

Article I. Signs

SIGNS

Section 1. Statement of Purpose

The purpose of this chapter is to create the legal framework for a comprehensive and balanced system of signs. This system will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs that are:

1. Compatible with their surroundings;
2. Appropriate to the use that displays them;
3. Expressive of the identity of individual activities and the City as a whole;
4. Legible in the circumstances in which they are seen;
5. Unlikely to distract drivers to a dangerous degree; and
6. Able to preserve the right of free speech and expression.

Section 2. Definitions

For the purpose of this ~~section~~ article, the following words, terms, and phrases must have the meaning ascribed to them as specified herein. When consistent with the context, words used in the present tense must include the future tense, words in the plural number must include the singular number, and words in the singular number must include the plural number.

1. **Activity.** An individual tenant, business, or other establishment.
2. **Architectural Detail.** Any projection, relief, cornice, column, change of building material, window, or door opening on any building. See also "Signable Area and Attached Sign". ~~Roof Signs~~
3. **Areas of Special Aesthetic Concern.** Any area of the City established as a Community Renewal Project Area, a Commercial Revitalization District Project Area, a Neighborhood Revitalization and Improvement Project Area, an Urban Renewal and Urban Redevelopment Project Area, the Downtown Master Plan Project Area, an Historic District, a Scenic Corridor, MU-H Mixed Use High, B-3 Community Business District or Civil Rights National Monument, where City policy is seeking to upgrade both the quality and amount of private investment through public support, and where the improvement of aesthetic quality is a principal factor for the general welfare of the city.

4. **Attached Sign.** A sign painted on or attached to a wall of structure and in the same plane as the wall or a sign painted, printed, or applliued to an awning or a sign applied to a canopy either above or below the canopy.
5. **Building.** Any structure having a roof supported by columns and enclosed by walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
6. **Changeable Copy.** Copy that changes at intervals of more than once every ten ~~twelve~~ seconds.
7. **Cornice.** Generally, any horizontal decorative molding that crowns a building. The cornice, depending on its design, can accommodate a building wall sign that identifies either the name of the building or the building's owner or primary tenant.
8. **Cornice Sign.** A sign that is designed as an integral part of the building and attached to a cornice which has been designed to accommodate a sign.
9. **Directory Sign.** An attached sign that displays the tenant names and locations for a building containing multiple tenants.
10. **Dynamic Element.** Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, whether the apparent movement or change is in the sign, the sign structure itself, or any other component of the sign. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any rotating, revolving, moving, flashing, blinking, or animated sign or illumination, and any sign that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
11. **Event.** Activity temporary in nature that may include but is not limited to yard sale, auction, farmers market, or similar activity.
12. **Façade.** That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

13. **Frontage.** The area between a building frontage façade and a path, passage, waterbody, civic space, or the curb (or if there is no curb, the edge) of the vehicular lanes of a thoroughfare having vehicular lanes, inclusive of the built and planted components of such area. Frontage is divided into private frontage and public frontage.
14. **Façade, Blank.** The side of a building below the eaves that is blank and does not have windows or architectural detail.
15. **Graffiti.** Any message painted or applied to any building, sign, lamppost, utility or light pole, telephone pole, or on any post supporting the same, or upon any tree or tree box or guard, or upon any viaduct, underpass, or other structure, within, upon or over any public right of way without the owner's approval.
16. **Height.** The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the ground sign (the height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height).
17. **Historic Marker.** A commemorative plaque made of metal or stone and bearing text or relief to commemorate one or more persons, an event, a former use of the place, or some other thing of historical significance.
18. **Historic Sign.** An attached, marquee, or projecting sign that was original to the building or placed on the building for at least 50 years.
19. **Illuminated Sign.** A sign illuminated by the following types of lighting:
 - a. **Indirect.** A sign reflecting light from a separate outside source directed toward it.
 - b. **Direct.** A sign emitting light from a source within or affixed to the sign face, and beaming outward from it.
 - c. **External Illumination.** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.
 - d. **Internal Illumination.** Illumination of a sign that is affected by an artificial source of light contained within the sign itself.

