

ORDINANCE NO. 1537

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, WELFARE AND AESTHETIC BEAUTY OF THE CITY OF FAIRHOPE, ALABAMA KNOWN AS THE SIGN ORDINANCE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

Signs

1. Intent and Applicability

The intent of this ordinance is to provide for the public health, safety, welfare and aesthetic beauty of the City of Fairhope, Alabama (the “City”), to reinforce and enhance the perception of the City as a unique and livable community, and to reflect the architectural resources and natural features of the community, in accordance with the City’s Comprehensive Plan. To accomplish this, the standards set forth herein shall govern the location, size, setback and height of signs, 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.

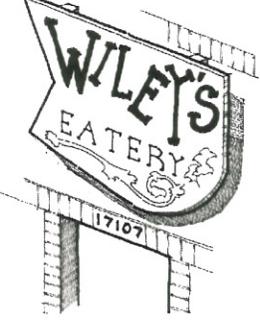
All rules, regulations, and requirements set forth in this ordinance are applicable to properties located within the City’s Police Jurisdiction (the “Regulated Area”).

2. Sign types

The following Table 2-1: Sign Types identifies the categories, types and general description of signs permitted in the Regulated Area. Any other type of sign not listed is prohibited.

Table 2-1: 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)	
	Pole Sign	A permanent sign mounted on the ground, where the structural element is significantly more narrow 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.	

Sign category	Sign type	Description	Image
	Incidental Sign	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.	
BUILDING SIGNS	Facade sign	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.	
	Hanging Sign	A permanent sign mounted on or otherwise affixed to the side of a building and projecting generally perpendicular to the surface it is mounted on. Examples of typical applications are under a canopy, or beside a door.	
	Window sign (greater than 20% of window opening)	A permanent sign applied to a window of a building but intended to be viewed and read from the exterior of the building.	
	Awning Sign	A permanent sign applied to the surface of an awning, which is affixed to a building structure.	

3. Sign Permits and Exceptions

- a. It shall be unlawful to erect, alter or relocate any sign without first obtaining a sign permit from the Planning Director. In order to obtain a sign permit, any applicant must first submit to the Planning Director a completed application (on the form promulgated by the Planning Director from time to time) together with any required application fees. 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 Planning Director, shall be designed, signed and certified by an Alabama registered engineer, who shall submit sufficient data to enable the Planning Director 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 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 a separate sign permit for such A-Frame sign from the Planning Director. There is no fee associated with this permit. As part of the application process, the Planning Director shall designate to the business owner the approved location for the placement of the A-Frame sign.
 - (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 otherwise violate the Americans with Disabilities Act. 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 and on or before each anniversary date on such applicant's permit thereafter, 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, except for an A-Frame sign that is permitted in accordance herewith.
 - (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 or tethered inflatable objects placed for the sole purpose of attracting attention to one's business (such as balloons).
 - (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.

6. Non-conforming Signs

A sign or sign structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a legal non-conforming sign. A legal non-conforming sign may continue to exist subject to the following:

- 1. Any legal non-conforming sign that is removed or is destroyed shall be replaced with a conforming sign.
- 2. Where a change in use, occupancy, or ownership occurs which necessitates the altering of a sign in any manner (not including copy change), the altered or changed sign shall conform to all ordinances.

3. All non-conforming signs shall be removed from a premises prior to the issuance of any other sign permits.

7. Definitions

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and/or used as an outdoor display.

Sign, A-Frame: A-Frame Signs are designed to stand on their own, either on public or private property. A-Frame Signs are hinged at the apex to be folded into a sandwich position. A permit is required from the City of Fairhope.

Sign, Building: A sign attached in any manner against or to a building or appurtenance of a building.

Sign, Construction: Any sign listing principal contractors, architects and any establishments for the construction site where the sign is placed.

Sign, Copy: The wording on a sign surface in either permanent or removable letterform.

Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town or village, historic or religious place, shrine, public building, or hospital and signs directing and regulating traffic; public safety signs; sign or notices of public places of public and civic meetings and signs giving the name of the owner, lessee, or occupant of the premises or the street number.

Sign, Double-faced: A sign having two (2) display surfaces, displaying the same copy, which are attached parallel and back to back, not more than twelve (12) inches apart.

Sign Face: The area of a sign including the entire surface on which the copy is placed.

Sign, Freestanding: Any sign, which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Incidental: A sign providing no advertising other than a logo or name and necessary only for assuring safe ingress, egress, circulation, or other safety-related communications.

Sign, Indirectly Illuminated: A sign designed or arranged to reflect light from an artificial source external to the sign face.

Sign, Internally Illuminated: A light source, which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

Sign, Non-Conforming: Any sign, which does not meet the requirements of this ordinance.

Sign, Off Site: A sign relating its subject matter or any portion thereof to the premises other than the premises on which it is located.

Sign, On Site: A sign relating its subject matter to the premises on which it is located.

Sign, Permanent: A sign affixed to a building or the ground.

Sign, Real Estate: A sign which advertises the sale, rental or development of the premise upon which it is located.

Sign, Roof: Any sign erected, constructed, and maintained with the principal support on the roof structure.

Sign, Sandwich: Any double-faced sign, which may readily be moved from place to place.

Sign, Shopping Center: A ground sign identifying a shopping center by name only.

Sign, Snipe: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any similar object located or situated on public or private property, not otherwise exempt.

Sign, Structure: Any construction used or designed to support a sign.

Sign, Subdivision: Any sign designed to identify a subdivision or neighborhood.

Sign, Surface Area: The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure whichever is greater.

Sign, Temporary: A sign or advertising display intended to be displayed for a period of time that is no longer than thirty (30) days.

Sign, Window: Any sign placed inside or upon a window and which is intended to be seen from the exterior.

8. Fines/Penalties:

Violators of the terms of this ordinance may be cited to municipal court by means of a municipal offense ticket issued by any authorized enforcement officer of the city. Such violators may also be brought before the court on issuance of complaint and arrest summons by any such officer. Upon conviction of any provision herein, a violator shall be subject ten days in the Fairhope City Jail, to pay a fine of up to \$500 and restitution as ordered by the Court. Upon a second or subsequent conviction, the violator shall be subject to a minimum of three days and up to six months in the Fairhope City Jail, a fine of up to \$500 and restitution as ordered by the Court. The Municipal Judge shall have the discretion to allow community service in lieu of jail time at the rate of five (5) days community service for every one (1) day of jail time.

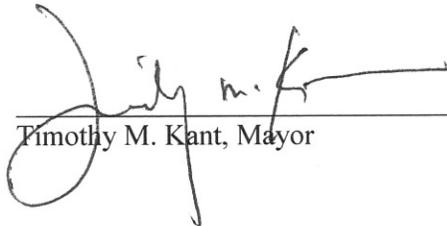
9. Appeal of Grant or Denial of Permit:

Appeals of either a grant or denial of permits pursuant to this requirement shall be to the City of Fairhope Municipal Court and may be made by the applicant or any officer, department, or board of the City aggrieved by any decision of the Planning Director with respect to the administration or enforcement of these requirements. A party aggrieved by the decision of the Fairhope Municipal Court may appeal to the Circuit Court of Baldwin County.

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 THIS 11TH DAY OF MAY, 2015



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk