

AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK ZONING ORDINANCE

WHEREAS: The City of Johns Creek Zoning Ordinance became effective on January 5, 2007; and

WHEREAS: The Mayor and City Council finds that ordinances and regulations governing the City's operations should be continually improved; and

WHEREAS: The City of Johns Creek finds that the Sign Ordinance must be constitutional, equitable and fair; and

WHEREAS: The City of Johns Creek seeks to balance advertising needs with aesthetic interests; and

WHEREAS: The City of Johns Creek finds that lighting elements and vehicle parking also affect signage; and

WHEREAS: The City of Johns Creek Zoning Ordinance provides that the text may be amended from time to time by the Mayor and City Council following submission to the Planning Commission for review and recommendations; and

WHEREAS: The Mayor and City Council finds that the following amendment to the City of Johns Creek Zoning Ordinance promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Johns Creek; now

THEREFORE, The Mayor and City Council of the City of Johns Creek hereby ordain and amend the City of Johns Creek Zoning Ordinance as follows:

Article IV. GENERAL PROVISIONS. Sec.4.9.3.C Night Sky Ordinance. Prohibited Lighting is amended by deleting in its entirety and inserting in lieu thereof as follows:

4.9.3. C. *Prohibited Lighting.* The following lighting systems are prohibited:

1. Aerial lasers;
2. Searchlight style lights;
3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more;
4. Mercury vapor lamps;

5. Exposed neon lighting;
6. Sodium vapor luminaries (yellow light);
7. Promotional beacons;
8. Laser source lights, strobe lights or any similar light when projected about the horizon;
9. Out-of-season colored lighting (for example Christmas lights);
10. Series, lines or rows of lights, except lights placed under outdoor canopies provided that no building elements are outlined;
11. Flashing, changeable message or reader boards;
12. Exposed tube lighting;
13. Lighting outlining building elements such as a roof, archway, doorway or window;
14. Lighting used for causing sky glow to attract attention in excess of the lighting used to provide safety, security and utility.

ARTICLE XVIII. OFF STREET PARKING AND LOADING. Sec. 18.3.7 Acceptable Locations for Off-Street Parking. Commercial Vehicle Parking is amended by deleting in its entirety and inserting in lieu thereof as follows:

- 18.3.7. *Commercial Vehicle Parking.* In any commercial or office zoning district, delivery/service trucks/vans and trucks/vans displaying advertising of a business located on the property must be parked within the side or rear yard and may not be parked within the front yard, except vehicles parked temporarily while making a delivery, providing a service, or purchasing goods or services. Should there be no parking areas in the side or rear of the building, the vehicle may be parked in the front. Passenger cars (as classified by Federal Highway Administration FHWA) displaying advertising may be parked in the front yard; however, under no circumstances may a vehicle with advertising park in a parking space adjacent to an exterior road.

ARTICLE XXXIII. SIGNS is amended by deleting it its entirety and inserting in lieu thereof as follows:

ARTICLE XXXIII.

SIGNS

Sec. 1. General Provisions.

This Article shall hereafter be known and cited as the "City of Johns Creek Sign Ordinance."

Sec. 2. Purpose and Findings.

- A. *Purpose.* This Article was enacted with the following purposes:
1. To protect the rights of individuals and businesses to convey their messages through signs;
 2. To encourage the effective use of signs as a means of communication;
 3. To promote economic development;
 4. To improve traffic and pedestrian safety as it may be affected by distracting signs;
 5. To prevent the destruction of the natural beauty and environment of the City;
 6. To protect the public health, safety, and general welfare;
 7. To restrict the continued existence of abandoned or non-conforming signs unless in compliance with the terms of this Article and to eliminate, over time, all non-conforming signs;
 8. To ensure the fair and consistent enforcement of sign standards; and
 9. To make it easier, quicker, and more economically efficient to apply for a sign permit.
- B. *Findings.*
1. The City finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its

premises.

2. The City further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.
3. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility polls, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
4. The City further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this chapter are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 3. Definitions.

Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of the City of Johns Creek, shall be given the meanings set forth in such ordinance. All other words and

phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Accessory Freestanding Signs – Freestanding signs subordinate to the primary freestanding sign on a lot.

Animated sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Audible sign. Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard. A freestanding sign with an area of more than seventy-two (72) square feet but not more than six hundred seventy-two (672) square feet.

Changeable copy sign. Any sign that incorporates changing lettering or images to form a sign message or messages, whether such changes are accomplished electronically or manually. A sign panel is not considered changeable copy.

City Council. The City Council of the City of Johns Creek.

City. The City of Johns Creek.

Director. The Director of the Department of Community Development, or his or her designee for a particular purpose.

