

## **ARTICLE 15 SIGN REGULATIONS**

(rev. 03/01/2023 unless otherwise noted)

- 15.01 PURPOSE**
  - 15.02 OBJECTIVES**
  - 15.03 DEFINITIONS**
  - 15.04 EXISTING SIGNS**
  - 15.05 MANDATORY SIGNS**
  - 15.06 PROHIBITED SIGNS**
  - 15.07 PERMISSIBLE SIGNS**
  - 15.08 GENERAL SIGN STANDARDS**
  - 15.09 SPECIAL SIGN STANDARDS**
  - 15.10 ADMINISTRATION**
  - 15.11 ENFORCEMENT**
  - 15.12 APPEALS**
- 

### **15.01 PURPOSE**

Recognizing that Orange Beach is a unique resort, the City Council finds that proper sign control is necessary to maintain the high aesthetic values which the residents, business owners, and visitors of the City expect.

Signs have an obvious impact on the character and quality of the City. As a prominent part of the scenery, they attract or repel the viewing public and affect the safety of vehicular traffic. Their suitability and appropriateness helps to set the tone of the community.

The purpose of this article is to control signs in a manner which will maintain the aesthetic appeal of Orange Beach while, at the same time, provide equitable standards for all businesses to identify and advertise the location of goods and services.

### **15.02 OBJECTIVES**

The objectives of this article are to create a set of guidelines that will result in signs that are an asset to the aesthetic appeal of the community that:

1. Are restrained in character and no larger than necessary for adequate identification and advertising.
2. Are of such design consistent with the high graphic standards.
3. Create and maintain harmony between commercial and industrial development and the residential community.

### **15.03 DEFINITIONS**

Except as specifically defined herein, each word used in this article has its customary dictionary definition. For the purpose of this article, certain words or terms used are herein defined as follows:

**Abandoned Sign.** A permitted sign which was erected on property in conjunction with a particular use, which use has been discontinued for a period of thirty (30) days or more, or a permitted temporary sign for which the permit has expired.

**Administrator.** That person designated by the Mayor to administer and enforce the provisions of this article.

**Back to Back Sign.** A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

**Banners, Pennants, Balloons.** Any animated, rotating, fluttering, or nonstationary device made of flexible materials designed to attract attention.

**Board of Appeals and Adjustments.** The duly appointed board authorized by the appropriate authority to hear and act upon any appeal of a decision of the administrator or any request for variance from any provision of this article.

**Campaign Sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election. (rev. 04/22/2002)

**Canopy.** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.

**Canopy Sign.** A sign which is suspended from, attached to, supported from or forms a part of a canopy.

**Changeable Copy Sign.** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

**Commercial or Industrial Center.** One (1) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

**Dilapidated Sign.** Any sign which is structurally unsound, has defective parts or is in need of painting or maintenance.

**Directional Sign.** (1) A sign, permanently erected or permitted in the public right of way or private property by the City of Orange Beach, Baldwin County, State of Alabama, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, educational institution, public building, historic place, shrine or hospital, to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public; (2) A sign, notice or symbol for the information of the Federal Aviation Agency as to location, directions, landing and conditions, affecting safety in aviation; and (3) An on premises temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.

**Directory Sign.** A sign listing only the names, use, and/or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

**Double Faced Sign.** A sign with two (2) display areas against each other or where the interior angle formed by the display area is sixty (60) degrees or less, where one (1) face is designed to be viewed from one (1) direction and the other side from another direction. (rev. 02/22/2012)

**Electrical Sign.** A sign or sign structure in which electric wiring, connections, and/or fixtures are used as part of the sign proper.

**Electronic Changeable Copy Sign.** A sign containing alphabetic, pictographic, or symbolic informational content that can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments. This type of signage includes the following two (2) types: Fixed Message Electronic Signs whose basic information content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming; and Computer Controlled Variable Message Electronic Signs whose information content can be changed or altered by means of computer-driven electronic impulses. (rev. 09/03/2013)

**Existing Sign.** Any sign that was erected, mounted, or displayed prior to the adoption of this article.

**Façade.** The entire building wall, including main street wall face and parapet, fascia, windows, doors, canopy, and roof on any complete elevation.

**Fixed Projecting Sign.** A sign, other than a flat sign, which extends outward for more than six (6) inches from the facade of any building and is rigidly affixed thereto.

**Flashing Sign.** Any lighted or electrical sign which emits light in sudden transitory bursts.

**Flat Sign.** A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the building.

**Freestanding Sign.** A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

**Frontage.** The length of the property line of any one (1) premises parcel serving as a public right of way line.

**Frontage Wall Face.** The building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage on the premises.

**Height of Sign.** The vertical distance measured from the average elevation of the nearest road center line to the top of the sign face or sign structure, whichever is greater.

