



CITY OF BOAZ
Planning Commission Agenda
August 01, 2023

Boaz Public Library, Mastin Conference Room – 6:00 AM

- 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 06/01/2023.
- VI. Public Hearings
 1. A public hearing to hear a request from Keith and Darla Lasseter, for a zoning change from B-2 (Community Commercial District) to B-1 (Neighborhood Commercial District). This property is located at 106 N. McCleskey St. Boaz, 35957. The property owners would like to have the option of using the existing house on the property as residential or business use.
 2. A public hearing to hear a request of a Final Subdivision Plat Approval from Mr. Randall Pankey. The Dogwood Farms II subdivision is located along Bruce Road starting at the intersection of McVilleville Road toward State Route 168. Mr. Pankey is seeking to build patio/garden homes on the property.
 3. A public hearing to hear a request from Joe Pankey for a Conditional Use Approval to construct mini storage buildings on the property located at 13795 Alabama Hwy 168 Boaz, AL 35957.
- VII. New Business
 1. Motion to approve a zoning change from B-2 (Community Commercial District) to B-1 (Neighborhood Commercial District) for Keith and Darla Lasseter. This property is located at 106 N. McCleskey St. Boaz, 35957.
 2. Motion to approve The Dogwood Farms II Final Subdivision Plat from Mr. Randall Pankey. This subdivision is located along Bruce Road starting at the intersection of McVilleville Road toward State Route 168.
 3. Motion to approve a Conditional Use request from Mr. Joe Pankey to construct mini storage buildings on the property located at 13795 Alabama Hwy 168 Boaz, AL 35957.
 4. Discuss Article 8 Sign Regulations
- VIII. Public Comments
- IX. Chairman Comments
- X. Adjourn



CITY OF BOAZ
 Planning Commission Meeting Minutes
 June 01, 2023
 Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Chairman Frix called the meeting to order at 6:00 P.M.

PRESENT

David Wallace
 Harrold Johnson
 Nick Borden
 Rodney Frix
 Paul Hale
 Steven Bates
 Darby Pruitt

ABSENT

Chris Alexander
 Josh Greer

II. Invocation

Nick Borden gave the Invocation.

III. Pledge of Allegiance

Harold Johnson led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Borden, Seconded by Wallace. 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 April 13, 2023.

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

VI. Public Hearings

1. A public hearing to hear a request of a Preliminary Subdivision Plat from Mr. Randall Pankey. The Dogwood Farms II subdivision will be located along Bruce Road, starting at the intersection of Mcville Road toward State Route 168. Mr. Pankey is seeking to build Patio/Garden Homes on the property.

Motion made by Hale to open the Public Hearing at 6:07 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

Randall Pankey spoke for the Dogwood Farms II subdivision.

Chairman Frix asked if anyone else would like to speak on this item. There was no response.

Motion made by Bates to close the Public Hearing at 6:08 P.M., Seconded by Hale. The motion passed by unanimous voice vote.

2. A public hearing to hear a request from Brett Keller. Mr. Keller is seeking to rezone property located at 465 Gold Kist Street from R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property.

Motion made by Borden to open the Public Hearing at 6:09 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

Chairman Frix asked if anyone would like to speak on item number 2. There was no response.

Motion made by Borden to close the Public Hearing at 6:10 P.M., Seconded by Bates. The motion passed by unanimous voice vote.

3. A public hearing to approve a ROW dedication from TWAS Properties, LLC to the City of Boaz for a strip of land along Butler Avenue containing 0.14 Acres +/-, as described in the provided plat showing Lot 1, Parcel ID 1809303000063002, Book 6941, Page 281 TWAS PROPERTIES LLC, 72,049 Sq. Ft.+/- 1.65 Acres +/-.

Motion made by Borden to open the Public Hearing at 6:10 P.M., Seconded by Bates. The motion passed by unanimous voice vote.

Chairman Frix asked if anyone would like to speak on item number 3. There was no response.

Motion made by Hale to close the Public Hearing at 6:11 P.M., Seconded by Wallace. The motion passed by unanimous voice vote.

4. A public hearing to discuss an amendment of section 11.02.03 Procedure of the Boaz Zoning Ordinance no. 2021-1154, as follows:

Section 11.02.03 amended to add section (3) which provides as follows:

3. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being

appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

Motion made by Hale to open the Public Hearing at 6:11 P.M., Seconded by Borden. The motion passed by unanimous voice vote.

City Attorney Christie Knowles addressed the Planning Commission to explain the legal reasons for the appeal.

Building Inspector Nick Borden stated the Planning Commission would still have the final say over subdivisions.

Chairman Frix said his concern was the date on the amendment. Frix would like it to be effective the day it is voted on, or that it would be wide open for anyone.

Chairman Frix announced the floor was open for anyone wanting to speak on item number 4.

Speaking for the Zoning amendment:

Mark Turk

2378 US Hwy 431

Boaz, AL 35957

Alex Pope

2358 US Hwy 431

Boaz, AL 35957

Donald Bouldin

582 Pleasant Hill Cutoff Road

Boaz, AL 35956

Speaking against the Zoning amendment:

Chad Cofield

1213 James Street

Boaz, AL 35957

Shirley Edmondson

1147 James Street

Boaz, AL 35957

Motion made by Hale to close the Public Hearing at 6:31 P.M., Seconded by Borden. The motion passed by unanimous voice vote.

VII. New Business

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

1. Entertain a motion to approve the preliminary plat provided by Mr. Pankey of Bradco Home Builders LLC, for The Dogwood Farms II Subdivision.

Motion made by Hale to approve, Seconded by Borden. The motion passed by unanimous voice vote.

2. Entertaining a motion to approve to rezone property located at 465 Gold Kist Street, from R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property.

Motion made by Borden to approve, Seconded by Bates. The motion passed by unanimous voice vote.

3. Entertain a motion to approve a ROW dedication from TWAS Properties, LLC to the City of Boaz for a strip of land along Butler Avenue containing 0.14 Acres +/-, as described in the provided plat showing Lot 1, Parcel ID 1809303000063002, Book 6941, Page 281 TWAS PROPERTIES LLC, 72,049 Sq. Ft.+/- 1.65 Acres +/-.

Motion made by Borden to approve, Seconded by Pruitt. The motion passed by unanimous voice vote.

