



CITY OF BOAZ
Boaz Planning Commission Meeting Agenda
November 02, 2023
Boaz Public Library, Mastin Conference Room – 6:00 PM

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting
 1. Adopt the minutes of the Planning Commission Meeting dated September 28, 2023.
- VI. Public Hearings
 1. Entertain a motion to open a public hearing concerning a request from Angel Rogue Ramirez for a zoning change from R-1(Low Density Detached Residential District) to B-3 (General Business District). This property is located at 801 Bethsaida Road Boaz, AL 35957. The property owner currently owns an adjoining B-3 zoned lot and would like both connecting lots to be zoned the same in order to combine the lots and have a larger B-3 zoned lots.
- VII. New Business
 1. Entertain a motion to approve a request from Angel Rogue Ramirez for a zoning change from R-1(Low Density Detached Residential District) to B-3 (General Business District).This property is located at 801 Bethsaida Road Boaz, AL 35957. The property owner currently owns an adjoining B-3 zoned lot and would like both connecting lots to be zoned the same in order to combine the lots and have a larger B-3 Zoned parcel.
 2. Appoint Boaz Planning Commission Chairman.
 3. Appoint Boaz Planning Commission Vice Chairman.
 4. Open discussion for Planning Commission Work Sessions.
- VIII. Old Business
 1. Revisit general discussion concerning amending of Article 8 (Sign Regulations) in the Boaz Zoning Ordinance No. 2021-1154.
- IX. Public Comments
- X. Chairman Comments
 1. The appointed positions of Chairman and Vice Chairman will be in effect at the next scheduled Planning Commission meeting.
- XI. Adjourn



CITY OF BOAZ
Boaz Planning Commission meeting Minutes
September 28, 2023
Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Nick Borden called the meeting to order at 6:00 P.M.

PRESENT

David Wallace
Harrold Johnson
Nick Borden
Paul Hale
Steven Bates
Darby Pruitt
Matt Brannon

ABSENT

Chris Alexander
Rodney Frix

II. Invocation

David Wallace gave the Invocation.

III. Pledge of Allegiance

Paul Hale led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Wallace, Seconded by Brannon. The motion passed by unanimous voice vote.

V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting

1. Adopt the minutes of the Planning Commission Meeting dated August 1, 2023.

Motion made by Hale, Seconded by Bates. The motion passed by unanimous voice vote.

VI. Public Hearings

1. Entertain a motion to open a public hearing to hear a request for a Conditional Use Approval from Blake King who represents Kings Discount Home Center, LLC. This property is located at 2807 US HWY 431 Boaz, AL 35957. The property owner seeks to operate a retail home improvement business that would consist of a showroom as well as a covered lumber yard/ outside sales.

Motion made by Hale to open the public hearing at 6:03 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

Building Inspector Nick Borden explained this was not a rezoning. Mr. Borden stated this is because it is on the four lane now and any kind of development that has outside sales or storage would need to come to the Planning Commission for approval to maintain the integrity of 431.

William Butler of 2783 US HWY 431 Boaz asked a question regarding how they would get in and out the back.

Planning Commission members discussed the plans and the land beside King's property. They decided it would be best to wait until the property owner can be there to speak for it.

Motion made by Bates to close the public hearing at 6:08 P.M., Seconded by Pruitt. The motion passed by unanimous voice vote.

VII. New Business

- 1. Entertain a motion to approve or conditionally approve the request of a Conditional Use Approval from Blake King with Kings Discount Home Center, LLC. This property is located at 2807 US HWY 431 Boaz, AL 35957. The property owner seeks to operate a retail home improvement business that would consist of a showroom as well as a covered lumber yard/ outside sales.

Motion to table until they get further information from the property owner made by Hale, Seconded by Brannon. The motion passed by unanimous voice vote. Motion to table carries.

VIII. Old Business

- 1. Revisit general discussion concerning amending of Article 8 (Sign Regulations) In the Boaz Zoning Ordinance No. 2021-1154

Motion made by Wallace to open the discussion of the amending of Article 8 (Sign Regulations) in the Boaz Zoning Ordinance No. 2021-1154 at 6:10 P.M., Seconded by Pruitt. The motion passed by unanimous voice vote.

Building Inspector Nick Borden explained the issue is the Zoning Ordinance only allows 1 sq. ft. of sign per linear ft. of building. Buildings off of 431 need bigger signs.

Paul Hale recommended to change it to 100 sq. ft. across the board.

Planning Commission members discussed their ideas of what would be fair for everyone.

Mr. Hale said his last recommendation may have been 20% of the overall building frontage side to side and top to bottom, but 30% might be fair.

Mr. Borden stated that was fair, but they may need some kind of cap on it.

Planning Commission members discussed looking at other municipalities' sign ordinances regarding multi-tenant buildings.

Mr. Borden will do some research and follow up with the other Planning Commission members.

Motion made by Hale to close the discussion at 6:25 P.M., Seconded by Bates. The motion passed by unanimous voice vote.

IX. Adjourn

Motion made by Pruitt, Seconded by Wallace. Motion passed by unanimous voice vote.

The meeting adjourned at 6:26 P.M.

Item 1.

Minutes Prepared by City Clerk/ Treasurer Beth Stephens.



City of Boaz Alabama

David Dyar
Mayor

COUNCIL
DAVID ELLIS
JOSH GREER
JOHNNY WILLIS
MATT BRANNON
MIKE MATTHEWS

Item 1.

PUBLIC NOTICE Oct 19, 2023

The City of Boaz Planning Commission will hold a public hearing on Thursday, November 2, 2023 at 6:00 P.M. in the Mastin Room at the Boaz Public Library. The purpose of the public hearing will be to hear a request from Angel Rogue Ramirez for a zoning change from R-1(Low Density Detached Residential District) to B-3 (General Business District). This property is located at 801 Bethsaida Road Boaz, AL 35957. The property owner currently owns an adjoining B-3 Zoned lot and would like both connecting lots to be zoned the same in order to combine the lots and have a larger B-3 Zoned parcel. A legal description is as follows:

