

**ORDINANCE NO. 1777**

**AN ORDINANCE TO AMEND SECTION 121 OF THE  
CODE OF ORDINANCES OF  
THE CITY OF MOUNTAIN BROOK, ALABAMA**

**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that The Code of the City of Mountain Brook, Alabama is hereby amended to read as follows:

1. **Amendatory Provision.** Section 121 of the City Code of the City of Mountain Brook, Alabama, shall be amended as follows:

**ARTICLE I. IN GENERAL**

**Sec. 121-1. Intent and purpose.**

It is the purpose of this chapter to promote the public health, safety and welfare of the residents of the City of Mountain Brook and to avoid congestion on the public roads and streets so that signs do not become a hazard or a nuisance, and, therefore, to establish regulations for the control of all signs designed or intended to be seen by, or attract the attention of, the public, which may be erected, displayed, maintained, or altered in the city.

Further, it is the intent of this chapter:

- (1) To allow expression of commercial and non-commercial speech in a reasonable manner consistent with the rights of others;
- (2) To provide a pleasing overall environmental setting and good community appearance deemed vital to the continued economic attractiveness of the city;
- (3) To enhance a productive, enterprising, responsible community atmosphere through the use of effective visual communication; and
- (4) To protect and enhance the value of properties, and, therefore, to have signs appropriate to the planned character and development of each area of the city.

(Ord. No. 1322, § I, 8-10-98)

**Sec. 121-2. Compliance with chapter provisions.**

No sign shall be erected, displayed, maintained, or altered in the city unless it is in compliance with this chapter.

- (1) *Permit required.* It shall be unlawful for any person to erect, display, materially alter, or relocate any sign unless such sign is in compliance with this chapter, and a permit for such sign has been issued by the building inspections superintendent, and the permit fee required by this chapter has been paid, except for any sign for which a permit is not required under this chapter.
- (2) *Signs displaying commercial messages.* Signs requiring a sign permit and displaying commercial messages shall be permitted only as accessory to buildings or structures engaged in permitted institutional activities, or in permitted activities as evidenced by a valid business license issued by the City of Mountain Brook.

(3) *Design review required.* It shall be unlawful for the building inspections superintendent to issue a sign permit until satisfactory completion of the design review process as required under this chapter.

(4) *Maintenance.* The owner of any sign shall maintain same, together with all sign supports, braces, anchors, and messages, in good repair, in a safe manner, and in a permitted location, all in accordance with this chapter.

(5) *Required signs.* The street address of each of the premises in the city shall be displayed in a legible manner in a location visible from the public right-of-way.

(Ord. No. 1322, § II, 8-10-98)

### **Sec. 121-3. Definitions.**

(a) *Interpretations.* With respect to words used in this chapter, words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular.

(b) *Definitions.* The following definitions shall apply to the regulation and control of signs within this chapter:

*Awning sign.* Sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning.

*Authorized agent.* An individual duly authorized by the owner of a development site to apply for a sign permit, approval of a master sign plan or other form of official action by the city with regard to any sign or signs on the property. An authorized agent, if not an attorney, shall have written authorization from all owners of the development site. Only an individual may be an authorized agent.

*Banner.* Sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.

*Building.* A structure having a roof supported by columns or walls.

*Bulletin board.* Sign consisting of manually changeable copy boards or panels for the posting of notices.

*City Code.* The Code of the City of Mountain Brook, Alabama.

*Commercial message.* Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to an institution, business, product, or service.

*Development site.* One (1) or more parcels of land unified under a single development plan, which constitutes the entire development shown on a site plan or subdivision plat, including all land needed for landscaping, drainage facilities, parking, internal access roads, driveways, or other physical design features needed to serve the proposed development.

*Directional sign.* Sign, other than an official sign, not displaying any commercial message, designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which public may be directed.

*Display area, aggregate.* The total display area of all signs permitted on a lot, premises, or development site.

*Display area, awning.* The display area of the sign projected horizontally to a vertical plane.

*Display area, generally.* The area that can be enclosed or measured by the smallest rectangle that will encompass the entire sign face; excluding frame, posts, uprights, braces or other structural members that support it.

*Display area, multiple-face sign.* Where a sign has multiple faces and only one (1) face may be viewed from a single location on a public right-of-way, the largest of these faces shall be considered its display area. Where a sign has two (2) or more faces that may be viewed from a single location, the display area of all such faces shall be the total area of all such faces.

*Door sign.* Sign attached to, painted on, or etched into a door. A sign in a window that is part of a door is a door sign rather than a window sign.