**Identification Sign.** A sign indicating the nature, logo, trademark or other identification symbol, address, or any combination of the name, symbols, and address of the building, business, development, or establishment on the premises where it is located.

**Illuminated Sign – External.** Any sign which is directly lighted by an external source.

**Illuminated Sign – Internal.** Any sign which transmits light through its face or any part thereof.

**Inflatable Sign.** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**Ingress/Egress Sign.** A sign which designates only the direction of ingress or egress of a parking area or driveway, such as *In, Out, One Way, Do Not Enter* or *No Exit*.

**Marina.** A boat harbor or basin providing dockage, supplies, and services for water craft.

**Marina Slip.** Wet Slip: a structure, covered or uncovered, the purpose of which is to store a single boat in or over the water; Dry Slip: a permanently affixed rack on dry land, usually part of a network of racks to and from which a boat is maneuvered and stored.

**Moving Message Board.** Any electrical sign having a continuous message flow across its face by italicization of lights or other electrical impulses forming various words or designs, such as time and temperature.

**Nonconforming Sign.** A sign lawfully erected and legally existing at the time of the effective date of an article, but which does not conform to the new provisions of said code.

**Occupancy.** Any use of activity upon the premises.

**Off Premises Sign.** Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific residence or business or activity being promoted by such sign, is itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the Administrator are exceptions to this definition.

**On Premises Sign.** Any sign located or proposed to be located at any place, if otherwise permitted by this Article, within the plat of record for the business or other activity identified on such sign.

**Painted Wall Sign.** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas, on any outside wall or roof or on glass of any building.

**Panel.** The primary surface of a sign upon which the message of the sign is carried.

**Parapet.** A vertical false front or wall extension above the roof line.

**Pennant.** (See Banners, Pennants, and Balloons)

**Permitted Sign.** A sign for which a valid permit has been issued.

**Political Sign.** A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the City shall vote.

**Portable Sign.** Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

**Premises.** The plat of record which is affected either directly or indirectly by the contents of this Article.

**Project Sign.** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property such individual is furnishing labor, materials, or services.

**Public Right of Way.** The line where the property meets the public right of way at a public street, or public waterway, provided that this definition shall not include unimproved alleys, easements, or other similar dedicated uses.

**Public Way.** Any street, highway, road, path, or right of way, whether privately or publicly owned, which is designed or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two (2) or more common owners.

**Real Estate Sign.** A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale, and limited in content to the name of the owner or agent, an address and/or telephone number for contact. Real estate signs are distinguished in these regulations from other forms of advertising signs and are permitted in certain districts and locations from which other forms of advertising signs are excluded. (rev. 09/04/2001)

**Roof.** The exterior covering of the top of a building.

**Roof Sign.** A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

**Rotating Sign.** Any sign which revolves around one or more fixed areas.

**Seasonal/Holiday Sign.** A sign used for emphasizing the celebration of an historic American holiday, which is erected for a limited period of time.

**Sidewalk or Sandwich Sign.** A movable sign not secured or attached to the ground or any building or structure.

**Sign.** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial

symbols or representations. Noncommercial flags displayed from flagpoles will not be considered to be signs. (rev. 10/16/2018)

**Sign - Area of.** The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or backing.

**Sign Copy.** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only. (rev. 10/16/2018)

**Sign Face.** The part of the sign that is, or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not include as a portion of the sign face, provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

**Sign Structure.** A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed, or applied, provided, however, this definition shall not include a building, fence, wall, gate, or earthen berm.

**Snipe Sign.** A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

**Special Event Sign.** A sign which carries a message regarding a special event or function which is of general interest to the community.

**Swinging Sign.** Installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

**Temporary Sign.** Any sign or information transmitting structure intended to be erected or displayed for a limited period.

**Time and Temperature Sign.** An electrical sign utilizing lights going on and off periodically to display the current time and temperature to the community.

**Traffic Direction/Safety Sign.** A sign which is on premises consisting of type and/or arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. Said sign will have no advertising words or phrases.

**Vehicle Sign.** A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

**Window Sign.** A sign permanently affixed to the surface of a window or door with its message intended to be visible to and readable from the public way or from adjacent property. (rev. 10/16/2018)

**Window Sign – Temporary.** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, signs for sales, specials, going out of business, and grand openings.

## **15.04 EXISTING SIGNS**

### **15.0401 Illegal Signs**

Any sign erected or existing as of the effective date of this Article which does not have a valid permit from the City, or any sign so reclassified pursuant to 15.0403, a. of this Section, is hereby deemed to be an illegal sign and such sign and the person or persons responsible for such sign shall be subject to the enforcement regulations of this article. All existing signs without a permit will have sixty (60) days from the date of passage of this article to obtain a permit.

