

**Bay Minette Planning Commission
Agenda
Council Chambers
July 9, 2013
5:30 p.m.**

1. Called to Order
2. Invocation and Pledge
3. Call of Roll
4. Approval of Minutes for June 11, 2013 Regular Meeting
5. Old Business:
 - No Old Business
6. New Business:
 - A. Consideration of Resolution Number PC-0713-01 Adopting the City of Bay Minette Comprehensive Plan
 - B. Public Hearing and Consideration of the Proposed Sign Ordinance
7. Reports:
 - A. Mayor/Council
 - B. Attorney
 - C. Commissioner's Comments
8. Adjourn

Bay Minette Planning Commission Regular Meeting Minutes

Minutes of June 11, 2013

Monthly Meeting No.6

The Bay Minette Planning Commission met in Regular Session on Tuesday, June 11, 2013. The meeting was called to order by Chairman Todd Stewart at 5:00 p.m., in the Council Chambers located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertized to hold such meeting.

ROLLCALL

During the 5:00 p.m. Roll Call the following members were present:

Todd Stewart, Chairman
John Biggs, City Council Member
Oscar Waters, Building Official
Al Thompson, Commission Member
John Peavy, Commission Member
Ed Pepperman, Commission Member
A.C. Ulmer, Commission Member

Late arrival at 5:20 p.m.:

Robert A. "Bob" Wills, Mayor

Absent:

Karmen Still, Vice Chairperson

Other person in regular attendance:

Scotty Lewis, City Attorney
Rita Findley, City Clerk
Leslie Johnston, SARPC Representative

Late arrival at 5:20 p.m.:

Steven Stewart, Fire Department

GUESTS

Guests included:

Pam Dupree, Bay Minette Beautification Committee
Stacey McKean, Premier Grants Consulting, LLC
Jaye Robertson, HMR Engineering.

INVOCATION/ PLEDGE

Commission Member Ulmer offered the invocation and the pledge.

ITEM 4.

Chairman Stewart asked the planning commission to review the minutes of the May 14, 2013 meeting. Commission Member Ulmer made **Motion 1**

to approve the minutes for May 14, 2013 meeting it was seconded by Commission Member Pepperman and the motion carried.

ITEM 5 Chairman Stewart introduced item 5, Old business:

A. Update on Sign Regulations

Chairman Stewart recognized Leslie Johnston, SARPC and Scotty Lewis, City Attorney who explain the process and the need for a public hearing to adopt the regulations. City Attorney Lewis explained that additional reviews are needed for the digital billboard section of the regulations. Commission Member Ulmer made **Motion Number 2** to set a public hearing for the next regular meeting to consider the proposed sign regulations. The motion was seconded by Commission Member Peavy and unanimously carried.

ITEM 6. Chairman Stewart introduced item 6: New Business:

A. Public Hearing Concerning the Adoption of the City of Bay Minette's Comprehensive Plan 2030.

Chairman Stewart opened the public hearing and asked for comments for the public. Ms. Dupree from the Bay Minette Beautification Committee spoke concerning the need for green areas. With no other comments from the public, Chairman Stewart closed the public hearing. Commission Member Peavy made **Motion Number 3** moved to adopt the Comprehensive Plan 2030 and to send to the City Council to affirm. The motion was seconded by Commission Member Thompson and unanimously carried.

Chairman Stewart asked for a 5 Minute Recess

B. Public Involvement Hearing Concerning the Submittal of a 2013 Application for Transportation Alternative Program (TAP) Grant that would construct 5,500 linear feet of new sidewalk along Hand Avenue between 12th Street and Petty Lane.

Chairman Stewart opened the public involvement hearing and recognized Stacey McKean and Jaye Robertson, who spoke concerning the project. Chairman Stewart asked for public comments. With no other comments, Chairman Stewart closed the public hearing.

ITEM 7. Reports:

A. Mayor/Council Report:

Mayor Wills thanked the members of the Planning Commission for their work on the Comprehensive Plan

- B. Attorney Report
 No Report Available
- C. Commissioner's Report
 No Report Available

ITEM 8. Chairman Stewart with no further business adjourned the meeting at 5:43 p.m.