- e. **Neon Tube Illumination.** A source of light for externally lit signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.
- 20. **Monument Sign.** A sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material, and not mounted on a pole or pylon.
- 21. **Movement.** Physical movement or revolution up or down, around, or sideways that completes a cycle of change.
- 22. **Multiuse Building.** Multiple uses within the same building or on the same lot through superimposition or adjacency, or in multiple buildings or on multiple lots by adjacency or proximity.
- 23. **Nonconforming Sign.** A sign that was lawfully established or installed prior to the adoption or amendment of this ordinance and was in compliance with all of the provisions of this ordinance then in effect, but which does not presently comply with this ordinance.
- 24. **Tenant.** A use located in a multiuse building or shopping center.
- 25. **Peak.** The highest point on a roof or the highest point on another architectural element.
- 26. **Pole Sign.** A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.
- 27. **Portable Sign.** Any sign, whether on its own trailer, wheels or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided may be changed at will by the replacement of lettering or symbols.
- 28. **Premise.** A lot, parcel, or acreage parcel together with all buildings and structures existing thereon.
- 29. **Projecting Sign.** A sign located off the ground, affixed to an exterior building, wall, and extending beyond it more than one foot, including small and vertical blade signs.
- 30. **Scenic Corridor.** A paved roadway, right-of-way and adjacent area 300 feet on either side of and parallel to a paved roadway and right-of-way that the City Council decides is important for the general welfare of the City by

promoting investment and reinvestment in businesses and tourism, by creating a favorable impression on the traveling public, by reducing visual clutter, and by enhancing the visual clarity and aesthetic quality along such paved roadways and rights-of-way. The City Council establishes the following as scenic corridors:

- a) Elton B. Stephens Expressway
- b) Interstate 65
- c) Interstate 59
- d) Interstate 20
- e) Interstate 459
- f) U.S. Highway 280
- g) Richard Arrington, JR Boulevard North and South ~~Montgomery Highway from the City line as it splits into 20th Street South and 21st Street South along the line of both streets to 12th Avenue North~~
- h) 20th Street North and South
- i) Messer-Airport Highway from the air terminal to Interstate 59/20
- j) Clairmont Avenue/University Boulevard ~~from 38th Street to Elton B. Stephens Expressway~~
- k) 7th Avenue South from 32nd Street to the Elton B. Stephens Expressway
- l) 1st Avenue North/Parkway East from the Elton B. Stephens Expressway to City limits
- m) 8th Avenue North from Interstate 65 to Avenue Y Ensley
- n) John Rogers Drive from U.S. 11 to U.S. 78
- o) State Highway 119
- p) Grants Mill Road
- q) Finley Boulevard from Highway 78 to 26th Street North
- r) Lomb Avenue/Martin Luther King Drive from Bessemer Road to West Oxmoor Road

- s) Spaulding-Ishkooda Road from Ishkooda Road to Martin Luther King Drive
- t) Arkadelphia Road from Lomb Avenue to I-59
- u) Lakeshore Parkway
- v) Interstate 22
- w) Jefferson Avenue
- x) U.S. Highway 11
- y) State Highway 79/Pinson Valley Parkway
- z) Valley Avenue
- aa) Crestwood Boulevard from Oporto-Madrid to 41st Street South
- bb) Montclair Road
- cc) U.S. Highway 78
- dd) East Lake Boulevard
- ee) Coalburg Road
- ff) Rex Lake Drive
- gg) 41st Street South and North
- hh) 3rd Avenue West

- 31. **Shopping Center.** A group of commercial-retail establishments planned, developed, owned or managed as a unit with off-street parking provided on the property. Any out-parcel within a shopping center shall be developed under a separate site plan.
- 31. **Sign.** Any structure that has a visual display visible from a public right-of-way and designed to identify, announce, direct, or inform.
- 32. **Sign Area.** – the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face; the term “sign area” includes the following:
 - a) the area of any double-sided or “V” shaped sign must be the area of the largest single face only;

