

Ordinance No. 2013 -263

ZONING ORDINANCE

Whereas, a comprehensive rewrite of the City of Dothan Zoning Ordinance was commenced in September, 2008 by a committee of citizen volunteers called the Zoning Ordinance Re-write Committee; and

Whereas, the Zoning Ordinance Rewrite Committee reviewed the existing sign regulations and determine their revision was in the best interest of the city and its citizens; and

Whereas, after considerable discussion, a revised set of sign standards were recommended to the City of Dothan Planning Commission; and

Whereas, after seven (7) public hearings held on May 16, 2012, June 20, 2012, July 18, 2012, August 15, 2012, September 12, 2012, October 17, 2012 and April 17, 2013 the Planning Commission did adopt and recommend the revised standards to the Dothan City Commission; and

Whereas, after careful consideration by the Zoning Ordinance Re-write Committee and after multiple public hearings were held by the Planning Commission at which those in favor of, or opposed to the revised standards were afforded an opportunity to speak.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama as follows:

Section 1. That Chapter 114, Zoning, Article XII, Signs and Billboards, of the City of Dothan Code of Ordinances is hereby amended in its entirety as follows:

ARTICLE XII. SIGNS AND BILLBOARDS

Section 114-207. Purpose and Scope

- A) Provide uniform sign standards and regulations in order to protect the health, safety and welfare, convenience, enjoyment of the general public.
- B) Promote a positive City image reflecting order, harmony and pride, and thereby strengthening the economic stability of The City of Dothan's business, cultural, historical, and residential areas.
- C) In the consideration of these regulations, it is determined that signs with a commercial or non-commercial message are a proper use on private property having the function of identifying businesses, services, residences, events and other matters of public interest.
- D) Signs shall be regulated according to standards for the number, size, height, spacing and illumination in the interest of the public safety and welfare and promote a higher aesthetic and visual character in all areas of the city.
- E) Nothing in these regulations is intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment to the Constitution of the United States.
- F) The requirements of these regulations shall apply to all signs, sign structures, awnings, and other types of sign devices located in the City of Dothan except:
 - a. signs that cannot be seen from the public roadway and are located entirely on private property,
 - b. signs that are located in any existing or future overlay district or planned unit development are subject to the requirements or restrictions established in those ordinances.

Section 114-208. Severability Clause. Should any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

Section 114-209. Administration and Enforcement. Administration of these regulations shall follow the procedures outlined in Article III. The administrative official may implement procedures and policies, create forms and applications for the purpose of implementing these regulations.

Section 114-210. Definitions. The following definitions are in addition to the definitions found in Article II of this Chapter.

Abandoned sign - Any sign or sign structure that no longer identifies a current business, product, service, use or activity being conducted on the premises on which the sign is located or that has not occupied the site for a period longer than sixty (60) days and which does not maintain a current business license.

Administrative Official - The Director of The City of Dothan Planning and Development Department or his/her designee.

Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

1. **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
2. **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
 - b. **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection - Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein, See also: Awning, Back-lit Awning and Canopy, Attached and Freestanding.



AWNING

Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall Sign. Signs on awnings shall be included in the applicable sign area requirements for wall signs [see Section 114-219 (C), Table 4]. Only the sign area displayed on an awning shall be used to determine the permitted sign area- the entire awning shall not be included in a Sign Area calculation.

Banner - Any sign made of cloth, canvas, plastic, sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground by a permanent support structure.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or parcel as the light source.

Billboard - For the purposes of this chapter, a billboard shall be defined as any sign, structure or device which advertises or contains information unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered upon the premises where the sign is located (see off-premise sign).

Candela - The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m^2) - The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower - Synonymous with Candela, but in English, not SI (metric), terms.

Canopy - An attached or unattached multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from the building or supported by columns but not enclosed by walls. The surface and/or soffit may be illuminated by either an external or internal light source.

Commercial message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Directional sign - Signs that are designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property which the public is directed.

Directory sign - Signs that are designed and erected to direct traffic or pedestrian direction and placed on the property which the public is directed. These signs generally provide a map of the entire complex to which the sign relates.

Display area - The area of a sign or advertising device that can be enclosed or measured by the smallest square, circle, rectangle, triangle, or geometric figure that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the backdrop or structure against which it is placed, also including any supporting framework, bracing, or decorative fence or wall.

Election Sign (political sign) - A sign erected for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue to be decided by vote (refer to Section 114-211(O) for applicable standards).

Electronic message center sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic display capability can be electronically programmed by computer from a remote location. EMC's typically use light emitting diodes (LED) as a lighting source.

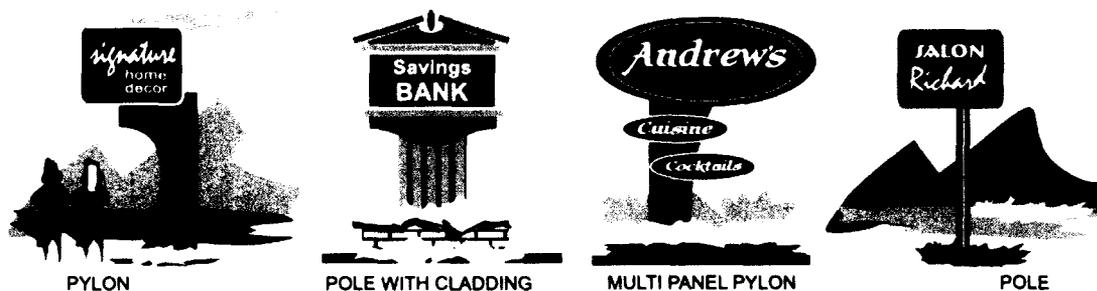
Façade - The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

Flashing sign - Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of the ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight (8) seconds.

Foot Candle - An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot and is measured with a illuminance meter.

Foot Lambert - An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

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



Garage (Yard) sale sign - A temporary sign pertaining to the sale of personal property at or upon any residentially zoned lot or parcel.

Grand opening sign - A temporary on-premise sign announcing the opening of a new business.

Illuminance – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.

Listed Sign. A sign manufactured and labels in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with American National Standards (ANSI) and/or the National Electric Code (NEC).

Luminance - The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units and measured with a luminance meter.

Lux - The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Maintenance - The act of replacing, repairing, or repainting a portion of a sign structure.

Multi-faced signs - Any sign that uses more than one (1) side to relay a message, statement, or expression.

Nits - The unit of measurement for luminance which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter cd/m^2).

Non-commercial message - A message that carries no statement or expression related to the commercial interests of the sign owner, lessee, author or other persons responsible for the sign message.

Nonconforming sign - Any sign that is allowed by this ordinance yet does not conform to the requirements of the ordinance.

Off-premise sign (Off-site sign) - Any sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where the sign is located.

On-premise sign - Any sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where the sign is located.