DONE THIS THE 11th DAY OF JUNE 2013

Todd Stewart
Chairman

ATTEST:

Rita Findley
City Clerk

Rita Findley

From: Leslie Johnston [ljohnston@sarpc.org]
Sent: Monday, June 17, 2013 12:40 PM
To: Rita Findley; Todd Stewart
Subject: resolution for comprehensive plan.
Attachments: Resolution for CP Adoption.docx

Rita and Todd,

I have attached a draft resolution for adoption of the comprehensive plan. Also, after the PC adopts the plan, I will change all the red text to black and we will print some copies for you. One copy will need to be filed in probate court, and one copy sent to the AL department of Conservation and Natural Resources, since they were the granting agency. Thank you,

Leslie Johnston
Planner
South Alabama Regional Planning Commission
110 Beauregard Street, Suite 207
P.O. Box 1665
Mobile, AL 36633
(251) 706-4677
ljohnston@sarpc.org

Bay Minette Comprehensive Plan
Resolution No. PC-0713-01
Adopting the City of Bay Minette Comprehensive Plan

WHEREAS, the Bay Minette Planning Commission is authorized and empowered to make and amend a master plan for the physical development of the City; and

WHEREAS, this Comprehensive Plan was prepared to both update and supersede any previously adopted Comprehensive Plan; and

WHEREAS, this Comprehensive Plan provides a framework for guiding and accomplishing a coordinated development of the City; and for continuing comprehensive area wide planning to guide improvements over the next several years as well as the long-range period;

NOW, THEREFORE, BE IT RESOLVED, by the Bay Minette Planning Commission, that the Planning Commission approves and adopts the City of Bay Minette Comprehensive Plan which includes all maps and explanatory matters contained within the following chapters: Introduction; Population and Economy; Housing; Transportation; Land Use; Natural Resources; Parks and Recreation; Downtown and Historic Resources; Community Facilities and Services; and Community Design. Upon adoption by the Bay Minette Planning Commission, this document will become the official Comprehensive Plan for the City of Bay Minette and will intend to serve as a guide for land use developments, and used as a basis for the Commission's review and approval of proposed projects; and

BE IT FURTHER RESOLVED, that the Commission transmits this plan to the City Council, as well as appropriate county, state and federal agencies, and recommends it be considered as a guide for development and improvements.

Adopted this _____ Day of _____

Planning Commission Chairman

City Clerk

ARTICLE XVI SIGNS

16.0 Purpose and Scope

The provisions of this section, furthering the purpose stated in Article I, shall govern the location, size, setback, height, and other standards of signs in each of the use districts established in this ordinance in order to insure safe construction, light, air, and open space, to reduce hazards at intersections, to promote public safety by eliminating confusing, distracting and unsafe signs, to prevent the accumulation of trash, to protect property values of the entire community, and to encourage a positive visual environment in harmony with the natural beauty of Bay Minette. These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article. It is the intent of this Article to:

- a. Set standards and provide controls that permit reasonable use of signs and enhance the character of the City.
- b. Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.
- c. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
- d. Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City.
- e. Encourage sign design that builds on the traditional town image and visual environment the City of Bay Minette seeks to promote.

16.1 Definitions

Address Numbers. Numbers used for the purposes of identifying the E-911 address of a residential or non-residential property.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one (1) or more edges.

Banner, Noncommercial. A banner that is utilized for special community events open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations.

Banner, Commercial. A banner that is utilized by a commercial establishment for special promotions, events, or sales.

Billboard. An off-premises or off-site sign advertising an establishment, merchandise, product, service, or entertainment which is not sold, provided, manufactured, or furnished on the property on which said sign is located.

Billboard, Electronic Changeable Copy. A billboard or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Building Frontage. See “Main or Entry Façade” definition.

Building Sign. A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs.

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.

Community Event Display. Temporary decoration, and/or non-commercial sign associated with school activities, school elections, celebrations or commemorations that have significance to the entire community.

Construction Sign. Any sign, of temporary nature, used to identify contractors, financial institutions or developers on a site under construction or undergoing modification.

Development Sign. Any sign, of a temporary nature, used at the entrance to a subdivision, office park, or similar development that indicates lots being sold, the name of the developer, financial institution or other development parties.

