

ORDINANCE NO. 1428

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, is changed and altered as described below;

WHEREAS, the City of Fairhope Planning Commission directed the Planning Department to prepare amendments to our Zoning Ordinance; and,

WHEREAS, the proposed amendments relate to signs; and,

WHEREAS, after the appropriate public notice and hearing of, the Planning and Zoning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA;

1. **THAT**, Article IV Site Design Standards, Section G. Signs be hereby amended to read as follows:

G. Signs


1. Intent

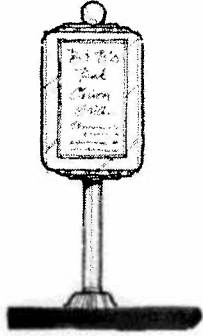
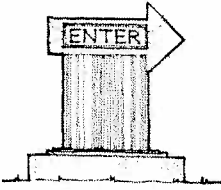
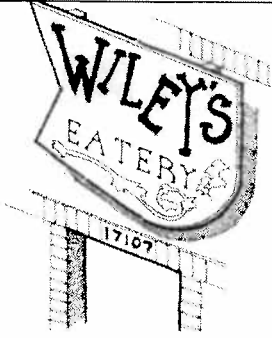
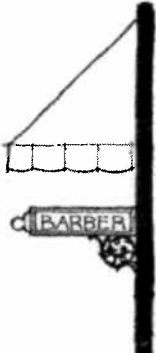
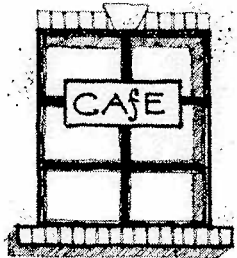
The intent of this section is to reinforce and enhance the perception of Fairhope as a unique and livable community, and to reflect the architectural resources and natural features of the community, in accordance with the Comprehensive Plan. To accomplish this, the standards shall govern the location, size, setback and height of signs for each of the use districts established in this ordinance, and for specific uses, 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.


2. Sign types

The following Table 4-4: Sign Types identifies the categories, types and general description of signs permitted in the City. Any other type of sign not listed is prohibited.

Table 4-4: Sign Types

Sign category	Sign type	Description	Image
FREE-STANDING SIGNS	Monument sign	A permanent sign mounted on the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign. Monument signs shall not exceed 8' in height (including associated structure)	

BUILDING SIGNS	Pole Sign	<p>A permanent sign mounted on the ground, where the structural element is significantly more narrower than the sign. Pole signs shall not exceed 8' in height and the sign surface shall not exceed 16 square feet. Pole signs shall only be located near the entrance of a building.</p>	
	Incidental Sign	<p>Signs that direct patrons and citizens into or out of a site. These signs are intended merely to enhance the safe ingress and egress of pedestrians or vehicles.</p>	
	Facade sign	<p>A permanent sign mounted on or otherwise affixed to the side of a building and projecting no more than one foot from the surface it is mounted on.</p>	
	Hanging Sign	<p>A permanent sign mounted on or otherwise affixed to the side of a building and projecting in generally perpendicular to the surface it is mounted on. Examples of typical applications are under a canopy, or beside a door.</p>	
	Window sign (greater than 20% of window opening)	<p>A permanent sign applied to a window of a building but intended to be viewed and read from the exterior of the building.</p>	

<p>Awning Sign</p>	<p>A permanent sign applied to the surface of an awning, which is affixed to a building structure.</p>	
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3. Sign Permits and Exceptions

- a. 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 of conditions of said permit without prior approval of the building inspector.
- b. The following activities and signs shall not require a sign permit:
 - (1) the changing of advertising copy or message on signs, which are specifically designed for the use of replaceable copy;
 - (2) one general identification sign per building entrance such as a nameplate, street number, or occupant identification sign on common entrances, not to exceed six square feet;
 - (3) one on-site bulletin board or identification sign for public, charitable, educational or religious use not exceeding 32 square feet;
 - (4) symbolic flags or insignias limited to 50 total square feet in area;
 - (5) decorative flags, banners and bunting authorized by the city council for a citywide celebration, conventions or commemorations;
 - (6) memorial signs, tablets or cornerstones, names of buildings and date of erection when consisting of a cut masonry surface or when constructed of bronze or other noncombustible materials;
 - (7) up to four incidental signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel or property not to exceed two square feet in area per sign;
 - (8) identification signs at the entrance drive of residences, estates, farms, ranches, and plantations, which do not exceed two square feet in area;
 - (9) Political signs may be placed on private property after the qualifying deadline for the election. A candidate shall remove his/her political signs from private property within five (5) days following the first to occur of:
 - (i) said candidate not winning a primary election or prevailing to a run-off in a primary election;
 - (ii) said candidate not winning a primary run-off election;
 - (iii) said candidate not winning a general election or prevailing to a run-off in a general election; or
 - (iv) the general election (provided, that the foregoing use of the term "general election" shall include a run-off in a general election).
 - (a) In residential zoning districts: political signs are not to exceed 4 square feet
 - (b) In all other zoning districts: political signs are not to exceed 16 square feet
 - (10) Real Estate / For Sale signs; one non-illuminated, double-faced, temporary, real estate for sale sign per street frontage not exceeding in face area:
 - (a) In residential zoning districts six square feet where the property being advertised has a front lot line of less than 500 lineal feet, or 16 square feet where the property being advertised has a front lot line of 500 lineal feet or more.
 - (b) In all other districts, 16 square feet.
 - (11) One construction sign per street frontage located on property where construction is actually in progress under a current building permit. This shall be a ground sign not to exceed 16 square feet for residential structures and 32 square feet for non-residential structures. This sign shall be removed before a certificate of occupancy is issued;
 - (12) Temporary signs may be placed on private property for a period no longer than 30 days; one temporary sign allowed per street frontage; no larger than 4 square feet per sign.
 - (13) Window signs which identify or advertise activities, services, goods or products available within the building and which collectively cover 20% or less of the window glass surface area;