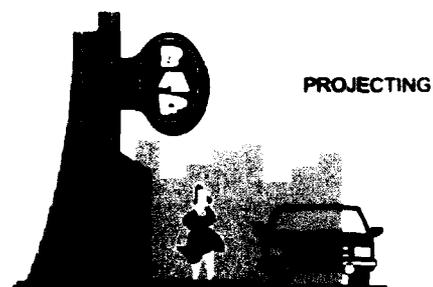
Planned development - An area approved for concentrated business locations characterized by a comprehensive, unified plan of development and either centralized land ownership or multiple owners or tenants, including but not limited to shopping centers and office parks.

Portable sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Prohibited sign - Any sign that is not allowed as of the effective date of this ordinance.

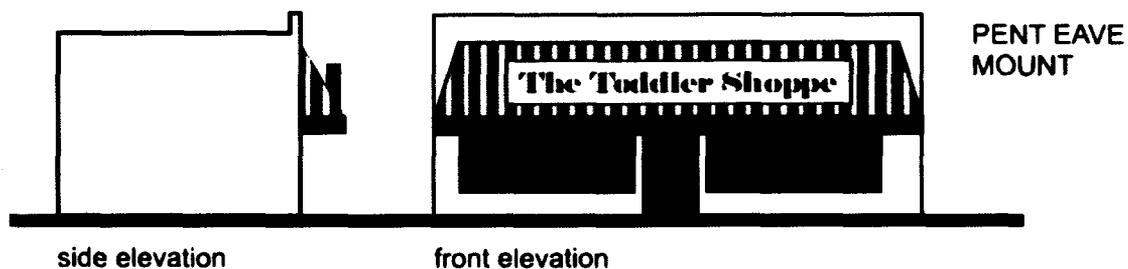
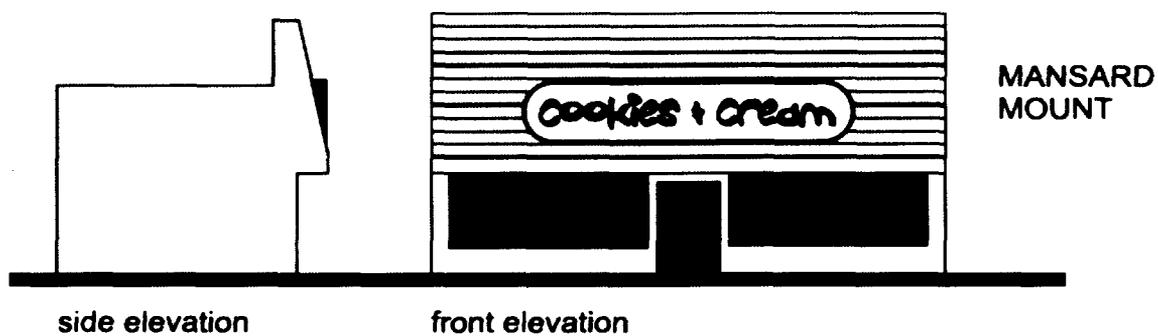
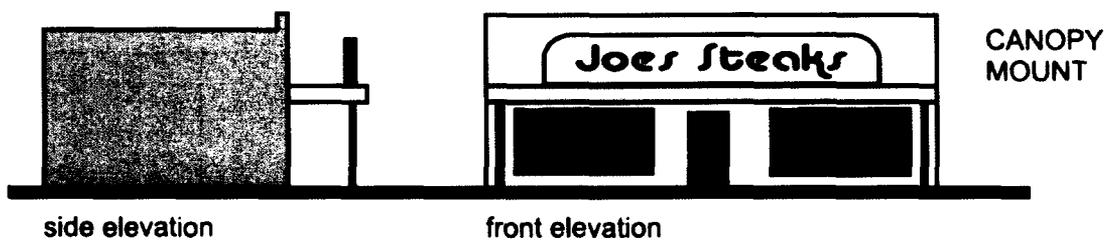
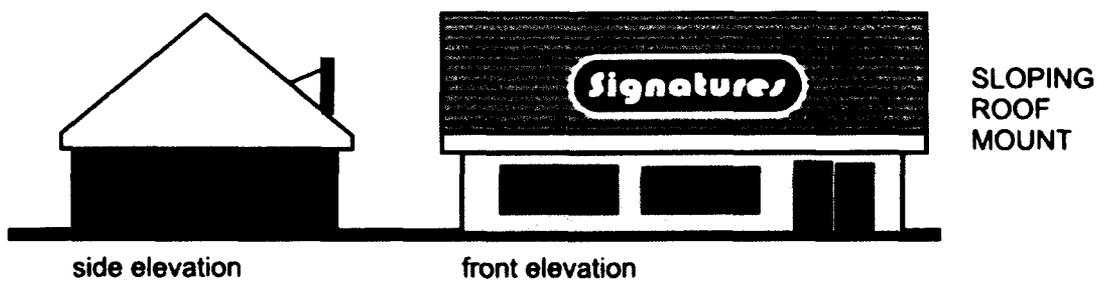
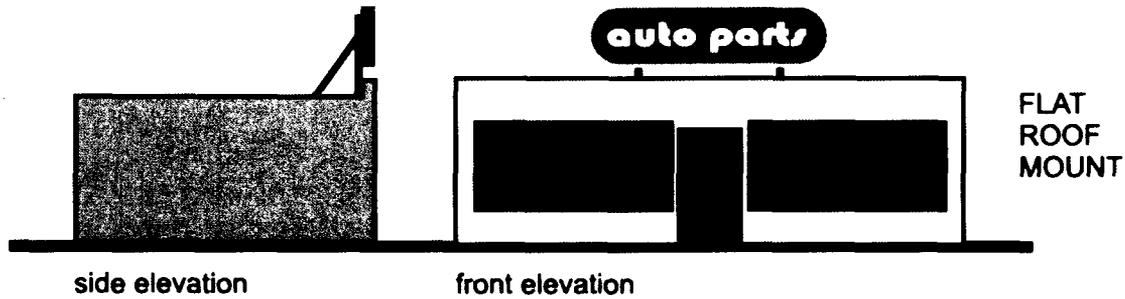
Projecting Sign - A sign other than a wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall of a structure whose primary purpose is other than the support of a sign.

Reader board - Permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a wall sign or part of a freestanding sign.



Real estate sign - An on-premise sign that is used to identify property for sale (refer to Section 114-211(P) for applicable standards).

Roof Sign - A sign mounted on the main roof of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered a roof sign.



Searchlights - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or parcel as the light source.

Sign - Any writing, pictorial representation, number, illustration, or other device which is supported by or contained within a structure specifically designed to announce direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information but is considered a structure by these regulations.

Sign face - The area of a sign or advertising device that can be enclosed or measured by the smallest square, circle, rectangle, triangle, or geometric figure that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the backdrop or structure against which it is placed, also including any supporting framework, bracing, or decorative fence or wall.

Street frontage - The length of the property line of the lot, lots, parcel or tract of land abutting a public street, road or highway.

Temporary sign - A sign displaying information for a use or event for a limited period of time.