4. Entertain a motion to approve amending the Boaz Zoning Ordinance 2021-1154, Article 11 Administration and Enforcement as follows:

Section 11.02.03 amended to add section (3) which provides as follows:

3. Upon receipt of a negative recommendation from the Commission, the Council review process may be initiated at the request of the Applicant. Any owner of adjoining property may also request the Council review process of any positive recommendation upon which the appealing adjoining property owner objected at the Commission hearing or in writing prior to the Commission hearing. An appeal shall be submitted in writing, on any form prescribed for that purpose by the City and accompanied by the required fee, and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. No fee is required where an appeal is filed by the Building Official or other public official in pursuance of his/her official duties. For Commission decisions taken after May 1, 2023, all Commission decision appeals to the Council shall be filed within ten (10) calendar days following the decision that is being appealed. The time will extend to the next business day when the tenth day falls on a day the City is not open for business. For Commission decisions prior to May, 2023, all appeals must be filed within six (6) months of the decision appealed from. The timely filing of an appeal shall stay the operation of the decision of the Commission. The Council will conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. Notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

Motion made by Borden to approve, Seconded by Hale. Those voting in favor to approve were Borden, Bates, Johnson, Hale, and Pruitt. Those opposed were Frix and Wallace. The motion passed to approve.

VIII. Adjourn

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

The meeting adjourned at 6:35 P.M.

Minutes prepared by City Clerk/ Treasurer Beth Stephens.

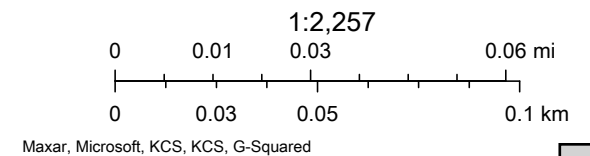
Lasseter Adj. Property Owners

Item 1.



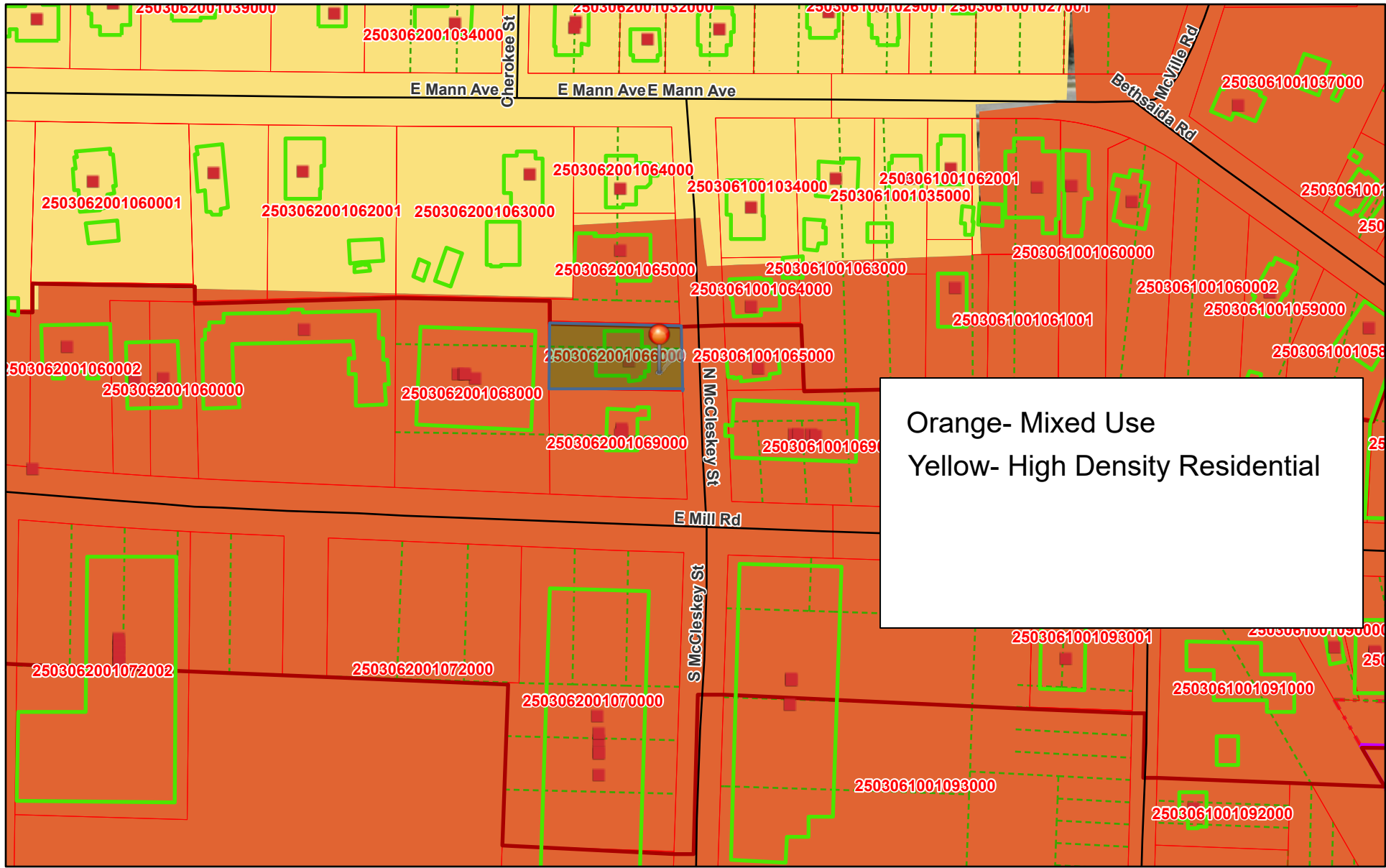
7/18/2023, 3:56:46 PM

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



Lasseter Comp. plan projection

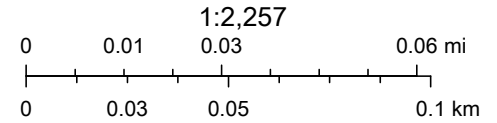
Item 1.



Orange- Mixed Use
Yellow- High Density Residential

7/18/2023, 4:01:31 PM

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



Maxar, Microsoft, KCS, G-Squared



City of Boaz Alabama

David Dyar
Mayor

COUNCIL
DAVID ELLIS
JOSH GREER
JOHNNY WILLIS
JEFF SIMS
MIKE MATTHEWS

Item 1.