- b) the area of a sphere must be computed as the area of a circle; and
 - c) the area of all other multiple-sided signs must be computed as fifty-percent of the sum of the area of all faces of the sign. Each side of a multiple sided sign must be equal.
33. **Signable Area.** – a two-dimensional area that describes the largest square, rectangle, or parallelogram on the façade of a building which is free from architectural details.
34. **Signable Area for Attached Signs.** One area free of architectural details on the facade of a building or part of a building, which must include the entire area (1) enclosed by a box or outline or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.
35. **Size.** The total area of the face that is used to display a sign, not including its supporting poles or structures; if a sign has two faces that are parallel, (not more than two feet apart), and supported by the same poles or structures, the size of the sign is one-half the area of the two faces. Each side of a multiple sided sign must be equal.
36. **Stacked Signs.** Signs that are separate sign displays mounted one above the other whether on unified or separate structures.
37. **Structure.** Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but not limited to buildings, signs, back stops for tennis courts, fences or radio towers.
38. **Temporary Sign.** A sign not originally designed, constructed or intended to be permanently affixed to a building, structure, or the ground. Temporary signs shall be removed by the party or parties posting or erecting them, and where stipulated, within the specified time period as established by this Ordinance or as required by the Board.

Section 3. Noncommercial Signs and Messages

Any sign authorized to be displayed by this ordinance may contain a noncommercial message.

Section 4. General Requirements

1. Signs must not be erected or maintained that obscure or otherwise physically interfere with any official traffic sign, signal or device, nor obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
2. Signs must not be erected or maintained that are structurally unsafe or in substantial disrepair.
3. The person responsible for any signs not meeting the following requirements must repair or remove them within (60) days after receipt of notification from the Department of Planning, Engineering and Permits, unless the Director of the Department of Planning, Engineering and Permits determines that compliance with this subsection is delayed for legitimate reasons and the sign owner is making a good faith effort to comply.
4. The area around any freestanding sign must be kept clear of trash and litter and must present a neat and healthy appearance.
5. Signs must be maintained at the level of appearance as displayed at the time the sign was erected.
6. Exposed backs of signs must be painted a single color and have a finished appearance.
7. Signs must not be attached to or painted onto a vehicle for the primary purpose of advertising.
8. A sign that is not allowed by this ordinance is prohibited by this ordinance.

Section 5. Attached Signs

A: General Attached Signs

Where permitted and graphic display area allowed. In the following zoning districts, each occupant of a premise may display attached signs on walls, canopies, or awnings adjacent to each street or highway on which it has frontage. The total area of the attached signs per façade displayed ~~on the premises~~ must not exceed the following percentage of a signable area for each district.

1. D-5, D-6, MU-L, MU-M, MU-M, MU-H, MU-D, C-1, C-2, PRD, HID: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No attached sign shall exceed 150 square feet per façade.
2. I-1, I-2, I-3 (where no established design standards exist) and I-4: Maximum sign area shall not exceed 6% of building facade (height x

length), nor shall its length exceed 50% of building length. No attached sign shall exceed 250 square feet per facade.

Signable area designation. A business premise displaying attached signs is allowed one signable area on each facade of the building that has frontage on a street or highway. See the definition of “signable area” for attached signs.

How displayed. The sign display area may be displayed as one attached sign per street or highway frontage or divided among two or more attached signs per street or highway frontage.

Additional limitations. Attached signs may be painted on or attached to or pinned away from the wall, must not project from the wall by more than 12 inches, and must not interrupt architectural details.

A sign attached to an awning may be painted, screen printed, or appliued on the awning. Maximum width and height of sign shall be no more than 40% of the awning and a maximum width of 50% and maximum height of 12 inches of the awning valance. An awning may project no more than six 7 feet from a building or one-half the width of the adjacent sidewalk, whichever is less, and shall maintain minimum eight feet of clearance from the sidewalk.