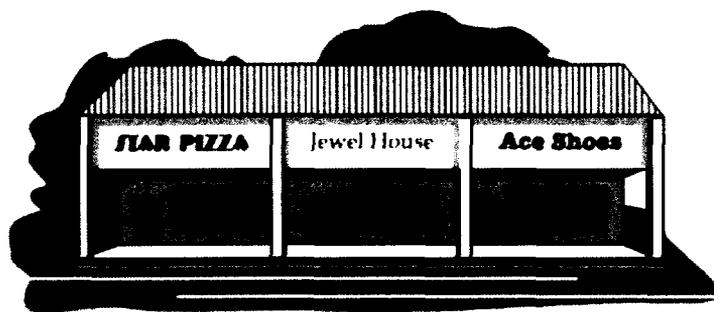
Time and/or temperature sign - Any sign that displays current time and/or temperature for the location in which the sign is placed.

Wall or Fascia Sign - A sign that is affixed in any manner to an exterior wall of a building or structure and that projects no further than eighteen (18) inches from the surface of the building or structure wall. Also includes signs painted on the wall or affixed to architectural projection that extends from a building provided the copy area of such signs remain parallel to the face of the building façade or to the face of the architectural projection to which it is affixed.

Wind sign - Any sign, pennant, ribbon, spinner, streamer, flag, feather, captive balloon, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and/or acting to draw attention to a business, product, service or activity whether it contains a message or not.

Window Sign - A picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window. Sunscreen applications to windows are not signs provided opacity is less than 50%.

WALL / FASCIA



Section 114-211. Signs Not Needing a Permit. The following signs may be erected without a sign permit and are not included in the determination of allowable numbers, type, area, illumination of signs, etc. Nothing in this section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code. Signs permitted by this section must conform to the standards enumerated and shall not be placed or constructed in a way that creates a hazard of any kind. Exemption from permitting shall not relieve the owner of the sign from the responsibility for ensuring its erection, placement and maintenance in accordance with all other provisions of this ordinance. Signs allowed without a permit shall be limited to the following:

- A) Any sign required to be maintained or posted by law or governmental order, rule or regulation.
- B) Public warning signs which indicate a dangerous or hazardous condition or trespass warning so long as they do not contain logos or text advertising a commercial product or activity.
- C) Address numbers complying with Section 114-185 of this chapter.
- D) Temporary decorations, flags, and/or non-commercial signs associated with school activities, celebrations, festivals or holiday commemorations of significance to the

- entire community. All displays shall be removed within seven (7) days of the event's completion.
- E) Flags or insignia of any government, religion, association, fraternal order, charitable organization, academic, corporate, sporting or civic organization except when displayed in connection with commercial promotions. Flags of the United States must be flown in a manner that meets U.S. Congressional protocol (see United States Code, Title 36, Chapter 10).
 - F) Directional signs not viewable from the public right-of-way that are designed and erected solely for the purpose of directing vehicular or pedestrian traffic may be placed on private property without restriction.
 - G) Directional signs adjacent to the public right-of-way shall not exceed a total of six (6) square feet and may display an advertising logo not to exceed 25% of the sign area.
 - H) Normal servicing of previously permitted sign structures, including a change of copy for billboards and a panel change in structures designed to allow changeable copy.
 - I) Memorial signs or tablets, historical markers, name of building signs and dates of erection when cut into any masonry surface or when constructed of bronze or other such durable and noncombustible materials and attached to the surface of the building.
 - J) Directory signs listing the businesses, tenants, or activities conducted within a building or group of buildings may be erected so long as they do not exceed twenty (20) square feet and are limited to one sign per building.
 - K) Window signs not exceeding 50% of the glass area. Window signs shall be included in the total area allowed.
 - L) Changing the copy, announcement or message on a manual reader board.
 - M) Cleaning, painting or maintaining a sign that does not otherwise alter the size, or height of the sign.
 - N) Murals or other forms of public artwork provided any sponsorship information or logo does not exceed 1.5 sq. ft.
 - O) Election or political campaign signs subject to the following requirements:
 - (1) Election signs must be removed within seven (7) business days after the end of the election or run-off election, whichever comes last.
 - (2) In any residential district, election signs located on private property shall not exceed six (6) square feet.
 - (3) In any non-residential district, election signs located on private property shall not exceed thirty-two (32) square feet unless placed on a permitted billboard.
 - (4) No more than one election sign per candidate shall be allowed per non-residential street frontage per zone lot or parcel of property.
 - (5) Election signs shall not be illuminated, animated or contain flashing or rotating lights.
 - (6) No election sign shall be attached or affixed to any tree, building, or other structure other than a frame for which it was designed.
 - (7) Election signs may be placed on City right-of-way provided they do not exceed 30 inches in height or impair the view of oncoming traffic.
 - P) Real Estate Signs are subject to the following requirements:
 - (1) All residential real estate signs advertising "for sale/lease etc." on a premises shall not exceed sixteen (16) sq. ft. and limited to one sign per street frontage per zone lot or parcel of property.

- (2) All non-residential real estate signs advertising “for sale/lease/build to suit, etc.” on a premises shall not exceed forty (40) sq. ft. and limited to one sign per street frontage per zone lot or parcel of property.
 - (3) Signs providing general information about a construction project may be erected for the duration of the construction project.
 - (4) Model Home/Open House event signs shall not exceed sixteen (16) sq. ft. and may be erected in addition to other “for sale/lease, build to suit, etc.” signs but shall be removed upon termination of the Model Home/Open House event or project completion.
 - (5) Temporary directional signs may be placed on City right-of-way provided it does not exceed 30 inches in height or otherwise impair the view of oncoming traffic.
- Q) Undeveloped Parcels. Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a maximum of ninety-six (96) square feet. No individual sign shall exceed sixty four (64) square feet or fourteen (14) feet in height. Signs must be spaced at least one hundred (100) feet apart.
 - R) Time and temperature signs are permitted on non-residential parcels notwithstanding a general prohibition on animated signs. These signs may only display numerical information related to the time of day and/or temperature and must be kept accurate. They may be freestanding or attached to a building and are subject to any other applicable regulations. They shall not be counted as part of the occupant's allowable sign area.
 - S) Vehicle signs. Signs attached to a vehicle or trailer that is used in the normal day to day operation of the business being advertised and serves a useful function in the transportation of persons or commodities from one place to another. Signs attached to a vehicle or trailer and parked at a location other than the registered place of business are prohibited.
 - T) Non-Commercial Banners promoting special community events open to the general public and sponsored by non-commercial, charitable or civic organizations provided that:
 - (1) The banner shall not be located in the sight triangle of any street intersection as defined by Section 98-10 of the Dothan City Code,
 - (2) The banner is posted no more than 14 days prior to the event and is removed within 24 hours following the event.
 - (3) Only one banner shall be placed on any zone lot.
 - (4) The banner shall not be affixed to any natural object, utility pole, or traffic control device.
 - (5) The banner is not lighted.
 - (6) The banner is not placed on private property without the consent of the owner.

