

ARTICLE IX

SIGN REGULATIONS

9.1 General Provisions³

9.1.1 Compliance. All signs must be in compliance with the provisions of the Standard Building Code, the National Electrical Code, and other such codes as may be adopted from time to time by the Town.

9.1.2 Notification of Violations. Such notifications shall be made by Certified Letter from the Building Inspector.

9.1.3. Signs Used in Conjunction With Uses Permitted on Appeal. Such signs shall be approved by the Building Inspector.

9.1.4. Line of Sight. In addition to the provisions of subsection 6.6 of Article VI of Section 3, no sign shall obstruct vehicular vision between a height of three feet and eight feet measured vertically from the street level at the base of the sign if such impairment would affect traffic safety. In no case may a sign exceeding ten feet in height be located within eighteen inches of the right-of-way or eight feet from any side property line, if adjacent property is used as a single family residence.

9.1.5. Abandonments.⁶ An abandoned sign must be removed within 30 days from the date official notice is given by the Building Inspector. Permanent on-site signs applicable to a business temporarily suspended because of change in ownership or management of such business shall not be deemed abandonment unless property remains vacant for a period of three (3) months or more.

9.1.6. Sign Maintenance. Any signs not meeting the following provisions shall be repaired or removed within 30 days after receipt of notification by the Building Inspector.

A. The area around the sign shall be properly maintained clear of brush, trees, debris and litter; as well as obstacles that affect the signs visibility.

B. All burned out bulbs or damaged panels must be replaced.

C. All sign copy shall be maintained securely to the face and all missing copy must be replaced.

9.1.7. Owner Responsibility. It shall be the responsibility of the sign owner to maintain and insure conformance to the provisions of this article.

9.1.8. Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election of public referendum shall be permitted in all districts subject to the following provisions:

- A. Such signs shall be confined wholly to placement on private property.
- B. Such signs shall be removed within seven (7) days after the election or referendum for which they were prepared has been decided.
- C. Such signs shall not be located within ten feet of any street or public right-of-way. Said signs shall not exceed eight square feet per side in a residential district (R-1A, R-1B, R-2, R-3, GPH-1, TH-1 or MH-1).
- D. 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.

9.1.9. Building Graphics. Drawings painted on buildings that contain no copy, symbols or other references to products or services shall not be considered signs and shall be exempt from the provisions of this article. Drawings painted on buildings that do contain copy, symbols or other references to products or services shall be considered wall signs and shall be subject to the regulations of the district in which they are located.

9.1.10. Signs In or Over Public Right-Of-Way.⁶ No sign may be placed in or hang over encroaching on any public right-of-way.

9.1.11. Sight Clearance. No sign shall encroach upon vision clearances as established in Subsection 9.1.4. of this Article or Subsection 6.6 of Article VI of Section 3.

9.1.12. Grade Level. In cases where signs are located below the grade of the road to which they are oriented (as declared by the sign owner), sign height shall be measured from the grade of that street.

9.1.13. Endangerment. The Town may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed immediately.

9.2 Non-Conforming Signs

9.2.1. General Provisions for Non-Conforming Signs. Subject to 9.2.3 and to the conditions hereinafter set forth, non-conforming signs existing on the date of this ordinance may be continued in operation and maintenance after the effective date of this ordinance, provided that non-conforming signs shall not be:

- A. Changed to or replaced with another non-conforming sign;
- B. Structurally altered so as to extend their useful life;
- C. Expanded;