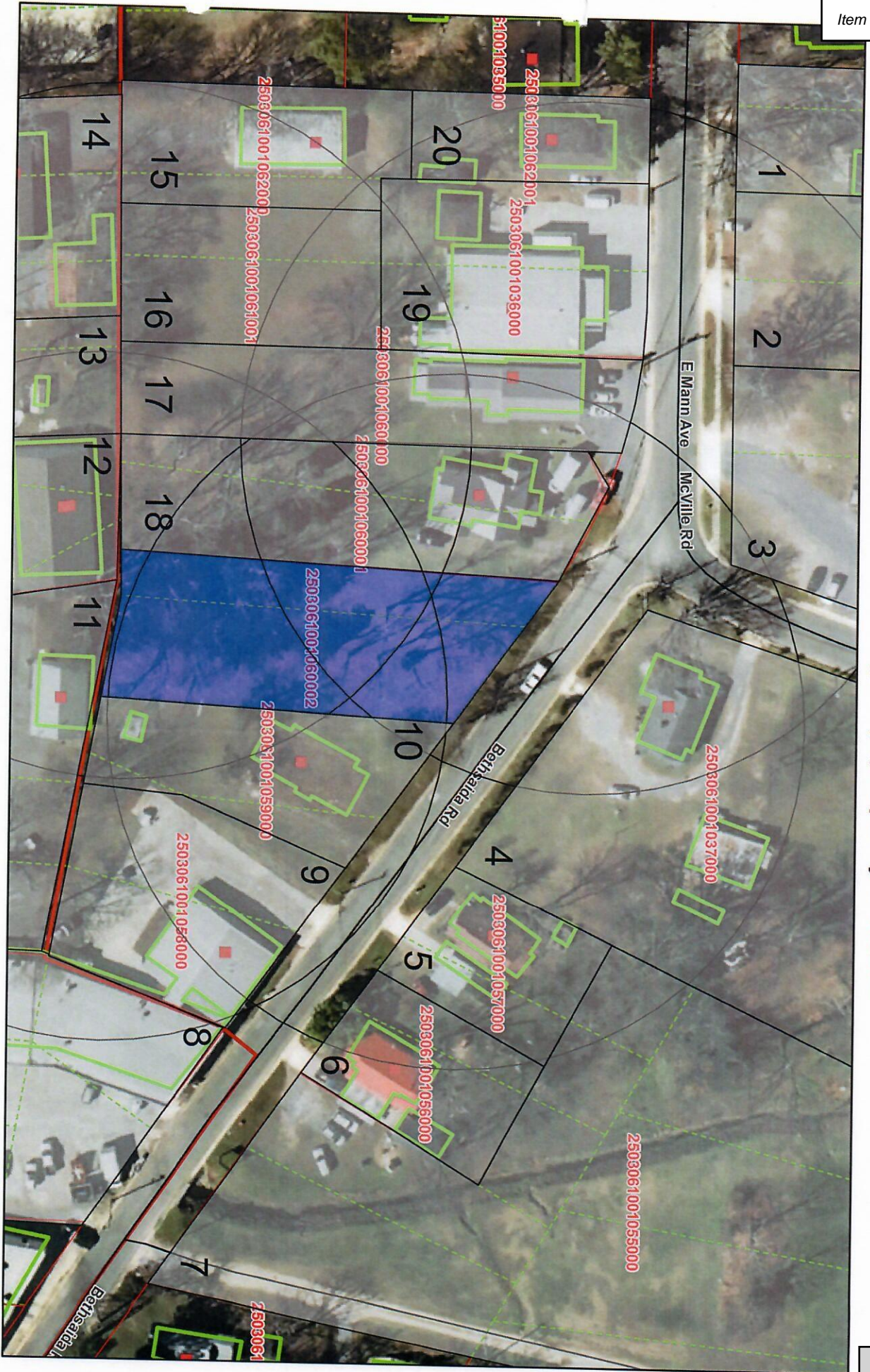
All that part of Lots 2 and 3, Block 2 of the John F. Williams Re-subdivision of a portion of the R. L. McClesky Annex to the Town of Boaz, Alabama, according to the plat prepared by E. H. Lee, C.E. and surveyor, which plat is recorded on a file in Plat Book 1, Page 214 (Slide A45) in the Probate Office of Marshall County, Alabama, and being more particularly described as follows:

Commencing at a bolt found at the purported NW Corner of Lot 1, Block 2 of said J.F. Williams re-subdivision, said point being located on the Southerly right of way East Mann Avenue; thence along the Southerly right of way of said East Mann Avenue the following chord bearings and distances: South 78° 01' 48" East 39.0 feet, South 78° 01' 48" East 60.65 feet and South 56° 11' 46" East 39.35 feet to an 1/2" rebar found, the true point of beginning for the property herein described; thence from the true point of beginning and along said Southerly right of way the following chord bearings and distances: South 56° 11' 46" East 30.20 feet and South 56° 11' 46" East 69.80 feet to a 1" flat bar found at the purported NE Corner of Lot 3, Block 2 of said John F. Williams Re-subdivision; thence leaving the Southerly right of way of said East Mann Avenue and along the Easterly boundary of said Lot 3, Block 2, South 02° 34' 29" West 198.49 feet (192.0 feet -Plat record) to an 1" solid rod found by a fence post; thence North 85° 02' 54" West 51.00 feet to an 1/2" rebar found; thence South 86° 13' 53" West 34.17 feet to an ~" rebar set stamped "JLS 20045"; thence North 02° 26' 30" East 252.00 feet to the True Point of Beginning for the property herein described; said lands containing 0.44 acres, more or less, and lying and being in Marshall County, Alabama. Subject to all existing easements and rights of way. (Description taken from survey by Jeff Snider, AL Reg No. 20045, dated 8/2/2020, File: 20HDuke, Disk: John F. Williams 1-3, BL 2, TR 3)

At said time and place, all persons in favor of or in opposition to said zoning change request can be heard.

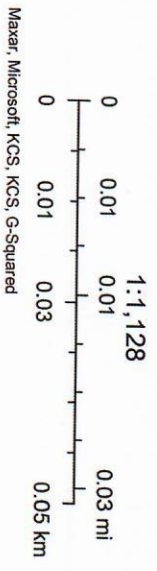
Boaz Planning Commission

Ramirez Rezoning Adj. property owners



10/18/2023, 3:10:47 PM

- Addresses (Boaz)
- Overlay - Hwy 431 & 168
- Streets (Boaz)
- City Limits
- Buildings
- Marshall County - Parcels
- Marshall County - Lot_Line