A sign attached to a canopy may be applied to the facade, on top or below the canopy. Maximum width of a sign attached to a canopy shall be 50% of canopy width, and maximum height of sign shall be 18 inches. A canopy may project no more than 6 feet from a building or one-half the width of the adjacent sidewalk, whichever is less, and shall maintain minimum eight feet of clearance from the sidewalk.

B: Cornice Signs

Where permitted and graphic display area allowed. In the MU-H and MU-D zoning districts, each occupant of a premise may display attached signs on the cornice of the building wall adjacent to each street or highway on which it has frontage, when the building is at least 125 feet in height. A building may display both a cornice sign and attached signs associated with ground floor tenants of the building with the sign area of the cornice sign to be calculated separately and not included within the maximum permitted signage for attached building wall signs established by these regulations. Maximum sign area shall not exceed 25% of the cornice (height x width), nor shall its length exceed 50% of building facade width where the cornice sign is located. No cornice sign shall exceed 250 square feet.

Signable area designation. A business premise displaying cornice signs is allowed one signable area on each façade of the building that has frontage on a street or highway. See the definition of “signable area” for attached signs.

How displayed. The sign display area may be displayed as one attached sign per street or highway frontage or divided among 2 or more attached signs per street or highway frontage.

General restrictions. The following restrictions apply to cornice signs.

1. Cornice signs are restricted for use to identify either a) the name of the primary tenant or b) the name of the office or residential development or c) name of the owner or d) Historic Building name as documented in the National Historic Register.
2. A building is not permitted to have cornice signs for more than one tenant.
3. Cornice signs are allowed on buildings that exceed 125 feet in height.
4. A building is not allowed to display both a cornice sign and an attached sign for the same tenant unless the tenant is providing retail services on the ground floor that is accessible to the public.

Additional limitations. Cornice signs may be painted on or attached to or pinned away from the wall, must not project from the wall by more than 12 inches, and must not interrupt architectural details.

Section 6. Monument Signs

Where permitted. Each occupant of a premise may display one monument sign for each 300 feet of street or highway frontage. A premise may display both pole and monument signs if no pole sign is more than 50 square feet in area. In the following zoning districts, each occupant of a premise may display a monument sign adjacent to each street or highway on which it has frontage.

1. D-1, D-2, D-3, D-4, D-5, D-6, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, I-4, PRD, HID, AG

Size, setback, and height regulations. Monument signs must comply with the following size, setback, and height regulations.

Size. The sign area of any monument sign must not exceed 80 square feet.

Setback. A monument sign adjacent to any single-family or duplex residential use, public park or school must adhere to the following setbacks:

1. Monument signs of 80 square feet must be set back at least ~~300~~ 100 feet from the property line adjacent to a single-family or duplex residential use, public park, or school
2. Monument signs between 60 and 80 square feet must be set back at least ~~200~~ 75 feet from the property line adjacent to a single-family or duplex residential use, public park, or school
3. Monument signs 60 square feet or less must be set back at least ~~100~~ 50 feet from the property line adjacent to a single-family or duplex residential use, public park, or school

Height. A monument sign must not exceed 8 feet in height.

Section 7. Pole Signs

Where permitted. Each occupant of a premise may display one pole sign in the following zoning districts:

1. C-2, I-1, I-2

Where prohibited. No new pole signs are permitted in an Area of Special Aesthetic Concern as defined by this ordinance.

Size, setback, and height regulations. Pole signs must comply with the following size, setback, and height regulations:

Size. The sign area of any pole sign must not exceed 80 square feet.

Setback. A pole sign adjacent to any single-family or duplex residential use, public park or school must be set back at least 300 feet.

Height. A pole sign must not exceed 25 feet in height.

Section 8. Projecting Signs

A. Small Blade

Where permitted. Each occupant of a premise may display one projecting small blade sign on each street or highway frontage in the following zoning districts:

1. MU-L, MU-M, MU-H, MU-D, C-1, C-2, HID, M-1, I-1

Size of small blade projecting signs. Projecting signs may be no larger than 8 square feet. Projecting signs must not project above the roofline or must not be more than 18 feet in elevation above the ground, whichever is lower.