- D. Relocated;
 - E. Re-established after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction; or
 - F. Modified in any way that would increase the degree of non-conformity of such sign. Except in the case of (E) hereinabove, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.
- 9.2.2. Cessation of Other Non-Conforming Advertising.⁶ In addition to Subsection 9.2.1. above, all non-conforming portable trailer signs, bus bench advertisements, mobile signs and flying paraphernalia advertising shall be removed within three (3) years from the enactment of this Ordinance.
- 9.2.3. Signs on Public Right-Of-Way. All signs in the public right-of-way shall be removed within ninety (90) days from the enactment of this Ordinance, unless variance is approved by the Board of Adjustments and the adjacent property owner(s) give written consent to the granting of the variance.
- 9.2.4. Signs Made Non-Conforming Due to Annexation. Such signs may continue in operation and maintenance subject to the provisions of 9.2.1, 9.2.2, and 9.2.3.
- 9.2.5. Method for Removal of Signs by Town Contractor and Charging Property Owner Taxes. In the event that the Town's Building Inspector determines that it is necessary under the terms of this article to remove a sign, the Building Inspector shall use either the Town department staff or a private contractor, depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work. The Town department doing said removal work or the Town's contractor shall keep accurate records of the costs incurred which shall be submitted to the Inspection Department for an inspection, verification, and approval of the quality and quantity of the work performed. The sign owner shall be responsible for the cost of removal and must pay the costs of the work directly to the Town or the cost will become a lien against the real property upon which such cost was incurred. Said costs shall be collected in the same manner as Town taxes are collected. When private contractors are utilized, for work costing more than \$3,000, the lowest bidder shall be awarded the contract. At the Town's discretion costs of such work may be collected through legal process.

9.3 Permit and Application

- 9.3.1. Building Permit. A building permit is required for all signs and the method of construction shall be governed by the Standard Building Code, the Building Code of the Town of Loxley and such other codes and regulations adopted from time to time by the Town.. All signs shall conform to the Building Code and any other code of the Town of Loxley, including all signs utilizing or requiring electrical energy must obtain an

electrical permit from the Town of Loxley and comply with all applicable electrical codes in effect in the Town of Loxley. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town or cause the same to be done without first obtaining a building permit from the Building Official. These directives shall not be construed to require any permit for change of copy on any sign, nor for the repainting, cleaning, or other routine maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way.

9.3.2. Application Required.⁶ Applications for permits shall be upon forms provided by the Town and shall contain such information as may be reasonably required by the Town to assure compliance with all appropriate laws and regulations of the Town, as required by the Standard Building Code, including without limitation the following:

- A. Name, address, telephone number of applicant, sign erector, sign owner and property owner;
- B. A design plan prepared by a licensed professional, acceptable to the Building Inspector, showing the dimensions of the proposed sign and the position of the sign in relations to nearby structures, property lines and road right-of-ways, the zoning of the property, mechanical and electrical details and any other data deemed necessary to render opinion of sufficiency.

9.3.3. Time of Submission. Permit fees and application forms and all supporting documentation shall be filed with the Office of the Building Inspector at least ten (10) regular working days before any permit can be issued. A permit not issued within fifteen (15) days of filing the application form shall be deemed to have been denied.

9.3.4. Fee Payment Required. No application for a permit shall be processed and no permit shall be issued until the permit fees herein established are paid. Permit fees shall be established and approved from time to time by the Loxley Town Council by ordinance, and a schedule shall be maintained and open for public inspection in the Office of the Town Clerk.

9.3.5. Permit Duration. All work must be completed on the proposed sign within three (3) months of the issuance of the permit or the permit shall be null and void.

9.3.6. Permit Fees.⁷ The following fees shall be payable prior to the issuance of a permit based upon the square footage of total copy size of each permanent sign as follows:

- A. 0-40 square feet \$25.00 (minimum)
- B. 40-80 square feet \$.75 per square foot
- C. 80-120 square feet \$.75 per square foot

- D. Over 120 square feet \$.75 per square foot
- E. Off-Premise Signs \$1.00 per square foot
- F. Notwithstanding the above, all illuminated signs shall pay a minimum fee of \$50.00.

9.4. Signs For Which A Permit Is Not Required

A permit is not required for the following types of signs, which meet the criteria set out below and such signs shall not be considered in determining the allowable number or size of signs on a zoned lot.