OWNER



ADJOINING PROPERTY OWNERS

Angel Rogue Ramirez

Rezoning R-1 to B-3

10.
 Angel Rogue Ramirez
 1003 Daisy St.
 Albertville, AL 35951

9.
 GASPAR, MARIA CRISTINA &
 30 DAMARIS DRIVE
 ALBERTVILLE, AL 35950

19.
 BROOKS FAMILY ENTERPRISES LLC
 715 E MANN AVE
 BOAZ, AL 35957

1.
 WHITFIELD BARBARA GAIL
 PO BOX 1357
 BOAZ, AL 35957

11.
 PHUNG HANH DUC
 1685 BRUCE RD
 BOAZ, AL 35957

20.
 HARTLINE DIANE
 P O BOX 1357
 BOAZ, AL 35957

2.
 WHITEFIELD PROPERTY
 MANAGEMENT LLC
 P O BOX 1357
 BOAZ, AL 35957

12.
 GABRIEL, ALVARO
 811 WILLIAMS STREET
 BOAZ, AL 35957

3.
 WHITFIELD GAIL
 PO BOX 1357
 BOAZ, AL 35957

13.
 R BARKLEY ENTERPRISES INC
 P O BOX 1034
 ALBERTVILLE, AL 35950

4.
 CORONA, HEBERTO
 205 MCVILLE ROAD
 BOAZ, AL 35957

14.
 BOLTON, KYTHIA I
 P O BOX 188
 HORTON, AL 35980

5.
 MURGULA RAMON MORENO AND
 ORTEGA GLORIA
 806 BETHSAIDA ROAD
 BOAZ, AL 35957

15.
 BOLTON KYTHIA I
 P O BOX 188
 HORTON, AL 35980

6.
 PEDRO, PASCUAL ANDRES &
 MAGDALENA JUAN
 810 BETHSAIDA ROAD
 BOAZ, AL 35957

16.
 BROOKS FAMILY ENTERPRISES LLC
 715 E MANN AVE
 BOAZ, AL 35957

7.
 MTT HOLDINGS LLC
 1128 BLOUNT AVENUE
 GUNTERSVILLE, AL 35976

17.
 BROOKS FAMILY ENTERPRISES LLC
 715 E MANN AVE
 BOAZ, AL 35957

8.
 GASPAR, MARIA CRISTINA &
 30 DAMARIS DRIVE
 ALBERTVILLE, AL 35950

18.
 J & I PROPERTIES LLC
 2004 DEBBIE STREET
 BOAZ, AL 35956

APPLICATION FOR ZONING AMENDMENT

Case No. _____
Date _____

STATE OF ALABAMA
COUNTY OF MARSHALL

This is to certify that I (we) the undersigned owner(s) do hereby request the Boaz Planning Commission to consider a zoning amendment for the property identified below:

1.) Description of property for which amendment is requested:

a.) Address: 801 ~~805~~ Bethesda Rd.
Boaz, AL 35957

b.) Name of Subdivision plat J. F. Williams re-subdivision of a portion of

c.) Lot and Block numbers involved in change: R. L. McClesky Annex 2+3
portion of Lots 4+5

d.) Total acreage of change: unknown 1/2 sub-lots of Block 2

e.) Recorded in Plat Book Number: 1 Page Number: 214

f.) Owned in whole by the undersigned? Yes

g.) If owned in part, name(s) of co-owner(s): _____

2. Zoning change requested:

a.) Present classification of property R-1

b.) Reclassification desired: B-3

c.) Character of neighborhood: To west - rental house + cleaners

3. a.) Reasons for requesting change and use to which property will be put:

to east - Y-mart + strip mall on south - businesses on Hwy. 168
Surrounded mostly by businesses.
to place a commercial business.

4. The following attachments must accompany the request for consideration of a zoning amendment:

- a.) One copy of a list of the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property to be rezoned.
- b.) One copy of a map or plat, drawn to scale, showing the existing and proposed zoning re-classification and other pertinent information.
- c.) One copy of the legal description of the property to be rezoned.
- d.) Fifty dollars (\$50.00) filing fee.

per Mike City does this

5. Certifications:

a.) Applicant Name Angel Roque Ramirez
 Address: 1003 Daisy St. Albertville, AL 35951
 Telephone: 256-202-0105

b.) Date: Aug. 1, 2023

6. Signatures:

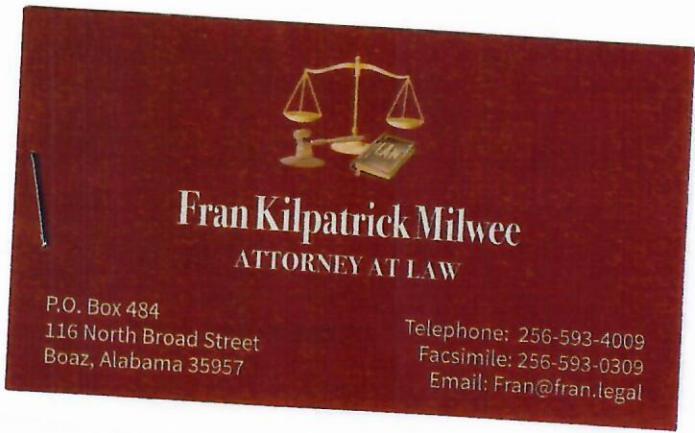
Angel Roque Ramirez
Angel Roque Ramirez

Fee Paid: \$50.00

Date Filed: 10/04/23

Hearing Dates: Planning Commission 11/2/23 City Council: 11/27/23

Decision of Planning Commission: _____ City Council: _____



Please notify of leaving date and if other information is required.

City of Boaz Miscellaneous Receipt

Misc. Receipt No: 15126
POS Receipt No: 14557
Receipt Date: 10/04/2023

Received By: Jill Smith
Received On: 10/04/2023 8:16 AM

Customer ID: 59
Name: BOAZ CITY HALL
Description: ZONING AMENDMENT 801 BETHSAIDA RD

| |
|------------------------------------|
| Miscellaneous Receipt Total |
| \$50.00 |

| GL Account Number | GL Account Description | Debit | Credit |
|--------------------------------------|-------------------------------|---------------|----------------|
| 01-4-10-4079-000 | Sub-Div/Zoning Var. Appl. Fee | \$0.00 | \$50.00 |
| Miscellaneous Receipt Totals: | | \$0.00 | \$50.00 |

Thank You!

Marshall County, Alabama
08:13:2020 09:18:37 AM
3211241
Book: 6392 Page: 16 #Pgs: 2
DEED by DC
RECORDING: \$12.00 Deed/MTG/OTH: \$10.00
FIRST PG: \$3.00 ADDL PG: \$3.00
INDEX FEE: \$1.00 PROBATE FEE: \$5.00
Total Fees: \$22.00
ANDREA LeCROY, Judge of Probate

Prepared by:
Fran Kilpatrick Milwee
Attorney at Law
116 N Broad Street
Boaz, AL 35957
(256) 593-4009

[space above is for recording information]

Warranty Deed

STATE OF ALABAMA - COUNTY OF MARSHALL

KNOW ALL MEN BY THESE PRESENTS, in consideration of TEN THOUSAND and No/100 Dollars (\$10,000.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MILTON F. DUKE, JR., a married man, herein GRANTOR, does hereby grant, bargain, sell and convey unto ANGEL ROQUE RAMIREZ, herein GRANTEE, heirs and assigns, in and to the following described real property:

All that part of Lots 2 and 3, Block 2 of the John F. Williams Re-subdivision of a portion of the R. L. McClesky Annex to the Town of Boaz, Alabama, according to the plat prepared by E. H. Lee, C.E. and surveyor, which plat is recorded on a file in Plat Book 1, Page 214 (Slide A45) in the Probate Office of Marshall County, Alabama, and being more particularly described as follows:

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Property herein conveyed is not the homestead of Grantor nor its spouse.

This conveyance, however, is subject to the following:

Matters of record as shown on the plat of said subdivision as recorded in Plat Book 1, page 214 in the Probate Office of Marshall County, Alabama.

Any valid adverse title as to minerals, oil or mining rights, easements or rights-of-way, covenants running with the land, encroachments or other matters or defects shown by a survey of the property herein conveyed.

Together with all and singular tenements, hereditament, right, privileges and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD unto the GRANTEE, heirs and assigns, as aforesaid.

The GRANTOR, for itself and its heirs covenant to the GRANTEE, heirs and/or assigns, that the GRANTOR is lawfully seized in fee simple of the property conveyed herein; that the property is free from all encumbrances, unless otherwise noted above; that the GRANTOR has a good right to sell and convey the same and the GRANTOR will warrant and defend the same to the GRANTEE, heirs and/or assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand/s and seal/s on this the 2 day of August, 2020.