### **15.0402 Legal Signs**

- a. Any existing and permitted sign which complies with the provisions of this article and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to, or relocation of, such sign shall not be undertaken until the permit required pursuant to Section 15.0701 has been issued, unless the proposed alteration is specifically exempt from such permit requirement pursuant to Section 15.0703.
- b. Any legal sign which does not comply with the provisions of this Article solely due to the enactment of an amendment hereto subsequent to the effective date of this article shall, upon the effective date of such amendment, become a nonconforming sign and subject to the provisions of Section 15.0403.

### **15.0403 Nonconforming Signs**

- a. Any sign erected or existing as of the effective date of this article, which has a valid permit from the City of Orange Beach, but which does not conform to the provisions of this article, or any sign pursuant to Section 15.0402, b., is hereby deemed a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued or the City permit tag affixed. Upon a determination by the administrator and notice to the permittee

that a nonconforming sign has become dilapidated or structurally unsound, such sign shall be moved within twenty (20) days unless an appeal of such determination has been previously filed with the Board of Adjustment. Any structural or other substantive maintenance to a nonconforming sign shall be deemed an abandonment of the nonconforming sign and shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign pursuant to Section 15.0401.

- b. A nonconforming sign may become a legal sign if, after compliance with the provisions of Section 15.10 of this article, it is brought into conformity with the provisions of this article.
- c. All legally existing nonconforming signs shall be removed, altered, or otherwise made to conform to the provisions of this article within seven hundred thirty (730) days of its passage.

#### **15.05 MANDATORY SIGNS** (rev. 02/19/2002)

All businesses, multi-family residential buildings (including condominiums) and any other structure (excluding single family dwellings) located on the south side of State Highway 182 (Perdido Beach Boulevard) with frontage on the Gulf of Mexico, shall comply with the following requirements for identification signs:

1. For businesses, multi-family residential buildings, and any other structures (excluding single family residential) with dune walkovers or boardwalks in excess of one hundred (100) feet in length, an eighteen (18) inches by twenty-four (24) inches sign shall be installed at the south end of the boardwalk or walkover and shall face southward. Such sign shall comply with the specifications in paragraph 2 below.
2. For businesses, multi-family residential buildings, and any other structures (excluding single family residential) without dune walkovers or boardwalks, or with dune walkovers or boardwalks less than one hundred (100) feet in length, one (1) eighteen (18) inches by twenty-four (24) inches aluminum sign fabricated out of four-hundredths (.040) inches thick aluminum with factory finished baked on enamel material (or city approved material), one (1) inch radius corners, high performance vinyl lettering with black three (3) inch high letters and the background shall be white. Signs shall be properly mounted on one galvanized metal channel post and shall be placed north of the Construction Control Line (CCL) established by the Alabama Department of Environmental Management. The sign shall be no less or greater than four (4) feet above grade. (rev. 06/04/2002)
3. Signs shall be attached to posts with two (2) inch minimum galvanized screws or bolts as applicable.
4. Content of sign: Name of establishment and its street address.
5. The sign shall be maintained in good condition at all times.
6. The City of Orange Beach shall initially erect all described signs. After April 1, 2002, erection, maintenance and placement of any mandatory sign shall be the responsibility of the landowner.



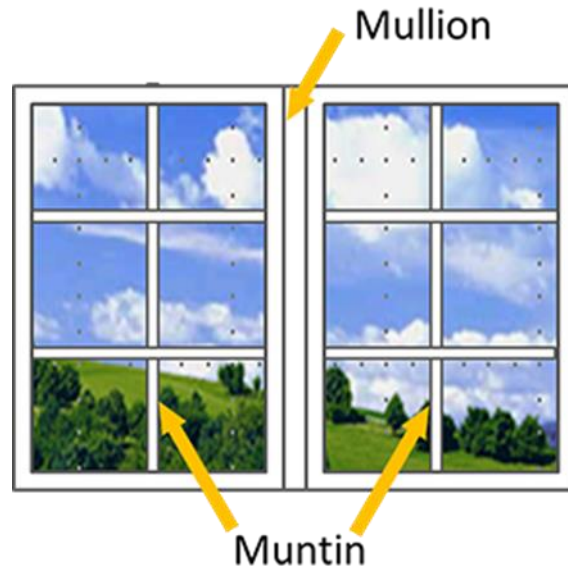
7. A permit for the sign shall be required to insure compliance with all specifications and requirements. However, no permit fee will be required by the City of Orange Beach.
8. Sign shall be placed within fourteen (14) days of notification. (rev. 02/19/2002)