Directional Sign. A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property for which its use is intended. No such sign shall display the name of a product, establishment, service or any other advertising other than a logo. Signs such as those identifying public telephones, trash receptacles, first aid facilities, and shopping cart corrals are considered directional signs.

Directory Sign. A wall-mounted sign, which is not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities conducted within a building or group of buildings.

Display Area. The area of a sign or advertising device that can be enclosed or measured by the smallest square, rectangle, triangle, circle or combination thereof, which will

encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it, (See Section 16.5.3 - Calculation of Display Area).

Electronic Changeable Copy Sign. A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Erect. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to change a message on a reader board, or to maintain the sign.

Flashing/ intermittent illuminating. Signs which contain intermittent illumination and the change occurs more than twelve (12) times per hour. Time and temperature announcements, excluding other advertising copy, are not deemed to be flashing or intermittent illuminating signs.

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area.

General Business Sign. Freestanding sign on any individual development site.

Hazard/Prohibition/Warning Sign. A sign warning of construction, excavation, or similar hazards, such as "No Trespassing" and "No Parking" as long as they do not contain logos or text advertising a commercial product or activity.

Help Wanted Sign. A sign advertising job vacancies for employment opportunities with the business or activity on the property on which the sign is located.

Historic District Celebration Sign. A sign mounted to a light pole or similar upright structure in historic Bay Minette, depicting historic district events or activities and containing no commercial message.

Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season.

Internal Sign. A sign not intended to be viewed from public right-of-way and located so as not to be visible from public right-of-way or adjacent properties, such as signs interior to a shopping center, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

Legal Non-Conforming. One ground-mounted sign located within the City limits prior to the enactment of the Zoning Ordinance or located on property prior to its annexation, on premises which otherwise meets the performance requirements as stated in Section 16.7. Billboards, portable signs, off-premises signs, temporary signs and all signs prohibited in Section 10.74 are excluded from being legal non-conforming signs.

Main or Entry Façade. Generally the façade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade.

Marquee. Any sign mounted to extend vertically below a marquee or canopy.

Menu Board. A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on site, and is part of a drive-through service (i.e. fast food restaurants).

Nameplate. A non-electrical sign identifying only the name and occupation or profession of the occupant of a non-residential property on which the sign is located.

Noncommercial Sign. A sign which is not an on-premise or off-premise commercial sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Official Sign. An official federal, state or local government traffic, directional or informational sign or notice issued by any court, person, or officer in performance of a public duty. Also, any sign erected by a federal, state, or local government agency for identification purposes at any office, institutional, recreational, historical or other publicly owned or recognized site.

Official Flag. An official federal, state, or local government flag. Also, any flag or insignia of a religious, charitable, fraternal, academic, corporate or civic organization.

Off-premise. A billboard or other sign relating its subject matter or any portion thereof to a premises other than the premises on which said sign is located.

On-premise. A sign relating its subject matter to the premises on which said sign is located.

Open Letter Sign. A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property, (See Section 16.5.3 “Calculation of Display Area”).

Painted Graphics. Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks, or other references to the premises or products and/or services offered for sale on the premises.

Pole Sign. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

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

Political Sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or designed to be transported. This includes signs on wheels, A-frame or T-frame signs, and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than real estate signs.

Projecting Sign. A sign affixed to any building or structure, extending beyond the building wall, structure, or building line by more than twelve (12) inches.

Reader Board. A non-electric sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign.

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

Sandwich Sign. Any sign, double or single faced, which is portable and may readily be moved from place to place.

Snipe Sign. A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Marker. A sign marking an entrance into a residential subdivision, multi-family residential complex, office park, or industrial park.

Temporary Sign. A sign designed for a seasonal or brief activity and intended to be displayed for a short period of time, not to exceed thirty (30) calendar days per year. This includes sales, specials, promotions, holidays, auctions, and business grand openings. Symbols, figures, balloons, and similar items shall be considered a temporary sign.

Vehicle Sign. Any sign attached to a vehicle or trailer that is used in the normal day to day operation of the business advertised on the vehicle.

Wall/Building Sign. A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

Wind Sign. Any sign, pennants, flags (other than official flags), ribbons, spinners, streamers, captive balloons or inflatable figures, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and drawing attention to a business, product, service, or activity whether it contains a message or not.