*Facade.* The front, side or rear wall of a building below the eaves or top of parapet wall.

*Facade sign.* Sign attached to, or painted directly upon, a facade.

*General business sign.* Sign containing a commercial message or related directly to the premises and its owner, occupant, manager, business, institution, or building; the address; the type of business, profession, services, or activity conducted on the premises; and descriptive information about the products and services offered thereon.

*Ground sign.* Sign supported by uprights, posts, or bases affixed in or upon the ground and not attached to any part of a building.

*Hazard sign.* Sign warning of construction, excavation, or similar hazards, and of such size and placement that is in accord with the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways, 1988 edition; published by the U.S. Department of Transportation, Federal Highway Administration.

*Identification marker.* Sign marking an entrance to, and including the name and/or address of, a residential subdivision, shopping center, office park or institutional use, and containing no other content.

*Incidental sign.* Sign, other than an official sign, providing information or direction for the convenience and necessity of the public.

*Internal sign.* Sign not intended to be viewed from, and placed so as not be visible from, a public right-of-way.

*Nameplate.* A non-illuminated sign identifying only the name, occupation, or profession of the occupant of the premises upon which the sign is located.

*Non-commercial message.* Any wording or other display other than a commercial message.

*Official sign.* Any official federal, state, or local government traffic, directional, or informational sign placed by a duly authorized public official, or notice issued by any court, person, or officer in performance of a public duty; an official historical marker; any sign erected by a federal, state, or local government agency for identification purposes at any office, institutional, recreational, or other publicly owned or leased site.

*Premises.* Land and building or part of a building having a separate street address.

*Product sign.* Sign that is an integral part of a licensed or otherwise authorized vending machine, gasoline pump, or similar apparatus that directs attention only to products or services dispensed therefrom.

*Projecting sign.* Sign placed above the ground, permanently affixed at more or less a right angle to the exterior facade of the building to which it is attached.

*Residential sign.* Sign of, for or pertaining to a residence.

*Roof sign.* Sign mounted on a roof, above the eaves or above the top of a parapet wall of a building, but not extending above the highest point of its supporting roof or of another architectural element that serves to block a rear view of the sign.

*Sandwich board.* Sign, having two (2) faces angled toward one another vertically and attached to one another at the top to form a structural "A" frame, placed upon the ground and not otherwise supported by uprights, posts, or bases.

*Shopping center.* A group of commercial establishments on one (1) or more contiguous parcels of land having shared access and/or off-street customer parking.

*Sign.* A lettered, numbered, symbolic, pictorial, or illuminated visual display that is designed to identify, announce, direct, or inform.

*Sign face.* The area of the smallest rectangle within which all letters, logos, symbols, or other elements displayed on the sign can be enclosed.

*Sign height.* The vertical distance measured from the lowest finished grade elevation directly beneath the center of the sign to the highest elevation of the sign.

*Structure.* Anything built or constructed that requires a permanent location.

*Suspended sign.* Sign attached to, and supported by, the underside of a structure.

*Temporary sign.* Commercial message sign, other than a sandwich board, not permanently and rigidly affixed to the ground or to a building.

*Utility sign.* Sign showing the location of a public telephone, or sign placed by a regulated public utility to indicate location of its facilities, and including no commercial message.

*Village.* Any or all of the Villages of Mountain Brook as they are defined in section 19-24-6.1 of the City Code.

*Villages Design Review Committee.* The design review committee established under section 19-24-7 of the City Code.

*Window sign.* Sign painted onto the inside or outside of a window, or sign attached to the outside of, or displayed in front of, a window.

(Ord. No. 1322, § III, 8-10-98; Ord. No. 1392, 12-13-99)

**Sec. 121-4. Conflict.**

Whenever this chapter may require or impose more restrictive standards than are required in or under any statute or other ordinance, the provisions of this chapter shall govern. Whenever the provisions of any statute or other ordinance require more restrictive standards than are required by this chapter, provisions of such statute or ordinance shall govern. This chapter shall not lower the restrictions imposed by plats, deeds, or private contracts, if they are more restrictive than the provisions of this chapter.

(Ord. No. 1322, § XII, 8-10-98)

**Sec. 121-5. Penalties.**

Each and every violation of the provisions of this chapter shall be punishable by a fine not exceeding five hundred dollars (\$500.00), at the discretion of the court trying the case. Each and every day the violation continues shall be construed as a separate offense.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-6. Requirements applicable to all signs.**

(a) *Building code.* All signs must comply with the building code, and all other applicable codes and ordinances of the city, as such codes and ordinances are in effect from time to time.