#### **15.06 PROHIBITED SIGNS**

Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this Article, or any amendment hereto, for any person to erect, place, or use within the City, when visible from any public way or beach, any of the following signs:

1. Snipe signs.
2. Sidewalk and sandwich signs.
3. Banners, pennants, balloons, flags, portable signs and inflatable signs. See temporary signs and standards for exceptions.
4. Off premises signs, except for off premise signs for non-profit organization special events. (rev. 12/17/2002)
5. A sign which contains any moving, flashing, or animated lights, visible moving or movable parts, or giving the appearance of animation.
6. Vehicle signs.
7. Any sign which emits a sound, odor, or smoke. Any sign which obstructs free ingress to or egress required exit way.
8. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
9. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign.
10. Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right of way.
11. Signs painted on or attached to trees, fence posts, pavement, rocks or other natural features, telephone or utility poles.
12. Abandoned or dilapidated signs.
13. Any sign which exhibits statements, words, or pictures of obscene or pornographic subjects.
14. Electronic changeable copy signs affixed on walls and roofs and in windows. (rev. 09/03/2013)
15. Signs affixed to roofs. (rev. 10/16/2018)

- 16. Window Signs:** (1) The area of a window sign shall not exceed twenty-five percent (25%) of each window or door area on which the signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area. (2) Window signs shall not be assessed against the sign area permitted for other sign types. (rev. 10/16/2018)



## 15.07 PERMISSIBLE SIGNS

### 15.0701 Permit Required

Unless specifically exempted pursuant to Section 15.0702 of this Article, no sign or sign structure shall be erected, displayed, moved or relocated, or altered, unless specifically exempted pursuant to Section 15.0703, until a permit fee has been paid and a sign permit has been issued by the Administrator pursuant to Section 15.10 of this Article.

### 15.0702 Signs Exempt from Permit Requirements

A permit is not required for the following types of signs, after proper notification is made to the sign administrator:

- a. An official sign or notice issued by any court, public agency, or office.
- b. A traffic directional, warning, or information sign authorized by any public agency.
- c. A private street or road name sign or a traffic directional sign, which does not exceed two (2) square feet per sign face.
- d. Any one (1) square foot sign for each three hundred (300) feet of frontage on a tract of land, except for campaign signs. (rev. 02/22/2012)
- e. Any two (2), one (1) square foot signs per residential lot.

- f. Residential real estate signs referenced in Section 15.0902, b. 1. These signs are independent of any other sign and are not allowed in conjunction with any other real estate sign requiring a permit, nor is the sign area cumulative with any other signs that may or may not require a permit. (rev. 03/01/2023)
- g. Temporary signs advertising the sales of property referenced in Section 15.0902, a. and b., 1. These signs are independent of any other sign and are not allowed in conjunction with any other real estate sign requiring a permit, nor is the area cumulative with any other sign that may or may not require a permit. (rev. 03/01/2023)
- h. An ingress/egress sign which does not exceed three (3) square feet per sign face.
- i. Signs that are an integral part of vending machines or such other machines or portable holding facility for goods and/or services located on an already licensed premises, whether illuminated or not. (rev.06/01/1999)
- j. Lots with single-family dwellings and duplexes may have one (1), four (4) square foot campaign sign per candidate per side of right-of-way frontage. The sign may be double-faced. (rev. 02/22/2012)
- k. Commercially zoned lots may have one (1), four (4) square foot campaign sign per candidate for each three hundred (300) feet of frontage on a public right-of-way. The sign may be double-faced. (rev. 02/22/2012)

### **15.0703 Sign Alterations Exempt from Permit Requirements**

A permit is not required prior to engaging in sign alterations if such alterations involve only:

- a. The changing of copy on a permitted changeable copy sign.
- b. The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as it existed on the date such sign received a permit tag.
- c. Changes of copy, by a permitted owner, necessary to correctly identify the business, i.e. phone number, product lines, etc., as long as the quality and graphics of the original permitted sign remain the same.

## **15.08 GENERAL SIGN STANDARDS**

### **15.0801 Setback from Right of Way**

All signs placed adjacent to Perdido Beach Boulevard (State Highway 182) shall be required to be set back at least five (5) feet from the highway right of way.

### **15.0802 Landscaping**

The premises around a freestanding sign shall be maintained by the owner of the sign in a clean, sanitary, and inoffensive condition, and shall be free and clear of obnoxious substances, rubbish, and weeds.