Directory sign. A single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.

Drive-through/drive-in facility. A location where products and/or services are distributed to, or business is transacted with, a person seated in a motor vehicle.

Fall zone. An area equal to one hundred thirty-three percent (133%) of the height of the structure in every direction.

Feather Sign - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a single pole or staff for support and exceeding five (5) feet in height and designed to move in the wind.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The base of the sign face shall be flush with the supporting base, and the supporting base shall be flush with the ground and extend the full width of the sign. Except for subdivision entrance signs, freestanding signs may not be constructed before the principal building is on a lot.

Illuminated sign, External. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, Internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

Master Planned Development. A contiguous area or subdivision of land of at least 10 acres planned and maintained as a single entity under a set of master covenants in order to accommodate retail, service, commercial, office, industrial or residential uses or a combination of such uses (i.e. office park, industrial park, mixed-use development).

Marquee, marquee sign. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premise, containing two (2) or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as: (A) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (B) acts of masturbation; (C) acts involving excretory functions or lewd exhibition of the genitals; (D) acts of bestiality or the fondling of sex organs of animals; or (E) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Out of store marketing device. An out of store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant, streamer. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit. A sign permit reviewed, approved, and issued by the City Department of Community Development.

Permittee. The person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person. A natural or legal person, including a firm, organization, partnership, trust, and corporation.

Place of Business. The physical location within a building, at which a single business or entity legally operates pursuant to all Federal, State, City or other applicable laws and regulations. Any interconnectivity within a building from one location or tenant space to another shall constitute the same place of business. The use of a physical location, which is bounded on all sides by walls by more than one (1) legally operating business or entity shall only constitute a single place of business. In the event such a physical location is used or occupied by more than

one (1) business, in order for such physical location to constitute a "place of business", all businesses and/or entities operating therein must be operating pursuant to all Federal, State, City or other applicable laws and regulations.

Portable sign. A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Principal building. The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Public sign. Any sign erected by a governmental entity.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Sidewalk or Sandwich Sign – A temporary, movable sign not secured or attached to the ground or surface upon which it is located. This type of sign is typically “A” shaped or in some variation thereof and usually double-sided. Definition shall include a sign displayed on an easel.

Sign face. That part of a sign that is or can be used to announce, direct attention to, identify, advertise or otherwise communicate information.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to announce, direct attention to, identify, advertise or otherwise communicate information of any kind to the public.

Sign panel. A physically removable panel on a sign face of at least one (1) square foot that may be changed for different like-sized panels. Sign panels do not include electronic signs, reader boards or changeable copy.

Standard Informational sign. A non-illuminated temporary freestanding sign which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces. Standard Informational Signs are limited to either one (1) sign that is 16 square feet in area or up to four (4) signs not to exceed an aggregate of sixteen (16) square feet in area. In addition, each sign shall not be greater than eight (8) feet above the grade level of the adjacent street to which the sign is located or four (4) feet above ground level, whichever is greater. These signs shall not be located within the public street right-of-way and shall be no closer than ten (10) feet to the back of curb of a private roadway. Standard Informational Signs do not require a permit.

Suspended sign. Any sign which is suspended from the eave or soffit of the building.

Temporary sign. Any sign that is not permanently mounted.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building, or structure.

Window sign. Any sign that is placed inside a window, within two (2) feet of a window, or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Sec. 4. Powers and Duties of Personnel.

The Director is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by resolution of the City of Johns Creek City Council.

Sec. 5. Applicability.

The standards of this Article shall apply to all signs erected within the corporate limits of the City.

Sec. 6. Permit Required.

Except where specifically not required by the standards of this Article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Article.

Sec. 7. Fees Required.

No permit shall be issued until the appropriate application has been filed with the Director and fees, as set from time to time by Resolution of the City Council, have been paid.

Sec. 8. Application Content.

Applications for sign permits required by this Article shall be filed along with two (2) additional copies by the person owning the subject Lot, or the owner's agent with express permission of the owner, in the office of the Director upon forms furnished by that office. The application shall describe and set forth the following:

1. The type and purpose of the sign as defined in this Article.
2. The value of the sign.

3. A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on subject property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property.
4. The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face.
5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
6. Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property.
7. For wall signs: Two sets of building elevations.
8. The name, address, telephone number, and business license number of the sign contractor. All applicants for signs which incorporate electricity must obtain an electrical permit.
9. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.
10. The zoning district in which the subject property is located and a statement of compliance with all requirements of the zoning district regarding use of the property.

Sec. 9. Application Rejection.