- (14) 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 square feet per piece of equipment;
- (15) Directional and regulatory signs erected by an agency of government or any lawfully constituted utility;
- (16) One (1) under-canopy sign per business not to exceed three square feet, not lower than eight feet clear above the walkway surface and not illuminated;
- c. Signs with unusual structural features, or as deemed necessary by the Building Official, shall be designed, signed and certified by an Alabama registered engineer, who shall submit sufficient data to enable the building inspector to determine whether the sign complies with all applicable codes and ordinances:
- d. 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 months after the date of issuance.

4. Sign Standards

- a. *Permitted Signs for Residential Districts and Uses*
 - (1) No building signs are allowed in residential districts or for residential uses unless they are exempt from permits according to Section 3.b.
 - (2) Two freestanding signs are permitted for each subdivision, neighborhood, or complex entrance subject to the following:
 - (a) No sign area shall exceed 32 square feet;
 - (b) No sign and associated structure shall exceed seven feet in height;
 - (c) The total freestanding sign area for the entire subdivision, neighborhood, or complex shall not exceed 96 square feet;
 - (d) The sign and associated structure shall not create a physical or visual hazard. Multiple pedestrian-scaled signs and associated structures at all connection points of the subdivision, neighborhood, or complex are preferred over single monumental signs and structures at a primary entrance.
 - (e) An acceptable legal entity shall be provided to assure maintenance of the signs.
- b. *Permitted Signs for Non-residential Districts and Uses*
 - (1) One building sign shall be allowed for each street frontage of each premise. Corner lots and double frontage lots may not transfer allowable sign area from one frontage to another.
 - (2) One freestanding sign shall be allowed for each street frontage of each premise. Corner lots and double frontage lots may not transfer allowable sign area from one frontage to another.
 - (3) Size - The aggregate surface area per lot for all permitted signs in all non-residential districts shall be limited to the following:
 - (a) One square foot for each two linear feet of building frontage;
 - (b) No more than 50 square feet per lot in any business district, with the exception of multi-occupancy lots or buildings
 - (4) Height and Projection -
 - (a) Free-standing signs shall not exceed 8 feet above natural ground level at the sign structure base.
 - (b) Building signs shall not extend higher than the building surface upon which they are mounted.
 - (c) Building signs shall not project more than 12 inches from the building surface upon which they are mounted.
 - (5) Multiple-occupancy lots or buildings - Where a single building or lot contains two or more separate activities or establishments, each activity or establishment shall be permitted a wall sign area based on the portion of building occupied. The multiple-occupancy lot or building may be permitted one directory sign. The directory sign surface shall not exceed 10 square feet and the height shall not exceed 8 feet.
 - (6) Complex signs – Complexes such as shopping centers, special activity districts, or campuses, shall be allowed an additional 20 square feet of signage to identify the name or logo of the center, district or campus
 - (7) Gasoline Pricing Signs – One sign advertising the price of gasoline is permitted provided it shall not exceed 12 square feet per sign face and an aggregate area of 24 square feet. If freestanding, the sign shall not exceed 5 feet in height. This sign shall count toward the aggregate size permitted for the lot.

