

**A RESOLUTION PROVIDING REGULATIONS GOVERNING  
THE DEVELOPMENT OF OUTDOOR ADVERTISING SIGNS AND STRUCTURES**

WHEREAS, The Montgomery City Planning Commission wishes to adopt a set of Regulations for the development of Outdoor Advertising Signs and Structures, under the authority granted the City of Montgomery, Alabama, Planning Commission, by the Code of Alabama, 1975, Title 11-50-55 in conjunction with Title 11, Chapter 52, Code of Alabama, 1975, and Act 350, Regular Session 1971, as amended; and those powers and duties delegated to the Planning Commission by the Montgomery City Council by Act No. 618, Regular Session, 1973; and

WHEREAS, The Montgomery Planning Commission feels that these Regulations are necessary and are in the best interest of the City; and

WHEREAS, The Montgomery City Planning Commission has developed the following Regulations to control the placement and development of Outdoor Advertising Signs and Structures, within the City of Montgomery and its Police Jurisdiction as follows:

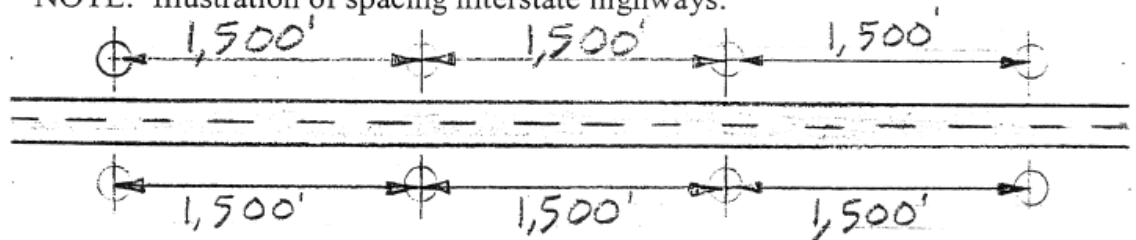
- I. No building permit shall be issued for an Outdoor Advertising Sign or Structure, and the Board of Adjustment shall not issue a variance or special exception involving an Outdoor Advertising Sign or Structure except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report, the Planning Commission shall seek the advise and recommendation of the Planning Controls Division and shall determine that the proposed Outdoor Advertising Sign and Structure is designed in such a manner as to comply with all City Codes and Ordinances and that the proposed development will be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission or the Board of Adjustment, they shall be included as a part of the building permit.
- II. It is the intent of these regulations that Outdoor Advertising Signs and Structures be permitted in B-2, B-3, B-4 and B-5 (Business) Districts, and M-1, M-2 and M-3 (Industrial) Districts and permitted as a special exception in B-1-a and B-1-b (Central Business) Districts upon approval of the Board of Adjustment after they are found to comply with the Zoning Ordinance for that district. A development plan shall be submitted to the Planning Commission for their review and approval containing but not limited to the following criteria:

- (1) Development Plan Applications:
  - (a) Applicant must provide notarized lease agreement with property owner or deed to property if applicant is owner.
  - (b) Applicant must provide legal description of property and mile marker if located along Interstate or state highways.
  - (c) Site development plan showing the closest existing sign structures from the proposed billboard site location and setbacks of existing and the proposed billboard.
- (2) Approved applications for new signs will be valid for six (6) months. If subject billboard is not constructed within six (6) month period, the approval of the development plan becomes null and void. If there are extenuating situations due to the time limit, or construction problems, the Commission will consider an extension of time. This site location (property) cannot be reconsidered for billboard approval for one (1) year from original date of application.
- (3) The land owner shall be the approved applicant once the proper approvals have been obtained and to that end shall have the right to lease and cancel leases under the terms of said approval or will have the right to place his or her own billboard on the approved site. The approval shall be in force as long as the site is lawfully permitted. The site shall become unlawful only if the site or billboard becomes non-conforming under the terms of the Zoning Ordinance. The property owner shall have the right to cancel said approval by giving written notice to the Chief Building Official of the City of Montgomery and shall remove said sign structure within ten (10) days of that notice.
- (4) No billboard shall be placed on any public or private rights-of-way including but not limited to streets, highways, railroads or public utilities.
- (5) All future construction of billboards shall be of uni-pole (single steel column) construction and shall be limited to one sign per facing (limit two faces per unit) not to exceed 672 square feet (14' x 48') per sign facing or a total of 1,344 square feet for both facings.
- (6) All billboards shall be erected by a general contractor licensed by the State of Alabama and shall be constructed in compliance with the Southern Standard Building Code.

(7) Spacing Limitations:

- (A) On all Interstate Highways billboards shall be 1,500 ft. apart on either side of the interstate measured from the closest approved existing sign location.