Sign area. The sign area selected for display on a projecting sign must not exceed 8 square feet and must be subtracted from the total signable area allowed for the premise for attached signs under Section 5 in this chapter.

Additional limitations. The following additional limitations apply to projecting signs:

1. Projecting signs must clear sidewalks by at least 10 feet, be no more than 4 feet in height, and may project no more than 4 feet from a building or one-half the width of the adjacent sidewalk, whichever is less.
2. Projecting signs must be pinned away from the wall at least 6 inches and must project from the wall at an angle of 90 degrees or 45 degrees at corners.
3. Projecting signs may be non-illuminated, internally illuminated or externally illuminated only by down-directed light and shield fixtures.

B. Vertical Blade

Where permitted. Each occupant of a premise may display one projecting vertical blade sign on each street or highway frontage in the following zoning districts:

1. MU-L, MU-M, MU-H, MU-D, ~~C-1~~, C-2, HID, M-1, I-1

Size of vertical blade signs. Projecting signs may be no larger than ~~8~~ 24 square feet with a maximum depth of 18 inches. Projecting signs must not project above the roofline, or the windowsills of the 3rd story ~~must not be more than 18 feet in elevation above the ground~~, whichever is lower.

Sign area. The sign area selected for display on a projecting sign must not exceed ~~8~~ 24 square feet and must be subtracted from the total signable area allowed for the premise for attached signs under Section 5 in this chapter.

Additional limitations. The following additional limitations apply to projecting signs:

1. Projecting signs must clear sidewalks by at least ~~eight~~ 10 feet and may project no more than ~~four~~ 6 feet from a building or one-half the width of the adjacent sidewalk, whichever is less.

2. Projecting signs must be pinned away from the wall at least 6 inches and must project from the wall at an angle of 90 degrees or 45 degrees at corners.
3. Projecting signs may be non-illuminated, internally illuminated or externally illuminated only by down-directed light and shield fixtures.

Section 9. Residential Signs

~~**Where permitted.** Each residential premise may have one noncommercial sign not exceeding six square feet in size and three feet in height.~~

Section 9. Historic Signs

Where permitted. Historic attached, marques or projecting signs shall be permitted in MU-H and MU-D zoning districts.

Additional limitations. The following additional limitations apply to Historic Signs:

1. After approval from the Historic Preservation Manager for the City as to design and restoration, historic signs which are original to the building or placed on the building for at least 50 years may remain or be reproduced provided that the reproduction is no larger than the original.
2. Any such historic Signs shall be kept in good repair, both in terms of appearance and operation.
3. No Historic Sign shall be permitted on rooftops.

Section 10. Shopping Center Signs

Where permitted. Shopping centers may have one freestanding sign located on the same lot as the shopping center at each shopping center entrance, provided the signs are separated by a minimum of 1,000 feet as measured along the right-of-way of adjacent streets.

Size of shopping center signs. Shopping center signs may be no larger than 20 feet tall.

Sign area. The sign area of a shopping center sign may not exceed 160 square feet.

Section 11. Directory Signs

Where permitted. Each building of a premise may display one sign identifying the name and location of each tenant within the building that they occupy. Directory signs are attached to the building façade that faces the street or highway frontage. In the following zoning districts, each building of a premise

may display a directory sign adjacent to each street or highway on which it has frontage.

1. MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, I-4, PRD, HID, AG

Size, setback, and height regulations. Signs must comply with the following size, setback, and height regulations.

Size. The sign area of any sign must not exceed 6 square feet.

Height. A sign must not exceed 3 feet in height.

