

**CITY OF ARAB, ALABAMA**  
**ORDINANCE NO. 2003 - 3**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE CITY OF ARAB, ALABAMA**

The public welfare requiring it, and under authority granted by Chapter 11-52-78 of the Code of Alabama, 1975, as amended, BE IT ORDAINED by the City Council of the City of Arab, that the Zoning Ordinance of the City of Arab, Alabama be amended by adding Article XI regarding the regulation of signs:

SECTION ONE. Amendments.

**ARTICLE XI**  
**SIGN REGULATIONS**

Section 11.0 INTENT AND PURPOSE.

The intent of this Article is to establish regulations for the type, location, erection and maintenance of signs. It is determined that while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City by establishing standards for the number, size, height, spacing and illumination of such signs. The purposes of this Article are as follows:

- to enhance and promote the character and aesthetic quality of the City of Arab;
- to assure the compatibility of signs with surrounding land uses and protect adjacent and nearby properties;
- to preserve property values;
- to reduce excessive size or numbers of signs that obscure one another to the detriment of all concerned;
- to eliminate unsightly and detrimental effects of sign blight on property values;
- to promote traffic safety and protect the public safety by lessening hazards to pedestrian and vehicular traffic caused by distracting or unsafe located signs; and
- to reasonably insure the protection of the public's safety and general welfare.

Section 11.1 SIGN DEFINITIONS

The following definitions are applicable to the sign regulations contained in this Article:

11.1.1 Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

11.1.2 Sign Area. That area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols and delineation, or within a continuous line enclosing the outer extremities of the framework or background of the sign, whichever line includes the larger area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be

computed by multiplying its diameter by its height. The area of a detached sign shall include the area of any supporting structure having any horizontal dimension exceeding sixteen (16) inches at any point between an elevation of two (2) feet above the ground level and the highest point of the sign.

11.1.3 Sign, Detached. A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not part of the building, shall be considered a detached sign.

11.1.4 Sign, Detached Ground. A detached sign not exceeding six (6) feet in height above the ground and generally supported by a pole, uprights, or braces.

11.1.5 Sign, Double-Faced. A sign with two parallel, or nearly parallel faces, back to back and located not more than twelve (12) inches apart.

11.1.6 Signs, Establishment Identification. A sign which pertains only to the use of a premises and which, depending upon the upon the zoning district in which it is located, contains any of the following information:

- A. The name of the owner, occupant, and/or management of use.
- B. The address of the use.
- C. The kind of business and/or the brand name of the principal commodity sold on the premises.
- D. Other information relative to a service or activity involved in the conduct of the business, but not including the names of subsidiary products except where specifically permitted by provisions of this ordinance.

11.1.7 Sign, Flashing. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered to be a flashing sign.

11.1.8 Sign, General Advertising or Off-Premise. Any sign which directs the attention of the general public to a business, service, product or activity not conducted, offered, or sold as a major portion of business upon the premises where the sign is located.

11.1.9 Sign, Height. The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

11.1.10 Sign, Illuminated Directly. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and defective, such sign shall be deemed to be a directly illuminated sign.

11.1.11 Sign, Marquee. Any sign attached to or hung from a marquee. For purposes of this Ordinance, a marquee is defined as a roof-like structure projecting over the entrance of a building.

11.1.12 Sign, Portable or Movable. Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, (1) signs

designed to be transported by means of wheels; (2) signs converted to A-frames or T-frames; (3) menu or sandwich board signs; (4) balloons or other inflatable devices used as signs; (5) umbrellas used for advertising; and (6) signs attached to, or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business. The following are not defined as portable or movable signs: Banners, magnetic vehicle signs, and political signs transported on or in vehicles.

11.1.13 Sign, Projecting. A sign that is attached to and projects more than twelve (12) inches from the face of the wall of a building. A projecting sign which extends more than thirty-six (36) inches over or above the roof line or parapet wall shall be designated as a roof sign.