### **15.0803 Sign Illumination**

- a. Electrical Requirements: Signs which are electrically illuminated shall require a separate electrical permit.
- b. If illuminated, sign shall be illuminated only by the following means:
  1. By a single color, steady, stationary light reflected off the face of the sign, shielded and directed solely at the sign.
  2. Light sources shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent public or private properties. (rev. 09/03/2013)

### **15.0804 Dimension and Quantity (Free Standing, On Premises Sign)**

- a. **Area and quantity:** The area and quantity of any sign face shall conform with the following:
  1. Residential developments shall be permitted one (1) freestanding sign per entrance with not more than eighty (80) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet. If an applicant in this category shall waive the right to have a freestanding sign, the applicant shall be permitted eighty (80) square feet of sign face, equally divided among not more than two (2) separate signs, mounted on the security wall at one (1) entrance to the development. No one sign may exceed forty (40) square feet in sign face.
  2. Commercial developments consisting of retail and public commercial uses, either exclusively or mixed with residential uses, shall be permitted one (1) freestanding sign per entrance, but no more than two (2) signs per development. Said signs shall not have more than two hundred (200) square feet of sign face equally divided among not more than four (4) sign faces. No sign face may be wider than fifteen (15) feet. No single sign face shall exceed one hundred (100) square feet. No sign face may be wider than fifteen (15) feet.
  3. A permitted and licensed home occupation shall be permitted one (1) freestanding sign.

Said sign shall be a single faced, non-illuminated sign positioned parallel to the highway right of way, consisting of not more than six (6) square feet of sign face. A residence is restricted to one (1) such sign, regardless that more than one (1) home occupation may be permitted and licensed.

- b. **Height:** The maximum height of any freestanding sign shall not exceed fifteen (15) feet above the average elevation of the nearest public highway. Signs existing on the date of the passage of this Article which otherwise meet the requirement of legal signs except for height limitations may remain up as nonconforming signs until five (5) years from the date of approval of this Article.
- c. **Width:** The maximum width of the entire sign structure shall not exceed twenty (20) feet. No sign face shall be wider than fifteen (15) feet.
- d. **Structure Size:** The size of the support structure for any freestanding sign shall not exceed the sign face by more than one hundred percent (100%). Example: a ten (10) square foot sign face may be supported by a ten (10) square foot sign structure.
- e. **Electronic Changeable Copy Sign:** (rev. 09/03/2013)
  - 1. **Area:** The area of an Electronic Changeable Copy Sign shall not exceed fifty percent (50%) of the sign face area of the detached sign of which it is a part.
  - 2. **Height:** The height of any portion of an Electronic Changeable Copy Sign shall not exceed eight (8) feet above the crown of the nearest roadway or ten (10) feet above the existing grade, whichever is greater. No portion of an Electronic Changeable Copy Sign shall project above the height of the permanent detached sign. An Electronic Changeable Copy Sign is secondary to the permanent non-changeable portion of the sign and shall be designated in this regard.
  - 3. **Duration:** Electronic Changeable Copy Signs shall change no more than one (1) time per fifteen (15) seconds. Between the hours of 10:00 p.m. and 7:00 a.m., Electronic Changeable Copy Signs shall remain static with no copy changes.
  - 4. **Dimmer Control:** Electronic Changeable Copy Signs shall have an automatic dimmer control to produce a distinct illumination change between one-half hour before sunset and one-half hour after sunrise and must also be able to respond to lighting level changes occurring due to atmospheric conditions.
  - 5. **Setback from Residential:** Electronic Changeable Copy Signs shall not be located within thirty (30) feet of properties zoned RS-1, RS-2 and RS-3 and properties with single-family residential and duplex uses. The setback distance shall be measured along the right-of-way.
  - 6. **Setback from Other Electronic Changeable Copy Signs:** An Electronic Changeable Copy Sign shall not be located within fifty (50) feet of another Electronic Changeable Copy Sign. The setback distance shall be measured along the right-of-way.
  - 7. **Maintenance:** Electronic Changeable Copy Signs shall be maintained in proper working order. Any non-illuminated portions of the sign shall be replaced and repaired within thirty (30) days or the use shall be discontinued.

## 15.09 SPECIAL SIGN STANDARDS

### 15.0901 On Premises Sign Standards

- a. Building and wall graphics signs shall not occupy more than twenty percent (20%) of the signable space on any one facade of a building with a maximum size of the sign limited to one hundred twenty-five (125) square feet.
- b. Obstruction: An on premises sign shall be erected so as to not obstruct or impair driver vision at business ingress/egress points and intersections.
- c. Bulletin boards are permitted.
- d. Signage that is an integral part of vending machines or other such machines or portable holding facility for goods and/or services, located on an already licensed premises are permitted. (rev.06/01/1999)

### 15.0902 Temporary Signs and Standards

#### a. Types

The following types of signs are classified as "temporary signs":

1. Special event signs.
2. *Grand Opening* and *Going Out of Business* signs of business and services.
3. Signs for work under construction.
4. Land subdivision or development signs.
5. Signs advertising the sale of lease of property upon which they are located.
6. Banners, pennants, balloons, flags, portable signs and inflatable signs.
7. Window signs not permanently affixed to a window or door that are intended to be displayed for a limited period of time. (rev. 10/16/2018)

#### b. Area, Height, Location:

1. **Area:** The total area of temporary signs, not including residential real estate signs, shall not exceed sixty-four (64) square feet total and thirty-two (32) square feet per sign face.