(b) *Electrical code.* Any sign that may require electrical wiring or connections shall comply with the electrical code, and all other applicable codes and ordinances of the city, as such codes and ordinances are in effect from time to time, and shall be submitted to the electrical inspector for an appropriate permit. The electrical inspector shall examine the plans and specification respecting all wiring and connections to determine if such wiring, etc. complies with the electrical code, and shall issue such permit only if the plans and specifications for such sign comply with such codes and ordinances or shall disapprove the application if they do not comply with such codes and ordinances. Such action of the electrical inspector shall be taken prior to submission of the application to the building inspections superintendent for a sign permit. All electrical devices used in signs must be inspected by Underwriters Laboratories (i.e., "UL Listed").

(c) *Height.* No sign shall exceed the height limit for buildings established in Chapter 19 of the City Code for the district in which it is located.

(d) *Obstruction to passage.* No sign shall be erected, displayed, or maintained so as to obstruct or interfere with any fire escape, any required exit way, window, door opening or any other means of egress, or of any opening required for ventilation required by the building code and all other provisions of the City Code.

(e) *Signs in public rights-of-way.* No sign, other than an official sign, shall be placed in a public right-of-way, or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as expressly provided in this chapter. Any sign so placed or located except in conformance with this chapter shall be forfeited to the public and subject to confiscation and destruction. In addition to other remedies, the city shall have the right to recover from the owner of such sign or the person placing such sign the full costs of removal and disposal of such sign.

(f) *Illumination, lighting, and glare.* Signs may be illuminated, unless expressly prohibited in the district in which the sign is located, through the use of direct or indirect illumination, backlighting, internal illumination, or tube illumination. Any device that illuminates a sign shall be placed and shielded so that the direct light therefrom, or from the sign itself, shall not cause direct glare into the windows of any adjacent property or be cast into the eyes of any passing motorist.

(Ord. No. 1322, § IV, 8-10-98)

#### **Sec. 121-7. Prohibited and illegal signs.**

In addition to any sign not specifically permitted by these regulations, the following are specifically prohibited in the city:

(1) Any sign visible from a public right-of-way that simulates or imitates in color, lettering, content, or design any traffic sign or signal, or that makes use of words, symbols, or characters in a manner which is likely to interfere with, mislead, or confuse pedestrians or motorists, or otherwise presents or implies the need or requirement of stopping, caution, the existence of danger, or which for any reason could be confused with any sign displayed or authorized by public authority.

(2) Any sign or device designed to attract attention of the public, through motion of any kind, including those which may be set in motion by wind.

(3) Any sign containing or consisting of any animated, blinking, flashing, intermittent, traveling or fluctuating lights, liquid crystal display (LCD), plasma, video, or similar displays, including arrangements that spell messages, simulate motion or form various symbols or images or other illuminating devices that have a changing light intensity, brightness, or color.

(4) Any sign at any street intersection that would obstruct free and clear vision of motorists, or that would obstruct or interfere with a motorist's view of any authorized traffic signal or sign.

(5) Any sign painted on, or attached to, a utility pole or similar structure, or painted on or attached to a tree, rock or other natural feature.

(6) Any sign erected, painted, enlarged, or structurally altered in violation of any provision of this chapter.

(7) Any sign determined by the building inspections superintendent to be dangerous because it is not securely affixed to the ground, or otherwise affixed in a safe, secure, and permanent manner to a building or other approved supporting structure.

(8) Any sign that has deteriorated or been damaged to such extent that the cost of reconstruction or restoration is deemed by the building inspections superintendent to be in excess of fifty (50) percent of its depreciated value, exclusive of foundations.

- (9) Any sign identifying a business or other use no longer occupying the premises upon which it is displayed.
- (10) Any sign whose content is determined to be obscene, incites violence or is otherwise without protection of the First Amendment of the United States Constitution.

(Ord. No. 1322, § VI, 8-10-98)

**Sec. 121-8. Regulations for temporary signs.**

It shall be unlawful to erect, display or permit the display of, or maintain any temporary sign unless such sign is expressly permitted by this chapter, subject to all of the limitations and provisions stated herein. Should a temporary sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this chapter governing such signs. Permitted temporary signs are limited to the following types and conditions:

- (1) Banner. Each new business may have one (1) temporary banner, placed as a facade sign or a window sign in accord with all other applicable requirements of this chapter, for a period of not more than forty-five (45) days, or until a permanent sign is installed, whichever time period is shorter.
- (2). Special Event Banner. For purposes of this section, a "banner" is a flexible sign primarily and principally announcing or promoting special, civic, public or community events. A banner permit must be obtained from the City prior to installation. Banner permits shall be free of charge.

