.1 (sign regulations).

⁴⁹ From 64-11.1.1 (sign regulations).

⁵⁰ From 64-11.7.c (Signs in historic districts and along Government Street).

⁵¹ From 64-11.1.1 (sign regulations).

⁵² From 64-11.1.1 (sign regulations).

⁵³ From 64-11.7.c (Signs in historic districts and along Government Street).

⁵⁴ From 64-11.7.c (Signs in historic districts and along Government Street). An alternative content-neutral definition could be: "A freestanding sign that: (1) is not within the allocation of signs provided in § 64-106.C for freestanding signs, other than a monument sign, and (2) is located adjacent to and within 660 feet of the nearest edge of the right-of-way of an interstate or primary highway, measured horizontally along a line normal or perpendicular to the centerline of the highway (I-16 or I-10), or that is the primary use of the property." This borrows terminology from the Alabama Highway Beautification Act, Code of Ala. § 23-1-271, eliminates the need to read the sign to determine its applicability, and captures what is traditionally defined as onsite signs by excluding signs with the zoning allocation or that are a primary use of the property. While signs within the zoning allocation could be used to advertise products sold elsewhere, I anticipate that this would be extremely rare. Is there any information on the location of permits for off-premise signs in the City?

⁵⁵ From 64-11.1.1 (sign regulations).

⁵⁶ From 64-11.7.c (Signs in historic districts and along Government Street).

⁵⁷ From 64-11.1.1 (sign regulations).

⁵⁸ From 64-11.1.1 (sign regulations).

⁵⁹ From 64-11.1.1 (sign regulations).

⁶⁰ From 64-11.7.c (Signs in historic districts and along Government Street).

⁶¹ From 64-11.7.c (Signs in historic districts and along Government Street).

⁶² From 64-11.7.c (Signs in historic districts and along Government Street).

⁶³ From 64-11.7.c (Signs in historic districts and along Government Street).

⁶⁴ Combines 64-11.7.c (Signs in historic districts and along Government Street) and 64-11.1.1 (sign regulations).

⁶⁵ From 64-11.1.1 (sign regulations).

⁶⁶ From 64-11.1.1 (sign regulations).

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⁶⁷ From 64-11.1.1 (sign regulations).