Window Sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event sale, or service for the location on which it is located, that is placed inside or upon a window and is visible from the exterior of the window.

16.2 Exempt Signs.

Exempt signs are allowed without a sign permit and are not to be included in determinations of the allowable numbers, type, and area of signs that require a sign permit. Signs exempted in this Section must be erected in accordance with the structural and safety requirements of the current building codes and shall not be placed or constructed so as to create a hazard of any kind.

16.2.1 *Address Numbers.* Address numbers are exempt providing they are not part of a building or freestanding sign with other commercial or non-commercial messages or images. An address shown as part of a building or wall sign on a non-residential property shall be counted toward the maximum allowable display area. Incidental signs on residential property identifying the house number, street name and resident's name are also exempt.

16.2.2 *Banners.* At least five business days before banners are to be posted, a designated representative of the sponsoring group shall provide a sign installation and removal plan for review by the City Official, who shall grant written permission for signs to be posted if the following standards are met:

- a. Banners shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.
- b. Banners may be posted up to fourteen (14) days before the event and must be removed within three (3) days following the event.
- c. Banners quality shall be in good condition and be neatly written or printed.
- d. No more than one banner shall be permitted per lot or premises, and in no case shall any banner or sign be located closer than 200 feet from another such sign on the same side of the street.
- e. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

- f. Banners may be posted for seven (7) days before an event on the City of Bay Minette Banner Board locations. Groups shall bring banners to the Building Department to be installed and removed by the Building Department.

16.2.3 *Community Event Displays.* All displays shall be removed within seven (7) days of the event's completion.

16.2.4 *Construction Signs.* Signs are limited to two (2) signs per site and thirty-two square feet in size each. All construction signs shall be removed within 14 days after the Certificate of Occupancy has been issued. In the case of minor modifications not requiring a certificate of occupancy, i.e. tree removal, painting, landscaping, signs are limited to a display period of 30 days. Routine lawn/landscape maintenance is not considered construction activity.

16.2.5 *Development Signs.* Signs are limited to 32 square feet in size and no more than one sign per development entrance. Signs are to be removed when the original developer sells all lots in the development or phase.

16.2.6 *Directional Signs.* No directional sign shall exceed five (5) square feet.

16.2.7 *Directory Signs.* Directory signs are limited to one per building and shall not exceed 20 square feet in size.

16.2.8 *Hazard/Prohibition/Warning Signs.*

16.2.9 *Help Wanted Signs.* Signs are limited to six (6) square feet in size and only one (1) sign shall be allowed per business.

16.2.10 *Historic District Celebration Signs.* Said signs shall be mounted in such a manner that a minimum of eight (8) feet of vertical clearance is provided, and line of sight at intersections and/or driveways entering the roadway is provided.

16.2.11 *Holiday Decorations.*

16.2.12 *Internal Signs.*

16.2.13 *Menu Boards.*

16.2.14 *Nameplates.* A nameplate shall not exceed two (2) square feet in size.

16.2.15 *Official Signs.*

16.2.16 *Official Flags.* Official flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Ordinance.

16.2.17 *Political Signs.* Political signs are subject to the following requirements:

a. Political signs:

Municipal Elections: shall not be erected earlier than ninety (90) days prior to the election date.

County, State, and Federal Elections: shall not be erected 6 months prior to the election date.

With regard to all political signs, in the event of a run-off, run-off candidates may maintain their signage until the run-off election, with all signs being removed seven (7) days after run-off election date.

- b. Political signs are limited in size to no more than thirty-two (32) square feet in business and industrial districts and no more than four (4) square feet in all residential districts.
- c. Such signs are confined wholly to placement on private property and must have written permission from the property owner.
- d. Except as prohibited by Section 6.2.17(e) below, in residential districts, political signs may be posted in any yard area maintained by the property owner, including rights-of-way, provided that signage does not interfere with the public use of the right-of-way.
- e. Pursuant to Section 45-2-180.20 of the *Code of Alabama*, it is unlawful to erect or display political signs on any property owned or controlled by the City of Bay Minette or on School Board property. This shall include public rights-of-way, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks or playgrounds, libraries, fire stations, City Hall, and schools.
- f. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.
- g. It is the candidates' responsibility to ensure that the volunteers and sign contractors who distribute and erect political signs during an election are doing so in compliance with this regulation. Candidates will be held responsible for violations.