11.1.14 Sign, Roof. A sign, which is constructed to extend above the highest point of a roof's surface.

11.1.15 Sign Temporary. Any sign that is used only temporary during construction, the advertising of land or buildings for sale or lease, in connection with a public holiday or for a specified period of time and is not permanently mounted.

11.1.16 Sign, Wall. Any sign painted directly on the outside wall of a building.

## Section 11.2 EXEMPT SIGNS

The following signs may be erected or constructed without a sign permit:

11.2.1 Official Signs. Official traffic signs, municipal information signs and provisional warning signs, and temporary signs indicating danger when erected or required to be erected by a governmental agency.

11.2.2 Construction Signs. Temporary non-illuminated signs not more than fifty (50) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction is in progress. There shall be no more than one (1) such sign for each street frontage. Such signs shall be removed within seven (7) days after completion of the construction project.

11.2.3 Political Campaign Signs. Temporary non-illuminated political signs and campaign posters, provided they conform with Section 11.4.2 and Section 11.4.9. Such signs and posters shall not exceed eight (8) square feet in area, and must be removed within seven (7) days following the election to which they pertain by the person or persons posting or erecting them. If such signs are not removed within the required time period, the City will remove them at the candidate's expense.

11.2.4 Public Events and Holidays. National flags, temporary decorative bunting, banners, and symbols displayed for not more than forty-five (45) days and directly related to special events of a public nature or public holidays.

11.2.5 Stadium Signs. Scoreboards and incidental advertising signs intended to be viewed from within a stadium shall be exempt from required sign permits.

11.2.6 Temporary Signs. Temporary signs authorized by the City Council for a specified period of time not to exceed thirty (30) days. No temporary sign authorized by the City Council shall be larger than any sign permitted in the zone district in which the temporary sign is located. Further, not more than one (1) temporary sign shall be authorized on a parcel of land.

11.2.7 Real Estate Sign. Temporary real estate signs, which are not internally illuminated, advertising the private sale or lease of land or buildings limited to one such sign that does not exceed four (4) square feet in copy area in residential districts or thirty-two (32) square feet in copy area in non-residential districts; and is removed within seven (7) days after the sale of the property. Such signs may be two sided.

- A. Off-premise real estate “for sale” or rental signs: Two (2) off-premise signs advertising the selling or rental of residential property or one (1) off-premise sign advertising the selling or rental of commercial property provided such signs do not exceed two (2) square feet of copy area. Such signs shall be removed within seven (7) days of the closing of the sale or rental of the property or one-hundred-twenty (120) days from their erection, whichever comes first.
- B. Subdivisions with five (5) or more lots may have a temporary identification sign while the subdivision is being developed, which shall not exceed thirty-two (32) square feet nor ten (10) feet in height. The sign shall not be illuminated and shall be removed when eighty (80) percent of the lots in the subdivision have been sold or a permanent subdivision identification sign is erected, whichever comes first.

### Section 11.3 SIGN PERMIT REQUIRED

11.3.1 STANDARD PERMIT. No sign, unless herein exempted, shall be erected, constructed, painted, altered, or relocated, until a Standard City Sign Permit has been applied for and issued by the Administrative Officer. Before any permit is issued, an application shall be filed with the Administrative Officer, which application shall provide the following items:

- A. Name signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
- B. Address of the property where the sign is to be located.
- C. Zoning district and principal land use(s) on the lot subject to erection of a sign.
- D. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
- E. A dimensional sketch of the sign and a plot plan showing the location of each sign on the lot and dimensional characteristics necessary to determine maximum sign area, height, number, spacing, etc., such as lot area, lot frontage, building frontage, building face area, etc.
- F. Other details which the Administrative Officer determines necessary to evaluate compliance with the requirements of this Article.
- G. Application fee.

11.3.2 All electrically illuminated signs shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

11.3.4 The repainting, cleaning, and other normal maintenance to prolong the life of a sign shall not require a sign permit.