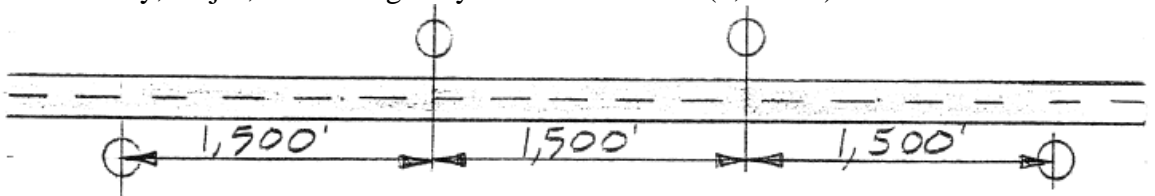
NOTE: Illustration of spacing interstate highways:



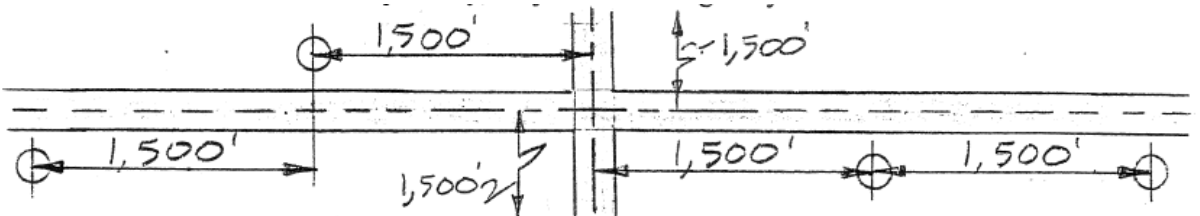
- (B) On all other streets and highways, billboards shall be 1,500 ft. apart, whether located on the same side or the opposite side of the highway, or whether located on either side of the same or intersecting highways, regardless of the sign orientation.

NOTE: Illustration of spacing interstate highways:

1. Primary, major, arterial highways and local streets (1,500 ft.)

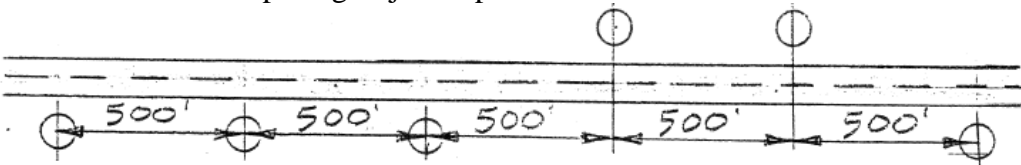


2. Intersections of primary, major arterial highways and local streets:



- (C) Except that a minimum distance between sign structures may be five hundred feet (500) if at least one sign structure contains no sign or signs more than one hundred and fifty (150) square feet in area and only two (2) faces per sign.

NOTE: Illustration of spacing of junior panel billboards.



NOTE: All spacing shall be measured from the edge of the right-of-way or centerline of the road from center to center of said sign structure or structures.

- (8) No development plan or building permit application shall be issued without an approved building permit from the State Highway Department if said permit is required.
- (9) Restoration and replacement of sign structures shall be permitted provided the proper building permits were issued for the existing structure to be repaired or replaced and provided the existing sign was approved by the Highway Department, City Building Department, and or Planning Commission whichever was appropriate at the time of the construction of the billboard and is not a non-conforming structure.
- (10) No building permit shall be issued by the Building Department without first receiving the approval of the Planning Commission of the development plan. All required inspections by the Building Department will be strictly adhered to and no sign shall be constructed without prior inspections as required by the Building Department and approval of the Chief Building Official.
- (11) No off premise signs or billboard larger than one hundred fifty (150) square feet shall be placed within two hundred fifty (250) feet of any single-family residential zoned property. This distance shall be measured from the edge of the right-of-way or centerline of the road or street they are oriented. No billboard advertising tobacco or alcohol shall be placed within five hundred (500) feet of any school, church, or public park.
- (12) No billboards shall be placed on or within two hundred fifty (250) feet of any property located in a locally designated historic district, within Category "A" or "B", or listed on the National Register of Historic Places or Historic Trail regardless of the zoning district the property is located.

### III. Height Limitations:

- (1) On all interstate highways and freeways and/or major arterial highways height of sign structure shall be limited to fifty (50) feet maximum or thirty (30) feet above the grade of the highway to which it is oriented whichever is greater, unless a variance to exceed this height has been granted by the Board of Adjustment.
- (2) On Primary highways, local streets and/or roads located within the zoning authority of the City the height of sign structures shall be governed by the zoning district the structure is to be located unless a variance to exceed this height has been granted by the Board of Adjustment.

