

ORDINANCE 2013-03

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, CHAPTER 82 – SIGNS, BE AMENDED AS FOLLOWS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

That section 82-2 – Definitions be removed in its entirety and be amended to read:

Sec. 82-2. - Definitions.

For the purposes of this chapter, the following terms shall have the respective meanings ascribed to them:

A-frame sign means a movable sign made of wood, metal, plastic or other light weight and rigid material that present a professionally finished appearance with two sign faces that are connected at the top of the sign by a hinge mechanism which allows the base of the sign to be expanded outward to form the shape of an "A".

Animated illumination or effects means illumination or affects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in a manner as to permit or allow images to be visible from any public right-of-way. This definition also does not include electronic message signs as permitted within this article.

Animated signs means a sign which contains the appearance of movement to depict action or to create a special effect or scene, including any electronic sign which contains anything other than static messages or changes its message more often than permitted by this ordinance.

Banner sign means a strip of cloth, paper, canvas, or similar material, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped with only such material for a backing for the purpose of advertising or drawing attention to a product, object, facility, activity or idea.

Code enforcement officer means a code enforcement officer employed by the governing authority for the city or his/her designee duly authorized to enforce the sign ordinance.

Community development department means the community development department or its employees employed by the governing authority for the city or its designees duly authorized to administer and enforce the sign ordinance.

Community medical facility means a hospital or mental-health facility with one or more buildings comprising a minimum of 40,000 square feet of covered floor space.

Electronic sign means a sign whose message may be changed at intervals by computer controller, microprocessor controller or by remote control, and whose message is displayed through the use of LED, LCD, plasma or other similar type panels or screens, including devices known as commercial electronic message signs and similar devices.

Fascia sign means a vertical sign attached to the front of the building that is below the top edge of a sloping roof and that extends not more than 18 inches above the lower edge of the sloping roof.

Flashing means a pattern of changing light illumination where the light intensely alternates suddenly during the display of a message for the purpose of drawing attention to the sign. The term "flashing" excludes Electronic Signs which are operated in conformity with this ordinance.

Frame effect means a visual effect on an Electronic Sign which depicts allowable forms of movement associated with the transition from one static message to another. Acceptable forms of frame effects include: fading in/out, zoom in/out, and scrolling. Animated or moving transitions other than those described above are prohibited.

Freestanding sign means a sign not attached to any building which includes but not limited to a ground based monument sign, pole sign, temporary sign, instructional sign, standard informational sign, A-frame sign but does not include a hanging sign, fascia sign, or window sign.

Fuel island canopy means a lighted, free standing roofed structure that is open on all sides and is located directly over one or more fuel islands.

Ground based monument sign means a sign securely affixed to a substantial support structure which contains a permanent foundation which consists of a three-foot high brick monument base attached to the ground and wholly independent of any building for support and none of the area beneath the sign face in a direct vertical plane from the sign face to the ground is exposed to view, open, or allows for someone to see through any of the space beneath the sign face. Such sign is not a pole based sign.

Hanging sign means a sign attached to and supported by a building or other structure and which extends at any angle there from. Such signs must be located a minimum of ten feet above the sidewalk and extend no further than two feet beyond the building face.

Illuminated sign means a sign designed to give forth artificial light directly or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere other than on the lot where such illumination occurs.

Inflatable sign means a sign that gains its shape from inserting air or other gases.

Instructional sign means a sign used to give direction or specific instruction to the public such as, but not limited to, "Center," "Exit," "No Parking," "Drive Through," "Restroom," and so forth. Such signs shall contain only instructional information and shall not contain a commercial message and shall not be larger than 16 square feet.

Measurement condition means establishing a brightness level for electronic signs by recording an ambient light reading for the sign at the designated measurement distance, using a foot candle meter while the electronic sign is off or displaying all black. The foot candle meter should be aimed directly at the electronic sign at the appropriate pre-set distance (as established by this ordinance). A follow up recording should then be performed while all lights are illuminated white.

Nonconforming sign means any sign which does not conform to the provisions of this article.

Permanent foundation means that portion of any sign structure that is attached to the ground or other structure attached to the ground through the use of concrete footings or other man-made material that is not capable of being removed without the aid of mechanical or other machinery.