Established businesses and institutions may be permitted to display special event banners for no more than 21 days per calendar year; time extensions to be approved by the City Council. Banner days may be permitted consecutively or intermittently throughout the year.

The maximum display area allowed for any one banner shall be no greater than the maximum display area permitted for a General Business Sign at the permitted premises. No more than one banner shall be displayed at any one time along or facing each street frontage abutting the premises for which the permit is issued.

Banners shall be adequately secured at all corners to the façade of a building (but not to the roof), or to poles firmly affixed into the ground in the case of freestanding premises set back from the front property line. Banners shall not be internally illuminated or backlit. For safety reasons, banners shall not be located in the public right-of-way, nor may they be allowed to cause an unreasonable annoyance or inconvenience to users of neighboring premises.

Banner permit application, review, and approval shall be administered by the City Planner.

Information required for consideration of banner permit:

- 1. Text and other information to be displayed on banner
- 2. Dimensions of banner
- 3. Name of establishment or institution, and address of premises where banner is to be displayed
- 4. Name, address, phone number of the responsible party applying for the permit
- 5. Dates banner will be erected and removed
- 6. Description of location where banner will be displayed

- (3) Hazard sign. Shall be removed immediately when the hazard no longer exists.
- (4) Temporary window sign. Only as applied to the inside of the window for sales or other special events.

(Ord. No. 1322, § VII, 8-10-98)

**Sec. 121-9. Regulations for incidental signs.**

It shall be unlawful to erect, display or permit the display of, or maintain any incidental sign unless such sign is expressly permitted by this chapter, subject to all of the limitations and provisions stated herein. Should an incidental sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this chapter governing such signs. Permitted incidental signs are limited to the following types and conditions:

- (1) Directional sign. Display area not to exceed two (2) square feet each, aggregate display area per development site not to exceed forty (40) square feet, except in the villages, where aggregate display area not to exceed twenty (20) square feet.
- (2) Internal sign.
- (3) Nameplate. Display area not to exceed two (2) square feet per business.
- (4) Product sign.
- (5) Identification marker. A single ground sign, display area not to exceed forty-eight (48) square feet and subject to all other applicable requirements of this chapter regarding ground signs, may be permitted at each entrance from a public street to a shopping center, office park, or subdivision of at least ten (10) lots, only if authorized by the planning commission, and only as indicated on the approved subdivision plat or site plan.
- (6) Utility sign.
- (7) Sandwich board. Each business, located within a local business district, having a direct storefront entrance on the ground floor, and that: (1) faces and is adjacent to the back of a public sidewalk, or (2) faces and is separated from the primary parking area of a shopping center by an adjacent sidewalk; may display, during the opening hours of the primary business to which it is an accessory use, a maximum of one (1) sandwich board, which shall be of sturdy, A-frame construction and of a size no greater than twenty-four (24) inches in overall width or thirty-six (36) inches in overall height, placed upon that sidewalk within the frontage of the business in such a manner that it shall not: (1) reduce any sidewalk width, as measured perpendicular to the curb, to less than five (5) feet to allow for continuous unobstructed pedestrian traffic; nor (2) be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the business or shopping center.

(Ord. No. 1322, § VIII, 8-10-98; Ord. No. 1392, 12-13-99)

**Sec. 121-10. Regulations for residential signs and general business signs.**

It shall be unlawful to erect, display or permit the display of, or maintain any residential sign larger than six (6) square feet in area, unless such sign is expressly permitted by this ordinance, pertains directly to the premises upon which it is displayed or conveys non-commercial message of the owner or occupant, subject to all of the limitations and provisions stated herein, and of aggregate display area not to exceed eighteen (18) square feet per premises.

It shall be unlawful to erect, display or permit the display of, or maintain any general business sign unless such sign is expressly permitted by this chapter, subject to all of the limitations and provisions stated herein.