#### IV. Temporary Special Event Signs:

- (1) A sign is to be used, erected or placed on a commercially zoned lot for the advertising of special events for a limited time. Temporary special event signs pertain to portable signs such as mobile billboards and signs on wheels. Signs that are excluded are real estate signs (“For Sale”), home builders (promotion of “Parade of Homes”), new subdivision signs and political signs.
- (2) Development Plan:
  - (a) A development plan shall be submitted to the Planning Commission for their review and approval containing, but not limited to the following criteria:
  - (b) Site development plan will be required indicating location of sign on subject property. Sign may not be placed on any public or private right-of-way nor obstruct traffic visibility.
  - (c) There may be only one (1) sign permitted on any lot.
  - (d) The land owner shall be the approved applicant.
  - (e) A fifty dollar (\$50.00) development plan application fee will be required at application filling. The application must be filed in accordance with meeting deadline, approximately three (3) weeks prior to the meeting.
- (3) Sign limitations:
  - (a) Sign shall be approved for three (3) day time limit (72 hours)
  - (b) The sign, including frame shall be limited to a 12 ft. x 25 ft. size or 300 sq. ft.
  - (c) The sign height may not exceed 15 ft. height.
  - (d) There may be only one (1) sign per event on any approved site development plan. The sign may be permitted for any three (3) day period within the week.

A building permit must be obtained prior to any placement of the sign. The sign must be removed (taken from site) upon, or prior to expiration of the three (3) day, 72 hour time limit. Failure to remove sign within the permitted time limit may result in a two hundred dollar (\$200.00) a day fine.

V. Non-conforming Structures:

a. Continuance:

A lawful non-conforming structure existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such structure does not conform to the provisions of this Ordinance.

b. Extension and Alteration:

A lawful non-conforming structure shall not be extended or structurally altered. This is not to be interpreted to apply to alterations incident to the change of advertising message or customary maintenance of the sign structure.

c. Restoration to Safe Condition:

Nothing in this Ordinance shall prevent the restoration of any billboard or sign structure to a safe and sound condition when required by the proper authorities.

d. Restoration after Damages:

No non-conforming billboard or structure which has been damaged by fire or other causes to the extent of more than sixty percent (60%) of its current replacement value at the time of such damage shall be built or restored except in conformity with the provisions of this Ordinance.

e. Abandonment:

A non-conforming billboard or structure which has been discontinued for a continuance period of one year shall not be re-established.

f. Discontinuance of Non-Conforming Structures:

The discontinuance of non-conforming structures shall be governed by the provisions of the Code of Alabama as they exist or are modified.

g. Grandfather Clause:

All existing billboards to be removed due to development of vacant land may be relocated in the same general area at the old ordinance of 500 ft. on streets and highways. It is required that each company submits an inventory of sign locations to follow guidelines for grandfathering provisions.

VI. Building Permits:

- (1) No building permits shall be issued by the Chief Building Official until all the requirements of these Regulations have been met, and a letter of approval has been issued by the City Planning Commission.

VII. Right of Denial:

- (1) The Planning Commission reserves the right to deny a request for development plan approval of Outdoor Advertising Signs and Structures when it has been determined by the Commission and the appropriate authorities that for good cause the development of such a structure would not be in the best interest of the City.
- (2) The Director of the Planning Controls Division shall have the authority to call a public hearing by the Planning Commission for the purpose of revoking a permit or development plan approval. Such hearing shall only be called after it's found that any statements made in the application thereof were false or misleading or that the advertising sign, display or device covered thereby is not in good general condition, or is otherwise in violation of these regulations. The applicant will be given notice of the hearing and may represent him or herself, or may have a representative to answer the allegations.

VIII. Authority:

- (1) These Regulations are adopted under the authority of the State Code and shall become effective immediately upon its passage and approval by the Planning Commission of the City of Montgomery.
- (2) These regulations are being adopted as guidelines for the enforcement of Article IX, Outdoor Advertising Signs and Structures (Ordinance No. 31-73 and Ordinance No. 69-83) the Zoning Ordinance of the City of Montgomery and are not intended to repeal any portion of that Ordinance.

IX. Legal Status Provisions

1. Interpretation and Purpose

In their interpretation and application, the provisions of these Regulations shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. These Regulations shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of these Regulations, i.e. that which is more restrictive shall apply.

2. Saving Clause

If any section, clause, provision, or portion of these Regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of these Regulations which is not in and of itself invalid or unconstitutional.

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Montgomery on this the 14 day of June, 2001, that these Outdoor Advertising Signs and Structures Regulations are hereby prescribed and adopted.

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/s/ Helen Millican, Executive Secretary  
Montgomery City Planning Commission

APPROVED: June 14, 2001

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/s/ Thomas M. Tyson, Jr., Chairman  
Montgomery City Planning Commission

Approved June 14, 2001, executed September 5, 2003.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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Notary Public