For residential real estate signs on lots that are single-family residentially zoned or have single-family or duplex dwellings or are located in single-family or duplex planned unit developments, the total area for a residential real estate sign on a lot that has road frontage equal to or less than two hundred (200) feet shall not exceed eight (8) square feet total and four (4) square feet per sign face; the total area of a residential real estate sign on a lot that had road frontage more than two hundred (200) feet but equal to or less than four hundred (400) feet shall not exceed thirty-two (32) square feet total and sixteen (16) square feet per sign face; and the total area of a residential real estate sign on a lot that has road frontage more than four hundred (400) feet shall not exceed sixty-four (64) square feet total and thirty-two (32) square feet per sign face. For new subdivisions containing single-family and duplex dwellings, a residential real estate sign not exceeding forty-eight (48) square feet total and twenty-four (24)

square feet per sign face will be allowed in the common area near the entrance into the subdivision to advertise the lots for sale within the subdivision.

Real estate signs shall be allowed for each road frontage on corner lots and through lots, and the total sign area shall be determined by the corresponding road frontage upon which the sign is placed.

Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this Section. Real estate sign area is not cumulative; in no situation shall more real estate sign area than that allowed independently either in this Section or Section 15.0702, f. or g. be permissible on any lot. (rev. 03/01/2023)

2. **Height:** The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
  3. **Location:**
    - (a) No temporary sign shall be located so as to obstruct or impair drivers' vision at business ingress/egress points and at intersections.
    - (b) Except for real estate signs which conform to the provisions of this article, no temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, or the intersection of two or more public streets or highways.
    - (c) Except for real estate signs which conform to the provisions of this article, temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
  4. The sign administrator will determine the appropriate area, height and location of banners, balloons, flags, portable signs and inflatable signs.
- c. Time Limits:**
1. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the special event. The same event shall not be advertised more frequently than four (4) times per year.
  2. *Grand Opening* and *Going Out of Business* signs may be erected for a period not to exceed thirty (30) days and no more than one (1) occurrence per year.
  3. Project signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of the Certificate of Occupancy.
  4. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent (100%) of the

development lots are conveyed, or for a term not to exceed one (1) year, whichever comes first. An extension may be permitted by the Administrator.

5. Signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised.
6. Banners, pennants, balloons, flags, portable signs and inflatable signs may be permitted for a maximum of seven (7) days by the Sign Administrator. A time limit beyond seven (7) days requires the approval of the City Council. (rev. 12/17/2002)
7. Schools and non-profit organizations may be permitted not more than five (5) temporary signs or banners for duration of no longer than seven (7) days upon notification of the sign administrator. Signs or banners must be removed within twenty-four (24) hours of the end of the event. (rev. 12/17/2002)
8. Temporary window signs may be permitted for a maximum of fourteen (14) days by the Sign Administrator. (rev. 10/16/2018)

**d. Permits:**

Unless specifically exempted pursuant to Sections 15.0702 and 15.0703, a temporary sign is subject to the permit requirement of Section 15.0701.

**15.0903 Canopy Signs**

A commercial center shall be permitted one (1) canopy sign per occupancy, not to exceed six (6) feet in length and eighteen (18) inches in height, placed entirely under a canopy (marquee) directly in front of said location, identifying the occupancy.

**15.0904 Multiple Use Shopping, Business, Office, and Professional Centers; Free Standing Directory**

- a. Any multiple use shopping, business, office and professional center or mall shall be allowed to have not more than five (5) freestanding directory signs for individual businesses provided they meet the following requirements:
  1. Signs shall be for directory information only.
  2. Total sign square footage of the freestanding directory signs shall be twenty percent (20%) of that allowed for freestanding entrance signs under Section 15.0804 of this article with no one freestanding directory sign exceeding eight (8) square feet of sign face.
- b. Freestanding signs on outlying parcels that do not have direct traffic access to the adjacent roadway will be permitted a sign at one-half the size authorized in Section 15.0804.

**15.0905 Gasoline Filling Stations**

- a. Petroleum products, pumps and dispensers which are within view of a public way shall be permitted to display only information required by law and in addition, the brand name of the product being dispensed.