SECTION 12. TEMPORARY SIGNS

1. In Residential Districts each occupant of a premise may display one temporary pole sign no larger than 6 square feet and no higher than 4 feet. The temporary pole sign shall be displayed no longer than ~~60~~ 90 days a year and no more than twice each year.
2. Temporary signs on active construction sites in residential districts which do not exceed 6 square feet in area and 6 feet in height, which are limited to 1 per lot, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. Signage applied to mesh fence screens are allowed at a rate equal to 25% of the fence area. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty thirty days, it shall be removed, pending continuation of construction activities.
3. Temporary signs on active construction sites in nonresidential districts which are equal to or less than 24 square feet in area and 10 feet in height, which must be spaced at least 100 feet apart, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty days, it shall be removed, pending continuation of construction activities.
4. Temporary signs on real property that is for sale or will be for sale within thirty days, in residential districts which do not exceed 6 square feet in area per sign, which do not exceed 6 feet in height for ground signs, and which are limited to one ground sign per street frontage and one building sign with wall attachment per dwelling unit.
5. Temporary signs on real property that is for sale or will be for sale within thirty days, in nonresidential districts which are less than 24 square feet in area per sign, which do not exceed 6 feet in height for ground signs, and which are limited to 1 ground sign per street frontage and 1 building sign with wall attachment per building facade if the entire

building is for sale or lease or 1 building sign with wall attachment per leasable area if subunits of the building are for lease or rent.

6. Temporary signs, less than 24 square feet in area and limited to 1 sign on the site of an event, may be erected no sooner than 14 days before an event, and must be removed as soon as possible or at least within 24 hours after the event.

Section 13. Areas of Special Aesthetic Concern

Designation. This ordinance cannot adequately regulate all signs in an area as diverse as the City of Birmingham. The City has designated certain areas as Areas of Special Aesthetic Concern as set out by this Ordinance.

Zoning Map. The Department of Planning, Engineering, and Permits must maintain and continually revise a zoning map of the City of Birmingham on which the Department of Planning, Engineering, and Permits must indicate the boundaries of all designated Areas of Special Aesthetic Concern.

Special Regulations. Special regulations for signs in Areas of Special Aesthetic Concern shall apply instead of the regulations contained in this ordinance. Special regulations adopted by the Department must be consistent with the character of the Areas of Special Aesthetic Concern.

Effect of Special Regulations. Special regulations for Areas of Special Aesthetic Concern supersede and may be either more or less restrictive than the regulations for signs contained in this ordinance.

Pole signs prohibited. No additional pole signs are permitted in Areas of Special Aesthetic Concern.

Section 14. Illumination and Dynamic Elements

Dynamic Elements. Dynamic elements on signs are allowed on attached signs, monument signs and pole signs that comply with the following requirements:

1. One contiguous dynamic element is allowed on for each sign face.
2. A dynamic element may not change or move more often than once every 10 seconds, except when changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.

3. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
4. Dynamic elements must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

Illumination prohibited. A sign must not have animated, flashing, or scrolling copy. Spotlights and searchlights are prohibited from all signs. Illumination for signs is intended to light the subject sign only and must not interfere with adjacent residents, businesses or pedestrian areas.

Illumination requirements. All permanent signs may be non-illuminated, illuminated by internal, or internal indirect (halo), or lit by external indirect illumination and must be consistent with Title 1, Chapter 1, Article II, Section 16 of the City of Birmingham Zoning Ordinance. Externally lit signs must be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Illuminated signs must comply with the following requirements:

1. Brightness: No sign may be brighter than is necessary for clear and adequate visibility, and no sign may be of such intensity or brilliance that impairs the vision of a motor vehicle driver with average eyesight or otherwise interferes with the driver's operation of a motor vehicle, and no sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
2. Ambient conditions adjustment: All signs installed after the effective date of this ordinance that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
3. Malfunctions in dynamic elements or illumination: Dynamic elements and illumination elements must also be equipped with a means to discontinue the element immediately if it malfunctions. The owner of a sign with a dynamic element or illumination element must immediately stop the element's operation when notified by the City that it is not complying with the standards of this chapter, except to bring it into conformance, or after conformance is confirmed by the City.
4. Glare. Any lighting fixture on a sign that is located within 10 feet of a property line of a residential zoning district or an existing residential use, or within 10

feet of a public right-of-way except as permitted by this ordinance must be (a) aimed away from the property line, residential use, or zoning district, or public right-of-way; (b) classified as an IES Type III or Type IV lighting fixture; and (c) shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

Section 15. Nonconforming Signs

Change and modification. A nonconforming sign or sign structure must conform with this ordinance if it is structurally altered, reconstructed, replaced, expanded, or relocated. A mere change in copy is not an alteration or replacement for purposes of this subsection.