A. *Incomplete; False.* The Director shall reject any application that is incomplete or inaccurate, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Article within forty-five (45) business days of receipt of said application. The Director may reject at any time prior to the expiration of the 45-day period, if the application is incomplete, inaccurate or contains false material statements or omissions, by returning the application to the applicant.

B. *Processing Time; Denial.* The City shall process all complete and accurate sign permit applications within forty-five (45) business days of the Department of Community Development's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Director shall give notice to the applicant of his/her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 45th business day. If the decision of the Director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure

of the City to act within the 45 business-day period shall be deemed an approval of the permit. If notice is mailed in conformity with this Section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this Article will be granted. Any application not meeting the standards of this Article will be denied.

C. *Appealable.* A rejection pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the Johns Creek Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be affirmed.

D. *Resubmission.* A rejected application later resubmitted in conformity with this Article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

Sec. 10. Permit Revocation.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the City's Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within sixty (60) days from date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this Article will be revoked.

Sec. 11. Zoning Ordinance Requirements.

So long as an application conforms to the standards and procedures of this Article, the applicant is exempted from any additional setback requirements in the City's ordinance regulating zoning.

Sec. 12. Variance.

A. *Limitations.* The Board of Zoning Appeals shall be allowed to grant variances where a hardship has been demonstrated pursuant to Section 12.D of this Article only as to set back, building material, sign style, or height as further provided herein, provided that no variance shall be granted as to size of a sign which exceeds the maximum size within the subject property's zoning district. A variance to height may be granted not exceeding twenty (20) percent more of the maximum height allowed in the zoning district for the subject property.

B. *Timing.* The Board of Zoning Appeals shall hear and decide upon a variance within ninety (90) days of the submission of a complete and accurate application. If the subject of the sign appeal is currently constructed, it shall be concealed by a tarp or other means until the issue is decided by the Board of Zoning Appeals.

C. *Procedure.* Except as modified by this Article, the procedures for requesting a variance from the standards of this Article shall be the same procedures as that for seeking a variance from the City's ordinances regulating zoning.

D. *Standards.* A variance shall only be granted if one of the following conditions is met:

1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article; or
2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the Lot, impairs the visibility of the sign such that it cannot be seen.

Sec. 13. Suspension, Revocation.

A. *Violation.* Violation of any provision of this Article shall be grounds for terminating the permit granted by the City to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the City council.

B. *Hearing.* The permittee shall be given ten (10) business days written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and/or license. "Due cause" is the violation of the standards of this Article. The termination of the permit does not in any way preclude the person or persons alleged to have violated the standards of this Article from being tried under Section 19(F) of this Article or preclude the City from taking any other action authorized by this Code and/or any action authorized by law.

Sec. 14. Expiration Date.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) 90-day extension may be granted by the Director. No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 15. City Occupation Tax Certificate, Public Liability Insurance Required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in

the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the City thirty (30) days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

Sec. 16. Identification Labels; Inspection; Notice.

A. *Identification Labels.* With each sign permit, the Director shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign in the lower right hand area so it is easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this Article.

Sec. 17. Signs Which Require No Permit.

The following shall not count toward the total amount of signage allowed and no permit is required so long as all standards in this Article are met, including those set forth below:

1. Numerals displayed for the purpose of identifying property location not to exceed eight (8) inches in height;
2. Flags;
3. Window signs;
4. Door signs not to exceed one (1) square foot in size and not more than one (1) sign per door; and
5. Standard informational signs in all districts.
6. Banners during the months of May and June as identified in Sections 26A, 26B and 26C.
7. Sidewalk or sandwich signs located within ten (10) feet of a Place of Business's entrance.
8. Balloons, a maximum of two (2) cubic feet each and up to five (5) per lot, for a maximum of two weeks following a business's opening or while a business has an approved event permit.

Sec. 18. Prohibited Signs and Devices.

The following types of signs are prohibited in the City:

- A. *Balloons, Pennants, Streamers.* Balloons, except as explicitly allowed herein, pennants, streamers, feather signs, or air or gas filled figures.
- B. *String Lights.* Signs consisting in whole or in part of a series, line, or row of lights, whether supported or connected by cables or wires or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white string lights shall be exempted from this Section and colored string lights and decorations displayed during the months of November, December and January shall be exempted from this Section. At no time may string lights be used to outline building elements such as roofs, windows, archways or doors.
- C. *Beacons, Search Lights, Laser.* Promotional beacons, search lights or laser lights or images.
- D. *Audible Signs.* Audible signs.
- E. *Signs in Right-of-Way.* Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- F. *Signs on Tree or Utility Pole.* Signs mounted or located on a tree, utility pole, or other similar structure.
- G. *Roof Signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
- H. *Portable Signs.* Portable signs (except sidewalk/sandwich signs), including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way, except as explicitly allowed in Article XVIII.
- I. *Obscene Signs.* Signs which depict obscene material.
- J. *Illegal Activity Signs.* Signs which advertise an activity which is illegal under federal, state or local laws.
- K. *Signs Not Maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- L. *Abandoned Signs.* Abandoned signs.
- M. *Animated; Flashing; Electronic.* Animated signs, flashing signs, electronic signs, and changeable copy signs (except as explicitly allowed herein).