- b. Premises which dispense retail bulk petroleum products by pump shall be permitted one (1) additional sign on the premises announcing the price per gallon of not more than four (4) products with characters not exceeding twelve (12) inches in height. In lieu of the one (1) additional sign permitted above, the price per gallon may be displayed on each individual pump structure with characters not exceeding six (6) inches in height.

**15.0906 Marina and Waterfront Businesses**

Businesses whose premises front on a public way which is a body of water, and who provide dockage for that business, shall be allowed one additional sign which otherwise meets the criteria of Section 15.08. This additional sign shall be viewed from the water public way only.

**15.0907 Flags**

- a. Non-governmental flags are deemed to be signs and shall be subject to the provision of this article except that no such flag shall exceed forty (40) square feet per face.
- b. Governmental flags must be displayed in a dignified, non-commercial manner.

**15.0908 Campaign Signs** (rev. 04/22/2002)

The Sign Administrator will conditionally permit temporary campaign signs for political candidates or issues after an application for such signs has been submitted and reviewed. Political signs that are to be placed on residential lots are exempt from the permitting procedure outlined in Section 15.10. Conditions for posting campaign signs are as follows: (rev. 02/22/2012)

- a. An application to the City by the candidate that they intend to post political campaign signs within the corporate limits of the city, or such other place the city regulates signage. Said applications shall contain the name, address and telephone number of the local responsible campaign official.
- b. All signs shall conform to the following dimensions:

Commercially zoned lots may have one (1), four (4) square foot campaign sign per candidate for each three hundred (300) feet of frontage on a public right-of-way. The sign may be double-faced;

Lots with single-family dwellings and duplexes may have one (1), four square foot campaign sign per candidate per side of right-of-way frontage. The sign may be double-faced. (rev. 02/22/2012)

- c. All signs shall be posted on private property with the owner's permission; signs installed on public rights-of-way and other public property will be removed by City personnel, with associated costs for removal assessed to the candidate.
- d. No signs shall be placed on a vacant parcel unless the candidate has written permission from the owner of the vacant parcel and filed with the Sign Administrator

permitting the candidate to place campaign signage on the vacant parcel. (rev. 02/22/2012)

- e. No sign shall be posted prior to the candidate qualifying for the office sought.
- f. All signs shall be removed within three (3) business days past the primary or general election if the candidate does not proceed to the next round of elections, or if the candidate is successful and unopposed.
- g. Submission of a refundable deposit of one hundred dollars (\$100.00), which is refundable only if all signs are removed within the required time frame, defined in e. above.

## **15.10 ADMINISTRATION**

### **15.1001 Application for Permit**

- a. Where to apply: Any application for a sign permit shall be submitted to the Sign Administrator on a form supplied by the City.
- b. Information required: The following information shall be submitted with an application for a sign permit:
  - 1. Name, address, telephone number, and signature of the owner or duly authorized lessee of the premises granting permission for the construction, operation, maintenance, or displaying of sign or sign structure.
  - 2. Name, address, telephone number, City of Orange Beach business license number, and signature of sign contractor, if any.
  - 3. Legal description and/or street address of premises or property upon which the sign is to be located.
  - 4. The approximate value of the sign to be installed, including the installation cost.
  - 5. Type of sign for which a permit is sought.
  - 6. Three (3) copies of a sketch, blueprint, blue line print, or similar presentation drawn to a scale of one (1) inch equals one (1) foot and dimensioned, showing elevations of the sign as proposed on a building facade, awning or canopy; provided further, the relationship to other existing adjacent signs shall also be shown. In the case of a freestanding sign, said sketches shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.
  - 7. If requested by the Sign Administrator, copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction, as required in the Southern Building Code.

8. Such other information as the Sign Administrator may require which is necessary to verify full compliance with all applicable provisions contained in the Municipal Code.

#### **15.1002 Freestanding Signs; Location Identification**

The location for a new freestanding sign shall be clearly identified by a white stake(s) visible above ground line at each location where a support pole will be imbedded in the ground.

#### **15.1003 Fees**

- a. **Regular Fee:** In order to defray some of the administrative costs associated with processing permit applications and inspections of signs, at the time of submissions of an application for a sign permit, a nonrefundable plan check fee of ten dollars (\$10.00) shall be paid. When application for a permit is approved and before a permit is issued, a permit fee of thirty-five dollars (35¢) per square foot, but not less than twenty dollars (\$20.00) shall be paid. Temporary signs shall pay a fee of five dollars (\$5.00).
- b. **Reinspection Fee:** When reinspection is required, a reinspection fee of ten dollars (\$10.00) shall be charged.
- c. **Penalty Fee:** A double fee will be charged for sign(s) posted without a prior permit.