Section 114 -212. Prohibited Signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. Unless indicated elsewhere, the following signs are expressly prohibited in all zoning districts of the City of Dothan.

- A) Signs erected without a permit.
- B) Window Signs exceeding 50% of the glass area.
- C) Signs attached or affixed to any tree, building, or other structure other than a frame for which it was designed.
- D) Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies shall be deemed abandoned and a violation of the ordinance.

- E) Signs in violation of the building code or electrical code adopted by the City of Dothan.
- F) Beacons, or strobe lights;
- G) Searchlights in operation exceeding 3 consecutive days per year.
- H) Any sign that, in the opinion of the administrative official, does or will constitute a safety hazard.
- I) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means or that emit audible sounds, vapor, smoke, steam or involves the use of live animals (see section 114-220).
- J) Signs consisting of moving, rotating or flashing lights or that otherwise contain animated displays by either mechanical or electronic means.
- K) Freestanding signs which project into the public right-of-way except as otherwise permitted by these regulations.
- L) Freestanding signs in the public right-of-way.
- M) Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians or that illuminate adjacent residential areas (see section 114-222).
- N) Signs mounted to the structure of the roof and that project above the roof line.
- O) Signs placed or painted on a motor vehicle or trailer parked or towed with the primary purpose of providing advertising for a product, service, business or activity not otherwise allowed at that location.
- P) Posters or handbills affixed to any structure or natural object in the right-of-way.
- Q) Temporary Signs such as portable signs, A-frame or banner except as permitted under the temporary signs provisions below.
- R) Pursuant to 23-1-6 Code of Alabama, signs, markers, and advertising on the rights-of-way of state controlled highways are prohibited except those official signs or markers placed thereon by the State Department of Transportation or under its authority.

Section 114-213. Permit Required. Permanent signs require a permit and are to be located, placed, constructed, erected or modified on a lot or parcel as described on the permit application.

- A) **Applicability.** No person shall erect, alter, relocate, repair, or change a sign without first obtaining a permit unless a permit is not required in accordance with Section 114-211.
- B) **Permit Contents.** It shall be the applicant's responsibility to submit a complete application to the Planning and Development Department on a form provided for that purpose signed by the property owner and/or sign owner and the sign contractor including all submission materials as described below.
- C) Signs requiring electrical service, foundation work, etc. shall obtain a building permit conforming to the adopted building code and inspection requirements and the standards contained in this article. The building permit shall also be the sign permit. A permit application shall be required for each sign and accompanied by:
 - (1) Payment in the amount of \$50 per sign per trade inspection shall be made to the Inspections Services Office when the permit is issued.
 - (2) Two copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements and buildings on the site. Design drawings for each sign including the dimension of any supporting structures including the maximum height of the sign as measured from finished grade.

- (3) Construction data shall be provided for signs exceeding a height of 20 ft. including but not limited to; electrical load, wind load, anchorage or footing details certified by a Registered Engineer licensed to do business in the State of Alabama. The Building Official may require construction data for any sign.
 - (4) Plans and specifications and methods of construction, electrical connections and attachment to the building or the ground for any free standing sign or projecting sign
 - (5) Front façade with linear dimensions and calculation of sign size.
 - (6) The type of illumination to be used.
 - (7) A general description of materials to be used (metal, plastic, wood, etc.).
 - (8) Any other data that the administrative official considers necessary to adequately review the application.
- D) Signs not requiring electrical service, foundation work, etc. shall first obtain a sign permit conforming to the standards contained in this article. A permit application shall be required for each sign and accompanied by:
- (1) Payment in the amount of \$25.00 shall be made when the sign permit application is submitted.
 - (2) Two copies of a site plan, drawn to scale, indicating the location of all existing and proposed signs, both freestanding and wall mounted relative to public right-of-way, lot lines, easements and buildings on the site.
 - (3) Front façade with linear dimensions and calculation of sign size.
 - (4) A general description of materials to be used (metal, plastic, wood, paint, etc.).
 - (5) Any other data that the administrative official considers necessary to adequately review the application.
- E) A placement permit is required for temporary signs as defined in Section 114-220. There is no charge for a placement permit. Placement permits are required to establish the beginning and end dates that a temporary sign will be on display. Permit forms are available online and may be emailed or faxed to the Planning and Development office according to the instructions on the form. Placement permits are valid for 30 days prior to installation.
- F) Procedures. Sign Permits shall be processed as follows:
- (1) Complete applications shall be submitted to the Department of Planning and Development for review.
 - (2) The application shall be reviewed for conformance with these regulations and approved or denied based on the information provided. If denied, the applicable provisions of these regulations shall be specified.
 - (3) A determination shall be given within five (5) business days on a complete application. If a building permit is also required, the permit application shall be forwarded to the Inspections Services office for processing. The building permit shall also be the sign permit.
 - (4) The permit shall be valid for 180 days after issuance.

Section 114-214. General Provisions for Permanent On-Premise Signs

- A) Permanent on-premise signs are allowed in all zoning districts.
- B) All signs or sign structures must be erected and attached totally on or within the site or property to which the message refers.
- C) Unless specified elsewhere in these regulations, no portion of any type of sign shall project or be located closer than three (3) feet from the nearest right-of-way line or property line.

- D) The owner of any sign projecting into the right-of-way or placed on or over a public sidewalk shall be liable for damage to any property or injury to any person caused by the placement or failure of any supporting structure.
- E) A-frame signs may be used in the E & HC/G subdistricts in the Downtown Overlay District but shall not impede or obstruct a pedestrian zone of at least 6 ft. in width, be located in the street or be larger than 10 sq. ft. in area.
- F) The height and location of the sign shall not create any traffic or visual obstructions as defined in Section 98-10 in the Dothan Code of Ordinances.
- G) Multiple signs may be placed on the same parcel frontage but shall be a minimum of three-hundred (300) ft. apart.
- H) Signs must be kept in good repair and properly maintained including all electrical elements, paint, and condition of the support structure. Failure to do so is a violation of this ordinance.
- I) Billboards located on a parcel and are being used to advertise a good or service located on that parcel is considered on-premise and must comply with all applicable provisions of these regulations.
- J) Signs must be constructed with and be composed of permanent, durable, weatherproof material that are not consumed or destroyed in use and can be used for a period of time, usually three or more years.