PUBLIC NOTICE July 18, 2023

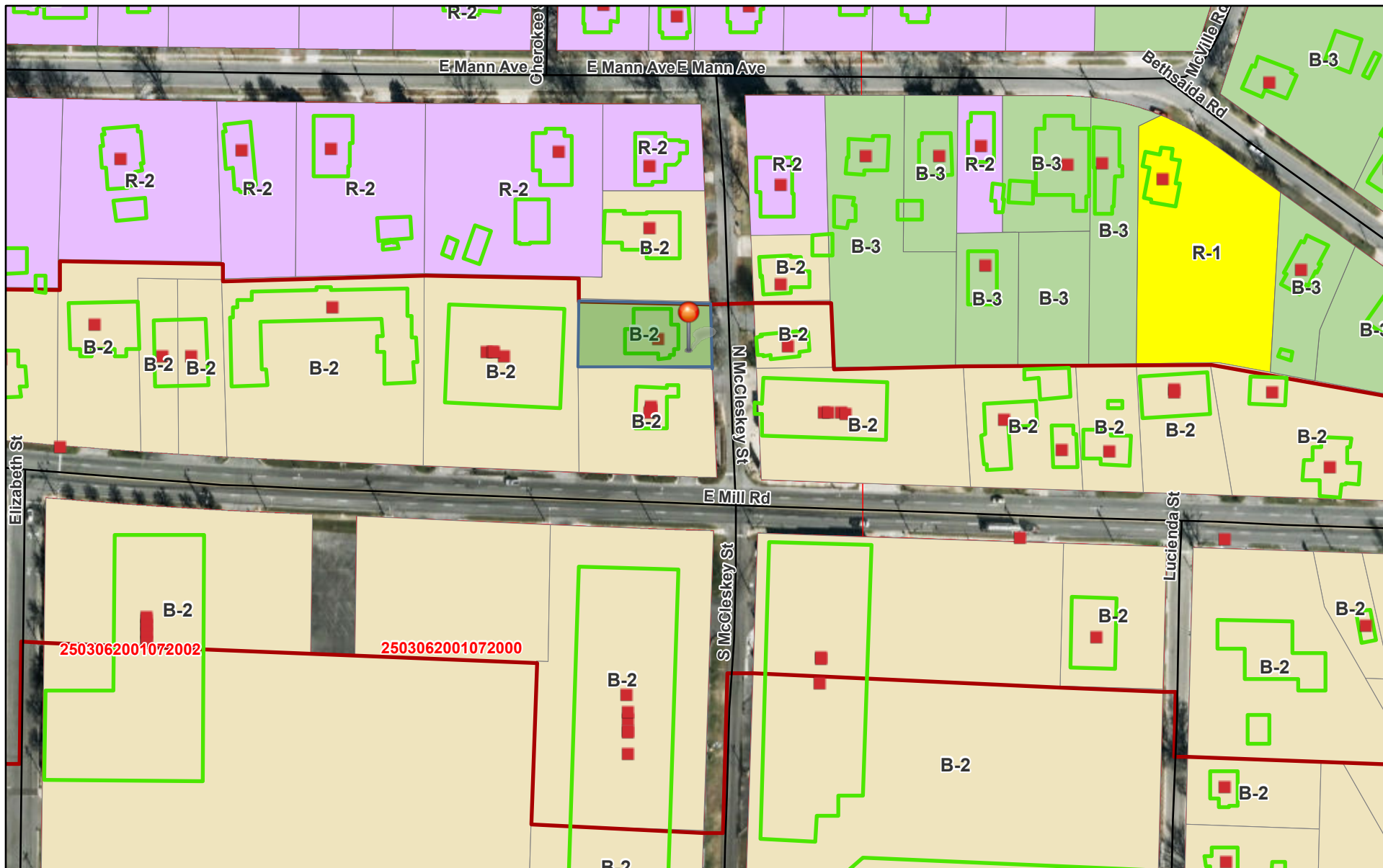
The City of Boaz Planning Commission will hold a public hearing on Tuesday, Aug 1, 2023 at 6:00 P.M. in the Mastin Room at the Boaz Public Library. The purpose of the public hearing will be to hear a request from Keith and Darla Lasseter, for a zoning change from B-2(Community Commercial District) to B-1 (Neighborhood Commercial District). This property is located at 106 N. McCleskey St. Boaz, 35957. The property owners would like to have the option of using the existing house on the property as residential or business use. A legal description is as follows:

Commence at the Northwest corner of Lot #3, in Block "A", of R.L. McCleskey's Annex to Boaz, Alabama, as recorded in Plat Book "1", page 73, Marshall County Probate Office and run N89°00'00E, along the north line of Lot #3, 137.42 feet (M) 168.000 feet @ to a point on the West R/W of North McCleskey Street (60'R/W); thence run S00°19'11"W, along said R/W, 25.00 feet to an existing ½" rebar and the point of beginning of the property described herein; thence continue S00°19'11"W, along said R/W, 78.47 feet(M) 75.00 feet @ to a point; thence run N89°06'12"W, leaving said R/W and along the South line of Lot #4, 138.42 feet to an existing ½" pipe at fence corner at the Southwest corner of Lot #4; thence run N00°54'50"E, along the West line of Lots #4 and 3, 73.91 feet (M) 75.00 feet (R) to an existing 1" pipe; thence run N89°00'00"E, 137.68 feet to the point of beginning. Said property being a portion of Lots #3 and 4, Block "A", R.L. McCleskey's Annex to Boaz. Alabama Marshall County, Alabama. [Property commonly referred to as: **106 North McCleskey Street, Boaz, Alabama.**]

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

Chairman
Boaz Planning Commission

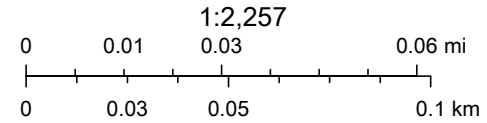
Lasseter Current Zoning



7/18/2023, 3:58:38 PM

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

Marshall County - City Limits Line
 City



Maxar, Microsoft, KCS, KCS, G-Squared



City of Boaz Alabama

David Dyar
Mayor

COUNCIL
DAVID ELLIS
JOSH GREER
JOHNNY WILLIS
JEFF SIMS
MIKE MATTHEWS

Item 2.

PUBLIC NOTICE 07/09/2023

The City of Boaz Planning Commission will hold a public hearing on Tuesday, Aug 1, 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 of a Final Subdivision Plat Approval from Mr. Randall Pankey. The Dogwood Farms II subdivision is located along Bruce Road, starting at the intersection of Mcville Road toward State Route 168. Mr. Pankey is seeking to build Patio/ Garden Homes on the property.

A legal description is as follows:

A PART OF TRACTS 5 & 6 OF J.A. KILPATRICK LANDS, AS RECORDED IN PLAT BOOK 2, PAGE 180, PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, ALSO BEING A PART OF SECTION 31, TOWNSHIP 09 SOUTH, RANGE 5 EAST, HUNTSVILLE MERIDIAN, MARSHALL COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A 1 2 INCH DIAMETER REBAR WITH YELLOW CAP STAMPED TUCKER LS 21862, LOCATED AT THE NORTHEAST CORNER OF LOT 8 OF DOGWOOD FARMS I SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 413, PROBATE OFFICE, MARSHALL COUNTY, ALABAMA, THEN N41°50'36"W A DISTANCE OF 170.48 FEET TO A 1 2 INCH DIAMETER REBAR WITH YELLOW CAP STAMPED TUCKER LS 21862 ON THE SOUTH RIGHT-OF-WAY OF BRUCE ROAD. THEN ALONG SAID SOUTH RIGHT-OF-WAY N59°55'13"E A DISTANCE OF 22.59 FEET TO AN IRON SET (THIS IRON AND ALL OTHER IRONS REFERRED TO AS "SET" ARE 1 2 INCH DIAMETER REBAR WITH A YELLOW PLASTIC CAP STAMPED ALLEN PLS 31826). THEN CONTINUE ALONG SAID RIGHT-OF-WAY S89°23'40"E A DISTANCE OF 603.78 FEET TO AN IRON SET. THEN LEAVING SAID RIGHT-OF-WAY S03°34'17"E A DISTANCE OF 137.69 FEET TO AN IRON SET. THEN N89°23'40"W A DISTANCE OF 518.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.81 ACRES MORE OR LESS.