- N. *Imitation Traffic Signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

Sec. 19. Violations; Penalties.

A. *Noncompliance.* No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this Article.

B. *Dangerous or Defective.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this Article.

C. *Separate Violation.* Each sign installed, created, erected or maintained in violation of this Article shall be considered a separate violation when applying the penalty portions herein.

D. *Public Nuisance.* Any violation of this Article is hereby declared to be a public nuisance.

E. *Notice.* The Director shall give the permittee ten (10) to thirty (30) days written notice, based on the practical considerations of completing measures to comport with the standards of this Article, to correct the deficiencies or to remove the sign(s) which is in violation of this Article. If the permittee refuses to correct the deficiencies or remove the sign, the Director will have the sign removed at the expense of the permittee.

F. *Citations.* If any sign or other device covered by this Article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this Article, the Director shall issue a citation. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this Article shall be an offense, and the violator shall be subject to a fine of up to one thousand dollars (\$1,000.00), imprisonment for up to six (6) months, or by both such fine and imprisonment.

Sec. 20. Nonconforming Signs.

A. *Maintained.* A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.

B. *Repairs; Material Change.* Minor repairs and maintenance of nonconforming signs, the cumulative costs of which does not exceed fifty percent (50%) of the total value of the sign, shall be permitted; provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to bring the sign to a higher degree of

conformity with the standards of this Article.

C. *Grandfathering.* Nonconforming signs may stay in place until one of the following conditions occurs:

1. The advertised business ceases at that location for a period of more than thirty (30) days;
2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or
3. The sign has been damaged to such extent that repairs or maintenance with cumulative costs exceeding fifty percent (50%) of the total value of the sign is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to bring the sign to a higher degree of conformity with the standards of this Article.

D. To the extent any portion of this Article conflicts with O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 §6, ¶ 4(a) in application, this section shall be deemed to provide effected parties the minimum protections provided by O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 § 6, ¶ 4(a), as amended from time to time. In no event is it the City's intent to obligate itself to pay any compensation related to the removal of any nonconforming sign.

Sec. 21. Removal of Unlawful or Dangerous Signs.

A. *Removal.* The City may order the removal of any sign in violation of this Article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.

B. *Procedure Following Removal Order.* If the sign is not removed within the time allowable pursuant to Section 16 the City shall remove or cause to be removed the sign and collect the costs thereof as provided below.

C. *Removal without Notice.* The City shall have removed any sign in violation of this Article, without giving notice to any party, if:

1. Said sign is upon the public right-of-way or upon other public property or upon the pavement of a private street or drive; or
2. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. *Removal after Court Determination.* Other than signs located in a public right-of-way, a sign shall be removed by the City after a final determination by a court that the sign is

unlawful and should be removed. If the permittee or owner fails to remove the sign the sign may be immediately removed and disposed of by the City.

Sec. 22. Sign Location.

A. *Obstructions to Doors, Windows, or Fire Escapes.* No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

B. *Signs Not to Constitute Traffic Hazard.* No sign or any part thereof, except authorized traffic signs, shall be located in any government right-of-way. No sign may be located any closer than twenty (20) feet to an intersection as measured from the intersection of the two (2) rights-of-way.

C. *Setback.* Unless otherwise noted in conditions of zoning or in this Article, all signs shall set back at least ten (10) feet from the right-of-way twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. Freestanding signs shall be a minimum of twenty-five (25) feet from an intersection as measured from the edge of pavement and shall be a minimum of 35 feet from any other freestanding signs. All signs shall provide an adequate visibility triangle as per Public Works Department standards. Upon demonstrating adequate sight distance, signs may be permitted in medians of private streets without providing a setback from internal streets.

Sec. 23. Measurement of Sign Area.

A. *Size Generally.* Except as otherwise provided herein, the area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight (8) straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within twenty-four (24) inches or less of one another, then the area of the sign shall be measured within one continuous polygon.

B. *Structure.* The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delimits the sign face.

C. *Multi-Faced Signs.* For multi-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

Sec. 24. Measurement of Sign Height.

The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

Sec. 25. Construction Standards.

A. *Building and Safety Codes.* All signs permitted under this code shall be constructed and maintained in accordance with the applicable City building and safety codes. The City may remove after due notice any sign which shows neglect or becomes dilapidated.