Planned industrial park means two or more industrial or office buildings containing a minimum of 40,000 square feet of covered floor space under either common ownership or common control via a property management association.

Planned shopping development means two or more stores or office spaces containing a minimum of 20,000 square feet of covered floor space on one or more lots provided that it was originally designed and developed under one name according to an officially approved site development plan.

Pole sign means a sign with a permanent foundation where the sign face is supported on a pole, poles (or other sign structure) and the area beneath the sign face in a direct vertical plane from the sign face to the ground is exposed to view, open, or allows for someone to see through any of the space beneath the sign face. Such sign is not a ground based monument sign.

Projecting sign means any sign which is attached to a building or other structure and extends more than six inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

Redeveloped site means a site in which all existing buildings and uses are demolished and then replaced with the construction of one or more new buildings and associated uses that meet or exceed the minimum standards of city ordinances.

Searchlight means 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.

Sign means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for notification or the attraction of the public to any place, subject, information, person, firm, corporation, public performance, article, machine or merchandise whatsoever which is displayed in any manner whatsoever whether outdoors or indoors in such a manner as to be visible from any sidewalk, public street, or right-of-way.

Sign face means the area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the supports or uprights on which such sign is placed. For projecting or double-faced signs only the larger of the display faces shall be used in computing the total area of the sign face for that sign.

Sign height shall be measured in a plane from ground level to the top of the sign. For monument signs, the three-foot high brick base shall be utilized in the computation of total sign height.

Sign structure means all portions of a sign not including the sign face.

Standard informational sign means a sign erected by the owner of the property or the property owner's designee which contains information for the public including but not limited to security identification sign, or any other commercial or non-commercial message. Informational signs on residentially zoned property shall not exceed eight square feet. Informational signs on non-residentially zoned property shall not exceed 32 square feet. Informational signs on non-residentially zoned property shall be permitted and regulated as temporary signs.

Subdivision directional sign means up to two temporary signs located away from the subdivision at appropriate street intersections directing potential home buyers to the location of the subdivision. These signs are only licensed for subdivisions currently under development within the city and must be removed within 30 days of the sale of the last home in the subdivision.

Subdivision entrance sign means a permanent sign located at the entrance to a permanent subdivision or other residential development. The sign shall be a ground based monument sign with the sign face area not greater than 32 square feet and a sign height not greater than eight feet. No sign shall be placed inside any island between lanes of traffic within the right-of-way. No sign shall be located so as to obscure street visibility within 60 feet in any direction from the subdivision entrance for motorists existing the subdivision. The sign may be incorporated into the entry wall.

Temporary sign includes any sign with a commercial message, including but not limited to a banner or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only.

Transition time means the duration or interval of time between which each individual static message that is displayed on any sign that is capable of sequentially displaying more than one message on its display face.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six inches from the outside wall of such a building or structure. The total lettering on one side of a building or structure shall constitute one wall sign.

Window sign means a sign painted upon or affixed so as to be visible through or upon a window.

Yard sale sign means an eight square foot sign displayed on the premises where a yard sale is being held on the day of the sale only.

(Ord. No. 2005-35, 10-17-05; Ord. No. 2007-4, 4-16-07; Ord. No. 2007-14, § 1, 9-17-07; Ord. No. 2011-17, 10-17-11 ; Ord. No. 2011-20, 12-5-11)

That section 82-4 – Sign permit be removed in its entirety and be amended to read:

Sec. 82-4. - Sign permit—Required.

- (a) Except as specifically excluded under section 82-3, it shall be unlawful for any person to post, display, or erect a sign without a permit.

- (b) A new sign permit is required when cost of changes to the sign structure are more than 50 percent of the reconstruction cost of the entire sign.

(Ord. No. 2005-35, 10-17-05)

That section 82-6 – Same - Fees be removed in its entirety and be amended to read:

Sec. 82-6. - Same—Fees.

No permit shall be issued until the appropriate application has been filed with the community development department and the fees have been paid to the city. All applicable sign permit fees are adopted by the city in the Schedule of Fees and Charges on record in the City Clerk's office

(Ord. No. 2005-35, 10-17-05)

That section 82-12 be removed in its entirety and amended to read:

Sec. 82-12. - Prohibited signs and sign devices.