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

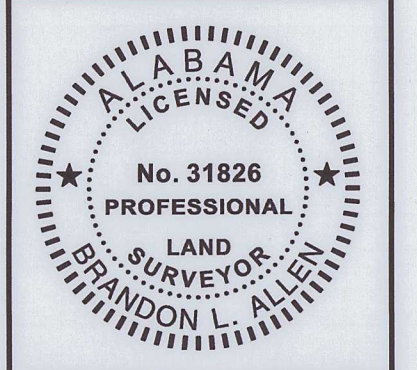
Chairman
Boaz Planning Commission

DOGWOOD FARMS II

BEING A REDIVISION OF PART OF TRACTS 5 AND 6 OF J.A. KILPATRICK LANDS AS RECORDED IN PLAT BOOK 2, PAGE 180, PROBATE OFFICE OF MARSHALL COUNTY ALABAMA. SECTION 31, TOWNSHIP 9 SOUTH, RANGE 5 EAST

FINAL PLAT FOR
DOGWOOD FARMS II
CITY OF BOAZ, MARSHALL COUNTY, ALABAMA

ALLEN LAND SURVEYING, LLC
201 COUNTY ROAD 1859 ARAB, AL. 35016
1-256-640-3516



| | |
|----------------|--------------------|
| SCALE: | 1" = 60' |
| DATE: | 07-20-2023 |
| FIELD INFO: | ATA MDM 07-19-2023 |
| DRAWN BY: | BLA |
| CHECKED BY: | |
| QUALITY CHECK: | |
| APPROVED BY: | |
| REVISED: | |
| 04.21.2023 | 06-01-2023 |
| DWG: | |
| PROJECT NO.: | 21-63 |
| SHEET NO.: | C01.0 |

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER
THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF BOAZ, ALABAMA, HEREBY APPROVE THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, THIS 21 DAY OF July, 2023.

CITY ENGINEER
DICATION
I, THE UNDERSIGNED, RANDALL PANKEY, ALSO KNOWN TO BE THE SOLE MEMBER OF BRADCO HOME BUILDERS, LLC, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS DOGWOOD FARMS II, REDIVISION BEING A PART OF TRACTS 5 & 6 OF J.A. KILPATRICK LANDS, SECTION 31, TOWNSHIP 09 SOUTH, RANGE 5 EAST AS RECORDED IN PLAT BOOK 2, PAGE 180, PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA THIS 21 DAY OF July, 2023.

ACKNOWLEDGEMENT
STATE OF ALABAMA
COUNTY OF MARSHALL:
I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT RANDALL PANKEY WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, ALSO KNOWN BY ME TO BE THE SOLE MEMBER OF BRADCO HOME BUILDERS, LLC, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, HE AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION. GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 21 DAY OF July, 2023.

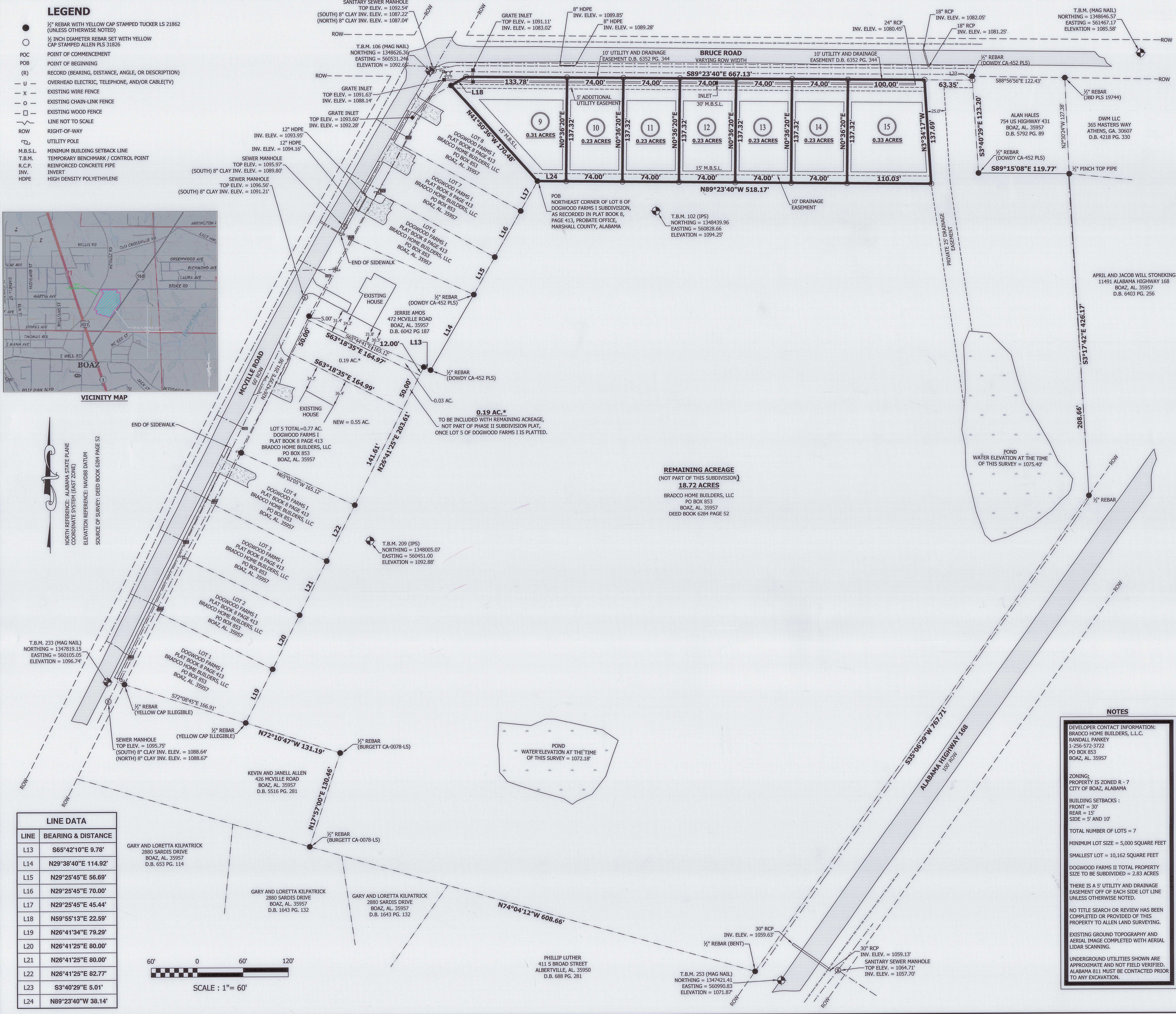
CERTIFICATE OF APPROVAL MARSHALL-DEKALB ELECTRIC COOPERATIVE
THE UNDERSIGNED, AS AUTHORIZED BY THE MARSHALL-DEKALB ELECTRIC COOPERATIVE, HEREBY APPROVE THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, THIS 21 DAY OF July, 2023.