B. *Faces.* The face of sign shall be flat, with protrusions of no more than two (2) inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom. Lettering for address signage shall not exceed four (4) inches in height or as required by the applicable building code.

C. *Illumination.* Signs, when illumination is permitted and except as otherwise set forth, may be illuminated internally or externally. Free standing signs with external illumination shall have light directed downward. Externally illuminated signs shall not exceed fifty-five (55) foot-candles.

D. *Landscaping.* Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of freestanding signs.

E. *Sign Materials.* Freestanding sign structure/base materials shall be constructed of brick or stone with a base of at least two feet. Any sign panels on a sign shall have a uniform background color and material. All freestanding signs shall display the property address in numbers at least six (6) inches in height but not more than twelve (12) inches in height. The numerical address shall not be considered part of the sign face and shall not count against the allowable sign square footage.

Sec. 26. Restrictions Based on Location.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this Section shall be prohibited in that district, except as otherwise provided for under this Article. The following standards govern signs within specific zoning districts.

A. *Agricultural District.*

1. *Freestanding Signs.*

- a. One (1) maximum thirty-two (32) square foot, freestanding sign per lot with a non-residential use shall be permitted for each street on which the lot has frontage. The sign may contain sign panels.
- b. One (1) maximum thirty-two (32) square foot, freestanding sign or two (2) single-faced freestanding signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance.
- c. Freestanding signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.

2. *Window Signs.* Not more than three (3) window signs per lot of record shall be allowed and shall not be larger than four (4) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.

3. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.

4. *Flag.* Each lot may display no more than two (2) flags and one (1) flag flagpole. The flagpole shall not exceed twenty (20) feet in height. Flag size shall not be more than twenty (20) square feet for a single flag and 40 square feet for the aggregate flag size.

5. *Banner.* Banners shall be allowed for a period not exceeding fourteen (14) days with no more than four (4) such 14-day periods being permitted per calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. Banners shall not be more than thirty two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground. During the months of May and June, each lot may display one (1) banner not exceeding thirty two (32) square feet, without receiving a permit. However, this 14-day period shall count toward the maximum four (4), 14-day periods allowed per year per lot. Banners shall be erected with supports or other means so that they do not

sag or become dilapidated.

6. *Standard Informational Sign.* Each lot may display Standard Informational Signs as defined in this Article.
7. *Wall Sign.* Each lot with an institutional use shall be allowed two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet. Wall signs shall not have changeable copy. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached.

B. *Single-Family Residential, CUP and NUP Districts.*

1. *Freestanding Signs.*
 - a. One (1) maximum thirty-two (32) square foot, freestanding sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
 - b. One (1) maximum thirty-two (32) square foot, freestanding sign or two (2) single-faced freestanding signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional 16 square foot sign shall be permitted for the attached dwelling phase.
 - c. Freestanding signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
2. *Window Signs.* Not more than three (3) window signs per lot of record shall be allowed and shall not be larger than four (4) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.
3. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
4. *Flag.* Each lot may display no more than two (2) flags and one (1) flag

flagpole. The flagpole shall not exceed twenty (20) feet in height. Flag size shall not be more than twenty (20) square feet for a single flag and 40 square feet for the aggregate flag size.

5. *Banner.* Banners shall be allowed for a period not exceeding fourteen (14) days with no more than four (4) such 14-day periods being permitted per calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. Banners shall not be more than thirty two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground. During the months of May and June, each lot may display one (1) banner not exceeding thirty two (32) square feet, without receiving a permit. However, this 14-day period shall count toward the maximum four (4) 14-day periods allowed per year per lot. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
6. *Standard Informational Sign.* Each lot may display Standard Informational Signs as defined in this Article.
7. *Wall Sign.* Each lot with an institutional use shall be allowed two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet. Wall signs shall not have changeable copy. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached.

C. *Apartment and Townhouse Residential Districts.*

1. One (1) maximum thirty-two (32) square foot freestanding sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
2. One (1) maximum thirty-two (32) square foot, freestanding sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
3. *Window Signs.* Not more than three (3) window signs per unit (as defined in the City's Zoning Ordinance) shall be allowed and shall not be larger than four (4) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.

4. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
5. *Flag.* Each lot may display no more than two (2) flags and one (1) flag flagpole. The flagpole shall not exceed twenty (20) feet in height. Flag size shall not be more than twenty (20) square feet for a single flag and 40 square feet for the aggregate flag size.
6. *Banner.* Banners shall be allowed for a period not exceeding fourteen (14) days with no more than four (4) such 14-day periods being permitted per calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. Banners shall not be more than thirty two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground. During the months of May and June, each lot may display one (1) banner not exceeding thirty two (32) square feet, without receiving a permit. However, this 14-day period shall count toward the maximum four (4) 14-day periods allowed per year per lot. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
7. *Standard Informational Sign.* Each lot may display Standard Informational Signs as defined in this Article.
8. *Wall Sign.* Each lot with an institutional use shall be allowed two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet. Wall signs shall not have changeable copy. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached.

D. *O-I District.*

1. *Freestanding Signs.*
 - a. One (1) maximum twenty (32) square foot, freestanding sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
 - b. For lots that contain more than fifteen (15) acres, one (1)

maximum sixty-four (64) square foot, freestanding sign for the primary frontage and one thirty-two (32) square foot, freestanding sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one maximum sixty four (64) square foot sign may be substituted by two (2) single-faced freestanding signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.

- c. All freestanding signs may be internally or externally lighted. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate Directory Sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate Directory Sign.

2. *Wall Signs.* Each Place of Business is allowed a maximum of two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet except that wall signs may exceed 5% of the wall area to conform to existing signage on the property if it is demonstrated that similarly situated signage on the property is larger in size. In order for a wall sign to exceed 5% of the wall area, it must be demonstrated that existing places of business on the property or within the shopping center are substantially similar or larger than that which is requested. Additionally, if demonstrated that distance from the right-of-way, site topography, building height or site features obscure wall signs, the size may be increased to 10% of the wall area. In no case may the sign exceed one hundred (100) square feet. Requests for a larger sign shall be subject to review and approval of the Community Development Director. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached. In lieu of a permanent sign, unoccupied tenant suites are allowed one (1) wall sign, a maximum of eight (8) square feet in size. Said sign shall not be internally illuminated.

3. *Internal Signs.* Internal freestanding signs are permitted adjacent to

internal entrance drive(s) serving the development. The freestanding sign shall not exceed twenty (20) square feet in area and six (6) feet in height and shall be set back at least fifty (50) feet from the exterior road right-of-way.

4. *Window Signs.* A maximum of twenty five percent (25%) of the aggregate window area may contain signage. Within that twenty five percent, a maximum of four square feet may be illuminated. Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.
5. *Awning/canopy Signs.* Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy.
6. *Flags.* Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty (30) feet in height. Flag size shall not be more than 40 square feet.
7. *Standard Informational Signs.* Each lot may display Standard Informational Signs as defined in this Article.
8. *Banners* shall be allowed for a period not exceeding fourteen (14) days with no more than four (4) such 14-day periods being permitted per calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. In the case of lots which contain multiple Places of Business, each Place of Business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than five (5) feet above grade when on the ground. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
9. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
10. *Directory Signs.* Each multi-tenant commercial, office park, or mixed use development shall be allowed an additional directory sign per road frontage in addition to the freestanding signs permitted. Directory signs shall not exceed six (6) feet in height, be more than thirty-two (32) square

feet, and shall meet the architectural requirements of freestanding signs. If the primary freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a Directory Sign.

11. *Interior Project Directional Signs.* Each master planned development shall be allowed additional freestanding signs as follows:
 - a. Maximum sign size is twenty four (24) square feet.
 - b. Maximum sign height is six (6) feet.
 - c. Setback from the right-of-way is zero (0) feet.
 - d. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on State Routes or arterial roads.
 - e. Design style shall meet the requirements of a freestanding sign or shall conform to the MUTCD (Manual on Uniform Traffic Control Devices) Standards for design and a maximum height of six (6) feet. All developments proposing Interior Project Directional Signs must submit a uniform design, to include all sign locations, architectural materials and sign elevations, for the entire development to the Director for review and approval. All signs shall have a uniform background color and material.

12. Accessory Freestanding Signs. Each lot shall be entitled up to four accessory freestanding signs. Said signs shall be a maximum of three feet high and four square feet in area and must be setback at least ten (10) feet from the right of way. Accessory Freestanding Signs shall not be internally illuminated. Accessory freestanding signs are not required to be monument-style.

E. Commercial and Mixed Use Districts

1. *Freestanding Signs.*
 - a. One (1) maximum thirty-two (32) square foot per street frontage for each lot which contains less than fifteen (15) acres.
 - b. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding sign for the primary frontage and one thirty-two (32) square foot, freestanding sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one maximum sixty four (64) square foot sign may be substituted by two (2) single-faced freestanding signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or

less and eight (8) feet if sixty-four (64) square feet or less.