(1) *Aggregate display area.* Aggregate display area permitted varies by type of building or lot, by district, and building type, but shall not be less than twenty-four (24) square feet per premises other than residential premises. Wherever more than one (1) of the following may pertain to any particular situation, the more or most restrictive shall apply:

- a. Attached premises in the villages, not including those in shopping centers: one (1) square foot of aggregate display area for each linear foot of the portion of the facade which includes or contains the primary public entrance to the premises, not to exceed sixty (60) square feet.
- b. Attached premises in shopping centers in the villages: one (1) square foot of aggregate display area for each linear foot of the facade which includes the primary public entrance to the premises, not to exceed eighty (80) square feet.
- c. Freestanding buildings in the villages, not including those in shopping centers: one (1) square foot of aggregate display area for each linear foot of the portion of the facade which includes or contains the primary public entrance to the premises, not to exceed eighty (80) square feet.
- d. Freestanding buildings in shopping centers in the villages: one (1) square foot of aggregate display area for each linear foot of the portion of the facade which includes or contains the primary public entrance to the premises, not to exceed one hundred (100) square feet.
- e. Community shopping district: two (2) square feet of aggregate display area for each linear foot of the primary facade that faces a street, not to exceed one hundred twenty (120) square feet.
- f. Office park district: for each building, one (1) square foot of aggregate display area for each linear foot of the front facade of the building, not to exceed one hundred twenty (120) square feet.
- g. Institutions, such as schools, churches or other religious or charitable uses, or public agencies in any district: one (1) square foot of aggregate display area for each linear foot of the primary facade of the main building which faces the street, not to exceed sixty (60) square feet.

(2) *Conditions.* The permitted aggregate display area of general business signs may, subject to approval of the villages design review committee and, as applicable, the master sign plan, be distributed among one (1) or more permitted sign types, with the exception that each premise may, in the aggregate, employ the use of no more than one (1) of the following general business sign types as otherwise permitted: ground sign, projecting sign, roof sign, or suspended sign. All general business signs, existing and/or proposed, shall be counted toward the permitted aggregate display area. Permitted general business signs are limited to the following types and conditions:

- a. *Awning sign.* Shall be flat against the surface of the awning, which shall extend no closer than two (2) feet horizontal from the curb line of any public street or seven (7) feet vertical from the finished surface directly below. No awning shall be backlighted.

- b. *Bulletin board.* Not to exceed one (1) per premises, display area not to exceed twenty-four (24) square feet and height not to exceed six (6) feet.
- c. *Directory sign.* Not to exceed one (1) per building, fashioned as a ground sign, suspended sign, facade sign, or window sign, subject to all conditions for such sign types and of a master sign plan.
- d. *Door sign.* Aggregate display area per door not to exceed ten (10) percent of the door area.
- e. *Facade sign, generally.* Not to exceed one (1) per facade per premises, to identify ground floor uses, tenants, and activities only. Shall not extend more than six (6) inches beyond the surface of that portion of the facade to which it is attached, except in the CS zoning district, where such sign shall not extend more than eleven (11) inches beyond the surface of that portion of the facade to which it is attached. On the front of the building, a facade sign may be placed only on the public entry portion of the facade above the primary public entrance to the premises. On the side of the building, the display area of a facade sign shall not exceed five (5) percent of the area of that facade. On the rear of the building, the display area of a facade sign shall not exceed twelve (12) square feet. Vertical dimensions of facade signs placed in the space between windows of a multi-story building shall not exceed two-thirds ( $\frac{2}{3}$ ) of the distance between the top of the ground floor window and the sill of the second floor window.
- f. *Facade sign, within the villages.* In addition to general conditions for facade signs: on any one-story commercial building that fronts directly on the street and is part of a series of attached buildings of similar height, proportions, and display-window-area, a front facade sign shall be placed only within the traditional sign band or similar area located above the door and window(s), and shall consist of letters, logos, symbols, and other elements not to exceed sixteen (16) inches in vertical dimension.
- g. *Ground sign, generally.* Not to exceed one (1) per building, subject to special approval of the villages design review committee, after making at least one (1) of the following findings: (1) a ground sign is the most reasonable means of identification for one (1) or more occupants; (2) the building or group of buildings is set back from the public street to such extent that a facade sign would not be appropriate; or (3) the architectural style of the building or buildings would not be appropriate for other sign types. Shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building.
- h. *Ground sign, outside the villages.* In addition to general conditions for ground signs: display area of sign shall not exceed forty-eight (48) square feet, height of sign shall not exceed ten (10) feet, set back of sign from all property lines shall be at least ten (10) feet.
- i. *Ground sign, within the villages.* In addition to general conditions for ground signs: display area of sign shall not exceed fifteen (15) square feet; height of sign shall not exceed six (6) feet; set back of sign from all property lines, curb face, or public sidewalk, whichever is more restrictive, shall be a distance of least three (3) feet. The sign shall not be internally illuminated.
- j. *Projecting sign.* May only be permitted in the villages, not to exceed one (1) per establishment. Because a projecting sign is so nearly a part of the building to which it is attached, the villages design review committee shall assure that: projecting signs are appropriately fit to, and are not incompatible with the

architecture of, buildings to which they are to be attached; a projecting sign shall not extend beyond the surface of that portion of the facade to which it is attached more than three (3) feet horizontally; a projecting sign shall not extend vertically beyond the window sill of the second story of a multi-story building to which it is attached, nor more than three (3) feet above the facade of a one-story building to which it is attached; a projecting sign shall not be placed closer than two (2) feet horizontal from the curb line of any street or seven (7) feet vertical clearance from the finished surface directly below.