Milton F. Duke, Jr. (Seal)
MILTON F. DUKE, JR

STATE OF ALABAMA)
) ACKNOWLEDGMENT
 COUNTY OF MARSHALL)

I, the undersigned, Notary Public of the State of Alabama at Large do hereby certify that **MILTON F. DUKE, JR**, whose name/s is/are signed to the foregoing conveyance, and who is/are known to me, acknowledge before me on this day that, being informed of the contents of said conveyance, he/she/they executed the same voluntarily on the date the same bears date.

GIVEN under my hand on this the 2 day of August, 2020

[Signature]
 NOTARY PUBLIC
 My Commission Expires: _____

Address of Grantor(s):
1820 Lassiter Rd-
Sunthiside AL 35907

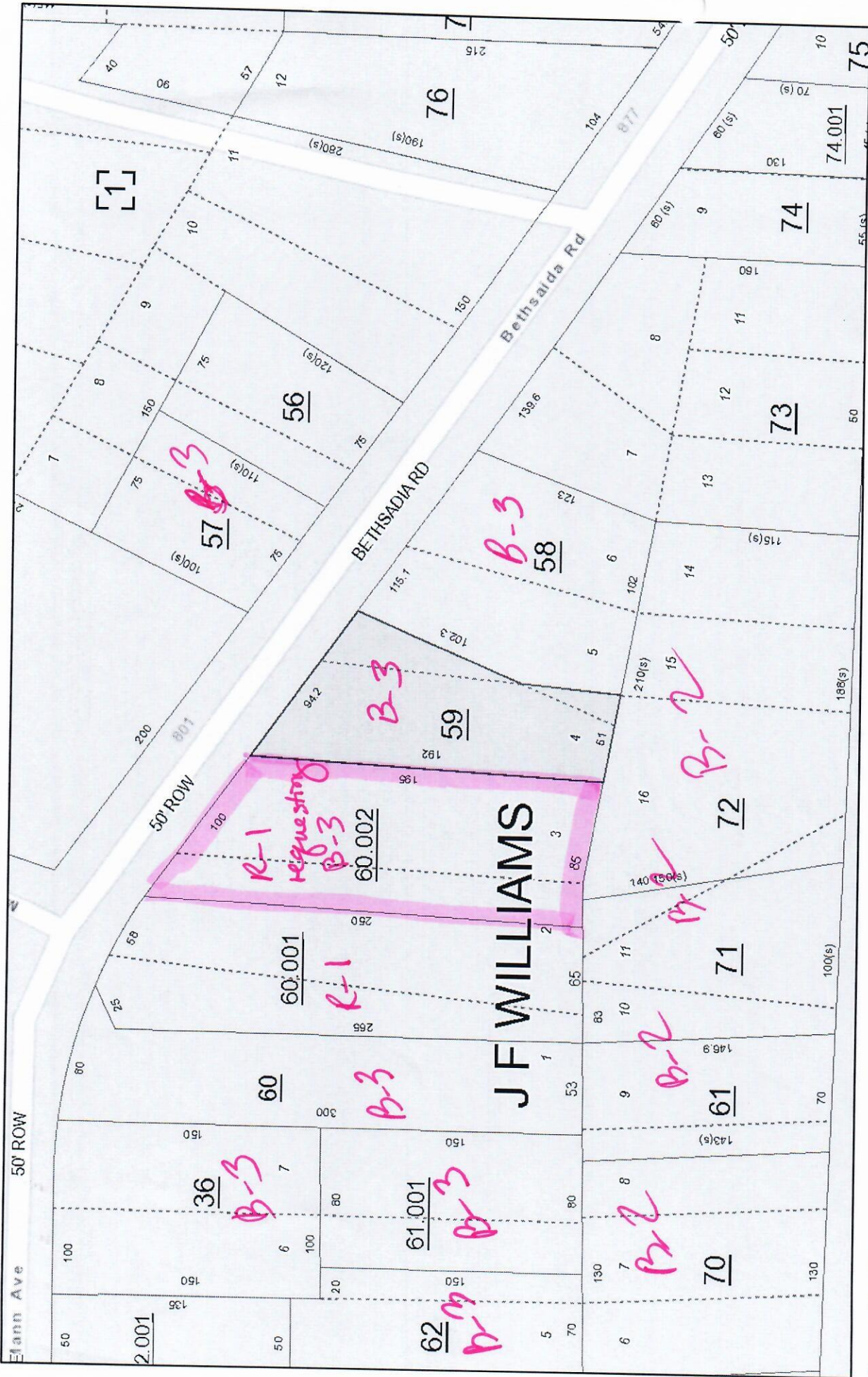
Address of Grantee(s) and tax statements to:
F.O. Box 84
Albertville, AL 35950

Property Address:
 801 Bethesda Road
 Boaz, AL 35957

By execution this instrument, the Grantors herein certify the consideration referred to is the total purchase price or the actual cash value of the property being conveyed and this certification is made pursuant to and in compliance with § 40-22-1, Code of Alabama, 1975. The parties to this instrument understand that any false statement as to the purchase price or actual cash value may result in the imposition of a penalty as prescribed in § 40-22-1 (h) Code of Alabama, 1975.

This deed made without benefit of a title examination unless a separate written opinion is rendered and a separate charge made for such examination. The draftsman does not expressly or impliedly give any opinion or warranty as to the status of the title to the property conveyed or the sufficiency of the interest conveyed herein. No warranty is made by the draftsman as to the quantity of ground or the correctness of the description. For prior instruments in the chain of title, see the following references in the probate office of this county.