- c. All freestanding signs may be internally or externally lighted. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate Directory Sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate Directory Sign.
2. *Wall Signs.* Each Place of Business is allowed a maximum of two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet except that wall signs may exceed 5% of the wall area to conform to existing signage on the property if it is demonstrated that similarly situated signage on the property is larger in size. In order for a wall sign to exceed 5% of the wall area, it must be demonstrated that existing places of business on the property or within the shopping center are substantially similar or larger than that which is requested. Additionally, if demonstrated that distance from the right-of-way, site topography, building height or site features obscure wall signs, the size may be increased to 10% of the wall area. In no case may the sign exceed one hundred (100) square feet. Requests for a larger sign shall be subject to review and approval of the Community Development Director. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached. In lieu of a permanent sign, unoccupied tenant suites are allowed one (1) wall sign, a maximum of eight (8) square feet in size. Said sign shall not be internally illuminated.
3. A tenant that has over fifty thousand (50,000) square feet of gross floor space and has independent leased space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller
4. *Menu Sign.* One menu sign as part of a drive-thru or drive-in facility, not legible by the traveling public, shall not exceed six (6) feet in height.
5. *Banners* shall be allowed for a period not exceeding fourteen (14) days with no more than four (4) such 14-day periods being permitted per

calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. In the case of lots which contain multiple Places of Business, each Place of Business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than five (5) feet above grade when on the ground. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.

6. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum freestanding sign allowed on the lot.
7. *Out of Store Marketing Device.* Out of store marketing devices shall be allowed, shall not exceed eight (8) feet in height, and shall not be illuminated except for illumination intrinsic to the device. No permit shall be required.
8. *Flags.* Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty (30) feet in height. Flag size shall not be more than 40 square feet.
9. *Entrance Signs.* In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. Projecting signs shall adhere to the following: does not exceed three (3) square feet in area; is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.
10. A maximum of twenty five percent (25%) of the aggregate window area may contain signage. Within that twenty five percent, a maximum of four square feet may be illuminated. Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.
11. *Awning/canopy Signs.* Awning/canopy Signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the

awning or canopy. The area of an Awning/canopy Sign shall be deducted from the allowable area of a Wall Sign.

12. *Standard Informational Signs.* Each lot may display Standard Informational Signs as defined in this Article.
13. *Directory Signs.* Each multi-tenant commercial, office park, or mixed use development shall be allowed an additional directory sign per road frontage in addition to the freestanding signs permitted. Directory signs shall not exceed six (6) feet in height, be more than thirty-two (32) square feet, and shall meet the architectural requirements of freestanding signs. If the primary freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a Directory Sign.
14. *Internal Signs.* One (1) internal freestanding sign per entrance drive is permitted adjacent to internal entrance drive(s) serving the development. The freestanding sign shall not exceed twenty (20) square feet in area and six (6) feet in height and shall be set back at least fifty (50) feet from the exterior road right-of-way.
15. Interior Project Directional Signs. Each master planned development shall be allowed additional freestanding signs as follows:
 - a. Maximum sign size is twenty-four (24) square feet.
 - b. Maximum sign height is six (6) feet.
 - c. Setback from the right-of-way is zero (0) feet.
 - d. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.
 - e. Design style shall meet the requirements of a freestanding sign or shall conform to the MUTCD (Manual on Uniform Traffic Control Devices) Standards for design and a maximum height of six (6) feet. All developments proposing Interior Project Directional Signs must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the Director for review and approval. All signs shall have a uniform background color and material.
16. Accessory Freestanding Signs. Each lot shall be entitled up to four accessory freestanding signs. Said signs shall be a maximum of three feet high and four square feet in area and must be setback at least ten (10) feet from the right of way. Accessory Freestanding Signs shall not be internally illuminated. Accessory freestanding signs are not required to be monument-style.

F. *Industrial Districts.*

1. *Billboards.* Within industrial districts (M-1 and M-1A), billboards shall not exceed six hundred seventy-two (672) square feet and shall be located according to the following standards:

- a. Along, and oriented toward, State numbered primary routes or national highways only;
- b. At least five hundred (500) feet from all residential or AG-1 zoning districts;
- c. Minimum thirty-five (35) foot setback from right-of-way;
- d. Minimum of five hundred (500) feet from any other billboards or freestanding sign, except standard informational signs;
- e. The lot on which the billboard is located shall have sufficient area to accommodate the Fall Zone, and excepting the sign, no buildings, structures, or appurtenances shall be contained in the Fall Zone;
- f. Maximum of twenty (20) feet in height.

2. *Freestanding Signs.*

- a. One (1) maximum thirty-two (32) square foot, freestanding sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
- b. One (1) maximum sixty-four (64) square foot, freestanding sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
- c. One (1) maximum seventy-two (72) square foot, freestanding sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
- d. One (1) maximum thirty-two (32) square foot, freestanding sign

per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.