CERTIFICATE OF APPROVAL BY THE BOAZ GAS BOARD
THE UNDERSIGNED, AS AUTHORIZED BY THE BOAZ GAS BOARD HEREBY APPROVE THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, THIS 21 DAY OF July, 2023.

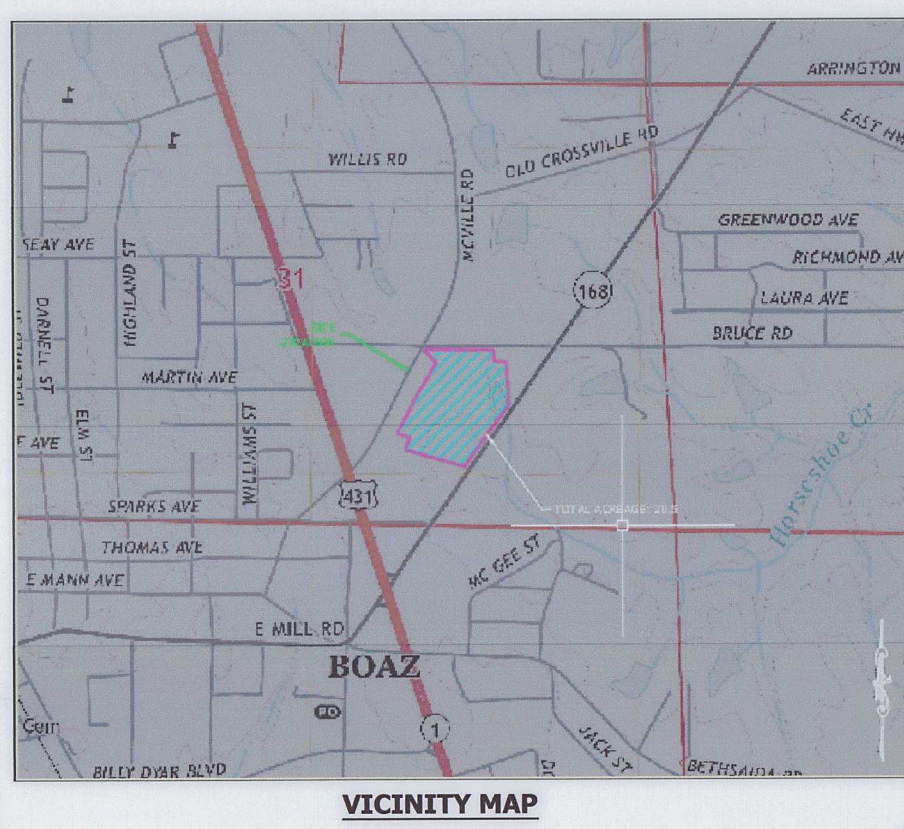
CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION
THE WITHIN PLAT OF DOGWOOD FARMS II, MARSHALL COUNTY, ALABAMA, IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BOAZ, ALABAMA, THIS THE 21 DAY OF July, 2023.

CERTIFICATE OF APPROVAL BY THE WATER AND SEWER BOARD
THE UNDERSIGNED, AS AUTHORIZED BY THE WATER BOARD OF THE CITY OF BOAZ, ALABAMA, HEREBY APPROVE THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, THIS THE 21 DAY OF July, 2023.

SURVEYOR'S CERTIFICATE AND LEGAL DESCRIPTION OF LAND
STATE OF ALABAMA:
COUNTY OF MARSHALL:
I, BRANDON ALLEN, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, FOR ALLEN LAND SURVEYING, L.L.C., CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.
I HAVE SURVEYED THE PROPERTY OF BRADCO HOME BUILDERS, LLC, SITUATED IN THE CITY OF BOAZ, MARSHALL COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:
A PART OF TRACTS 5 & 6 OF J.A. KILPATRICK LANDS, AS RECORDED IN PLAT BOOK 2, PAGE 180, PROBATE OFFICE OF MARSHALL COUNTY, ALABAMA, ALSO BEING A PART OF SECTION 31, TOWNSHIP 09 SOUTH, RANGE 5 EAST, HUNTSVILLE MERIDIAN, MARSHALL COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A 3/4" DIAMETER REBAR WITH YELLOW CAP STAMPED TUCKER LS 21862, LOCATED AT THE NORTHEAST CORNER OF LOT 8 OF DOGWOOD FARMS I SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 413, PROBATE OFFICE, MARSHALL COUNTY, ALABAMA, THEN N11°50'36"W A DISTANCE OF 170.48 FEET TO A 1/2" DIAMETER REBAR WITH YELLOW CAP STAMPED TUCKER LS 21862 ON THE SOUTH RIGHT-OF-WAY OF BRUCE ROAD, THEN ALONG SAID SOUTH RIGHT-OF-WAY N59°55'13"E A DISTANCE OF 22.59 FEET TO AN IRON SET (THIS IRON SET AND ALL OTHER IRONS REFERRED TO AS "SET" ARE 3/8" DIAMETER REBAR WITH A YELLOW PLASTIC CAP STAMPED ALLEN PLS 31826), THEN CONTINUE ALONG SAID RIGHT-OF-WAY S89°23'40"E A DISTANCE OF 603.78 FEET TO AN IRON SET, THEN LEAVING SAID RIGHT-OF-WAY S03°34'17"E A DISTANCE OF 137.69 FEET TO AN IRON SET, THEN N89°23'40"W A DISTANCE OF 518.17 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.81 ACRES MORE OR LESS.
I FURTHER CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP FOR THE BOAZ, ALABAMA, DATED MARCH 21, 2019 AND THAT THE ABOVE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE LENGTH AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS AND GIVING THE BEARINGS, LENGTH, WIDTH, AND NAME OF THE STREETS AND THAT THE PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THIS AS "O" HEREON SHOWN.
WITNESS MY HAND THIS 20TH DAY OF JULY, 2023.
BRANDON ALLEN, P.L.S.
ALABAMA REGISTRATION NO. 31826
ALLEN LAND SURVEYING, L.L.C.