Viewer Map



August 22, 2023

polygonLayer --- Lot_Line

█ Override 1 — Landhook_Line

▣ Parcels □ County Boundary

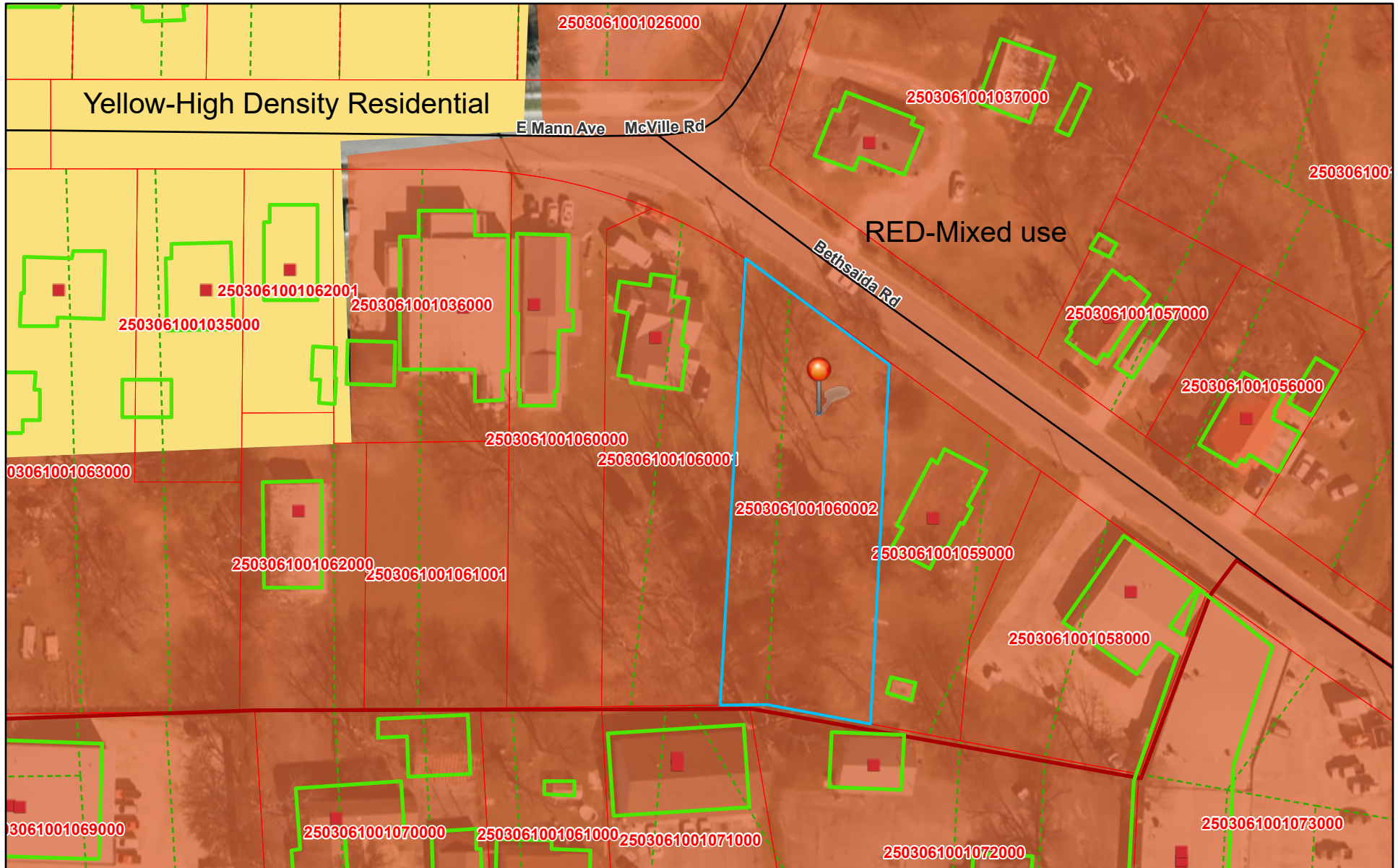
1:1,128

0 0.0075 0.015 0.03 0.06 km

Item 1.

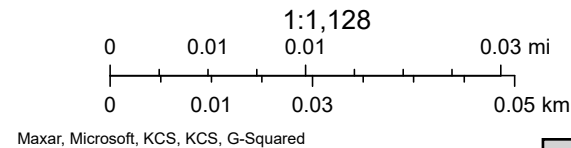
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Ramirez Comp Plan Projection



10/30/2023, 10:42:48 AM

- Addresses (Boaz)
- Overlay - Hwy 431 & 168
- Marshall County - Lot_Line
- Streets (Boaz)
- City Limits
- High Density Residential
- Buildings
- Marshall County - Parcels
- Mixed Use

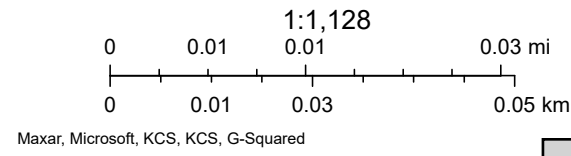


Ramirez Current Zoning



10/30/2023, 10:38:17 AM

- Addresses (Boaz)
- Overlay - Hwy 431 & 168
- Buildings
- City Limits
- Zoning
- B-2
- B-3
- R-1
- R-2
- Marshall County - Parcels
- Marshall County - Lot_Line



ARTICLE 8 SIGN REGULATIONS

§8-01 PURPOSE

The purpose of this Article is to regulate the location, size, placement and certain features of signs i to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property, to assure the continued attractiveness of the city and to protect and enhance property values.

§8-02 DEFINITIONS

For the purposes of this article, the following terms have the meanings ascribed to them:

- §8.02.01 **ABANDONED SIGN.** A sign that is not operated or maintained for a period of one year or longer. The following conditions are considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that is no longer doing business on the premises.
- §8.02.02 **ATTACHED SIGN.** A sign other than a Detached Sign, including Wall Signs, Projecting Signs and Awning and Canopy Signs.
- §8.02.03 **AWNING OR CANOPY SIGN.** A sign directly painted on or directly affixed to an awning or canopy.
- §8.02.04 **CHANGEABLE COPY SIGN.** A sign in which the message may be manually or electronically changed without altering the sign.
- §8.02.05 **COMMERCIAL MESSAGE.** A sign message that identifies or directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
- §8.02.06 **DETACHED SIGN.** A sign permanently erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.
- §8.02.07 **DOUBLE-FACED SIGN:** A sign constructed to display its message on the outer surfaces of two opposing planes. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.
- §8.02.08 **ELECTRONIC MESSAGE SIGN.** A sign designed so that the characters, letters or illustrations can be changed or rearranged electronically or through mechanical means.
- §8.02.09 **GOVERNMENT SIGN.** Any sign, illuminated or not, erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
- §8.02.10 **LEGIBLE.** Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.
- §8.02.11 **NONCOMMERCIAL MESSAGE.** Any message other than a commercial message. This definition includes messages or types of messages considered noncommercial speech by a court of law.
- §8.02.12 **OFF-PREMISES SIGN.** Any sign that advertises a use, product, service, or activity occurring on a lot or parcel other than where the sign is located. Signs bearing noncommercial messages are not considered "off-premises."
- §8.02.13 **ON-PREMISES SIGN.** Any sign that advertises a use, product, service or activity occurring on the lot or parcel where the sign is located.
- §8.02.14 **PERMANENT SIGN.** A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
- §8.02.15 **PORTABLE SIGN.** A sign not permanently attached to, mounted upon or affixed to a building, structure or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.