The following types of signs or advertising devices are prohibited in all zoning districts of the city, unless otherwise indicated:

- (1) Roof sign, which is any sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof.
- (2) Signs with flashing, intermittent or animated illumination or effect are prohibited; provided, however, that time and weather informational signs with total sign area not larger than 32 square feet and official warning or regulatory signs erected by a governing authority in the exercise of its proper jurisdiction are exempt from this restriction.
- (3) Commercial signs in residential districts except as otherwise allowed within this chapter.
- (4) A spectacular sign which is an advertising display sign, advertising copy that is animated, constructed of metal, wired for lights or luminous tubing, or both, with copy action controlled by flashed circuit breakers or matographs and attached on an open face steel structure built especially for that purpose. This definition does not include signs which indicate time, temperature, or date. This definition does not include electronic display signs whose sign copy does not change more than one time per hour.
- (5) Signs on public right-of-way except subdivision directional signs and signs exempt under section 82-3
- (6) Signs which contain or are in imitation of an official traffic sign or signal and are not erected pursuant to the governing authority, excepting construction signs and barricades.
- (7) A mobile sign, which is a sign in excess of two square feet, attached to, mounted on, pasted on, painted or drawn on any trailer, motorized vehicle which remains at the same property for a period of at least eight consecutive hours, or other non-motorized vehicle, that is placed, parked or maintained upon a single property for the purpose and intent of promotion, or conveying a commercial message, except that this shall not apply to any vehicle or trailer allowed by the Georgia Department of Transportation having the sign attached thereto as part of the operational structure of the vehicle or trailer or any vehicle offered for sale or lease.
- (8) Pole signs.
- (9) Snipe sign which is any sign of any material whatsoever that is attached in any way to or placed upon a utility pole or mailbox situated on public or private property.
- (10) Wind-actuated, air or gas-filled devices such as balloons or streamers, except as specifically allowed under Section 82-16 of this ordinance.
- (11) Any sign containing a sign face on more than two sides.
- (12) Any sign attached to a bench or a trash can.

- (13) Pennants, not consisting of national flags, or streamers, except as specifically allowed under Section 82-16 of this ordinance.
 - (14) Permanent signs which are placed on canvas, cloth or other similar materials (excluding signs on awnings).
 - (15) Permanent or temporary signs which have: missing letters, missing or damaged lenses, exposed lighting/electrical materials or otherwise damaged support structures/sign cabinets.
 - (16) Electronic signs, except as specifically allowed under Section 82-16 of this ordinance.
 - (17) Temporary signs, except as specifically allowed under Section 82-16 of this ordinance.
 - (18) Temporary signs, except as specifically allowed under Section 82-16 of this ordinance.
- (Ord. No. 2005-35, 10-17-05; Ord. No. 2007-14, § 2, 9-17-07)

That section 82-15 be amended to include 82-15 (a) (11)

- (11) All electric signs and all electrical devices that illuminate signs or otherwise operate signs are subject to the approval of the department of community development or its successor. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.

That section 82-15 (b) 2.(b) be removed in its entirety and amended to read:

- b. Each business or building shall be permitted one wall or fascia sign with a maximum area of 40 square feet each for each portion of the building that has frontage on a public roadway not including alley ways. If the individual business has road frontage on two or more public roadways, not including alley ways, the business shall be permitted one wall or fascia sign on each public roadway. (For example: if the business is located at a corner then the business could have two wall or fascia signs not to exceed 40 square feet each.)

Each business or building located on an out-parcel of a planned shopping center with a shared driveway or alley way behind the building shall be permitted one wall sign of 25 square feet on the rear elevation of the building that faces the shared driveway or alleyway.

That section 82-16 be removed in its entirety and amended to read:

Sec. 82-16. - Signs allowed in zoning districts.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section or in a variance in existence as of as of October 17, 2005, shall be prohibited in that district, except as otherwise provided for under this chapter.