## Section 11.4 GENERAL REGULATIONS PERTAINING TO ALL SIGNS AND SIGN PROHIBITIONS

The following regulations pertain to all signs:

- 11.4.1 Signs shall not be located in or extend or project over any public right-of-way.
- 11.4.2 Signs shall not be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character it may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with mislead, confuse or disrupt traffic safety or flow.
- 11.4.3 The construction or relocation of a permitted permanent sign shall require issue of a building permit.
- 11.4.4 Portable signs, as defined in Section 11.1, are prohibited.
- 11.4.5 Signs shall be constructed and maintained to conform to all building and electrical codes of the City of Arab.
- 11.4.6 Flashing signs or signs illuminated with intermittent light, except time and temperature indicators are prohibited.
- 11.4.7 At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2½) and twelve (12) feet above the established grade within this triangular area.
- 11.4.8 Signs, other than those specified herein, shall not be attached to trees, utility poles, or placed on any public right-of-way or other public property. The following signs shall be permitted in a public right-of-way: (a) Temporary yard sale signs may be placed on any public right-of-way during the duration of the yard sale; (b) a permanent detached ground sign identifying the name of a residential development erected at principal entrances to the project in accordance with the limitations stated in these regulations.
- 11.4.9 Signs with illegal, obscene, or offensive words, scenes, or graphics are prohibited.
- 11.4.10 The area around all signs shall be kept clean and clear of trash and litter and shall present a neat and clean appearance. It shall be the responsibility of the sign owner/lessor or property owner to maintain all signs in a safe and proper operating manner at all times.

## Section 11.5 ZONING DISTRICT SIGN REGULATIONS

### 11.5.1 SIGNS PERMITTED IN A-1, R-1, R-2 AND PR-1 DISTRICTS.

- A. All signs exempted from these regulations by Section 11.2 of this Article.
- B. A permanent detached ground sign identifying the name of a residential development may be erected at principal entrances to the project, in accordance with the following limitations:
  - 1. One sign shall be permitted on each side of the principal entrance to the development.

2. Such signs shall not exceed thirty-two (32) square feet in sign area and six (6) feet in height.
  3. Such signs may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for identification of the residential development.
  4. No entrance sign shall be internally illuminated. Other illumination may be used but shall be constructed so that the light is not directed away from the sign area.
  5. The approval of such signs shall be subject to a means of long-term maintenance, i.e., homeowners association, etc., and approved by the Administrative Official.
- C. A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.
- D. A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area. The detached sign shall not be located within fifteen (15) feet of any public street right-of-way.
- E. A flat sign identifying a public or semi-public use, not to exceed twelve (12) feet in sign area except that the area of such sign may be increased by one-fourth ( $\frac{1}{4}$ ) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

#### 11.5.2 SIGNS PERMITTED IN THE R-3 and TH-1 DISTRICTS.

- A. Any sign permitted in Subsection 11.5.1 of this Article.
- B. A permanent detached ground sign identifying the name of a multi-family or townhouse housing development, may be erected at the principal entrance to the project, in accordance with the following limitations:
1. One sign shall be permitted on each side of the principal entrance to the development.
  2. Such signs shall not exceed forty-eight (48) square feet in sign area and six (6) feet in height.
  3. Such sign may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for identification of the residential development.
  4. No entrance sign shall be internally illuminated. Other illumination may be used but shall be constructed so that the light is not directed away from the sign area.
- C. One detached ground sign identifying a multi-family structure and placed not more than thirty (30) feet therefrom, not to exceed four (4) square feet in sign area.
- D. One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

11.5.3 SIGNS PERMITTED IN R-B, O-I and B-1 DISTRICTS

- A. Any sign exempted from these regulations by Section 11.2 of this Article.
- B. One (1) on-premises business sign per building, not to exceed thirty-two (32) square feet of sign area. Said sign may be attached to the building wall, or be a detached sign. The maximum height of a detached sign shall be not more than six (6) feet measured from the base elevation of the first floor of the building or from the base of sign, whichever distance is less. No detached sign shall be located within fifteen (15) feet of any public street right-of-way.
- C. A permanent detached ground sign identifying the name of an office/business park or other development of five or more parcels, may be erected at the principal entrance to the project, in accordance with the following limitations:
  - 1. One sign shall be permitted on each side of the principal entrance to the development.
  - 2. Such signs shall not exceed forty-eight (48) square feet in sign area and six (6) feet in height.
  - 3. Such sign may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for identification of the residential development.
  - 4. No entrance sign shall be internally illuminated. Other illumination may be used but shall be constructed so that the light is not directed away from the sign area.