- §8.02.16 PROJECTING SIGN. An attached sign permanently affixed at more or less a right angle to the façade of the building to which it is attached.
- §8.02.17 SEASONAL DECORATIONS. Decorations and lighting in observance of religious, national or state holidays not intended to be permanent in nature and that contain no commercial message. This does not include temporary signs that are greater than four square feet in area, that are directed at and legible from the public right-of-way and that bear a commercial or non-commercial message.
- §8.02.18 SIGN. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public right-of-way or parking area (collectively referred to as a “public area”). For the purposes of these regulations, the term “sign” includes all structural members. The term “sign” does not include the following objects when legible from a public area: cemetery markers, vending machines or express mail drop-off boxes, decorations, artwork or a building’s architectural features, or a manufacturer’s or seller’s markings on machinery or equipment.
- §8.02.19 SIGN FACE. The surface of the sign upon, against or through which the message of the sign is displayed.
- §8.02.20 TEMPORARY SIGN. A sign not permanently attached to the ground, a building or a structure, and not designed or intended for permanent display.
- §8.02.21 WALL SIGN. A sign painted on or permanently affixed or fastened to the wall of a structure in such a manner that the sign face is parallel to the plane of the wall and in which the wall is the supporting structure of the sign.
- §8.02.22 WINDOW SIGN. A sign applied or attached to a window, or displayed within 6 feet of the interior of a first floor window area so as to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.
- §8-03 PROCEDURE
- §8.03.01 No sign may be posted, reposted, placed, replaced, hung, painted, or repainted in any district except in conformance with this Ordinance. An applicant desiring to erect a sign, except exempt signs ([§8.05.03](#)) and those not requiring a permit ([§8.04.02](#)), must first obtain a sign permit from the Building Official. Each application for a sign permit must be accompanied by the required fee and plans indicating the following:
1. The proposed site identifying the property owner, location, present use and zoning;
 2. Location of the sign on the lot in relation to property lines and existing signs and structures;
 3. Complete structural specifications;
 4. Any additional information needed to determine if such sign is to be erected in conformance with this Ordinance.
- §8.03.02 Review of Application: The Building Official must take action on a complete Sign Permit application or notify the applicant of any deficiencies in the application within 10 business days of receipt. If the application is denied the Building Official will state in writing the reasons for disapproval.
- §8.03.03 Expiration. A Sign Permit expires if work has not begun within 180 days from the date it is issued. Applicants are allowed one 90-day extension of each Sign Permit, provided the extension is applied for prior to the original permit’s expiration.
- §8.03.04 Indemnification of City: Every Sign Permit application must include an agreement of indemnification and hold the City harmless for any damages or expenses that may be incurred because of the sign and related structure.
- §8.03.05 Fees: A permit fee, set from time to time by the Council, must be submitted at the time of Sign Permit application.
- §8.03.06 Identification Tag: The sign contractor must attach a weatherproof identification tag to all permanent signs requiring Sign Permits. The erection, placement or construction of a sign requiring a permit without a proper identification tag constitutes a violation of these requirements. The tag must have the following information permanently printed or impressed:
1. "City of Boaz Sign Permit" followed by the Sign Permit number

2. Year the sign was put in place
3. The name and address of the sign contractor
4. Dimensions of sign
5. Tag should be 5" x 5" and provided by the sign company and paid for by the owner

§8.03.07 Permit Revocation. The City will revoke a Sign Permit if it is found that there has been concealment or misrepresentation of material facts in the Sign Permit application or submitted plans.

§8-04 SIGN PERMIT

§8.04.01 Actions Requiring a Sign Permit. The following signs require a Sign Permit issued by the City except where indicated otherwise in §8.04.02. Construction, repair and maintenance of all signs must comply with the City Building Code, if applicable. When required for a sign, a Building Permit must be approved before the sign is installed.

1. Any permanent attached or detached on-premises sign greater than ten square feet in sign area
2. Structural or electrical alterations to an existing permitted sign
3. Any sign requiring a Building Permit
4. Any sign projecting over or located in any public right-of-way
5. All Off-premises Signs

§8.04.02 Actions not Requiring a Permit. The following signs or actions do not require a Sign Permit, unless the sign or action is of a nature that requires a Building Permit. Each sign exempt from the Sign Permit process must still comply with the height, area and locational standards established in this Article:

1. Any sign not exceeding two square feet in area
2. Signs and notices issued by any court, officer or other person in performance of a governmental duty
3. For the purposes of safety and emergency access, signs indicating the street number of a building or structure not exceeding six square feet in sign area
4. Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes or changes to the sign area or height
5. The changing of copy on Changeable Copy Signs provided there are no structural changes or change in the primary light source
6. Seasonal decorations containing no commercial message
7. Temporary signs
8. Window signs

§8-05 GENERAL STANDARDS

§8.05.01 Viewpoint Neutrality. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.

§8.05.02 Substitution of Messages. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process, except where the change of message requires changes to the sign that require a Building Permit. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a

right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

§8.05.03 Exempt Signs. The following are exempt from regulation under this Article but may require building or other permits, as applicable:

1. Signs that are not legible from the public right-of-way or from another property
2. Government signs, including signs required for legal notices and other official instruments
3. Signs on a vehicle
4. Traffic control device signs
5. Warning or traffic safety signs required by public utility providers
6. Seasonal decorations containing no commercial message

§8.05.04 Maintenance of Signs:

1. All signs and sign structures must be kept in a proper state of repair and preservation. The Building Official is authorized to inspect and order the painting, repair or alteration of poorly maintained or dilapidated signs, and the removal of abandoned signs, subject to these regulations, or signs that constitute a physical hazard to public safety. Any repair, painting, alteration or removal will be at the sign owner's expense. The Building Official may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
2. Weeds and grass must be kept cut beneath and for a distance of 10 ft in all directions from the perimeter of a detached sign. This area must also be maintained free of debris and rubbish that would constitute a fire or health hazard or be construed as a nuisance.
3. All electronic and lighted signs that are no longer functional must be made functional or removed at the owner's expense within 30 days of becoming dysfunctional.
4. Abandoned signs must be removed at the owner's expense.

§8.05.05 Prohibited Signs. The following signs are prohibited:

1. Any sign placed within any public right-of-way or on any public land except signs placed by a governmental agency or public utility provider; signs may extend into or over public right-of-way only with approval of an encroachment permit in accordance with [§2-13](#) Right-of-Way Encroachments.
2. Signs with moving or flashing lights, except as allowed for Electronic Message Signs
3. Signs hung from, or in any way affixed to any other sign
4. Abandoned Signs
5. Any sign that resembles or emulates in shape, color or other manner a traffic control device sign
6. Signs that employ any parts that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include Changeable Copy Signs)
7. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication
8. Any sign, other than a Government Sign, painted on or attached to an object and placed less than 15 ft from the curb line or edge of pavement of a public street
9. Signs attached to or painted on trees, fences, fire escapes, elevated water storage tanks (stand pipes), utility or light poles, or traffic sign standards
10. Signs constructed of mirrors or other surfaces that reflect light

11. Signs or sign structures that obstruct openings required for ventilation or means of egress, including any fire escape, any window, any door or other opening, any stairway, any exit, any walkway, any utility access or Fire Department connection
12. Permanent signs using materials and application methods not intended for permanent signage purposes, including but not limited to hand-drawn, hand-written or spray-painted messages on paper, cardboard, plywood and other materials subject to deterioration from exposure to the elements; this does not apply to window signs using materials intended for such application.

§8.05.06 Signs Permitted in All Districts.

1. Temporary Signs, in accordance with [§8-06](#) Residential and Agricultural Districts, [§8-07](#) Commercial, Institutional and Medical Center Districts and [§8-08](#) Industrial Districts. Temporary signs may be used for commercial or noncommercial speech.
2. Incidental Signs, whether detached or attached, less than four sf in area and less than four feet in height.
3. Flagpoles and Stanchions
 - a. Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
 - b. For each parcel and development site over one-half acre in size and that is in nonresidential use, up to three flagpoles may be installed. For each additional acre, up to two additional flagpoles may be installed. Up to two flags may be displayed per flagpole.
 - c. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole exceed a height of 50 ft.
 - d. For each principal structure, up to two flag brackets or stanchions may be attached or placed for the display of flags.