k. *Roof sign.* May only be permitted within the villages, not to exceed one (1) per premises or the maximum display area permitted for a facade sign for such premises, subject to special approval of the villages design review committee, after making at least one (1) of the following findings: (1) a roof sign is the most reasonable means of identification for the premises; (2) the premises are set back from the public street to such extent that a facade sign would not be appropriate; or (3) the architectural style of the building would not be appropriate for other sign types.

m. *Suspended sign.* May only be permitted in the villages, not to exceed one (1) per establishment; placed not closer than two (2) feet horizontal from the curb line of any street, nor closer than eight (8) feet vertical clearance from the finished surface directly below.

n. *Window sign.* Aggregate display area per window not to exceed twenty (20) percent of the window area.

**Secs. 121-11--121-38. Reserved.**

## **ARTICLE II. ADMINISTRATION**

### **DIVISION 1. GENERALLY**

#### **Sec. 121-39. Enforcement.**

If a violation of any provision of this chapter specified in a written notice from the building inspections superintendent to the owner of the property upon which the sign is located is not remedied by the time specified in the notice, the building inspections superintendent shall use all available means to remedy the situation and may direct the city attorney to bring a civil action to remedy the violation. Any reasonable expenses incident to such removal shall be paid by the owner of the property to which such sign is located.

(Ord. No. 1322, § X, 8-10-98)

#### **Sec. 121-40. Variance.**

The Village Design Review Committee may authorize, on application in specific cases, a variance from the provisions of this chapter such as will not be contrary to the public interest, where owing to special conditions applying to the premises in question and not applicable generally to other buildings or structures, a literal enforcement of such provisions will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to those which the Village Design Review Committee finds that the granting of the application for a variance is necessary, that it does not merely serve as a convenience to the applicant, and that the condition from which relief is sought would 1) result in peculiar, extraordinary and practical difficulties to the property upon which the sign would be erected or displayed; or 2) as applied to a sign existing as of the effective date of this chapter,

serve to decrease the aesthetic value or condition of the villages as set forth in the design review guidelines as authorized under section 19-24-7.3 of the City Code.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-41. Appeals.**

Any decision of the Planning Commission, Village Design Review Committee, or building inspections superintendent, or zoning officer authorized by this chapter may be appealed to the City Council. Appeals shall be filed in writing with the ~~city clerk~~ zoning officer within fifteen (15) business days of the decision. Appeals shall be considered at the next City Council meeting, provided the applicant has furnished the City Council with all information and materials needed by the City Council to consider the appeal at least seven (7) days in advance of such meeting.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-42. Inspection.**

The building inspections superintendent shall be responsible for inspection of all signs to determine compliance with the provisions of this chapter.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-43. Removal of unsafe signs.**

The building inspections superintendent shall require any sign that is an immediate danger to persons or property to be removed by the owner of the property upon which the sign is located within forty-eight (48) hours of written notice to such owner. The building inspections superintendent shall require any sign that is not in immediate danger to persons or property, but otherwise impinges upon the public health, safety, or general welfare, or is, in the opinion of the building inspections superintendent, structurally unsound or unsafe in any way, to be removed, repaired, replaced, or secured, in compliance with the provisions of this chapter, by the owner of the property upon which the sign is located, within thirty (30) days of written notice to such owner.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-44. Removal of prohibited signs.**

The building inspections superintendent shall require any sign for which no permit has been issued, or that is specifically prohibited by this chapter, to be removed by the owner of the property upon which the sign is located, within thirty (30) days of written notice to such owner. If the sign is not removed within said thirty-day period, the city may, but shall not be required to, have such sign removed and such owner must reimburse the city for the cost of such removal within ten (10) days of the removal of such sign.