16.2.18 *Real Estate Signs.*

- a. *For Sale Signs.* Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one (1) sign is permitted to face each street adjacent to the property.

Maximum allowable sign display area for real estate signs:	
Residential	6 Sq. Feet each, or a maximum of 12 Sq. feet
Non-Residential	32 Sq. Feet
<i>NOTE: All real estate signs shall be located only on the property that is for sale, lease or rent.</i>	

- b. *Model Homes/Open House.* Temporary signs attracting attention to a model home, and open house viewing provided that the aggregate area of such signage is not to exceed 32 square feet.
- c. *Off-Premise Real Estate "For Sale", "For Rent", etc.* or locator signs are allowed on consecutive days from the hours of 4:00 p.m. Friday thru 10:00 a.m. Monday. No such sign shall be located in any public right-of-way. Any such sign posted outside of the hours designated above shall be removed and immediately disposed of by the City of Bay Minette.

16.2.19 *Vehicle Sign.* The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work. A vehicle or trailer primarily used for advertising shall not be considered a vehicle or trailer used in the conduct of business and is prohibited.

16.2.20 *Window Sign.* Signs shall not occupy more than 25% of the glass area.

16.3 Prohibited Signs.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in the City of Bay Minette:

- a. Signs that are in violation of the building code or electrical code adopted by the City of Bay Minette.
- b. Portable signs.
- c. Flags on commercial property other than official flags.
- d. Snipe signs
- e. Wind signs, Inflatable signs and tethered balloons.
- f. A sign that, in the opinion of the Building Official, does or may constitute a safety hazard.

- g. Electronic Changeable Copy Signs
- h. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.
- i. Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, which are erected within the right-of-way of any street or alley. Any sign that is erected or maintained outside the right-of-way and obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway.
- j. Freestanding signs which project into the public right-of-way.
- k. Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and traditional barber poles.
- l. Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. The removal of a frame of an abandoned sign shall not be required, if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.
- m. Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include holiday decorations and community decorations. This prohibition does not include neon lighting on buildings. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage.
- n. Signs on public land, other than those erected at the direction or with the permission of a public authority.
- o. Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals.

- p. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Bay Minette.
- q. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians; or that illuminate adjacent residential development.
- r. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- s. Signs placed upon light poles, benches, bus shelters, waste receptacles or shopping cart corrals except those which identify the use of the object on which they are placed, i.e. "Cart Return," "Bus Stop."
- t. Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes.
- u. Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.
- v. Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
- w. Any sign mounted to the structural roof or applied to the roof including painted signs.
- x. Signs projecting above the building roof or parapet line.
- y. Signs that have become deteriorated or damaged to such an extent that the cost of the reconstruction or restoration of said signs is in excess of 50 percent of its replacement value exclusive of foundations.
- z. Signs lettered in a crude or amateurish fashion.
- aa. Signs on any broadcasting or telecommunications tower or any antenna other than appropriate hazard/warning signs.
- bb. Vehicles or trailers (operable or inoperable) which contain advertising and are not used in the daily conduct of business.
- cc. Home occupation signs of all kinds.

16.4 Permitted Signs.

16.4.1 *Freestanding Signs.* All freestanding signs shall consist of or be covered entirely in masonry, stone, wood, or other decorative surface treatment such that metallic structural elements, including poles, are not visible. For the purpose of this Section, paint of any kind including textured or rubberized paint shall not qualify as a cladding material.

The height of freestanding signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation. All other sign heights shall be measured from grade.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height.

All monument style signs must have a minimum base of one foot (1') in height, covered as described above.

a. Sign requirements for *Freestanding General Business* signs is shown below:

Permitted Sign Area (One Sign)	Sign Area on Corner Lots (Two Signs)	Permitted Sign Height	Side Lot Line Setback
Pole:			
75 sq. ft.	150 sq. ft. (Max 75 sq. ft per sign)	20'	10'
Monument:			
75 sq. ft.	150 sq. ft. (Max 75 sq. ft per sign)	10'	10'

Reader boards shall be integrated into the structure of the general business sign and count toward the maximum allowable display area.

b. **Shopping Center Signs.** For the purposes of this Section, the term "Shopping Center" shall be inclusive of "Shopping Centers" and "Neighborhood Shopping Centers". Additionally, for the purposes of this Section, a development site must consist of at least four (4) individual businesses and a minimum of 10,000 square feet of gross building area to be considered a shopping center.