- (8) Temporary Event Signs or Banners – A temporary event sign or banner may be allowed in addition to all permitted signs upon written application to the City. Permits are subject to the following limitations:
 - (a) Permits shall be valid for a period no longer than 10 days;
 - (b) Not more than one permit shall be issued for the same premises more frequently than twice each calendar year;
 - (c) Signs shall not exceed 30 feet in horizontal dimension and the vertical height shall not exceed 6 feet.
 - (d) No off-premises signs shall be permitted.
 - (e) Permits shall specify the size and location of the signs. Any violation of the terms of the permit shall cause the permit to be immediately revoked.
- (9) A-Frame Signs – In addition to a wall-mounted sign, A-Frame signs for a business are permitted subject to the following conditions:
 - (a) A business owner who desires to utilize an A-Frame sign shall be required to apply for and obtain an Administrative Use Permit from the City of Fairhope Planning Director and/or his designee. There is no fee associated with this permit. As part of the application process, the Planning Director and/or his designee shall designate to the business owner the approved location for the placement of the A-Frame sign within the CBD.
 - (b) An A-Frame sign may be located on private property or, if within the Central Business District, within the public right-of-way, provided they do not interfere with pedestrian movement or wheelchair access to, through, and around the site or obstruct ADA access. A minimum access width of three (3) ft. shall be maintained along all sidewalks and building entrances accessible to the public.
 - (c) An A-Frame sign shall not encroach into required off-street parking areas, and may not be arranged so as to create site distance conflicts or other traffic hazards.
 - (d) An A-Frame sign shall be utilized only during the regular hours of operation of the business or special event, and shall be removed during non-business hours.
 - (e) The sign size for a rectangular A-Frame sign shall be four (4) ft. in vertical dimension and two feet, six inches (2'-6") in horizontal dimension. The height of the sign shall be measured from the sidewalk grade to the sign when it is erect.
 - (f) A-Frame signs are permitted for ground floor or street frontage tenants directly in front of the place of business, no more than 20' from the building façade. Where numerous businesses are located within one building, one (1) Shared Multi-tenant A-Frame sign per street frontage may be used. Shared Multi-Tenant A-Frame signs shall meet the area and dimensional standards established in Article IV Section G.4(b)9.(e) in this amendment.
 - (g) An A-Frame sign shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic, or wood-finished surfaces and shall be maintained in good condition throughout the term of the Use Permit.
 - (h) If business is within the Central Business District and placement is desired on city right of way, as described in 9 (a), The applicant, at the time of application, shall submit a certificate of insurance which complies with the following criteria:
 - 1. Public liability insurance in an amount not less than \$1,000,000.00 for injuries to each person, and in an amount not less than \$1,000,000.00 for any one (1) occurrence.
 - 2. Property damage insurance in an amount not less than \$1,000,000.00 for damage to the property of each person on account of any one (1) occurrence.
 - 3. Said policies shall name the City of Fairhope as additional insured and shall constitute primary insurance for the City, its officers, agents, and employees, so that any other policies held by the City shall not contribute to any loss under this insurance.
 - 4. Policies shall provide for thirty (30) days prior written notice to the City of cancellation or material changes.
 - (i) The City reserves the right to remove forthwith a sign which causes any interference with vehicular traffic or pedestrian traffic or in the event of any emergency situation or interferes with any work that is to be performed upon the public sidewalk by or on behalf of the City.

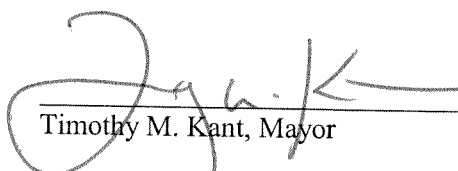
5. Limitations

- a. The following signs are expressly prohibited and subject to immediate removal:
 - (1) any sign erected or painted upon a sloping roof, fence, tree, standpipe, fire escape, or utility pole.
 - (2) any sign which is a copy or imitation of official traffic control signs.
 - (3) signs, which flash or illuminate intermittently, revolve, and animated signs except time and temperature or public service 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 placed on any public right-of-way.
 - (7) any sign attached or painted onto a vehicle, trailer, or portable system parked on or adjacent to public right-of-way for the principle purpose of advertising.
 - (8) any tethered inflatable signs.
 - (9) any off-site signs.
- b. Other limitations
 - (1) Signs in non-residential zoning districts shall not be located within 15 feet of a residential zoning district boundary.
 - (2) Illuminated or neon signs shall not produce glare or reflection onto residential property.
 - (3) All signs, which are no longer functional or are abandoned shall be removed or relocated at the owner's expense within 30 days.

Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

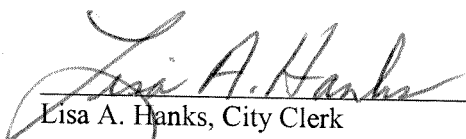
Effective Date - This ordinance shall take effect immediately upon its due adoption and publication as required by law.

Adopted and approved this 9th day of August, 2010



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Ord. No. 1428 Published in
THE FAIRHOPE COURIER
on Friday August 13, 2010
 City Clerk