Section 114-215. General Provisions for Permanent Off-Premise Signs. Permanent off-premise signs (billboards) are allowed in certain zoning districts as indicated in the Table of Uses (Section 114-131.1) provided that all permits are obtained and the following requirements are met:

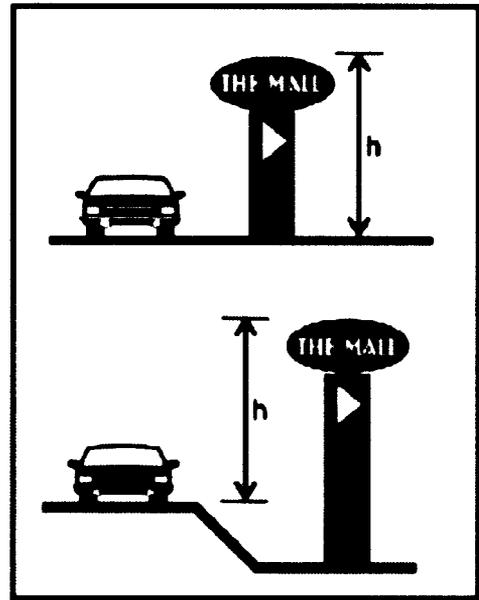
- A) The maximum size of each off-premise sign located 500 feet or more inside Ross Clark Circle shall not exceed four hundred (400) square feet. Off-premise signs located elsewhere in the city shall not exceed 675 sq. ft.
- B) The height of off-premise signs may not exceed 65 ft. from the base of the sign.
- C) The lowest portion of sign may not be less than be 16 ft. above adjacent road grade.
- D) The required setback from any property line (including right-of way) for each off-premise sign shall be ten (10) feet from the edge of the board.
- E) Spacing shall be five-hundred (500) feet between off-premise signs located on the same side of the street.
- F) Off premise signs shall not be located one above the other or side by side.
- G) All off-premise signs shall be of all-metal single-pole construction except for the sign face and trim which may be of other durable materials.
- H) All construction and clearing debris shall be removed from the site upon completion of construction.
- I) Off premise signs shall be located no closer than 100 feet to any residentially zoned district.
- J) Off Premise signs may contain digital or electronic displays but;
 - (1) Shall not contain or appear to contain any movement such as animation, flashing, scrolling, intermittent, rotating or moving lights or full motion video.
 - (2) The entire message shall remain on for at least 8 seconds.
 - (3) Transition time to the next image shall be no greater than 2 seconds.
 - (4) Spacing between structures with digital displays, whether single face or back to back, shall be a minimum radius of two-thousand (2,000) feet from the center of the display.

- (5) Must be located within a 1,000 ft. radius of intersecting state highways and arterial streets as defined in Article II as a "Major Thoroughfare".
- (6) No digital billboard may be erected at the intersections of Main St. and Park Ave., Main St. and Woodland Dr., and Woodland Dr. and Fortner St.
- (7) Brightness of the display shall be controlled automatically to reduce light levels at night or under cloudy or other darkened conditions and shall not be brighter than is necessary for clear and adequate visibility, or that might impair the vision of a driver, or interferes with traffic control and comply with Section 114-222 Illumination Standards.
- (8) Digital displays may not be located nearer than 250 ft. any residential district.
- (9) Subject to normal permitting procedures and structural capabilities, existing conforming billboards and structures may be converted to accommodate electronic or digital technology subject to compliance with all other provisions and requirements of this Chapter (setbacks, spacing criteria, etc.).

Section 114-216. Measurement Standards

A) Signs with integral background. The area of a sign with a clearly defined background shall be the area of the smallest standard geometric shape capable of encompassing the sign copy and background. Where the sign copy is contained with multiple background areas separated by open space, the sign area shall be expressed as the sum of the separate areas of each background and without regard to the open space between the separate background areas.

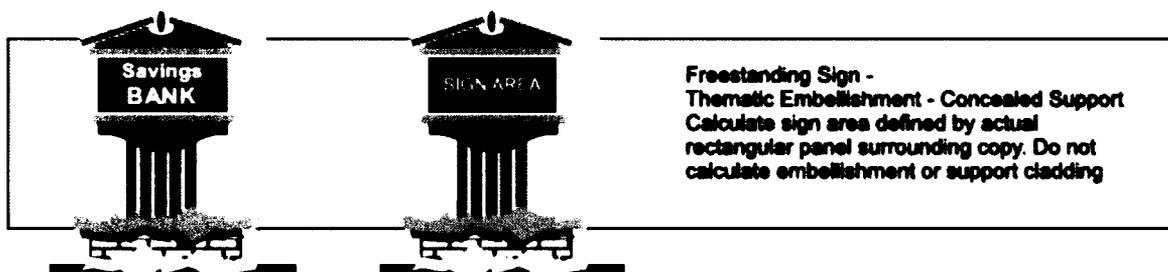
B) Signs without integral backgrounds. Where a sign consists of individual elements such as letters, symbols, or graphic objects that are painted on, attached to or otherwise affixed to a surface that is not specifically designed to serve as a sign background, the sign area shall be the sum of the areas of the smallest standard geometric shape capable of encompassing the sign copy.

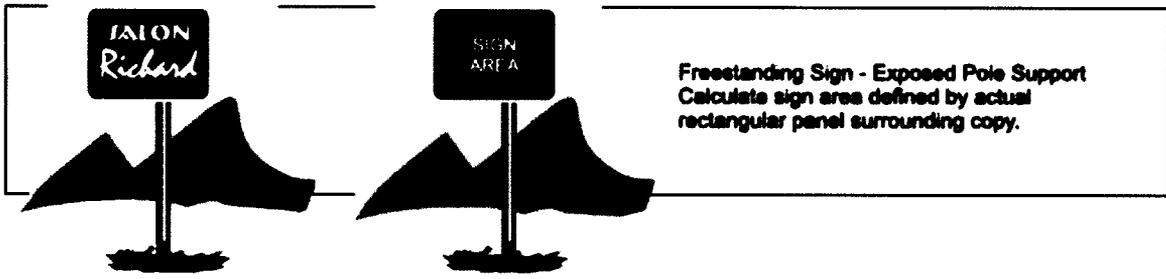


C) Multi-faced Signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any vantage point.

D) The height of a sign shall be computed as the distance from the base of the sign to the top of the highest attached component of the sign exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. Where a freestanding sign is mounted along a roadway, height shall be measured from the grade of the road to the highest attached component of the sign.