All shopping center signs shall be supported by a structure constructed of brick, stone or other masonry material, unless otherwise approved by the Planning Commission.

Sign requirements for Shopping Centers is shown below:

Shopping Center Gross Building Area (sq. ft.)	Permitted Sign Area (One Sign)	Permitted Sign Area on Corner Lots (Two Signs)	Permitted Sign Height	Side Lot Line and ROW Setback
10,000 – 20,000	100 sq. ft.	150 sq. ft.	25'	10'
20,000 – 65,000	150 sq. ft.	200 sq. ft.	25'	10'

65,000 – over	250 sq. ft.	350 sq. ft.	35'	10'
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- c. *Electronic Changeable Copy Billboards.* For each electronic changeable copy billboard erected, at least four (4) non-conforming billboards must be removed within 6 months.

Message Frequency: No more than seven (7) messages per minute.

Area and Dimensional Requirements: The following area and dimensional regulations shall apply to all billboards:

Minimum Lot Area: Determined by setback requirements

Minimum Setbacks: Determined by district setback requirements. All billboards must meet the setback requirements of the zone in which they are to be located. No part of the sign, including the sign face, shall extend over a building setback line. In no case shall any billboard sign be less than 10' from any property line measured from edge of sign face.

Movement: Except for the change of messages on a electronic changeable copy billboard there shall be no movement (i.e. video copy etc.) involved with the messages displayed.

Lighting: All lighting of Billboards shall be done in a manner that will not interfere with commuters' vision. The light intensity of electronic changeable copy Billboards shall be adjusted for daylight and dark so as not to impair commuters' nighttime vision.

Height and Location Restrictions: In regard to the height and citing of all billboard signs, the following regulations shall be observed:

- a. No billboard shall be located closer than 600 feet to any residence.
- b. No billboard shall be located within a 2000 foot radius from another billboard
- c. No billboard shall exceed 35 feet in height as measured from grade. *(see standards above).*
- d. No billboards shall be located in the Downtown Historic District, or within a ½ mile radius of the declared center point of said district. *(See Map)*
- e. No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically to use as a billboard.

- f. No billboard shall be located on or project over any public property, right-of-way, utility easement or drainage easement.
- g. Exposed backs of signs, poles and other support structures must be painted black, dark green, or dark brown to blend with natural surroundings and present a more attractive appearance.
- h. Billboards shall only be permitted in areas zoned B-1, B-2, M-1, or M-2, along the following Roadways:
 - 1. Highway 59
 - 2. Highway 31

16.4.2 *Subdivision Identification Marker.* A subdivision marker shall contain no advertising other than the name of the residential subdivision, office park, or industrial park and/or the developer. Subdivision markers must be within the perimeter of the subdivision and shall not be located within the public right of way, except for those located in a landscaped traffic island. Subdivision Markers shall meet the following standards:

Maximum Number: 1 per street front (entrance(s)); 2 sign faces may be used (on either side of entrance) with a wall, fence or other architectural entrance feature.

Maximum Area: 36 sq. ft. (sign face)

Maximum Height: 8 ft. (overall structure)

*Permitted for all-residential, mixed use, and non-residential projects.
Limited to name and/or logo.*

For subdivision markers located in traffic islands as mentioned above, the following criteria shall apply:

- a. The sign must be placed in a designated curbed median.
- b. The sign must be constructed of a durable material such as brick.
- c. The developer must indicate the location of sign on a site plan and provide construction details for review and approval.
- d. Any utilities involved with construction of the sign, shall be permitted through the applicable utility agency.
- e. If the sign is ever damaged by natural or human causes the sign will not be repaired or replaced at the expense of the City, nor shall it be allowed to remain in a damaged condition.

- f. The developer's engineer must certify that site distance around the sign meets minimum requirement established by the City.
- g. All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

16.4.3 *Wall/Building Sign.* Signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade.

