

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF FOLEY TO PERMIT LEGAL NONCONFORMING BILLBOARDS THAT HAVE TWO SIGN FACES AIMED IN THE SAME DIRECTION OF TRAVEL AND STACKED ONE ON TOP OF THE OTHER TO BE CONVERTED INTO ONE SINGLE BILLBOARD SIGN FACE UNDER CERTAIN CIRCUMSTANCES, TERMS, REQUIREMENTS AND CONDITIONS

WHEREAS, off premises signs (“billboards”) are prohibited in the corporate limits of the City of Foley by the Zoning Code, but a significant number of billboards are in existence as legal nonconforming structures; and

WHEREAS, most of the legal nonconforming billboards are constructed in such a way that it is not reasonable to expect them to lose their legal nonconforming status through damage, destruction, or abandonment in the foreseeable future; and

WHEREAS, the City would like to reduce the number of billboard sign faces in the City of Foley by encouraging billboard owners to voluntarily remove legal nonconforming billboards; and

WHEREAS, an outdoor advertising company that owns most of the billboards in the City of Foley expressed a willingness to remove legal nonconforming billboard sign faces if they are allowed to merge two billboard sign faces that are stacked one on top of another into one larger sign face by filling in the gap; and

WHEREAS, the City is willing to allow two billboard sign faces stacked one on top of another to be merged into a single sign face under certain conditions, situations, and subject to certain regulations, without losing their legal nonconforming status to facilitate a reduction in the overall number of billboard sign faces in the City;

NOW, THEREFORE, be it ordained by the City of Foley as follows:

Sec. 1. That Sections 2.1 and 12.3 of the Zoning Code of the City of Foley are hereby amended to add the following definitions to those definitions that already appear in said sections:

Sign, Billboard Double Stacked: A single freestanding billboard sign structure that has two sign faces aimed in the same direction of travel where one sign face is positioned above the other sign face. A Billboard Double Stacked Sign may or may not have one or more sign faces aimed in the opposite direction of travel.

Sign, Billboard Merged Stack: A billboard double stacked sign that has been lawfully converted into a single billboard sign face in compliance with all applicable laws and this Zoning Code.

Sec. 2. That the following shall be added and shall appear as Section 9.14.4 and as Section 12.13 of the Zoning Code of the City of Foley:

Conversion of Legal Nonconforming Billboard Double Stacked Sign into One Sign Face. Notwithstanding anything else contained in this Zoning Code to the contrary, a legal nonconforming billboard double stacked sign may be converted into a single sign face by filling in the gap area between the legal nonconforming sign faces without losing its legal nonconforming status, but only in the following circumstances and only subject to the following conditions:

- A. The owner of the billboard double stacked sign must first apply for and receive a Double Stacked Billboard Conversion Permit from the Community Development Department which is both a building permit for the to-be-converted billboard sign faces and a demolition permit for the to-be-removed billboard or billboard sign face;
- B. The legal nonconforming billboard sign faces being merged together must remain in their same location, at their same angle and direction of travel, with the top of the higher sign face no higher than before and the bottom of the lower sign face no lower than before;
- C. The only allowed increase in the size of the sign faces shall be the area of the gap located between the legal nonconforming sign faces that are stacked one on top of the other;
- D. The billboard merged stack sign may not be a digital billboard or have any electronic changeable copy;
- E. For each billboard double stacked sign that the owner desires to convert to a billboard merged stack sign, the owner must first remove or decommission one eligible billboard sign face. Multiple conversions may be proposed on the same application or on contemporaneously filed applications by the same owner to maximize the use of the removal or decommission credit. Decommission in this context means to leave the sign face up, but permanently remove it from displaying any advertising copy and only have it display trees, clouds, and other non-commercial City of Foley approved images until such time as the entire billboard support structure and all sign faces are removed. Unless the entire billboard, including the pole and all sign faces, is being removed, the sign faces shall be decommissioned rather than physically removed for aesthetic reasons. At the time all the sign faces on a particular billboard support structure are decommissioned or due to be decommissioned, the owner shall remove the entire billboard support structure. Billboard sign faces that are eligible for removal or decommission credit are those that are:
 - 1. Located inside the corporate limits of the City of Foley;
 - 2. Not otherwise in violation of law or that are not otherwise required to be removed pursuant to government action;
 - 3. In existence at the time of the application;

Sec. 3. Effective Date and Repealer. This Ordinance shall take effect upon its publication as required by law, and all other provisions of the Zoning Code which are in direct conflict with this Ordinance are hereby repealed to the extent of such direct conflict.

Passed, adopted, and approved on the ___ day of _____, 2014.

Presiding Officer

Attest:

City Clerk