(Ord. No. 1322, § X, 8-10-98)

**Secs. 121-45--121-61. Reserved.**

**DIVISION 2. SIGN PERMIT**

**Sec. 121-62. Responsibility.**

The ~~building inspections superintendent~~ zoning officer shall be responsible for receiving applications and fees for sign permits, for conducting initial staff review of such applications for completeness, for advising applicants that they are encouraged to appear before the villages

design review committee on behalf of their applications, for forwarding such applications to the Village Design Review Committee for review and for issuing sign permits when all required procedures and approvals are satisfactorily completed and fees paid.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-63. Signs exempt from sign permit.**

Required signs, official signs, residential signs, permitted temporary signs, and permitted incidental signs shall not require sign permits or the payment of sign permit fees but shall meet all other provisions of this chapter, and all other provisions of the City Code.

(Ord. No. 1322, § V, 8-10-98)

**Sec. 121-64. Application procedure.**

Application for a sign permit shall be made upon the form provided by the ~~building-inspections superintendent~~ zoning officer and shall contain, or have attached thereto, the following information:

- (1) Name, address, and telephone number of applicant.
- (2) Name, address, telephone number and proof of business license of person or company who shall erect the sign.
- (3) Address of building, or property upon which sign is proposed to be erected.
- (4) Written consent, of the owner of the property on which the sign is to be located, for erection or placement of sign.
- (5) Copy of the approved master sign plan, if applicable.
- (6) Photographs of adjacent buildings and/or sites clearly showing the character of the surrounding area and of nearby signs.
- (7) Photographs of the building or site on which the sign is proposed to be placed.
- (8) Scaled, dimensioned drawing of the proposed sign.
- (9) Scaled drawing or photograph of building elevation facade, showing the actual size and location of the proposed sign in proportion to and in relation to the existing building or the building to be constructed.
- (10) Information regarding method of construction and placement of sign.
- (11) Description or samples of sign materials and colors.
- (12) Other information the ~~building-inspections superintendent~~ zoning officer may require to demonstrate full compliance with all applicable provisions of the City Code.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-65. Initial staff review.**

The building inspections superintendent zoning officer shall review all sign permit applications for compliance with this chapter, and shall forward all complete sign applications to the Village Design Review Committee for placement on the next agenda.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-66. Design review--Generally.**

The Village Design Review Committee shall, in public meeting, review all sign applications as to compliance with the provisions of this chapter and for compatibility with its design guidelines and the theme and overall character to be achieved in the area. Because signs are so nearly a part of the buildings to which they are attached or pertain, the Village Design Review Committee shall assure, through the review process, that signs are appropriately fit to, and are not incompatible with the architecture of, their host premises. The Village Design Review ~~Commission~~ Committee shall report its approval or denial of the application to the building inspection superintendent, who shall not issue a sign permit without approval of the application by the Village Design Review Committee.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-67. Same--Time limitation.**

If within forty-five (45) days (or such longer period of time as may be agreed upon by the applicant and the Village Design Review Committee) of the applicant's submittal to the building inspections superintendent zoning officer of a complete application for a sign permit, including all required information and materials, the report of the Village Design Review Committee is not submitted to the building inspection superintendent, the application shall be considered approved by the Village Design Review Committee as submitted, and the building inspection superintendent shall issue a sign permit if all other requirements of this chapter have been satisfied and the appropriate fee paid.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-68. Fees.**

Each sign permit application shall be accompanied by a check made payable to the City of Mountain Brook, Alabama, or cash in an appropriate amount, as established by resolution of the City Council. This fee shall defray the cost of processing sign permit applications, and shall be charged in addition to any building permit fee, electrical permit fee, or any other fee associated with the approval of a proposed or existing development. Incidental and temporary signs shall not require a sign permit or payment of a sign permit fee.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-69. Time limitation, sign permit.**

If the work authorized under a sign permit has not been completed within six (6) months following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-70. Revocation.**

The building inspections superintendent is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this chapter.

(Ord. No. 1322, § X, 8-10-98)

**Secs. 121-71--121-98. Reserved.**

### **DIVISION 3. MASTER SIGN PLAN**

**Sec. 121-99. Required.**

A development site containing an existing or proposed office park, shopping center, building, or group of buildings that contains multiple businesses, institutions, or other arrangement of multiple nonresidential users shall have a master sign plan, subject to approval by the planning commission, prior to application for any sign within its boundaries. All sign permit applications pertaining to such development sites shall be reviewed in light of such approved plans. Sign permit applications reviewed under authority of a master sign plan shall be subject to the following:

- (1) All general business signs existing prior to submission of the master sign plan, whether or not such signs conform to the provisions of this chapter, shall be counted toward the permitted aggregate display area of general business signs.
- (2) The master sign plan shall apply to all businesses within a related project, even if the properties have been subdivided.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-100. Application.**

Application for approval of a master sign plan shall be made only by the owner of the development site or an authorized agent. The ~~building inspections superintendent~~ zoning officer shall receive proposals for master sign plans, conduct preliminary reviews of such plans, and forward such proposed plans to the Village Design Review Committee for review.