- (1) No signage other than house number, historic marker, original house designation, street identification number, subdivision entrance/development sign, standard informational sign, yard sale sign, ground based monument sign, or instructional sign shall be allowed on any residential property/development in the city. No sign with the total area of each sign face greater than what is permitted for each sign shall be allowed on any residential property/development in the city.
 - a. Any literature packets, notices such as under contract, reduced price, new price or other ancillary information on standard informational signs must be displayed within the prescribed eight square feet allowed for each sign face area.
 - b. There shall be at least a distance of 15 feet between the location of the sign and the sides of the lot except that any lot that is less than 60 feet wide shall be allowed one sign for that lot to be placed no closer than ten feet from the side of the lot.
 - c. One yard sale sign may be displayed on the premises where a yard sale is being held on the day of the sale only. The governing authority considers yard sale signs to be a part of the incidental

occupation of the residential property and not commercial activity under this chapter. The area of each yard sale sign face shall not exceed eight square feet and shall comply with all other provisions of this chapter.

- (2) The following signs shall be allowed within the nonresidential zoning districts in the city unless otherwise specified herein:
 - a. Any sign allowed in a residential district except for subdivision entrance/development signs.
 - b. Signs containing a commercial message with an area of each sign face not larger than the square footage as determined in section 82-15. Any sign containing a commercial message may also contain a non-commercial message.
 - c. *Temporary signs.* Temporary signs shall be governed by the regulations within this section and any other applicable regulations in this chapter.
1. One of the following types of signs or advertising devices may be displayed on-premises upon the issuance of a temporary sign permit:
 - i. Banners.
 - a. Number. Each business shall be permitted only one (1) banner sign per public road frontage.
 - b. Fastening of Sign. All permitted banner signs must be affixed to the building and mounted flush with the wall during the permit period.
 - c. Maximum Sign Area. Banner signs shall not exceed 32 square feet in sign area.
 - ii. Feather signs.
 - a. Number. Each business shall be permitted up to four (4) on-premise feather signs with a minimum separation of 25 feet between signs.
 - iii. A-frame signs.
 - a. Number. Each business shall be permitted only one (1) A-frame sign per public road frontage.
 - b. Fastening of Sign. Each A-frame sign, when in use, shall, in some manner be securely fastened to the ground or to a permanent structure.
 - c. Maximum Sign Area. A-frame signs shall not exceed the following sign area requirements:
 1. Businesses along the Cobb Parkway and South Cobb Drive corridors shall be limited to a maximum sign area of 32 square feet per sign face.
Businesses along all other commercial corridors shall be limited to a maximum sign area of 9 square feet per sign face.
 - iv. Inflatable signs or air/gas filled devices.
 1. Number. Each business shall be permitted only (1) inflatable sign or air/gas filled device.
Location. The inflatable sign or air/gas filled device shall be prohibited from being located on any roof or roof structure.
 3. Fastening of Sign. The inflatable sign or air/gas filled device, when in use, shall, in some manner be securely fastened to the ground or to a permanent structure.

The placement of a temporary sign in a parking space, which is required to meet the minimum parking requirements for the premises, is prohibited. The placement of a temporary sign in the public right-of-way is prohibited and will cause for the removal of the sign, and citation for violation of this chapter.
3. Temporary signage is limited to a period not exceeding 30 consecutive days. Temporary sign permit periods are limited to four times within a calendar year (January 1 to December 31).
4. Grand Opening. Grand opening shall mean any special sign displays used for the purpose of advertising the opening of a new store or business. Such displays shall require a permit and shall be limited to a period not to exceed 30 consecutive days. Grand opening displays may include the following: the use of additional signage, including pennants, balloons and similar devices, equal to twice the signage normally permitted for the site. Off-site signage shall be prohibited.

5. Searchlights. A business shall seek approval from the Mayor and Council for the use of searchlights during special events. The searchlights must not be directed into residential areas or onto public right-of-ways.
- d. Subdivisions, currently under development, in addition to having permanent entrance signs may also have up to two additional directional/informational signs provided the development is not being advertised with human signage within the city. These signs shall be located away from the subdivision at either arterial or major collector street intersections provided the following standards are adhered to:
 1. Subdivision directional signs shall be no more than 32 square feet in area on rights-of-way of roads which have four lanes or more and 12 square feet in area on rights-of-way of all other roads. The bottom of the sign shall not exceed three feet in height with the total height of the sign not to exceed 11 feet.