Maintenance. Nonconforming signs must be maintained in good condition. Maintenance required by this subsection includes replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state and is not a change or modification for purposes of Subsection 1 below.

Removal. Removal of a nonconforming sign is required when:

1. A nonconforming sign, or a substantial part of a nonconforming sign, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, “substantial” means 50 percent or more of the entire sign structure; or
2. The condition of the nonconforming sign structure has been deteriorated without maintenance as required by this section, including but not limited to substantial peeling, rusting, fading or other wear effects that make the sign area illegible; or the nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds 50 percent of the cost of reconstruction of the sign structure; or
3. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

Procedure for removal. The sign owner and/or landowner shall be given notice by certified mail by the Department that a sign is considered an abandoned sign. The Department shall set forth the reasonable repairs or corrections that must be made in order that the sign no longer be considered an abandoned sign. The

sign owner and/or landowner shall have ninety (90) days from receipt of the certified mail to make the repairs or corrections. If the repairs or corrections are not completed within the ninety (90) days, the sign must be removed at the sign owner or landowner's expense.

De minimis differences. For purposes of this ordinance, a sign conforms to the size, height, and setback regulations of this ordinance if its size, height, and setback do not exceed the size, height, and setback regulations in this ordinance by more than 5 percent.

Multiple signs. If a premise has more signs than this ordinance allows, any sign in excess of that number is nonconforming.

Sign Separation. A sign that violates the spacing requirements of this ordinance at the time this ordinance is adopted is nonconforming.

Section 16. Permits

Permit required. Unless exempted or prohibited as provided below, all signs require permits as provided in this Section.

Applications for permits. Applications for permits must be made to the Department of Planning, Engineering and Permits and must be accompanied by drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the Department personnel with the proposed sign and sign location and accompanied with the deed, lease, or other agreement under which the applicant has the right to erect, use or maintain the proposed sign at that location. The application must contain:

1. The name, address and telephone number of the sign contractor and the owner and occupant of the premise where the sign is to be erected or displayed; the date on which it is to be erected or displayed; the zoning district and the Area of Special Concern, if any, in which it is located; and any variance that has been approved.
2. A drawing site plan to scale that shows (1) all existing signs displayed on the premise; and (2) The location, height, sign type and size of any proposed signs.
3. Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any, must be provided.

Review and time limits. The Director ~~or his Designee~~ must promptly review an application for a permit upon the receipt of a completed permit application and

the payment by the applicant of the required permit fee by the applicant. The Director ~~or his Designee~~ must approve, deny, or approve with conditions a permit application within thirty (30) days from the date a completed application and permit fee is filed with the Director ~~or his Designee~~.

Approval or denial. The Director ~~or his Designee~~ must approve a permit for the sign only if it finds that it complies with the building, electrical, or other adopted codes of the City and with:

1. The regulations for signs contained in this ordinance and any variance that has been granted from these regulations; and
2. Any special regulations that have been adopted for an Area of Special Aesthetic Concern.
3. If the Director ~~or his Designee~~ does not approve a permit for the sign, he must state the reasons for the denial in writing and must mail or email a copy of the reasons for denial to the address of the applicant stated on the application.

Appeals. Any applicant who is denied a permit for the display of a sign may file a written appeal to the Zoning Board of Adjustment in accordance with Title 1, Chapter 9, Articles IV, V and VI of the City of Birmingham Zoning Ordinance.