(Ord. No. 1322, § X, 8-10-98; Ord. No. 1507, 1-28-02)

**Sec. 121-101. Review and approval.**

The Village Design Review Committee shall review proposed master sign plans in accord with its design guidelines and, if acceptable, approve such plans and maintain copies thereof.

(Ord. No. 1322, § X, 8-10-98; Ord. No. 1507, 1-28-02)

**Sec. 121-102. Content.**

A master sign plan shall consist of a site plan of the development site, and building elevations, at a scale of no less than one-eighth (1/8) inch equals one (1) foot zero (0) inches, showing:

- (1) The location of buildings, parking lots, driveways, and streets, and building elevations.
- (2) Sign bands and other sign locations on buildings, as applicable.
- (3) Dimensioned locations and sizes of all general business signs and incidental signs, existing and proposed, by type of sign.

(Ord. No. 1322, § X, 8-10-98)

**Sec. 121-103. Amendment.**

Application for amendment to a master sign plan shall be made only by the owner of the development site or an authorized agent, and shall include written evidence of approval of the amendment from all affected tenants. Signs subsequently made nonconforming because of an amendment to a master sign plan shall be brought into compliance with the amended plan within one hundred eighty (180) days following approval of the amended plan.

(Ord. No. 1322, § X, 8-10-98)

**Secs. 121-104--121-134. Reserved.**

**DIVISION 4. NONCONFORMING CONDITIONS**

**Sec. 121-135. Conditions.**

Any sign that is not specifically permitted, or that does not comply with all provisions of this chapter, yet which lawfully existed and was maintained as such as of the effective date of this chapter shall be considered a nonconforming sign.

(Ord. No. 1322, § XI, 8-10-98)

**Sec. 121-136. Alteration.**

A nonconforming sign shall not, after the effective date of this chapter, be enlarged, structurally altered, or extended unless such sign shall be made to comply with all the provisions of this chapter. A nonconforming sign may not be replaced by another nonconforming sign. Minor repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted. However, no changes in the location, size, or shape of any nonconforming sign shall be permitted except to make the sign comply with all provisions of this chapter.

(Ord. No. 1322, § XI, 8-10-98)

**Sec. 121-137. Compliance.**

The building inspections superintendent shall require all nonconforming signs to be removed or made to conform with all provisions of this chapter, by the owner of the property upon which the sign is located, in accord with the following schedule:

- (1) Within thirty (30) days of written notice to the owner of the property upon which the sign is located, should any of the following events or conditions occur:
  - a. The use of the premises on which the nonconforming sign is located changes.
  - b. The exterior of the building or other site conditions on the property upon which the nonconforming sign is located are to be altered to the extent that a building permit is required.
  - c. A nonconforming sign is damaged by any cause, resulting in replacement or repair cost equal to at least one-half ( 1/2) of its depreciated value, exclusive of foundations, at the time of damage.

- (2) Within the periods specified below, excepting for conditions or events as specified above, when the depreciated value of the nonconforming sign, as of the effective date of this chapter, is:

Less than \$500.00 . . .	1 year
\$500.00--\$999.00 . . .	2 years
\$1,000.00--\$2,999.00 . . .	3 years
\$3,000.00--\$5,999.00 . . .	4 years
\$6,000.00 or more . . .	5 years

To establish the value of signs for purposes of this chapter, the owner of a sign shall, upon written request from the building inspections superintendent, furnish acceptable proof of the initial cost and depreciated value of the sign by means of one (1) of the following: (a) original bill of sale; (b) depreciation schedule from state or federal income tax returns; (c) appraisal by a sign manufacturer.

(Ord. No. 1322, § XI, 8-10-98)

2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED:** This 14th day of July, 2008.

  
 \_\_\_\_\_  
 Virginia C. Smith, Council President

**APPROVED:** This 14th day of July, 2008.

  
 \_\_\_\_\_  
 Lawrence T. Oden, Mayor

**CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on July 14, 2008, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 15, 2008, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road  
Piggly Wiggly Foodstore 4, 93 Euclid Avenue

Joe Muggs Newsstand, 2037 Cahaba Road  
The Invitation Place, 3150 Overton Road



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Steven Boone, City Clerk