Subdivision directional signs must have a decorative wooden frame around the entire sign with the face of the sign being constructed of a wooden, composite or plastic material with the supports for the sign being made of wood and may not be illuminated.
 3. No license for a subdivision directional sign shall be granted until either the subdivision entrance sign(s) are permitted and erected or the first building permit is issued if no subdivision entrance sign(s) are proposed.
 4. Subdivision directional signs are allowed within the right-of-way provided they are erected in accordance with the sign ordinance and as close to the edge of the right-of-way as possible.
 5. The sign and surrounding area around the sign must be properly maintained by the licensee.
 6. Subdivision directional signs must stay out of sight triangles.
 7. No directional signs may be erected until a license is issued by the city and the licensee must indemnify the city from any damages or claims caused by the sign.
 - i. A license fee of \$100.00 per month per sign for a six-month term payable in advance and a letter of indemnification must be provided for each subdivision directional sign prior to the issuance of a license.
 - ii. A decal issued by the community development department must be displayed on the sign.
 - iii. Any request may be denied by the community development director if in their discretion the sign would cause an increased safety risk.
 8. Subdivision directional signs shall be removed within 30 days of the last home in the subdivision being sold by the home builder.
 9. The license shall be revocable at the will of licensee or licensor. If the licensor revokes the license prior to the expiration of the license term, the licensee shall be entitled to a refund of license fee which shall be prorated based on the remaining term of the license.
 10. No more than two signs are allowed per intersection corner. If more than two signs are requested, than the city may erect a master sign to house the requested signage.
- e. Electronic signs. Electronic signs may be utilized for and in conjunction with any sign permitted by this ordinance on nonresidentially zoned property, provided that each such electronic sign shall comply with the following requirements:
 1. Electronic signs shall not be permitted in residential zoning districts.

Electronic messaging portion of the sign shall not exceed the maximum allowable sign area for varying development types established in Section 82-15(b) and may not have more than two electronic sign areas per sign.
 3. Electronic signs shall contain a static messages or images only, and shall not have animation, movement nor flashing on any part of the sign structure, design, or pictorial

segment of the sign, nor shall such sign have varying light intensity during the display of a static message.

4. Each individual static message or image must be displayed for no less than 60 seconds. Transitions between static messages or images may use frame effects which result in the movement of a displayed image or message during such transition. Transition time between static messages or images shall be limited to a maximum time of 3 seconds.
5. Electronic signs must operate within brightness levels as established in this ordinance.
 - i. Each electronic sign must have a light sensing device that will adjust the brightness of the display as the ambient light conditions change.
 - ii. Electronic signs located on nonresidentially zoned property shall not operate at brightness levels of more than 0.20 footcandles above ambient light levels (at measurement conditions) as measured at a distance of 100 feet.
 - iii. If the electronic sign is located in the line of sight of a residentially occupied structure on a residentially zoned property, such electronic sign shall not operate at brightness levels of more than 0.10 footcandles above the ambient light levels (at measured conditions) as measured at the nearest portion of such residential structure.
6. All electronic signs must be equipped with a default mechanism that will stop messaging or freeze the image in one position when a malfunction in the electronic programming occurs.
7. The owner of said electronic sign shall provide to the Department of Community Development, the information for a 24-hour contact able to turn off the electronic sign promptly if a malfunction occurs. If, at any time, more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.
8. In the course of processing a complaint, the Department of Community Development may request a certification of brightness (under measurement conditions) by an independent contractor (if such has not been certified within the preceding 12 months). If this investigation and certification indicates that the electronic sign exceeds the brightness levels specified in this ordinance, the owner of the sign, within 24-hours of a request by the Department of Community Development, shall turn off the sign until the brightness of the sign is corrected to comply with this ordinance at the owner's expense.

(Ord. No. 2005-35, 10-17-05; Ord. No. 2007-4, 4-16-07; Ord. No. 2007-14, § 3, 9-17-07)

Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Approved by Mayor and Council this 18th day of February, 2013