- LEGEND**
- 1/2" REBAR WITH YELLOW CAP STAMPED TUCKER LS 21862 (UNLESS OTHERWISE NOTED)
 - 1/2" INCH DIAMETER REBAR SET WITH YELLOW CAP STAMPED ALLEN PLS 31826
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - (R) RECORD (BEARING, DISTANCE, ANGLE, OR DESCRIPTION)
 - - - OVERHEAD ELECTRIC, TELEPHONE, AND/OR CABLE(TV)
 - - - EXISTING WIRE FENCE
 - - - EXISTING CHAIN-LINK FENCE
 - - - EXISTING WOOD FENCE
 - - - LINE NOT TO SCALE
 - - - RIGHT-OF-WAY
 - U UTILITY POLE
 - M.B.S.L. MINIMUM BUILDING SETBACK LINE
 - T.B.M. TEMPORARY BENCHMARK / CONTROL POINT
 - R.C.P. REINFORCED CONCRETE PIPE
 - INV. INVERT
 - HDPE HIGH DENSITY POLYETHYLENE



NORTH REFERENCE: ALABAMA STATE PLANE COORDINATE SYSTEM (GCS72 ZONE)
ELEVATION REFERENCE: NAVD83 DATUM
SOURCE OF SURVEY: DEED BOOK 6284 PAGE 52

LINE DATA

| LINE | BEARING & DISTANCE |
|------|---------------------|
| L13 | S65°42'10"E 9.78' |
| L14 | N29°38'40"E 114.92' |
| L15 | N29°25'45"E 56.69' |
| L16 | N29°25'45"E 70.00' |
| L17 | N29°25'45"E 45.44' |
| L18 | N59°55'13"E 22.59' |
| L19 | N26°41'34"E 79.29' |
| L20 | N26°41'25"E 80.00' |
| L21 | N26°41'25"E 80.00' |
| L22 | N26°41'25"E 82.77' |
| L23 | S3°40'29"E 5.01' |
| L24 | N89°23'40"W 38.14' |

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 Joint for life with Remainder to Survivor

STATE OF ALABAMA - COUNTY OF MARSHALL

KNOW ALL MEN BY THESE PRESENTS, in consideration of TWO HUNDRED THOUSAND and No/100 Dollars (\$200,000.00), the receipt and sufficiency of which are hereby acknowledged, LEON POUNDS, a single man, herein GRANTOR, does hereby grant, bargain, sell and convey unto JOE PANKEY and ARLENE PANKEY, herein GRANTEE, for and during their lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real property:

A tract of land being located in Sections 20 and 21, Township 9 South, Range 5 East in Marshall County, Alabama, being more particularly described as follows: Commencing at a point purported to be the Northwest Corner of the Northwest ¼ of the Southwest ¼ of Section 21, Township 9 South, Range 5 East, in Marshall County, Alabama; thence West 136.50 feet to a point; thence South 40° 27' 00" West 201.10 feet to a point; thence South 50° 26' 58" East 554.45 feet to a iron pin found; thence South 1° 52' 39" West 88.73 feet to an iron pin found, the point of beginning for the property herein described; thence South 37° 53' 35" East 229.35 feet to an iron pin set; thence North 43° 53' 02" East 229.60 feet to an iron pin set; thence South 37° 53' 20" East 129.21 feet to an iron pin set on the North margin of Alabama Highway 168; thence along the North margin of said Alabama Highway 168 South 40° 52' 25" West 229.60 feet to an iron pin found on the North margin of said Alabama Highway 168; thence continue along the North margin of said Alabama Highway 168 South 40° 55' 00" West 340.35 feet to a PK Nail set in Beulah Road; thence along said Beulah Road North 27° 05' 00" West 379.14 feet to a point in said Beulah Road; thence continuing along said Beulah Road North 31° 59' 13" West 35.42 feet to a point in said Beulah Road; thence leaving said Beulah Road North 48° 20' 36" East 259.70 feet to the point of beginning. (1769/016)

LESS AND EXCEPT: A tract or parcel of land containing 0.46 acre located in the NW¼ of the SW¼ of Section 21, Township 9 South, Range 5 East, Huntsville Meridian, Marshall County, Alabama, and being more particularly described as follows: Commence at an iron found at the NW Corner of said NW¼ of the SW¼; thence S 05° 01' 51" W 348.52 feet to a ½" steel rod; thence N 86° 51' 54" E 459.89 feet to a ½" rod with plastic cap stamped JBD PLS 19744; thence S 41° 28' W 200.00 feet at a ½" rod with plastic cap stamped JBD PLS 19744; thence S 48° 16' 54" W 184.0 feet to a fence corner; thence S 37° 52' 07" E 229.35 feet to a ½" rod with plastic cap stamped JBD PLS 19744; thence N 41° 12' 54" E 57.52 feet to an iron set, the point of true beginning for the property herein described; thence N 41° 12' 54" E 168.39 feet to a ½" steel rod; thence S 39° 10' 25" E 131.6 feet to a ½" rod with plastic cap stamped JBD PLS 19744 at the Northwest right of way to State Highway 168; thence S 41° 37' 26" W 141.27 feet along and with said right of way to an iron set; thence N 51° 04' 34" W 128.85 feet to the true point of beginning. Description taken from that survey by David L. Musick, Al Reg No. 20893, dated March 4, 2016. (5679/315)



City of Boaz Alabama

David Dyar
Mayor

COUNCIL
DAVID ELLIS
JOSH GREER
JOHNNY WILLIS
JEFF SIMS
MIKE MATTHEWS

Item 3.