11.5.4 SIGNS PERMITTED IN B-4 DISTRICT

- A. All signs exempted from these regulations by Section 11.2 of this Article.
- B. Flat signs, illuminated or non-illuminated, with a total aggregate sign area not to exceed twenty-five (25%) percent of the area of walls on which they are attached and no one sign with an area of more than two hundred (200) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.
- C. Projecting sign, illuminated or non-illuminated, one for each business on the premises. Such sign shall: not project more than four (4) feet from the face of the building; not be taller than two (2) feet; not exceed eight (8) square feet for any individual sign; have a minimum clearance of ten (10) feet above the ground or sidewalk; and not project above the roof line on a flat roof or above the eave line on a gable or other style roof line.
- D. One detached sign, illuminated or non-illuminated, not to exceed thirty-two (32) square feet in sign area except that if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign may be increased in sign area five-tenths (0.5) square foot for each foot of frontage in excess of fifty (50) feet up to a maximum sign area of sixty-four (64) square feet. A detached sign shall not exceed a height of twenty-five (25) feet and shall not be located within fifteen (15) feet of any public street right-of-way.

- E. Marquee signs, illuminated or non-illuminated, limited in sign area to fifty (50) percent of the facia of the marquee to which they are attached.
- F. Detached signs providing directions to parking areas, facilities, buildings, places, or points of ingress and egress, not to exceed a height of four (4) feet or a sign area of four (4) square feet.
- G. Signs for permitted residential uses shall comply with Subsections 11.5.1 and 11.5.2 of this Ordinance.
- H. Wall signs with a total aggregate sign area not more than twenty-five (25%) percent of the wall to which they are attached and no individual sign with a sign area of more than one hundred twenty-five (125) square feet except that: for every foot of setback, in excess of fifty (50) feet, the maximum area of an individual sign may be increased one and one-half (1½) square feet up to a maximum sign size of six hundred fifty (650) square feet.

#### 11.5.5 SIGNS PERMITTED IN B-3 DISTRICT.

- A. Any sign permitted in Subsections 11.5.3 and 11.5.4 of this Article.
- B. One (1) projecting sign for each business on the premises with the maximum sign area not to exceed forty (40) square feet.
- D. One (1) detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of seventy-five (75) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred twenty (120) square feet.
- E. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas, places, facilities and access drives.
- F. Gasoline or other pricing signs are permitted provided that:
  - (1) Only one such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.
  - (2) The sign must be attached to a principal structure or to the structure of a permitted detached sign.
  - (3) The sign area of such sign shall not exceed thirty (30) square feet per sign face or an aggregate sign area of sixty (60) square feet.
  - (4) One sign, attached to each gasoline pump, to provide information regarding price, type of fuel and octane rating, is permitted provided such sign does not exceed a sign area

of two (2) square feet for any single sign face or a total sign area of four (4) square feet if the sign is double-faced.

#### 11.5.6 SIGNS PERMITTED IN B-2 AND M-1 DISTRICTS.

- A. Any sign exempted from these regulations by Section 11.2 of this Article.
- B. Any sign permitted in Subsection 11.5.5 of this Article.
- C. One (1) detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of one hundred (100) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred eighty (180) square feet.

