

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mobile City Planning Commission proposes to consider an amendment to the Zoning Ordinance of the City of Mobile, adopted May 16, 1967, as amended.

AN ORDINANCE TO AMEND CHAPTER 64, MOBILE CITY CODE, 1991 TO ADDRESS ON-PREMISE DIGITAL SIGNAGE AND WIND ACTIVATED SIGNS OR ADVERTISING

BE IT ORDAINED BY THE CITY COUNCIL OF MOBILE, ALABAMA, THAT, MOBILE CITY CODE, 1991, IS HEREBY AMENDED AS FOLLOWS:

I. CHAPTER 64-11.1 DEFINITIONS is amended to add the following definition:

Wind-Activated Signs: Wind-activated signs are those driven by the wind or by mechanically produced air flow that are aimed at advertising a commercial interest or to drawing attention to a commercial interest via movement. Wind-activated signs include but are not limited to free-standing advertising flags, blower-driven tubes or human forms, pennant streamers, whirligigs, and the like. Flags representing a governmental or civic entity, acknowledging a holiday or season, or promoting a community oriented event shall not be considered wind-activated signs.

II. CHAPTER 64-11.8.C is amended by the insertion of a new subparagraph 7 as follows:

- 7) Electronic or digital signs. Flashing signs. Electronic or digital signs, and flashing signs, as defined in section 64-11.1.1 of this chapter, are prohibited unless they comply with the following conditions:
 - a) Electronic or digital sign are allowed only in the following conditions:
 - i) Only on commercially zoned properties fronting streets of not less than four Through Traffic Lanes
 - b) "Through Traffic Lane" defined: A lane comprising part of a street and intended for motor vehicle traffic. For a traffic lane to be considered a Through Traffic Lane, it must continue for a distance of not less than one quarter mile from the designated point without merging into another traffic lane, requiring a turn onto another roadway, being marked as a turn lane, or otherwise reaching a dead end. For the purposes of counting Through Traffic Lanes, frontage road lanes shall be added to their primary road so long as both are part of a contiguous public right-of-way. Further for the purposes of counting Through Traffic Lanes, direction of travel does not impact the count (for example, one Through Traffic Lane in each direction equals a total of two Through Traffic Lanes).

- i) Only if sign is placed a distance of not less than 300 feet from residential zoned properties or is shielded from view completely from residential properties closer than that distance; shielding must also eliminate reflected light from such signs
 - ii) On-premise electronic message board or digital signs may display animation and effects so long as flashing as defined in this ordinance is prohibited
 - iii) All such signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - iv) The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
 - v) The maximum brightness levels for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 - vi) Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has the ability to be set to not to exceed the illumination levels established by this section, and that the intensity level is protected from manipulation by password protected software or other approved method.
 - vii) All on-premise electronic message board or digital signs shall contain a default design that will freeze the device and message in one position if a malfunction occurs.
 - viii) Existing conforming on-premise signs may be converted to accommodate electronic message board or digital technology, subject to compliance with all other provisions and requirements of this Chapter. The conversion of any existing conforming on-premise sign requires permitting from the city's Urban Development Department.
 - ix) Existing nonconforming on-premise signs may be converted to accommodate electronic message board or digital technology, subject to compliance with all other provisions and requirements of this Chapter. The conversion of any existing nonconforming on-premise sign requires permitting from the city's Urban Development Department.
- c) Permitting. All on-premise electronic message board or digital signs shall require permits as follows:
- i) (a) Application for a sign permit shall be made to the Urban Development Department, and shall be accompanied by such 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. The application shall be accompanied with written certification from the sign manufacturer certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this subsection, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
 - ii) (b) Electrical permits are also required.
- d) No on-premise electronic message board or digital sign shall advertise for any off-premise business, service, merchandise or function. This provision shall not be construed as prohibiting the advertising of any noncommercial event or activity located off of the premises on which the sign is placed.

- e) The provisions of this section shall apply to electronic or digital signs, and flashing signs, whether interior or exterior, if such signage is visible from any location off ~~of~~ the private property
- f) These restrictions do not apply to traffic or other public notification signage installed, maintained, or directed by governmental agencies
- g) In the case of conflicts, these provisions shall supersede the other provisions of Chapter 64-11, the balance of which remain in effect

III. CHAPTER 64-11.6 (Prohibited Signs) is amended by the insertion of a new subparagraph q as follows:

- q) Wind Activated Signs, as defined in section 64-11.1.1 are prohibited

IV. REPEAL OF CONFLICTING ORDINANCE.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, insofar as they conflict, are hereby repealed.

V. SEVERABILITY.

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

VI. EFFECT OF ORDINANCE

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Adopted:

City Clerk, Lisa Lambert