PUBLIC NOTICE

July 18, 2023

The City of Boaz Planning Commission will hold a public hearing on Thursday, August 3rd 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 Joe Pankey for a Conditional Use Approval to construct Mini Storage buildings on the property located at 13795 Alabama Hwy 168 Boaz, AL 35957. A legal description is as follows:

A tract of land being located in Sections 20 and 21, Township 9 South, Range 5 East in Marshall County, Alabama, being more particularly described as follows: Commencing at a point purported to be the Northwest Corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 21, Township 9 South, Range 5 East, in Marshall County, Alabama; thence West 136.50 feet to a point; thence South 40° 27' 00" West 201.10 feet to a point; thence South 50° 26' 58" East 554.45 feet to a iron pin found; thence South 1° 52' 39" West 88.73 feet to an iron pin found, the point of beginning for the property herein described; thence South 37° 53' 35" East 229.35 feet to an iron pin set; thence North 43° 53' 02" East 229.60 feet to an iron pin set; thence South 37° 53' 20" East 129.21 feet to an iron pin set on the North margin of Alabama Highway 168; thence along the North margin of said Alabama Highway 168 South 40° 52' 25" West 229.60 feet to an iron pin found on the North margin of said Alabama Highway 168; thence continue along the North margin of said Alabama Highway 168 South 40° 55' 00" West 340.35 feet to a PK Nail set in Beulah Road; thence along said Beulah Road North 27° 05' 00" West 379.14 feet to a point in said Beulah Road; thence continuing along said Beulah Road North 31° 59' 13" West 35.42 feet to a point in said Beulah Road; thence leaving said Beulah Road North 48° 20' 36" East 259.70 feet to the point of beginning. (1769/016)

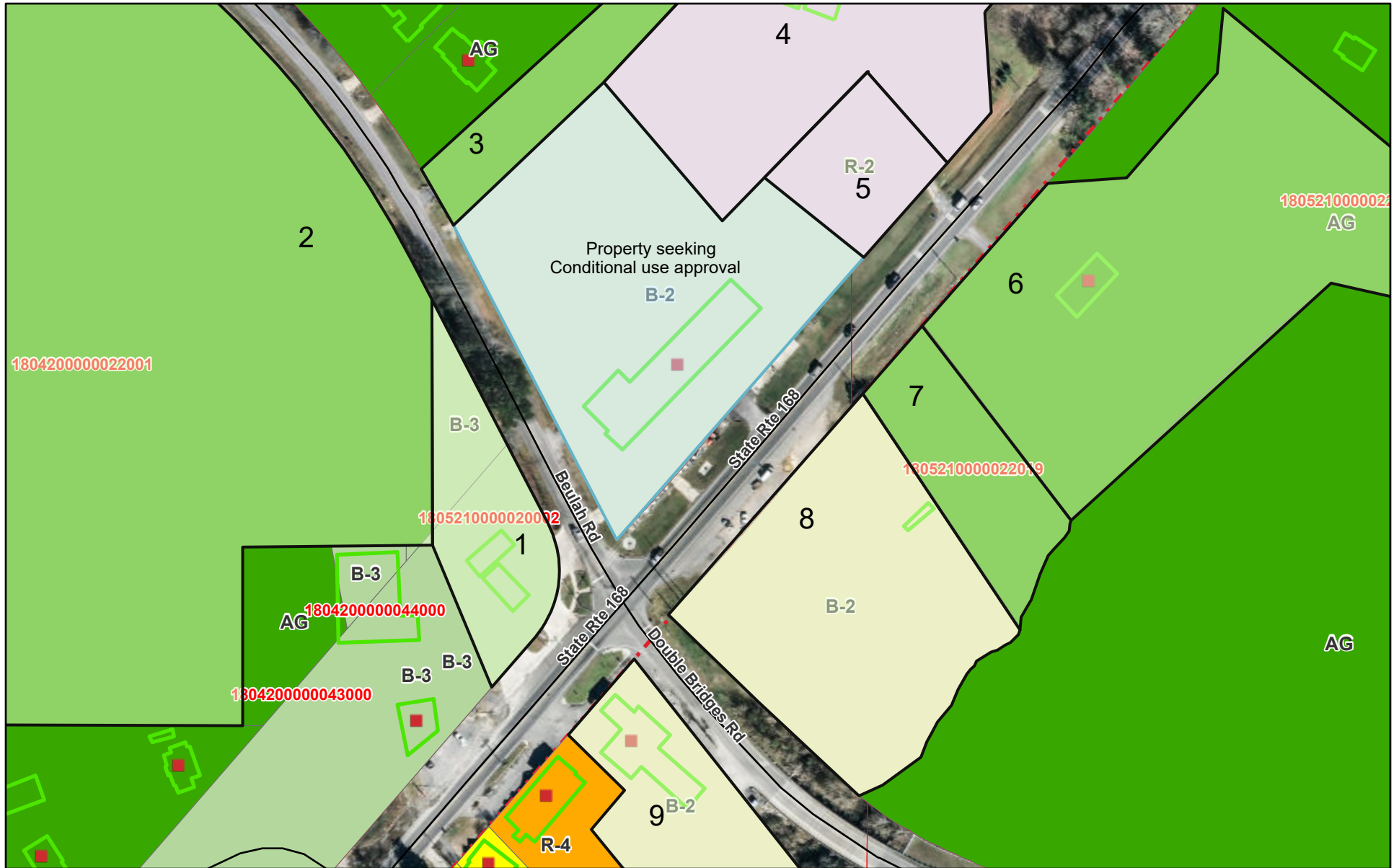
LESS AND EXCEPT: A tract or parcel of land containing 0.46 acre located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 5 East, Huntsville Meridian, Marshall County, Alabama, and being more particularly described as follows: Commence at an iron found at the NW Corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence S 05° 01' 51" W 348.52 feet to a $\frac{1}{2}$ " steel rod; thence N 86° 51' 54" E 459.89 feet to a $\frac{1}{2}$ " rod with plastic cap stamped JBD PLS 19744; thence S 41° 28' W 200.00 feet to a $\frac{1}{2}$ " rod with plastic cap stamped JBD PLS 19744; thence S 48° 16' 54" W 184.0 feet to a fence corner; thence S 37° 52' 07" E 229.35 feet to a $\frac{1}{2}$ " rod with plastic cap stamped JBD PLS 19744; thence N 41° 12' 54" E 57.52 feet to an iron set, the point of true beginning for the property herein described; thence N 41° 12' 54" E 168.39 feet to a $\frac{1}{2}$ " steel rod; thence S 39° 10' 25" E 131.6 feet to a $\frac{1}{2}$ " rod with plastic cap stamped JBD PLS 19744 at the Northwest right of way to State Highway 168; thence S 41° 37' 26" W 141.27 feet along and with said right of way to an iron set; thence N 51° 04' 34" W 128.85 feet to the true point of beginning. Description taken from that survey by David L. Musick, Al Reg No. 20893, dated March 4, 2016. (5679/315)

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

City of Boaz
Planning Commission

J. Pankey Adjoining property/Current Zoning Map

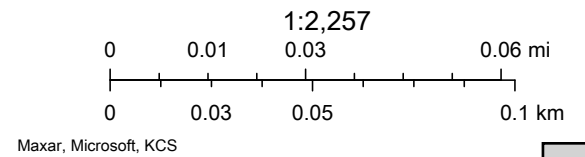
Item 3.