§8.05.07 Nonconforming Signs. All signs erected prior to the adoption of these regulations, but not conforming to these regulations, are lawfully nonconforming signs and are regulated as follows:

1. Nonconforming Permanent Signs
 - a. Nonconforming signs may be continued and maintained after the effective date of this ordinance for a period of 24 months.
 - ~~b. Normal maintenance, such as changes on the sign face, is not subject to these requirements.~~
 - c. Lawfully nonconforming signs must be replaced or otherwise made to comply fully with these regulations in the following circumstances:
 - 1) When a sign is damaged by 50% or more of its fair market value immediately prior to the damage, including by natural acts, or becomes obsolete for any cause, any replacement sign must comply with these regulations.
 - 2) When the sign is moved, enlarged, structurally altered or changes are made to its height
 - 3) Within 24 months from the date of adoption of this ordinance.
2. The City's Building Official may request removal of Nonconforming Signs. Sign owners not complying with City's request for removal will be fined \$10 per day until sign has been removed.
3. Nonconforming Temporary Signs. Signs made of paper, cloth and other non-durable material must be removed or made to conform to these regulations within 60 days of notice. All other temporary signs must be removed or made to conform to these regulations within 120 days of notice.

§8.05.08 Removal and Confiscation.

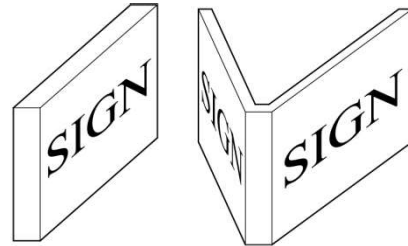
1. City police and enforcement staff are authorized to remove and dispose of or order the removal and disposal of any prohibited sign (§8.05.05), any sign not permitted in accordance with these regulations, and any nonconforming sign that has lost its lawful status (§8.05.07).
2. If any applicable regulation in this Article is violated in the construction or maintenance of a sign, the Sign Permit will be revoked and the sign and sign structure must be removed or made to conform to the applicable regulation within 30 days.

§8.05.09 Placement of Signs

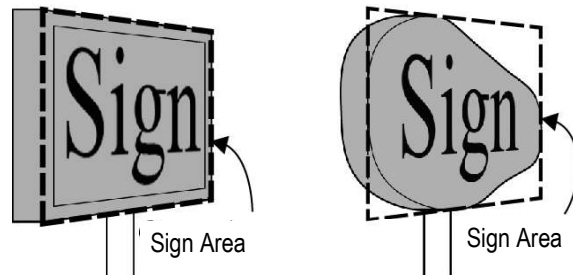
1. Except as required by state law, no sign may be displayed on a property without the consent of the legal owner.
2. Except as required by State law or otherwise permitted by this Article, any sign installed or placed on public property is deemed illegal and will be forfeited to the public and subject to confiscation. In addition to other remedies, the City may recover from the owner or person placing the sign the cost of removal and disposal of the sign.
3. Unless otherwise specified in these regulations, permanent and temporary detached signs must be set back at least 10 ft from the edge of pavement or curb and at least five feet from the nearest right-of-way line.
4. Permanent signs may not project into or over the public right-of-way without first obtaining an encroachment permit from the City.
5. Vertical clearance. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. A clear height of at least 14 ft above the driving surface must be maintained over an area intended for vehicular use.
6. No sign may be placed within or in any manner obstruct sight distance within a required sight triangle.

§8.05.10 Measuring Sign Area

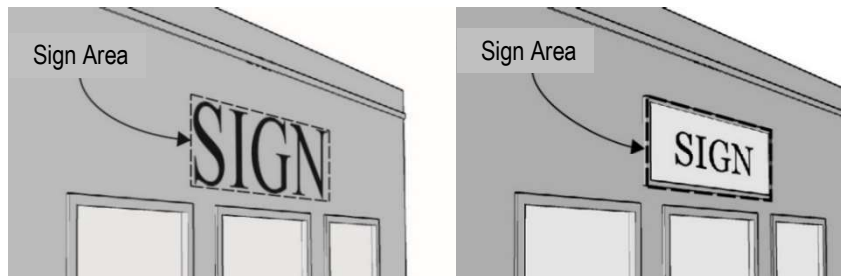
- A. For sign messages mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign messages, sign area is calculated by means of the smallest square, circle, rectangle or triangle that encompasses the extreme limits of the background panel, cabinet, or surface.
- B. For sign messages where individual letters or elements are mounted or painted on a building façade and where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign message, sign area is calculated as the sum of the smallest square, circle, rectangle or triangle that encloses all the letters or elements associated with the sign. In cases where there are multiple sign elements on the same surface, the Building Official determines the outermost boundaries of individual sign elements.
- C. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area unless such structural support is determined to be an integral part of the message, as determined by the Building Official.
- D. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area is calculated as the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used is the largest area of the sign message visible from any one point.



Double-faced signs: For the sign above left, sign area on only one face is counted. For the sign above right, sign area of both faces is counted.



Measuring Sign area of Detached Signs



Measuring Sign area of Attached Signs

§8.05.11 Illumination

1. For externally illuminated signs, light sources must be aimed so that only the sign face is illuminated.
2. Internally illuminated signs, including electronic message signs, are not permitted within nor closer than 100 ft to an agricultural or residential district.
3. Illuminated signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance.

§8.05.12 Electronic Message Signs

1. Electronic Message Signs may not be brighter than 4,690 nits during daytime and 1,675 at nighttime.
2. Electronic Message Signs must be equipped with a dimmer control and photocell, and must automatically adjust the display intensity according to natural ambient light conditions.
3. Electronic Message Signs must have a default mechanism that will freeze the display in a static message if a malfunction occurs.
4. Electronic Message Signs may not cause a driver to mistake the sign for a warning or danger signal.

§8.05.13 Portable Signs.

1. Portable signs must be securely anchored to the ground, subject to the approval of the Building Official, to prevent unintended movement due to wind or other causes.
2. Portable signs, whether or not anchored to the ground or to a structure, are not considered as and are not permitted as Detached Signs.

§8-06 RESIDENTIAL AND AGRICULTURAL DISTRICTS

§8.06.01 Prohibited Signs. The following signs are prohibited in agricultural and residential districts:

1. Off-premises Signs
2. Electronic Message Signs

§8.06.02 Attached Signs. Each dwelling unit is permitted one attached sign, which must be placed on or within five feet of the main entrance and may not exceed two sf in area. In addition, each multifamily building is permitted one attached

sign, which may not exceed eight sf in area. Each nonresidential building is permitted one attached sign, which may not exceed 16 sf in area.

§8.06.03 Detached Signs. Only the following detached signs, other than temporary signs, are permitted:

1. Subdivisions. Each subdivision is permitted one monument sign per street entrance, which may not exceed four feet above grade level nor be larger than 32 sf in sign area. An acceptable legal entity must be identified to provide perpetual maintenance for the sign
2. Multifamily Developments, Manufactured Home Parks and Nonresidential Premises. Each housing development and nonresidential premises, including agricultural uses, is permitted one detached sign, which may not exceed five feet in height nor 20 sf in sign area.
3. Mailboxes. Each separately addressed premises receiving mail at a curbside mailbox may attach one sign to the mailbox in accordance with United States Postal Service regulations. These signs are limited to the length of the mailbox and may not extend higher than nine inches above the mail box or hang lower than one foot below the mailbox.