E) Illustrations

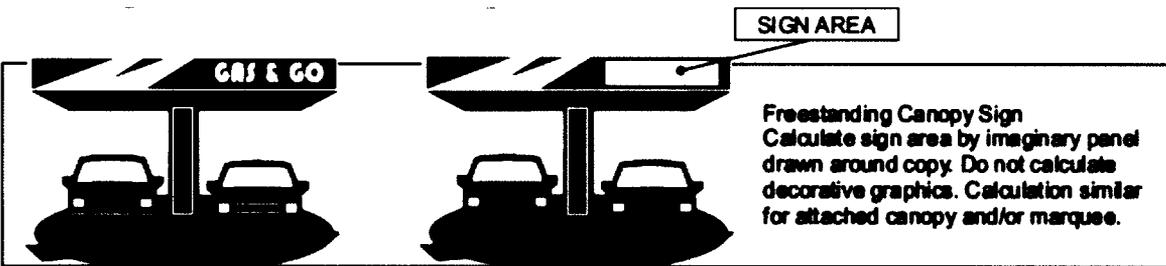




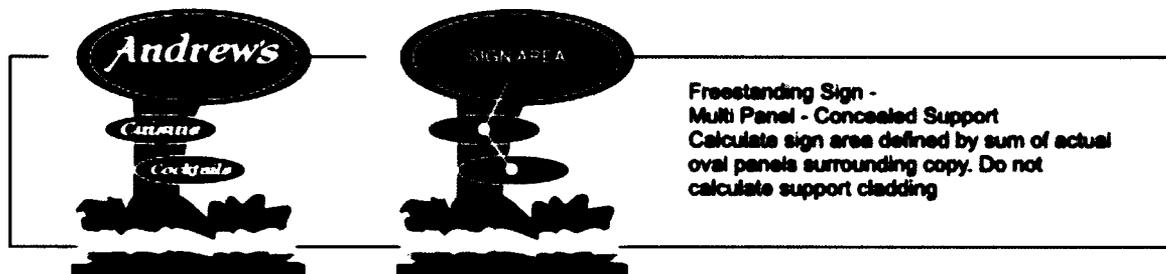
Freestanding Sign - Exposed Pole Support
 Calculate sign area defined by actual rectangular panel surrounding copy.



Freestanding Sign - Monument Thematic Embellishment - Concealed Support
 Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background

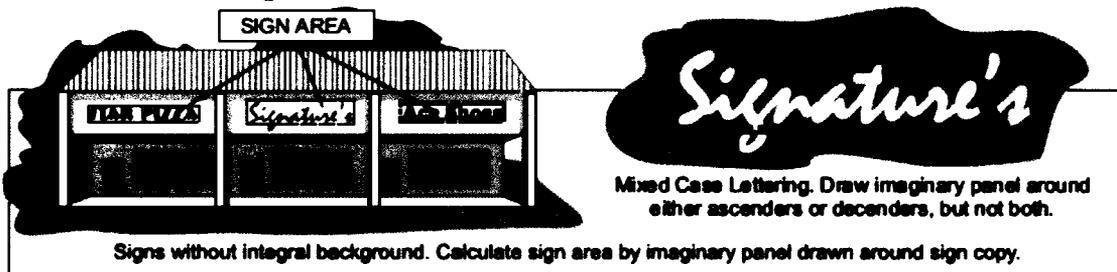


Freestanding Canopy Sign
 Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.



Freestanding Sign - Multi Panel - Concealed Support
 Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding

Wall / Fascia Signs

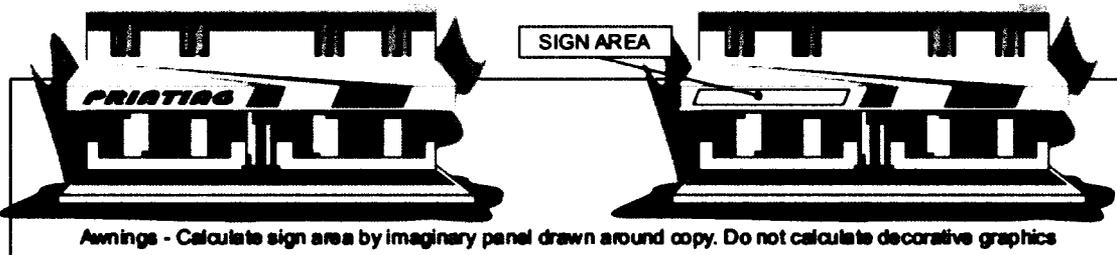


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

Section 114-217. Sign Standards in Residential Districts. Unless specified elsewhere in this article, sign standards for on-premise signs in a residential district are described below and in Table 1.

- A) Residential development signs may be placed on two separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one double faced structure, each face being of equal size (48 sq. ft. max).
- B) All signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally responsible.
- C) Non-residential uses located in a residential district may have one sign per street front but shall maintain a separation distance of 300 ft. between signs.

| Table 1 - Signs in Residential Districts | | | | | |
|--|------------------------------|--|----------------------------|-----------------------|-----------------------------|
| | Types of Signs | Number of Signs | Permitted Sign Area | Maximum Height | Lighting |
| Individual Residential Properties Single Family Detached or Attached, Townhomes | Freestanding or Wall | 1 per street front | 6 SF | 6 ft. | None |
| Residential Developments Single -Family Subdivisions, Apartment/Condominium Complexes | Monument | 1 per street front | 32/48 SF see A above | 8 ft. | Internal or External |
| | Wall | 1 per façade | 5% of façade area | N/A | Internal or External |
| | Incidental or Directional | NA - but not visible from public R/W | N/A | N/A | None |
| Permitted Non- Residential Uses in Residential Districts | Monument | 1 per street front | 48 SF | 8 ft. | Internal or External* |
| | Wall | 1 per façade | 5% of façade area | N/A | Internal or External* |
| | Incidental or Directional | N/A - but not visible from public R/W | N/A | N/A | None |
| *Illumination (including EMC signs) of signs for non-residential uses in residential districts requires Special Exception approval. See Section 114-221 & 222 for standards. | | | | | |

Section 114-218. Sign Standards for Office and Institutional Districts. Sign standards for on-premise signs in an Office or Institutional district (O-1, O-2 and O-3) are described below and in Table 2.

- A) Any sign permitted in a residential district where that use is also permitted in an Office or Institutional District.
- B) Freestanding signs for an office building or institutional uses may be placed on two separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one double faced structure, each face being of equal size (48 sq. ft. max). Signs may be placed at secondary entrances not exceeding 9 sq. ft. or be taller than 8 ft. Wall signs are permitted as described in Table 2.
- C) Freestanding signs for an office park development with multiple buildings may be placed on two separate structures flanking the entrance, each face being of equal size (32 sq. ft. max.) or may be on one double faced structure, each face being of equal

size (64 sq. ft. max). Signs may be placed at secondary entrances not exceeding 9 sq. ft. or be taller than 8 ft. Wall signs are permitted as described in Table 2.

- D) Wall signs for Office or Institutional uses shall be as specified in Table 2.
- E) Freestanding signs are not permitted for a neighborhood office development or building. Wall signs may not exceed 5% of the façade area or 24 sq. ft. whichever is smaller.

| Table 2 - Signs in Office and Institutional Districts | | | | |
|---|--|---------------------------------------|--|----------------|
| | Types of Signs | Number of Signs | Permitted Sign Area | Maximum Height |
| Individual Properties | Freestanding | 1 per street front | 32/48 SF See B above | 8 ft. |
| | Wall | 1 per side | Less of 10% of façade area or 42 sq. ft. | N/A |
| | EMC allowed - see Section 114-221 & 222 for standards. Special Exception required when located in a residential district. | | | |
| Office Parks or Multiple Occupancy Buildings | Freestanding | 1 per street front | 32/64 SF | 12 ft. |
| | Wall | 3 per façade | Less of 5 % of façade area or 42 SF per sign | N/A |
| | Incidental or Directional | N/A - but not visible from public R/W | N/A | N/A |
| | EMC allowed - see Section 114-221 & 222 for standards. | | | |

Section 114-219. Commercial or Industrial Developed Parcels. Sign standards for on-premise signs in Commercial or Industrial districts are described below. Area and height dimensional standards are provided in Table 3 for free-standing signs and Table 4 for wall mounted signs.