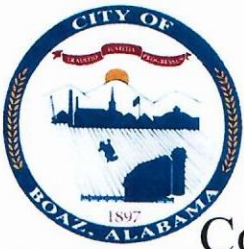
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- Addresses (Boaz)
 - Streets (Boaz)
 - Buildings
 - City Limits
- | | |
|--|--|
| Zoning | R-2 |
| B-2 | R-4 |
| B-3 | AG |
| R-1 | Marshall County - Parcels |

Marshall County - City Limits Line
 City



ADJOINING PROPERTY
OWNERSJoe Pankey, mini storage-Conditional
Use Approval, B-2 ZonePANKEY JOE AND PANKEY ARLENE
570 MARTIN RD
BOAZ, AL 35957JAY GURUDEV INC
13730 ALABAMA HIGHWAY 168
BOAZ, AL 35957DUMAS E DAVIS & JEANIE O (1/2
INT) AND L
2544 COUNTY ROAD 21
CROSSVILLE, AL 35962SIMS, THOMAS WAYNE & SARAH
90 TONY STREET
BOAZ, AL 35957PAYNE LAVONDA K AND PAYNE
THOMAS C
4101 BEULAH ROAD
BOAZ, AL 35957TUMLIN KATHERINE AND TUMLIN
JAMES
13883 ALABAMA HIGHWAY 168
BOAZ, AL 35957TUMLIN KATHERINE AND TUMLIN
JAMES
13883 ALABAMA HIGHWAY 168
BOAZ, AL 35957BENNETT, KEITH ALEXANDER &
CARRIE JANET
P O BOX 79
BOAZ, AL 35957PATEL KETAN B
57 WOODBURY CIRCLE
ALBERTVILLE, AL 35951PATEL KETAN B
57 WOODBURY CIRCLE
ALBERTVILLE, AL 35951



CITY OF BOAZ

112 NORTH BROAD STREET

BOAZ, ALABAMA 35957

BUILDING@CITYOFBOAZ.ORG

APPLICATON/CASE # _____

CONDITIONAL USE APPROVAL APPLICATION

| | |
|---|------------------------------------|
| Applicant Name: <u>Joe Pankey</u> | Project Name: _____ |
| Mailing Address: <u>570 Martin Rd</u> <u>Boaz</u> | Site Address: <u>13795 Hwy 168</u> |
| Email Address: _____ | Phone Number: <u>256-572-6671</u> |
| Prefer to communicate via text messages? <input type="checkbox"/> yes <input type="checkbox"/> no | Fax Number: _____ |
| | Mobile Number: _____ |

A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION. If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. THREE FULL-SIZE PAPER COPIES AND ONE 11X17 REDUCTION MUST ALSO ACCOMPANY THE APPLICATION. ELECTRONIC DOCUMENTS ARE PREFERRED.

Required Information Attached:

- Conceptual Stormwater Management plan
- Conceptual Site plan showing the location, use and size of structures, open spaces, landscaping parking and loading areas, access drives and vehicular and pedestrian circulation system.
- Location of exterior lighting and signs, including any illuminations of signs
- List of any noise, smoke odors and other impacts that will be produced by the proposed development that may affect adjacent properties and associated mitigation measures.

General Location: Double Bridges Hwy 168

Gross Area of Subject Property: 2.6 Acres Number of Individual Units: _____

Current Use: Storage lot for mail Jeeps Current Zoning District: B-2

Proposed Use: Mini Storage

Is the Proposed development to be on an existing lot of record? Yes No

Is the Proposed development located in the Hwy 431 or Hwy 168 Overlay Districts? Yes No

Proposed Cladding/Façade Material: N/A
(Hwy 431 and 168 overlay districts only)

Is site plan approval contingent on any other official action by the city? Yes No If yes please Specify:

- Annexation Subdivision plat approval
- Rezoning Other: _____

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I understand that any development approval(s) granted pursuant to this application shall be subject to all applicable regulations of the City of Boaz, and that such approval(s) shall expire if no building permit has been obtained within (12) months following date of approval, Or the conditional use ceases for a continuous time period in excess of six months. I further understand that this submission will be verified by Planning Department staff for completeness within 5 business days. An application that is deemed incomplete could result in the application not being considered at the next meeting. If this is the case, then I will be notified by telephone accordingly by the staff within 5 business days. I authorize the building official (and/or) Planning staff to take any action necessary to review and act on this application and release him/her for any such actions.

| | |
|--|---------------|
| Applicant's Signature: <u>Joe Pankey</u> | Date: _____ |
| Applicant's Name (Please print): <u>Joe Pankey</u> | <u>7-8-23</u> |

Received By: [Signature] Date: 7/7/23

Planning Commission Meeting 8/1/23
6:00 PM Martin Conference Room. Boaz Public Library

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.

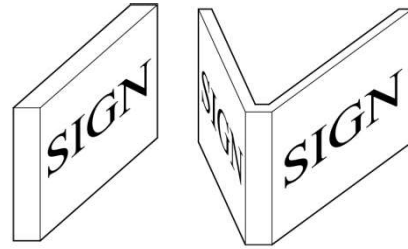
1. City police and enforcement staff are authorized to remove and dispose of or order the removal and disposal of any prohibited sign (§8.05.05), any sign not permitted in accordance with these regulations, and any nonconforming sign that has lost its lawful status (§8.05.07).
2. If any applicable regulation 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

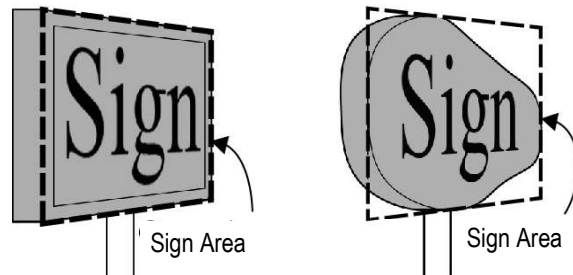
1. Except as required by state law, no sign may be displayed on a property without the consent of the legal owner.
2. Except as required by State law or otherwise permitted by this Article, any sign installed or placed on public property is deemed illegal and will be forfeited to the public and subject 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

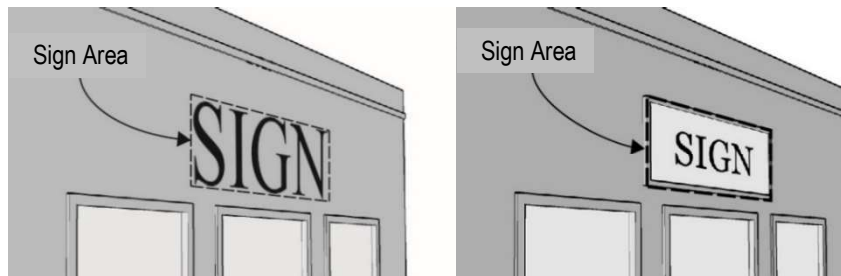
- A. For sign messages mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign messages, sign area is calculated by means of the smallest square, circle, rectangle or triangle that encompasses the extreme 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.