#### 11.5.7 SIGNS PERMITTED IN THE M-2 DISTRICT.

- A. Any sign permitted in Subsection 11.5.6 of this Article.
- B. Wall signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual wall sign shall have an area of more than four hundred (400) square feet except that: for every foot of setback, in excess of fifty (50) feet, the maximum area of an individual wall sign may be increased one and one-half (1 1/2) square foot up to a maximum sign size of six hundred fifty (650) square feet.
- C. Flat signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual flat sign shall have an area of more than four hundred (400) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.
- D. One (1) projecting sign for each business on the premises with the maximum sign area not to exceed sixty-four (64) square feet. No part of such sign shall be located within fifteen (15) feet of any public street right-of-way.
- E. Off-premise or general advertising signs as a conditional use subject to all the provisions of Section 11.7 of this Ordinance including study and recommendation by the Planning Commission and approval of the City Council.

## Section 11.6 NONCONFORMING AND ABANDONED SIGNS

### 11.6.1 NONCONFORMING SIGNS

It is the intent of this Ordinance to eventually eliminate all non-conforming signs within the City of Arab either through measures designed to eventually bring such signs into compliance with the sign provisions of this Ordinance or by their removal. The following provisions shall apply to all nonconforming signs and/or advertising structures.

- A. All permanent type nonconforming signs that existed at the time of the adoption of this Ordinance shall be allowed to remain as they were at the time of the adoption of this Ordinance subject to the provisions of B through G below.
- B. No sign and/or advertising structure that has been erected in violation of any previous zoning provisions shall by virtue of the adoption of this Ordinance become conforming.
- C. No nonconforming sign shall be reestablished after damage or destruction if the estimated expense for reconstruction exceeds fifty (50) percent of the reproduction cost, without meeting the requirements for signs located in the district in which said sign is located.
- D. No nonconforming sign shall be changed to another nonconforming sign.
- E. No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where replacement of the sign is required.
- F. A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance.
- G. No nonconforming sign shall be repainted, refaced or modified to serve another business, advertisement, person or event.

### 11.6.2 ABANDONED SIGNS

The following provisions shall apply to all abandoned signs:

- A. All signs, as set out in Paragraphs B, C and D below that are abandoned for a period of ninety (90) days shall be removed as specified in Paragraph H below.
- B. The property on which the sign is located is vacant.
- C. The sign face is blank, in ill repair, or no longer applicable.
- D. The business to which the sign applies is no longer operating.
- E. The purpose or event to which a temporary sign authorized by the City Council applies shall be removed within ten (days) after the purpose or event is held.
- F. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for a period of ninety (90) days. In the event the business to which the sign applies is

destroyed by fire, accident or natural disaster, but the sign itself is not harmed, such sign may remain in place after the expiration of the ninety (90) day period, if the building is undergoing repairs or renovations that are properly permitted.

- G. An abandoned sign under the provisions of this Ordinance is prohibited and shall be removed by the owner of the sign or owner of the premises on which the sign is located as specified in Paragraph H below.
- H. The Administrative Officer shall make an inspection and determination that a sign is abandoned as set out in this Section. Upon such determination, the Administrative Officer shall prepare a notice which shall describe the sign and its location and which shall state, if the violation or violations are not corrected within ten (10) working days after receipt, the sign, including the sign face, supports and all structural members pertaining to said sign, shall be removed and the cost of said removal billed to the property owner and/or sign owner. All notices mailed by the Administrative Officer shall be sent by certified mail, return receipt requested. Any time periods provided for in this Ordinance relative to compliance shall be deemed to commence on the date of receipt noted on the certified mail return receipt. All notices shall be mailed to the owner of property on which said sign is located as shown on the latest available tax records and/or owner of the sign.

## Section 11.7 OFF-PREMISE OR GENERAL ADVERTISING SIGNS

Off-premise or general advertising signs may be permitted as a conditional use in the B-2, B-3, M-1 and M-2 Zoning Districts subject to the provisions of this Section.

### 11.7.1 CONDITIONAL USE APPROVAL

A request for approval of an off-premise or general advertising sign as a conditional use shall follow the following procedure.