Sign fees. Prior to the issuance of a sign permit, an applicant must pay the fees for permits that are adopted by the Council from time to time as authorized in the City of Birmingham Technical Code, as amended. These fees are in addition to, and not in lieu of any other fees or licenses required.

~~**Fees for pole signs.** All holders of sign permits must pay annual fees for signs as adopted by the Council from time to time. Fees must be paid by January 31st of each year beginning January 31, 1990 as described in Chapter 9, Article VIII of this ordinance.~~

Section 17. Prohibited Signs

Prohibited signs. The following signs are prohibited:

1. Signs that produce noise or sounds capable of being heard including non-distinguishable sounds.
2. Signs that emit odor, visible smoke, vapor, or particles.

3. Signs attached to trees, utility poles, streetlight, or placed on any public property.
4. Stacked signs.
5. Roof signs.
6. Graffiti.
7. Feather signs.
8. Portable signs.
9. Inflatable signs and signs that have movement or powered by airflow.

Section 18. Exempt Signs

The following signs are exempt from the regulations contained in this ordinance:

1. A sign or banner that is posted by the City of Birmingham, including district banners, commemorative signs, neighborhood banners and signs, and wayfinding signs for public attractions and events.
2. A sign that is required by a governmental unit.
3. Within nonresidential districts, signs that are displayed for the safe direction of the public on the property, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed four square feet in area and six feet in height, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4, Item 1 of this Article and shall adhere to setback provisions for permanent, on-premises signs.
4. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Alabama, the United States of America, or the City of Birmingham.
5. Legal notices and official instruments.
6. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards for nonresidential uses. Such signs shall not exceed four square feet in area and six feet in height.
7. Signs carried by a person when the person does not receive any financial compensation.
8. In districts other than commercial and industrial districts, non-commercial flags of eight square feet or less in size when mounted on permanent poles attached to the ground or building.
9. In commercial and industrial districts flags of eight square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five feet, except that four poles may be clustered at one location per street frontage. If the option

to cluster is exercised no other poles shall be erected along that street frontage. The flags shall be subject to the height and front setback requirements for the respective district. Total number of flags per premises shall not exceed 8.

10. A premise, or an occupant of a shopping center or multiuse building, may display permanent window graphics not to exceed [15] percent of the window area of the facade of the building and may display temporary window graphics not to exceed an additional [15] percent of the window area facade of the building for no more than [30] days with an interval of two months between each posting during any 12 consecutive calendar months.
11. Historic markers or tablets approved by a government entity when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building or attached to a pole, is no more than 12 square feet, and may be placed on public or private property, when approved by the property owner.
12. An on-premises ground or on-premises building sign oriented toward a drive-through lane. The total sign area shall not exceed 60 square feet and a maximum height of 10 feet. The sign shall be located within 30 feet of the point at which orders are taken from the motor vehicle. Match existing design standards.
13. Signs located within a building that are not oriented towards a public street that cannot be viewed from the exterior of the building.
14. Signs located on athletic fields, if oriented toward the field of play.
15. Temporary signs as described in Section 12 of this Article.

Section 18. Special Signs

A. Window graphics:

Where permitted. A premise, or an occupant of a shopping center or multiuse building, may display permanent window graphics not to exceed [15] per cent of the window area of the facade of the building and may display temporary window graphics not to exceed an additional [15] percent of the facade of the building for no more than [14] days during any 12 consecutive calendar months.

B. Neighborhood/District Banners:

Where Permitted.

Section 19. Variances

The Board of Zoning Adjustments may grant variances from the strict application of the provisions of this ordinance in accordance with Title 1, Chapter 9, Article VI, Section 1 of the City of Birmingham Zoning Ordinance.

Section 20. Enforcement

Penalties. Either the owner or other persons in charge or control of any sign, and owners or other persons in charge or control of property on which signs are located are responsible for assuring compliance with this Section. Any failure or refusal to comply with this Section is a violation of this ordinance and punishable as provided in Chapter 9, Article II, Section 11 of the City of Birmingham Zoning Ordinance.