- 9.4.1. Emergency Signs. Traffic, directional, warning or information signs owned by any private, public or quasi-public agency provided they do not exceed twenty (20) square feet and are located on private property, except in the cases of hospitals or health facilities in which each sign shall not exceed forty (40) square feet.
- 9.4.2. Notices. Official notices issued by any court, public agency or officer.
- 9.4.3. Identifier Signs. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- 9.4.4. Flags and Insignia of Any Government.
- 9.4.5. Integral Decorative or Architectural Features of Buildings. Not including letters, trademarks, moving parts, or moving lights.
- 9.4.6. Indoor Signs.
- 9.4.7. Time and Temperature Signs Which Bear No Advertising. Not to exceed fifty (50) square feet.
- 9.4.8. Interior Event Signs. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are of a temporary nature and are constructed of such materials and are of such a nature that clearly indicates they are temporary.
- 9.4.9. Gasoline Pump Signs. Signs shall be allowed on gasoline pumps so as to provide required information to the public such as “gallons”, “price”, “octane rating” and “type of fuel”. As the trade name of the business is oftentimes incorporated into the name for the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps as flat signs not to exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per pump.

- 9.4.10. Oil Rack Signs. Since oil is marketed on the gasoline pump island, the identification signs on the merchandise are visible and shall be permitted. Any additional signs on the oil rack shall not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet per rack.
- 9.4.11. Pricing Signs. A sign advertising the price of gasoline, other than pump signs, shall be permitted and shall not exceed 12 square feet per sign face and an aggregate area of 24 square feet, nor shall it exceed five (5) feet in height, if freestanding. One (1) such sign per on premises frontage shall be allowed with a maximum of two (2) such signs per premises. However, should such pricing sign be attached to, or part of, a permanent freestanding sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories.
- 9.4.12. Temporary Construction Signs. Contractor's signs, craftsmen's signs, signs pertaining to development of construction on the site and signs offering real property for sale or lease, not to exceed sixteen (16) square feet.
- 9.4.13. Essential Signs. Where it is necessary to warn or furnish the public, tenants and employees with information necessary to prevent property damage or ensure their health, welfare and safety, no limits shall be placed on the number and/or size of signs. (i.e., Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rain Crossing, etc.).
- 9.4.14. Interior Signs. Where signs are not visible from public rights-of-way, there will be no limit upon their size, number, type or location.

9.5. Prohibited Signs

- 9.5.1. Vehicular Distraction. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.
- 9.5.2. Distracting Devices. Signs or devices employing confusing, distracting or intense illumination when visible from the public right-of-way. No sign shall be permitted which utilizes intense flashing (strobe type) lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle.
- 9.5.3. Motion Devices. Signs employing confusing motion. No sign shall be permitted which employs motion in such a manner as to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic, or a traffic signal, device or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.

- 9.5.4. Roof Signs. Roof mounted signs are prohibited to the extent that any portion of the sign extends above the facade of the building.
- 9.5.5. Portable Trailer Signs.
- 9.5.6. Mobile Signs.
- 9.5.7. Anchored Flying Paraphernalia.
- 9.5.8. Signs Of Any Kind Attached To Utility Poles Or Trees.
- 9.5.9. Bus Bench Signs.
- 9.5.10. Any Trailer Sign With Copy Being Towed or Transported.
- 9.5.11. Off Premises Signs. No off-premise sign is permitted except under the provisions of Subsection 9.9 of this Article.

9.6. Temporary Signs Permitted In Any District

Non-illuminated temporary signs may be erected in any district in addition to signs permitted otherwise subject to the provisions of this Section.

- 9.6.1. General Temporary Sign Provisions. Temporary signs shall not encroach upon vision clearances established in this Article due to excessive height. The height of temporary signs not within established site clearance or setback areas shall be governed by the dimensional requirements of the district in which they are located.
- 9.6.2. Temporary Signs. Signs which disseminates information about special events or occurrences provided that the sign shall be removed within seven (7) days of completion of the event and shall be confined to private property and shall conform to the dimensional requirements of the district in which they are located.
- 9.6.3. Grand Opening Notice Signs. Upon the opening of a new business or a business in a new location and no permanent sign exists, one on-premises temporary sign shall be allowed not to stand longer than sixty (60) days.