- A. An application shall be submitted to the Planning Commission for approval of an off-premise or general advertising sign within the areas specified above in this Section. The application shall be accompanied by a site plan as set forth in Section 11.7.2 and a filing fee as set forth in the City of Arab's current fee schedule, a copy of which is available at the office of the Administrative Officer.
- B. The Planning Commission shall review the request and make a recommendation to the City Council following the same procedures said Commission follows for a rezoning request.
- C. After receiving the review and recommendation of the Planning Commission, the City Council shall hold a public hearing and approve, disapprove or approve with modifications the recommendation of the Planning Commission.

### 11.7.2 SITE PLAN REVIEW

An application for off-premise or general advertising sign approval shall be accompanied by a site plan showing the following information.

- A. The name, address, phone and fax number and tax parcel identification number of the owner of the land on which the sign is to be located.
- B. Name, address, phone number and fax number of the contact person for the company or individual entitled to possession of the sign and of the sign contractor or erector.
- C. The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which the sign is to be situated with dimensions from the proposed sign to the property line, to the nearest road right-of-way line and to the pavement edge.
- D. Size of the sign in terms of total sign area, height of the sign and length of the sign.
- E. Height of the sign in relation to the applicable requirement of Section 11.7.4 B.
- F. Drawings showing the supporting members, materials of the sign and method of attachment or mounting.
- G. Certification from the owner of the land on which the sign will be located and the owner of the sign that the information and dimensions shown on the site plan will be strictly followed in constructing the sign, and that the requirements of Section 11.7.4 will be strictly followed. Said certification shall acknowledge that failure to construct the sign as shown on the site plan can result in the City requesting that the sign be removed and in penalties.

11.7.3 SITE PLAN ENFORCEABLE

If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map. In addition the Planning Commission or the City Council may impose proffered conditions for approval as permitted under Section 15.5 of this Ordinance.

11.7.4 REGULATIONS APPLICABLE TO ALL OFF-PREMISE SIGNS

Off-premise or general advertising signs shall conform to the following requirements; however, the Planning Commission may recommend and the City Council may impose stricter requirements as a condition of final approval.

- A. The off-premise sign shall not exceed six hundred seventy-two (672) square feet in sign area inclusive of any embellishments, border or trim, but excluding the supports and other structural members.
- B. Off-premise signs shall be constructed so that the distance from the base of the sign face to the ground measures at least eight (8) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground shall not be greater than sixty (60) feet except that in all areas where the ground level is lower than the main-traveled way of the roadway to which the sign is directed, then the maximum height shall be extended to a point twenty-five (25) feet above the plane of the said main-traveled road.
- C. The minimum space between two (2) off-premise signs, on the same side of the street, shall be seven hundred fifty (750) feet measured along the shortest line between the two signs.
- D. No off-premise sign shall be located within two-hundred-fifty (250) feet of the boundary of any residential zone district as measured from the nearest edge of the sign, unless otherwise recommended by the Planning Commission and approved by the City Council.
- E. No off-premise sign shall be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as an off-premise sign.
- F. Off-premise signs shall not be erected or maintained which are illuminated by intermittent or flashing lights except those giving public service information such as time, date, temperature, or weather.
- G. No leading edge of an off-premise sign shall be located within fifteen (15) feet of any public right-of-way and no leading edge of an off-premise sign with a sign area larger than two hundred (200) square feet shall be located within twenty-five (25) feet of any public right-of-way.
- H. No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- I. An off-premise sign may contain two (2) signs oriented in the same direction; be placed back to back, or V-type with an angle not to exceed twenty-five (25) degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions.

- J. No three (3) sided off-premise signs shall be permitted.
- K. No advertising shall be placed on any sign structure nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign, nor the placing of the sign company logo upon the sign structure.

#### 11.7.5 PLANNING OBJECTIVES AND CRITERIA FOR APPROVAL

Regardless of whether a proposed off-premise sign meets the requirements of Section 11.7.4, the Planning Commission may not recommend approval or the City Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives.

- A. Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.
- B. Nature, design and appropriateness of the proposed sign for the property involved.
- C. Extent to which scenic assets and natural features such as trees, streams and topographic characteristics are impacted.