§8.06.04 Temporary Signs

1. During construction of a residential or nonresidential development, only the following temporary signs are permitted:
 - a. Subdivisions, Multifamily and Nonresidential Developments, Manufactured Home Parks. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs may not be closer than 20 ft to an existing edge of pavement or curb. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, this time limit does not refer to the completion of any individual dwellings.
 - b. Individual Residential lots. Up to six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
2. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - a. At any time, three temporary signs, with each sign no larger than five sf in area and no taller than four feet above grade level. For manufactured home parks, multifamily, agricultural and nonresidential uses, no more than one of these signs may be portable. Portable signs are not permitted on lots of any other uses.
 - b. For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 20 sf in area. If detached, it may not be taller than six feet above grade level.
3. During repair, renovation or addition to a building, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area or be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

§8-07 COMMERCIAL, INSTITUTIONAL AND MEDICAL CENTER DISTRICTS

For the purposes of this Section, "nonresidential" includes buildings containing nonresidential and residential uses.

§8.07.01 Prohibited Signs. Off-premises signs are prohibited in the B-1, B-4, INST and MC Districts.

§8.07.02 Attached Signs. Each ground floor tenant is permitted one attached sign subject to the following:

1. Attached Sign Area. Attached signs may not exceed one square foot of sign per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive. See also §8.07.03 for attached sign area bonuses based on use of detached signs on the premises.
2. Properties located at the intersection of major streets are allowed one additional attached sign on the secondary facade subject to the following conditions.
 - a. The additional sign may not exceed 65% of the sign area on the primary facade.

- b. If the intersecting street provides access to residential development immediately behind the lot or if residential development is directly across the intersecting street, then no additional sign is permitted.
- E. Window signs may not exceed 20% of the total glass area of the window. Illuminated signs in the interior of a building and placed within five feet of the window so as to be seen from the exterior, are counted toward window sign area.
- F. Projecting Signs may not project more than five feet from the face of the building. If projecting more than one foot into a right-of-way, an encroachment permit must be obtained.
- G. Attached signs may not extend above the building parapet or more than 30 ft above grade level, whichever is less.
- H. In developments with multiple tenants, each tenant is allowed two canopy or awning signs, with each limited to a maximum area of three sf.

§8.07.03 Detached Signs. Each premises is allowed one detached on-premises sign per street frontage, subject to the following:

1. Premises with more than 300 ft along a street frontage may have one additional detached on-premises sign along that street frontage provided the signs are at least 200 ft apart.
2. Allowable Sign Area. The maximum sign area for detached signs is calculated at one square foot per linear foot of street frontage for the entire development up to a total sign area of 300. Multiple tenant developments may add 20 sf of sign area per tenant up to a total additional sign area of 200 sf.
3. Sign area bonuses are provided for attached signs based on the use of detached signs in the premises, as shown in Table 8-1.

| Detached Sign | Attached Sign Area Bonus |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------|
| No detached signs on the premises | +30% |
| Detached sign no taller than six feet above grade level, not more than 60 sf in sign area and located in a landscaped area | +15% |
| Detached sign taller than six feet above grade level, more than 60 sf in sign area or without landscaping | + 0% |

4. The maximum height of detached signs is based on the classification of the street on which the premises fronts and the detached signs is oriented towards, as shown in Table 8-2.

| Location/Street Classification | Maximum Sign Height ¹ |
|------------------------------------------------|----------------------------------|
| US Highway 431 | 25 ft |
| Other major street with 4 or more travel lanes | 15 ft |
| Major street with less than 4 lanes | 12 ft |
| Highway 168 Overlay District | 6 ft |
| Billy Dyar Blvd. and AL Hwy 205 | 6 ft |
| All other locations | 6 ft |

¹ The location and height of signs may not interfere with overhead utility lines.

§8.07.04 Temporary Signs

1. During construction, only the following temporary signs are permitted:
 - a. For nonresidential development, one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.

- b. For developments including multiple residential lots, no more than six on-premises signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
- 2. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - a. At any time, each nonresidential premises is permitted two temporary signs, no more than one of which may be portable, with each sign no larger than 16 sf in area nor taller than six feet above grade level. In the R-4 District, portable signs that are six feet or less in area and no taller than four feet above grade level are permitted on public sidewalks provided a clear pedestrian path at least five feet wide is maintained along the sidewalk and the sign is removed from the sidewalk at any time the associated use is closed.
 - b. At any time, each residential premises is permitted three temporary signs with each sign no larger than five sf in area and no taller than four feet above grade level.
 - c. For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
 - d. Temporary signs are permitted during repair, renovation or addition to an existing building as follows:
 - 1) For residential buildings, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not exceed three sf in area; be taller than three feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition
 - 2) For nonresidential buildings, one additional temporary sign per premises may be posted for up to 60 days. The sign may not exceed 12 sf in sign area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

§8-08 INDUSTRIAL DISTRICTS

§8.08.01 Attached Signs. Each tenant may have one attached sign that may not exceed 200 sf. The sign may be internally or externally illuminated.

§8.08.02 Detached Signs. Each premises is permitted one detached sign per street frontage that may not be larger than 120 sf in sign area nor taller than 20 ft above grade level.

§8.08.03 Temporary Signs

- 1. During construction, only the following temporary signs are permitted: one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
- 2. After initial construction, each premises is permitted the following temporary signs:
 - a. At any time, each premises is permitted two temporary signs, no more than one of which may be portable, with each sign no larger than 16 sf in area and no taller than six feet above grade level.
 - b. For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not exceed 40 sf in area. If detached, it may not be taller than six feet above grade level.
 - c. During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for a period not to exceed 60 days. The sign may not exceed 12 sf in sign area nor be taller than six feet above grade level. These signs must be removed within seven days of completion of the repair, renovation or addition.

§8-09 OFF-PREMISES SIGNS

All off-premises business and advertising signs shall conform to the following standards:

- §8.09.01 Off-premises signs are permitted only on lots zoned B-2, B-3, M-1, or M-2 and that front on US Highway 431. Only one off-premises sign per lot is permitted. Off-premises signs may not be located within 200 ft of any residential district or 100 ft of an agricultural district or existing residential development in a nonresidential district.
- §8.09.02 Off-premise signs may not exceed 40 ft in height from the surface of the street nor 700 sf in area per sign face.
- §8.09.03 Off-premise signs may not be placed closer than 100 ft to the nearest detached sign on the same or any other premise and must be set back at least 15 ft from all property and right-of-way lines.
- §8.09.04 Off-premise signs may not be places on a premises with more than one detached sign.
- §8.09.05 No off-premises sign which exceeds 300 sf of sign area is permitted closer than 1,000 ft to any other off-premises sign larger than 300 sf of sign area.
- §8.09.06 Off-premises signs may not be stacked or erected side by side on the same support structure.