- A) **Freestanding Signs Generally.** Signs may be placed in a freestanding location on a commercial or industrial zoned parcel subject to the following limitations:
 - (1) All free standing signs must comply with wind load criteria established for this region.
 - (2) **Multiple Frontages.** For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the provisions for freestanding signs.
 - (3) If the property has multiple frontages, the permitted sign area for one frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage.
 - (4) On the same parcel, no freestanding sign on one frontage may be closer than one hundred (100) feet to a sign on another frontage.
 - (5) Allowable sign area may be divided among multiple signs provided they are at least three-hundred (300) feet apart.
 - (6) Signs at secondary entrances shall be permitted for shopping centers or industrial parks but shall not exceed 9 sq. ft. or be taller than 8 ft.
- B) **Sign Size by Posted Speed Limit.** Sign size is recognized to be a function of legibility, reaction time and reaction distance. The following table establishes sign size and height given the posted speed limit. Unless specified elsewhere, the area and height above grade of any free standing sign shall not exceed the amounts specified in Table 3.

| Table 3 - Freestanding Signs in Commercial & Industrial Districts Values indicated are maximum limits on a sign size and height. A = Sign Area in Square Feet; H= Sign Height in Lineal Feet | | | | | | | | |
|--|-----|----|-----|----|-----|----|------------|----|
| Zoning District | B-1 | | B-2 | | B-3 | | L-I or H-I | |
| Speed Limit | A | H | A | H | A | H | A | H |
| >25 | 24 | 14 | 78 | 26 | 50 | 22 | 78 | 26 |
| 30 | 28 | 16 | 112 | 30 | 72 | 26 | 112 | 30 |
| 35 | 32 | 18 | 153 | 36 | 98 | 30 | 153 | 36 |
| 40 | | | 200 | 42 | 128 | 34 | 200 | 42 |
| 45 | | | 253 | 42 | 162 | 38 | 253 | 42 |
| 50 | | | 312 | 42 | 200 | 42 | 312 | 42 |
| 55 | | | 378 | 42 | | | 378 | 42 |

C) **Building Signs.** Unless expressly prohibited or modified elsewhere in this Article, signs may be attached to a wall, fascia, or awning or permanently applied to a window of a building.

- (1) The total area of all signs affixed shall not exceed an area computed as a percentage of the building façade including window and door areas subject to the limitations in Table 4 below.
- (2) In the case of a shopping center or a group of stores held in single and separate ownership, the provision of this section relating to the total area of signs permitted on the premises shall apply with respect to each building or separate store. Only building signs shall be permitted for individual stores.

| Table 4 - Building Signs | |
|----------------------------|---------------------------|
| Distance of sign from Road | Percentage of Façade Area |
| 1 to 100 ft. | 10% |
| 101 to 300 ft. | 15% |
| Over 300 ft. | 20% |

- (3) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed the sign face area calculated from Table 4.
- (4) Each occupant located in a multiple occupancy complex may display two (2) signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed the sign face area calculated from Table 4.
- (5) Each occupant not located in a multiple occupancy complex may display three (3) building signs on each side of the building in which the occupant is located, not to exceed the sign face area calculated from Table 4.

D) **Signs on Awnings or Canopies.**

- (1) Canopy signs, marquee signs and signs on architectural projections are signs mounted or affixed to either a structure that projects off the face of a building at least eighteen (18) inches or is mounted to a freestanding structure not attached to a building that effectively covers an area below.

- (2) Signs shall be affixed in an essentially flat plane to the face of the canopy, marquee or architectural projection and are permitted in commercial and industrial zones but shall not exceed 40% of the area of the mounting surface. The area of any sign shall count towards the total façade area in Table 4.
 - (3) Signs may be affixed or applied to the face or sides of an awning provided the copy area does not exceed 40% of the area to which it is affixed or applied. The area of any sign shall count towards the total façade area in Table 4.
- E) Projecting Signs - Notwithstanding the general prohibition of signs in the right-of-way, signs attached to the face of a structure that project over the right-of-way are permitted in the B-1 district only.
- (1) Projecting signs shall be limited to one (1) per façade except for uses that front on more than one street in which case, one (1) sign shall be permitted per façade. For buildings with a façade exceeding 200 lineal feet, one sign shall be permitted for each 200 lineal feet.
 - (2) The area of a projecting sign shall not exceed one (1) square foot per two (2) lineal feet of building facade. No projecting sign shall exceed the area indicated in Table 3 for the speed limit on which the façade fronts.
 - (3) Projecting signs may not extend above the highest point on the façade or occupy a vertical dimension greater than 25% of the total façade height.
 - (4) Projecting signs may not extend over a public sidewalk greater than one-half (1/2) the distance to the street curb or 8 ft. whichever is less.
 - (5) Projecting signs shall be no lower than ten (10) ft. above the sidewalk.
 - (6) Projecting signs shall not be permitted in addition to any permitted free-standing sign on that street front.

Section 114-220. Temporary Signs. Temporary forms of advertising may be used by commercial establishments subject to the limitations below. For the purpose of these regulations, temporary signs include commercial banners, portable signs on fixed legs or wheels and wind signs (see definition). The permittee shall be directly responsible for the condition of the sign.

- A) A placement permit for a temporary sign is required [see Section 114-213 (E)].
- B) No temporary sign shall be used as a permanent sign.
- C) Temporary signs may only be used for on-premise advertising.
- D) Temporary signs shall not be located on the public right-of-way, in the sight triangle of any intersection, or attached to natural object, utility appurtenance or traffic control device.
- E) Temporary signs shall comply with any regulations applying to signs in general such as setback, sight distance requirements, etc. as all other signs.
- F) Commercial Banners and wind signs may be displayed at any commercially or industrially zoned location, for the purpose of announcing a grand opening, sale or special event provided:
 - (1) Commercial banners may not be displayed for longer than 15 days per address no more than 8 times per year. Display periods may not be consecutive.
 - (2) No banner or wind sign may be illuminated.
 - (3) Only one banner or wind sign per address.
 - (4) Only used for on-premise advertising.
 - (5) Banners and wind signs containing date or time information shall be removed at the conclusion of the event.

- (6) Banners and wind signs must be kept in good condition and legible or replaced or removed as conditions warrant.
- (7) Banners may not be attached to any traffic control device or utility appurtenance.
- G) Portable signs shall be allowed at locations approved in the Table of Permitted Uses (Section 114-131.1) provided:
 - (1) Portable signs may not be displayed for longer than 30 days per address no more than 3 times per year. Display periods may be consecutive.
 - (2) Portable signs may be illuminated but may not contain flashing, intermittent, rotating or moving lights.
 - (3) Portable EMC's shall adhere to the provisions in Section 114-221 & 114-222.
 - (4) The electrical power supply to portable signs shall comply with the adopted electrical code and the power cord is protected from vehicle traffic. An electrical permit is required.
 - (5) Portable signs must be properly anchored to the ground as approved by the Building Official.
 - (6) Portable signs shall not occupy a required parking space.
 - (7) Messages displayed on portable signs shall be complete and legible.
 - (8) Portable signs must be kept in good condition and repair including the letter backing material, frame, cabinet and legs.
 - (9) Portable signs without any message for longer than 30 days shall be deemed abandoned.