#### 11.7.6 OFF-PREMISE SIGN CONSTRUCTION PERMIT AND FEE

- A. Prior to construction of an off-premise or general advertising sign that has been approved as a conditional use, an application for a construction permit shall be made to the City of Arab. Such application shall be made within six (6) months of the proposed signs approval by the City Council or the conditional use approval shall become null and void. The application shall be accompanied by drawings, plans, specifications and engineering designs as may be necessary to fully advise and acquaint the City's personnel with the proposed sign and sign location, said drawings, plans and specifications to be certified by the applicant. The application shall be accompanied by the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed off-premise sign at the location. Further, said application and supporting documents shall contain the information required in Section 11.7.2.
- B. The construction permit shall become null and void unless construction of the off-premise sign has substantially commenced within three (3) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of three (3) months as described above, the permittee shall be required to reapply for that permit for that site and pay another construction permit fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the three (3) month limitation and such evidence is accepted by the City, then said permit may be extended for another three (3) month period. If the permittee has not substantially commenced construction within this three-month extension, then said permit shall become null and void and the permittee shall be required to reapply for that permit for that site and pay another construction permit fee.
- C. The construction permit fee for an off-premise sign structure shall be as set forth in the City of Arab's current fee schedule, a copy of which is available at the office of the Administrative Officer. Said fee is payable upon submission of an application for a construction permit. This

fee is in addition to any fees required for conditional use approval as specified in Section 11.7.1A.

- D. When a construction permit is denied, the City shall give notice to the applicant of the denial with a written statement of the reason(s) for the denial. A single appeal per permit application may be taken to the Board of Zoning Adjustment upon denial of a construction permit by the City.

#### 11.7.7 LIMITATIONS ON OFF-PREMISE SIGN CONDITIONAL USE REQUEST

Should the City Council reject a request for conditional use zoning for an off-premise sign, the request for an off-premise sign at the same location will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council.

#### Section 11.8 OFF-PREMISE SIGNS FOR PUBLIC OR INSTITUTIONAL USES

A permanent or temporary off-premise sign the purpose of which is to denote the route to any historic or religious place, shrine, public building or facility, school, hospital, public meeting or public event may be permitted if studied and recommended to the City Council by the Planning Commission and approved by the City Council after holding a public hearing. Such signs shall not be approved if they are not compatible with the type of development or potential development on land in the vicinity of the site of the sign.

Signs approved under this Section shall be limited to the name of the use, address of the use and directional arrows. Such signs shall not exceed four (4) square feet with no dimension greater than two (2) feet. Such signs shall not be illuminated if located in a residential district, shall be erected on supports provided specifically for support of the sign and shall not be placed on public rights-of-way. There shall be no more than two (2) signs providing directions to any one use.

The applicant for such sign shall provide the Planning Commission with a site plan showing the exact location of the proposed sign and provide information on the height, type of materials, coloring to be used and wording to be placed on the sign.

#### SECTION TWO. Violations and Penalties.

- a) Failure to cease and desist an unlawful sign upon request of a city law enforcement officer may result in the arrest and custody of the offender, however, the law enforcement officer may issue a summons and complaint to any person charged with committing the offense of nuisance-unreasonable sign in violation of this ordinance and release such person from custody upon his written promise to appear in court at the designated time and place as evidenced by his signature on the summons and complaint form.
- b) Each violation of this ordinance shall be a separate offense.
- c) Any person or entity violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense and costs of prosecution and may be imprisoned for a period not exceeding thirty (30) days, at the discretion of the court trying the case. Violations of this ordinance shall be prosecuted in the same manner as other violations of the City Code of Ordinances.

SECTION THREE. Effective date. This ordinance shall become effective upon its adoption and publication as provided by law.

SECTION FOUR. Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

SECTION FIVE. Codification. The provisions of this ordinance shall be included and incorporated into the Zoning Ordinance of the City of Arab, as an addition or amendment thereto.

ADOPTED THIS 7<sup>TH</sup> DAY OF April, 2003.