9.7. Signs In Residential Districts

Signs in residential districts R-1A, R-1B, R-2, R-3, GPH-1, TH-1 and MH-1 are subject to the limitations contained in this section.

- 9.7.1. Home Occupation Signs. One (1) nonilluminated sign shall be permitted for each home occupation provided that the display surface area of such sign does not exceed one (1) square foot in area and that such sign is mounted flat against the wall of the building in which such home occupation is conducted or flat against the wall of a principal structure.

9.7.2. For Sale/Rent Signs. One (1) nonilluminated temporary sign shall be permitted for the sale or rent of a structure provided said sign does not exceed eight (8) square feet in sign face area. Structures located on corner lots shall be permitted two such signs facing each intersecting street.

9.8. On-Premise Signs In Commercial And Industrial Districts

On-Premise signs in commercial and industrial districts B-1, B-1A, B-1B, B-2 and M-1 are subject to the limitations contained in this Subsection.

9.8.1. General Requirements. Signs in Commercial and Industrial Districts shall conform to the provisions set forth in Subsection 9.8.7 - District Requirements for Permanent Signs. An additional separate sign may be permitted upon review by the Board of Adjustments when required by an area product franchise, upon presentation of a contract setting forth the area covered by the franchise and a bonafide, reasonable requirement for separate signs.

9.8.2. Special Provisions for Group Office, Group Commercial and Group Industrial Developments.⁶

- A. Where two (2) or more separate tenants occupy the same parcel or where the obvious intent is to function as a single center, then the following number of freestanding signs shall be allowed per street front of each development: If the linear feet of street frontage is 1 - 400 feet, then one (1) freestanding sign shall be allowed; if the linear feet of street frontage is 401 to 800 feet, then two (2) freestanding signs shall be allowed; and one additional freestanding sign shall be allowed for each full 300 feet thereafter. The total area of signage which shall be allowed shall be no greater than one (1) square foot of display surface area for each linear foot of street frontage and this area may be apportioned in any manner between the freestanding signs. Notwithstanding the above, a group development shall be permitted a minimum display surface area of 250 square feet, and in addition, each commercial business shall be allowed signage on one (1) of the allowed freestanding signs of no more than 50 square feet of display surface area.
- B. When a business is located in front of a group development and occupies a freestanding building, then the front footage of such business shall not be deducted from the front footage of the group development for purposes of sign size and spacing.
- C. Where a group development exists on a corner location and functions as a single center, the total display surface area may be apportioned on the various streets at the owner's election.
- D. In addition, in any group development each tenant shall be allowed one wall sign, not to exceed 30 percent of the useable wall area of that tenant.

- E. In addition to the above, each motion picture theater located in a development may erect one (1) additional free standing sign not to exceed fifty (50) square feet in display surface area per screen subject to approval by the Town of Loxley.
- 9.8.3. Exception To Group Occupancy Requirements. Where two (2) or more tenants occupy adjoining parcels and the intent is not to function as a single center, the sign provisions for group developments shall not apply. Businesses occupying the same parcel or other businesses subject to group development sign provisions, may be excluded from such provisions upon approval of an application by the Board of Adjustments and Appeals for a variance showing they do not function as a single center.
- 9.8.4. Other Regulations. Other regulations governing freestanding signs shall be provided in Section 9.1.
- 9.8.5. Rear Sign. In addition to the above, one (1) rear or service entrance wall sign is allowed not to exceed 10 square feet in area.
- 9.8.6. Roof Signs. Upon review by the Board of Adjustments and Appeals, a variance permitting a roof sign in lieu of another type authorized sign may be granted to a business upon a showing of hardship in that no other type sign is feasible and a roof sign is necessary. The size, height and location of such sign shall be determined by the Board of Adjustments and Appeals in compliance with all other provisions of this article.