Note: Individual businesses will be allowed at least 32 square feet, except the Downtown Historic District where a minimum of 24 square feet will be allowed. No individual business shall be allowed more than 300 square feet.

Historic District - Permanent wall signs for those businesses having no frontage on primary streets may be mounted to the wall of another business in the historic district subject to the approval of the property/building owner of the host building. Said wall signs shall be calculated using the parent structures façade frontage. Said wall signs shall not count toward the host building's overall allowable wall signage. In no case shall the host building provide more than seventy-five (75) square feet of signage for other businesses, or cover more than twenty-five (25) percent of the surface of a building's façade, whichever is less.

16.4.4 *Banners, Commercial.* At least five business days before signs are to be posted, the designated representative of the business or commercial establishment shall provide a sign installation and removal plan for review by the Building Department, who shall issue a permit for signs to be posted if the following standards are met:

- a. Banners shall be located outside of the public right-of-way of any public street and outside of the sight distance triangle of any intersection.
- b. Banners may be posted up to thirty (30) days.
- c. Banners shall be professionally printed and the quality should be in good condition and maintained in good condition.
- d. Banner shall require a separate permit, and no more than four

(4) nonconsecutive permits per calendar year shall be issued for any one commercial establishment.

- e. In no case shall any banner be located closer than 100 feet from another banner on the same site.
- f. Each new business shall be allowed one exempt "Grand Opening" banner for up to 30 days from the date of opening, in the place of or in addition to their permanent business sign.
- g. Nothing in this provision shall be construed to authorize the posting of banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

16.4.5 *Painted Graphics*

- a. Upon compliance with the requirements of this section, Painted Graphics (i.e., murals) are permitted in the following districts: B1, B2, M1, M2 and are prohibited in the Historical District
- b. All painted graphics shall be pre-approved by the Bay Minette Planning Commission.
- c. Applications for review for the Bay Minette Planning Commission shall be submitted fifteen (15) days prior to the Planning Commission session at which consideration of the request will be undertaken. Applications shall be submitted to the Bay Minette Building Department. Applications shall include the following:
 - i. Location of the building where the painted graphics are proposed.
 - ii. The size of the painted graphic.
 - iii. A sketch of the painted graphic and/or color rendering of the painted graphic.
 - iv. The Bay Minette Planning Commission will review each application based on the following criteria:
 - 1. Compliance with the Comprehensive Plan;
 - 2. Compliance with any other approved planning document;

3. Compliance with the standards, goals and intent of this Ordinance; and
 4. The character of the surrounding property, including any pending development activity.
- d. No lead base paints are permitted.
 - e. Commencement of work shall be within 30 days of approval.
 - f. Completion shall be within 30 days. The building department may give one (1) 30 day extension.
 - g. The building owner shall sign all applications submitted hereunder. The building owner shall be responsible for maintenance of any approved painted graphics. If maintenance is necessary, in the opinion of the Building Official, the building owner shall within 30 days of receipt of notice begin repairs or maintenance and shall complete said repairs or maintenance within 30 days of commencement. The responsible party may request a 30 day extension in writing to be granted in the sole discretion of the Building Official. If not completed in the specified time frame, the City may remove the painted graphic at the expense of the responsible party.

16.4.6 *Off Premise Signs*

- a. An existing operational business may share their total amount of signage with another business, this signage may not go over the total allowable signage of the principal use.
- b. Off Premise Signs are prohibited on vacant property and businesses.

16.4.7 *Projecting Signs.* Projecting signs shall not project into the public right-of-way, except in the Downtown Historic District. Signs in the Downtown Historic District may project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.

Signs in the Downtown Historic District may project into an alley no more than four (4). Projections shall be reviewed and approved by the Building Official. Signs projecting over public alleyways shall provide a minimum of fourteen (14) feet of vertical clearance.

16.5 **Design, Construction, and Maintenance of Signs.**

16.5.1 *Illumination Standards.*

- a. Sign lighting shall not be designed or located to cause confusion with traffic signals.

- b. Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway.