Section 114-221. Standards for Electronic Message Centers (EMC's). Signs using electronic, digital or video technology are permitted in all zoning districts subject to the following limitations:

- A) An EMC may occupy a portion or all of the area for a building sign or freestanding sign permitted for that district.
- B) There shall be no effects of movement, blinking, scrolling, flashing, spinning, flying in/out, scintillation, animation or similar effects of the individual images displayed.
- C) Approved EMC's shall have a minimum display time of 12 seconds with at least a 2 second transition time.
- D) EMC signs are permitted in Office, Commercial and Industrial Districts provided:
 - (1) Transitions between messages may include fade, dissolve or other similar effects but may not include continuous scrolling, traveling, flashing, spinning, rotating or other similar moving effects.
 - (2) Full motion video is prohibited.
- E) EMC signs shall not display color that interferes with or mimics a traffic control device.
- F) No EMC sign shall use the words "stop," "danger," "go," or any other word which imitates or approximates any official traffic instruction or traffic control sign or be illuminated in any manner which imitates or approximates any official traffic directional or traffic control device.
- G) If at any time the programming or technology that controls the brightness, time on message, or visual display characteristic fails or malfunctions and is determined to be a hazard to the safety of the traveling public, the sign shall be immediately turned off, disconnected or disabled.

Section 114-222. Illumination Standards. Signs may be illuminated consistent with the following standards.

- A) Unless otherwise provided, signs located on residentially zoned property may not be illuminated at night. Signs for approved non-residential uses in a residential district may be illuminated with Special Exception approval.
- B) Lighting fixtures for signs externally illuminated shall be fully shielded to prevent glare or light leak.
- C) Brightness of the display shall be controlled automatically to reduce light levels at night or under cloudy or other darkened conditions and shall not be brighter than is necessary for clear and adequate visibility, or that might impair the vision of a driver, or interferes with traffic control. Either of the following options may be used to measure brightness.
 - (1) All digital billboards and/or EMC signs shall have automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions so that sign brightness does not exceed three-tenths (0.3) foot-candle (lux) above ambient light as measured using a foot candle (lux) meter in conformance with the following process:
 - a. Ambient light levels shall be measured between the period of 1 hour after sunset and 1 hour before sunrise as determined by the National Weather Service with the sign turned off (black screen).
 - b. Light measurements shall be taken with a lux meter aimed directly at the sign face displaying full white.
 - c. Measuring distance shall be determined using the following equation: the square root of the product of the sign area and one-hundred. (Example using a 12 square foot sign: $\sqrt{[12 \times 100]} = 34.6$ feet measuring distance).
 - d. If brightness measurement by the above methodology is impractical, certification using option 2 shall be provided.
 - (2) The maximum level of brightness for digital billboards and/or EMC signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
 - a. The maximum level of brightness for digital billboards and/or EMC signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise as determined by the National Weather Service.

Section 114-223. Nonconforming Signs

- A) Existing signs prohibited by this code shall be regarded as illegal signs upon the effective date this ordinance. All illegal signs shall be removed immediately.
- B) Existing signs not conforming to the provisions stated in this ordinance shall be regarded as nonconforming signs.
- C) Permanent signs and sign structures that are moved, removed, replaced or structurally altered must be brought into conformance with these regulations. Nonconforming signs required to be moved resulting from the acquisition of right-of-way may be re-established in conformance with other provisions of these regulations.
- D) Removable faces or sign panel inserts in a cabinet style sign may be changed by right and does not constitute a structural alteration or cause the loss of nonconforming status.
- E) The status of a nonconforming sign is not affected by ownership.
- F) Within thirty (30) days, existing digital signs permitted prior to INSERT ENACTMENT DATE OF ORDINANCE shall comply with the sections of this ordinance pertaining to brightness if they are able to comply. If existing digital signs do not have the ability to comply with the ordinance (i.e. if they do not come equipped with automatic dimming technology, ability to dim, etc.) they shall either retrofit their sign so as to comply

with the ordinance, adjust their brightness to six (6) percent of maximum brightness daily between dusk and dawn or they shall be turned off daily between dusk and dawn.

- G) Owners of existing temporary signs (banners, wind signs and portable signs) are subject to 114-220, 114-221 and 114-222 must send in a placement permit within 90 days of the effective date of these provisions or become nonconforming and be subject to the applicable provisions.
- H) Loss of nonconforming sign status.
- (1) When a sign or sign structure is removed or intentionally destroyed, the replacement sign and sign structure must comply with the standards in these regulations.
 - (2) Signs or sign structures that are damaged or in need of repair to the extent of fifty (50) percent or more of its replacement value must comply with the standards in these regulations.
 - (3) If the business or operation to which the sign pertains has ceased to operate for a period of sixty (60) consecutive days, or has otherwise changed, the sign is considered abandoned.
 - (4) The sign is erected without a permit.
 - (5) Once a sign is altered to conform or replaced with a conforming sign, the nonconforming sign may not be re-established.

Section 114-224. Variances. It is the explicit intent that this section be enacted to accomplish the purposes set forth in Section 114-207. Variances to these provisions shall be granted only in the case of a hardship connected to the physical features of the site.

Section 2. That because of their temporary nature, portable signs shall not be granted non-conforming status and must comply with these standards within sixty (60) days of their effective date.

Section 3. After publication as required by law, this ordinance shall become effective November 1, 2013.

Section 4. A temporary moratorium is in effect for any new sign permit application until October 1, 2013.

PASSED, ADOPTED AND APPROVED on

September 3, 2013

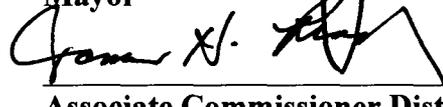
ATTEST:



City Clerk



Mayor



Associate Commissioner District 1



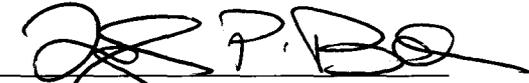
Associate Commissioner District 2



Associate Commissioner District 3



Associate Commissioner District 4

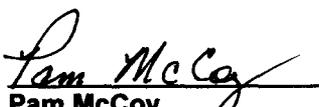


Associate Commissioner District 5



Associate Commissioner District 6
BOARD OF CITY COMMISSIONERS

I, hereby certify that a synopsis of the above Ordinance was published in THE DOTHAN EAGLE, a newspaper of general circulation and published in the City of Dothan, Alabama on Sunday, September, 2013.


Pam McCoy
City Clerk