9.8.7. DISTRICT REQUIREMENTS FOR PERMANENT ON-PREMISE SIGNS⁶

ZONING DISTRICT(S)	TOTAL NUMBER OF SIGNS ALLOWED	SPECIAL USE PROVISIONS	TYPE SIGNS ALLOWED	ALLOWABLE SQUARE FEET OF DISPLAY SURFACE AREA PER SIGN	HEIGHT MAXIMUM	SETBACK
B-1, B-1A, B-1B, B-2, M-1	3 Per Business	Section 4-34. (2)	Wall	30% Usable Wall Area 400 square feet Max. Per Business	Not above roof line	Building Mounted
"	1 Per Business	"	Freestanding	50 square feet in Districts B-1, B-2, and M-1 and 256 square feet in Districts B-1A and B-1B.	13' in Districts B-1, B-2, and M-1 with between 3' and 8' unobstructed sight from ground to sign bottom and 120' in Districts B-1A and B-1B.	As set forth in Section 9.1
"	1 Per Business	"	Marquee	No restrictions	Not above roof line	Building Mounted
"	1 Per Business	"	Projecting	1 per linear foot of building frontage 300 square feet max.	No more than 5' above parapet	Building Mounted
"	2 Per Business	"	Window	20% of Window Area		

9.9. Off-Premise Signs

9.9.1. Location. Signs which conform to the provisions of this Section shall be permitted by right only in District B-1B as contained on the Zoning Map, and as may be amended from time to time. Signs permitted under this section may be placed only in a manner which is intended for primary visibility from the eastbound and westbound lanes of the Interstate system.

9.9.2. Design Standards and Limitations.

- A. All off-premises signs shall be designed and limited so as to comply with the provisions contained in Section 9.1, 9.2, and 9.3 of this article.
- B. The maximum area of a sign face shall be six hundred seventy-two square feet (672) with maximum length of forty-eight (48) feet, facing one direction.
- C. Signs may be illuminated subject to the following restrictions:
 - 1. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information such as time, date, temperature or other similar information shall be permitted.
 - 2. External lighting such as floodlights, thin line and goose-neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the traveled way or onto other owner's property.
 - 3. The illumination of any sign within fifty (50) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts, including but not limited single family or multi-family zoning districts or uses.

9.9.3. Prohibited Off-Premise Outdoor Advertising Signs. The following signs shall not be permitted to remain or to be erected:

- A. Signs which are not clean and in good repair.
- B. Signs that are not securely fixed on a substantial structure.

- C. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
 - D. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - E. Signs that prevent free ingress or egress from any door, window, or fire escape, or that are attached to a standpipe or escape.
 - F. Signs that are deemed inappropriate or illegal under this Subsection shall be removed in accordance with provisions of Section 9.2 of this Article.
- 9.9.4. Drawings and Specifications Required. Prior to the issuance of a building permit for any off-premise sign, drawings of the support structure must be included with application for permit. The drawings for support structure must bear the seal of a registered engineer or architect in the State of Alabama.
- 9.9.5. Height of Sign. There shall be a minimum height restriction of fifteen (15) feet and a maximum height restriction of seventy-five (75) feet, measured from the ground at the base of the sign supports or from grade of the thoroughfare immediately adjacent to the sign, whichever is of greater height.
- 9.9.6. Spacing. Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of signs shall conform to the following spacing requirements:
- A. V-Type, Back-to-Back and stacked signs shall be considered as one sign and taken together must not exceed the maximum sign face area allowed for one sign.
 - B. On the interstate system, no two (2) off-premises advertising structures shall be spaced less than five-hundred (500) feet apart as measured along the same side of the interstate highway right-of-way.
 - C. No sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or otherwise physically interfere with a driver's view of approaching intersecting traffic.
- 9.9.7. Site And Location Plan. In addition to provisions of Subsection 9.9.4. of this Section, a site drawing to scale is required that includes the exact location of the subject sign and all existing off-premise signs on both sides of the interstate system for one thousand (1,000) feet in either direction.
- 9.10. Variances To Sign Regulations

Requests for variances to the provisions set forth in this Article will be reviewed by the Board of Adjustment and Appeals at the election of the owner, in conformance with State Law and Article X of this Zoning Ordinance.