16.5.2 Placement and Clearance Standards.

- a. Signs shall be located such that there is at every intersection and driveway clear sight distance for pedestrians, cyclists, and motorists traveling on or entering any street, road, or highway.
- b. No sign structure shall be erected that impedes use of any fire escape, emergency exit, or ventilation opening.
- c. No freestanding sign shall project into a public right-of-way.
- d. No building sign shall project into a public right-of-way except in the Downtown Historic District. Signs in the Downtown Historic District may project over a public pedestrian-way no more than six (6) feet. Signs projecting over pedestrian-ways shall provide a minimum of eight (8) feet of vertical clearance.

Signs in the Downtown Historic District may project into an alley no more than six (6) feet. Projections greater than one (1) foot and up to six (6) feet shall be reviewed and approved by the Building Official. Signs projecting over public alleyways shall provide a minimum of 16 feet of vertical clearance.

16.5.3 Calculation of Display Area. The display area of a sign or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it.

Where a sign is double facing and only one face can be viewed from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces that can be viewed from a single location, the display area of all such faces shall be included in determining the total display area of the sign.

Open Letter sign display area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign can be enclosed, multiplied by a factor of 0.8.

When a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, triangle, circle or combination thereof, which will encompass the projected image of the sign and multiplying that area by

two (2). The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.

16.5.4 *Maintenance.* All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City of Bay Minette. All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire or health hazard. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials.

No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement cost. Signs which deteriorate to such a condition are deemed to be in violation of this ordinance, and as such must either be removed or improved (if permitted) by the person responsible for maintaining the sign.

16.6 Permitting and Enforcement.

16.6.1 Permits for Permanent Signs.

- a. *Applicability.* No person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a permit, except for the following actions which shall not require a permit:
 1. Changing the copy, announcement or message on a reader board sign;
 2. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image or message of the sign;
 3. Erecting a sign for which a permit is not required, under “Exempt Signs” of this Ordinance.
- b. *Procedure.* All sign permits shall be procured in accordance with the following procedure:
 1. A written application shall be submitted to the Building Official for review and processing. The Building Official, only upon determination that all requisite documentation and fees accompany the application form, will accept the application. The application shall include supplementary information as may be specifically requested by the Building Official to determine compliance with these regulations.

2. The Building Official shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
 3. Following review and determination as to conformance with these regulations, the Building Official shall either approve or deny the application for the sign permit. In case of denial, the Building Official shall specify the section or sections of these regulations with which the proposed sign is not in conformance.
 4. An application may be amended within thirty (30) days of the application date to include additional signs up to the allowable maximum. Additional fees shall be charged if the additional signs exceed the size limitations for fee category. After thirty (30) days, a new sign permit shall be required for any sign constructed and all fees shall be required.
- c. *Submission Requirements.* No request for a sign permit shall be considered complete until all the following has been submitted to the Building Official.
1. The application form shall be submitted with all required information completed by the applicant. The application form is available from the Building Official.
 2. Plans and specifications for the proposed sign shall be submitted, drawn to scale, and include the following:
 - a. Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;
 - b. Main or entrance façade including linear dimension;
 - c. Dimensions and elevations (including message) of all signs;
 - d. Dimensions of any supporting structures;
 - e. Maximum and minimum height of sign, as measured from finished grade;
 - f. For illuminated signs, indicate type and placement of illumination;
 - g. Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.
 3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Bay Minette City Council for the particular category of application. This fee is nonrefundable irrespective of the final disposition of the application.

4. A sign permit shall be valid for a period of 180 days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

16.7 Nonconforming, Illegal, and Abandoned Signs.

16.7.1 *Nonconforming Signs.* A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Bay Minette on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations. A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, however, it shall not be:

- a. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- b. Structurally altered to prolong the life of the sign, except to meet safety requirements.
- c. Expanded or altered in any manner that increases the degree of nonconformity.
- d. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Building Official.
- e. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- f. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

16.7.2 *Abandoned Signs.* Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property.

The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is

inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

16.7.3 *Illegal Signs.* The following signs shall be considered to be illegal and a violation of the terms of this article:

- a. A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;
- b. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;
- c. An abandoned sign.

Upon determination by the Building Official that a certain sign is illegal, the Building Official shall act to remedy the violation, which may include:

- a. Causing the issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;
- b. The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Bay Minette and shall be subject to the remedies and penalties provided by such ordinance and by state law.