#### **15.1004 Contents of Permit**

Upon compliance with the provisions of this Article, the Sign Administrator shall make a decision to issue, deny, or issue with conditions a permit for such sign or sign structure within seven days of receipt of a complete permit application. Permits shall be numbered and shall contain the following information:

- a. The type of sign as defined in this article.
- b. The street address of the property upon which said sign is proposed to be located and the proposed location of the sign on said property; in the absence of a street address, an acceptable location shall be used.
- c. The amount of the fee paid for such permit.
- d. The date of issuance.
- e. In the case of a temporary sign, the date of expiration of permit.

#### **15.1005 Expiration of Permit**

A sign permit shall be valid for a period of ninety (90) days from the date of its issuance as noted on the permit. Unless a thirty (30) day extension is granted for good cause shown by the Sign Administrator, failure to erect or complete the otherwise approved work related to the permitted sign within such ninety (90) day period shall result in the expiration of such permit.

### **15.1006 Sign Inspection**

- a. Within ten (10) working days of completion of approved work related to a permitted sign, the permittee or sign contractor shall notify the Sign Administrator that such sign is ready for final inspection. The Sign Administrator shall conduct the final inspection for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this article.
- b. Failure to notify the Sign Administrator within ten (10) working days of work completion that the sign is ready for inspection may result in the requirement that an additional fee of not more than ten dollars (\$10.00) be paid.
- c. Failure to obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure.

### **15.1007 Display of Permit**

Display of permit tag: Following completion of a satisfactory final inspection, the Administrator shall issue and affix a permit tag to the sign.

## **15.11 ENFORCEMENT**

### **15.1101 Violation Notice**

The Administrator and duly authorized staff shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

### **15.1102 Certified Letter/Personal Delivery Letter**

When a sign requiring a permit under the terms of this article is erected without a sign permit, the Administrator and his staff shall use the following procedure:

- a. The Administrator shall send a notice by certified mail or by personal delivery stating that the sign is in violation of this article, giving the date of such violation, and notifying owner of the sign to contact the Sign Administrator's office to get a permit for the sign within seven days.
- b. Failure to obtain permit: If, within seven (7) days, the owner of the sign fails to contact the Sign Administrator, bring the sign into conformance with this Article, or get a permit for the sign, the Administrator shall have the sign removed and impounded without any further notice.

### **15.1103 Fee for Removal**

The Administrator shall charge a normal labor rate and equipment fees for the removal of any sign removed in accordance with Section 15.1102, b.

#### **15.1104 Impoundment of Signs**

- a.** The Administrator and his staff shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right of way, signs attached to trees, fence posts, telephone and utility poles, other natural features, or signs otherwise prohibited in this article, and to impound them for a period of ten (10) days.
- b.** The owner of a sign impounded may recover same upon the payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the ten (10) day impoundment period. In the event the sign is not claimed within the ten (10) day impoundment period, the Administrator shall have the authority to dispose of such sign.

#### **15.1105 Penalties**

Any person who violates the provisions of this article upon conviction shall be guilty of a misdemeanor and shall forfeit and pay such penalties as the court may decide not to exceed two hundred fifty dollars (\$250.00) or thirty (30) days imprisonment, or both, at the discretion of the court for each violation. Each day's continued violation shall constitute a separate offense.

### **15.12 APPEALS**

#### **15.1201 Appeal**

Any person of the municipality who is aggrieved and who alleges that the Sign Administrator acted erroneously in administering or enforcing this article may appeal the decision of the Sign Administrator to the Board of Appeals and Adjustments. Such appeal, including any appeal fee, shall be filed within twenty (20) days of the receipt of an official notice of decision.

#### **15.1202 Appeal Fee**

A fee of ten dollars (\$10.00) shall be paid for each appeal filed. If the decision of the appeal is in favor of the appellant, the fee shall be refunded.

#### **15.1203 Variance**

Recognizing the strict application requirements of this article may work an undue hardship on certain applicants, variances from the strict application of the provisions of this article may be granted by the Board of Appeals and Adjustments. Each application for variance under this section shall be in writing and shall state the reasons for the request for a variance in accordance with the rules and fee schedules established by the Board of Appeals and Adjustments. The application shall be signed by the applicant and the sign company, if any, responsible for the sign for which the variance is being sought. The Board of Appeals and Adjustments shall grant the variance, grant the variance with conditions, or deny the application within sixty (60) days after the appeal is filed. Any applicant aggrieved by a decision of the Board of Appeals and Adjustments may appeal as provided by the Alabama Code of Laws.