- e. Freestanding signs on arterial streets may be ten (10) feet in height.
 - f. All freestanding signs may be internally or externally lighted. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate Directory Sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate Directory Sign.
3. *Wall Signs.* Each Place of Business is allowed a maximum of two wall signs. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred (100) square feet except that wall signs may exceed 5% of the wall area to conform to existing signage on the property if it is demonstrated that similarly situated signage on the property is larger in size. In order for a wall sign to exceed 5% of the wall area, it must be demonstrated that existing places of business on the property or within the shopping center are substantially similar or larger than that which is requested. Additionally, if demonstrated that distance from the right-of-way, site topography, building height or site features obscure wall signs, the size may be increased to 10% of the wall area. In no case may the sign exceed one hundred (100) square feet. Requests for a larger sign shall be subject to review and approval of the Community Development Director. Wall signs shall not have changeable copy. Notwithstanding the foregoing, an anchor tenant that has over fifty thousand (50,000) square feet of gross floor space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller. Only one sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached. In lieu of a permanent sign, unoccupied tenant suites are allowed one (1) wall sign, a maximum of eight (8) square feet in size. Said sign shall not be internally illuminated.
 4. *Menu Sign.* One menu sign as part of a drive-thru or drive-in facility, not legible by the traveling public, shall not exceed six (6) feet in height.
 5. *Banners* shall be allowed for a period not exceeding fourteen (14) days

with no more than four (4) such 14-day periods being permitted per calendar year per lot. An individual banner permit may be divided into two non-consecutive weeks provided the dates are stated on the permit. In the case of lots which contain multiple Places of Business, each Place of Business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than five (5) feet above grade when on the ground. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.

6. *Signs during Construction.* One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed sixteen (16) square feet in area and eight (8) feet in height. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum freestanding sign allowed on the Lot.
7. *Out of Store Marketing Device.* Out of store marketing devices shall be allowed, shall not exceed eight (8) feet in height, and shall not be illuminated except for illumination intrinsic to the device. No permit shall be required.
8. *Flags.* Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty (30) feet in height. Flag size shall not be more than 40 square feet.
9. *Projecting signs.* In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. Projecting signs shall adhere to the following: does not exceed three (3) square feet in area; is uniform in size, material, color, and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.
10. *Window Signs.* A maximum of twenty five percent (25%) of the aggregate window area may contain signage. Within that twenty five percent, a maximum of four square feet may be illuminated. Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.
11. *Awning/canopy Signs.* Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The

area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy. The area of an Awning/canopy Sign shall be deducted from the allowable area of a Wall Sign.

12. *Standard Informational Signs.* Each lot may display Standard Informational Signs as defined in this Article.
13. *Directory Signs.* Each multi-tenant commercial, office park, or mixed use development shall be allowed an additional directory sign per road frontage in addition to the freestanding signs permitted. Directory signs shall not exceed six (6) feet in height, be more than thirty-two (32) square feet, and shall meet the architectural requirements of freestanding signs. If the primary freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a Directory Sign.
14. *Internal Signs.* One (1) internal freestanding sign per entrance drive is permitted adjacent to internal entrance drive(s) serving the development. The freestanding sign shall not exceed twenty (20) square feet in area and six (6) feet in height and shall be set back at least fifty (50) feet from the exterior road right-of-way.
15. *Interior Project Directional Signs.* Each master planned development shall be allowed additional freestanding signs as follows:
 - a. Maximum sign size is twenty-four (24) square feet.
 - b. Maximum sign height is six (6) feet.
 - c. Setback from the right-of-way is zero (0) feet.
 - d. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.
 - e. Design style shall meet the requirements of a freestanding sign or shall conform to the MUTCD (Manual on Uniform Traffic Control Devices) Standards for design and a maximum height of six (6) feet. All developments proposing Interior Project Directional Signs must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the Director for review and approval. All signs shall have a uniform background color and material.
16. *Accessory Freestanding Signs.* Each lot shall be entitled up to four accessory freestanding signs. Said signs shall be a maximum of three feet high and four square feet in area and must be setback at least ten (10) feet from the right of way. Accessory Freestanding Signs shall not be internally illuminated. Accessory freestanding signs are not required to be monument-style.

Sec. 27. Severability.

Should any article, section, clause, or provision of this Article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the City Council of the City that each article, section, clause, and provision hereof be severable.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

APPROVED AND ADOPTED this the 16th day of June, 2014.

Approved:

Michael Bodker, Mayor

Attest:

Approved as to Form and Content:

Joan C. Jones, City Clerk

Interim City Attorney